2010

Osgoode Syllabus of Courses and Seminars: 2010 - 2011

Office of Student Services

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OSGOODE SYLLABUS
OF COURSES AND SEMINARS

2010-2011
Fall / Winter
Note:

This Syllabus and the Timetable provide information available as of June, 2010 to enable upper-year students to complete a Study Plan for the 2010-2011 academic year. The dates, instructors, courses, regulations and timetables are correct at the time of printing. However, Osgoode Hall Law School of York University reserves the right to make changes. Courses or seminars may be cancelled due to insufficient enrolment.

# TABLE OF CONTENTS

1. INTRODUCTION ........................................................................................................ 1

2. SESSIONAL DATES: 2010-2011 .............................................................................. 2

3. CONTACTS ............................................................................................................. 3

4. ACADEMIC REQUIREMENTS
   - Notes on Course Registrations ................................................................. 4
   - Upper Year Research and Writing Requirement ...................................... 4
   - Osgoode Public Interest Requirement ..................................................... 5

5. ENROLMENT PROCEDURES
   - 5.1 Course & Seminar Selection ................................................................. 5
   - 5.2 Course Codes ......................................................................................... 5
   - 5.3 Priority-based Enrolment ................................................................. 5
   - 5.4 Assigning Priorities ............................................................................. 5
   - 5.5 Entering your course preferences ................................................... 6
   - 5.6 After Enrolment .................................................................................. 6

6. PROPOSAL AND PERMISSION FORMS ............................................................... 6

7. ADDITIONAL COURSE ENROLMENT OPTIONS
   - 7.1 Supervised Research Papers ............................................................... 7
   - 7.2 Mooting ................................................................................................. 7
   - 7.3 Osgoode Hall Law Journal ................................................................. 8
   - 7.4 German Law Journal .......................................................................... 8
   - 7.5 Instruction in Computer-assisted Legal Research .............................. 8
   - 7.6 Courses in Other Faculties of York University .................................. 8
   - 7.7 Graduate Studies ................................................................................. 9
   - 7.8 Courses at the University of Toronto: Faculty of Law ..................... 9

8. REGISTRATION STATUS CHANGE
   - 8.1 Leave of Absence ............................................................................... 9
   - 8.2 Letter of Permission ........................................................................... 9
   - 8.3 Extended Time Program .................................................................... 9
   - 8.4 Withdrawal ........................................................................................ 9

9. SUGGESTIVE SUBJECT- AREA CONCENTRATIONS ...................................... 10

10. CURRICULAR STREAMS
    - 10.1 International Comparative and Transnational Law Program ........ 15
    - 10.2 Labour and Employment Law Program ........................................... 19
    - 10.3 Program in Litigation Dispute Resolution and the Admin of Justice .. 20
    - 10.4 Tax Law Program ........................................................................... 20
11. CLINICAL & INTENSIVE PROGRAMS

11.1 Advanced Business Law Workshop I – Corporate Finance & Governance
11.2 Advanced Business Law Workshop II - Mergers & Acquisitions
11.3 Community Legal Aid and Services Program
11.4 Osgoode Business Clinic
11.5 Innocence Project
11.6 Intensive Program in Criminal Law
11.7 Intensive Program in Immigration and Refugee Law
11.8 Intensive Program in Aboriginal Lands, Resources & Governments
11.9 Intensive Program in Poverty Law at Parkdale
11.10 Mediation Clinical Program
11.10 Intensive Research Program

12. JOINT PROGRAMS JD/MBA, JD/MES, JD/JD

12.1 JD/MBA Joint Program
12.2 JD/MES Joint Program
12.3 JD (NYU) /JD Combined Program
12.4 JD/LLM (NYU) Combined Program

13. EXCHANGE PROGRAMS

13.1 How to Apply to Osgoode Exchanges
13.2 Osgoode Hall Law School/Universite de Montreal
13.3 York International Exchange Programs

14. LAW SOCIETY INFORMATION

14.1 Admission to the Practice of Law in Ontario
14.2 Licensing Process Information
14.3 The Importance of a Well-rounded Law School Curriculum

15. FACULTY ON SABBATICAL OR LEAVE

16. COURSE INFORMATION TABLES

17. COURSE AND SEMINAR DESCRIPTIONS
1. INTRODUCTION

We are fortunate to offer a wide range of courses, seminars and programs in the upper year curriculum – presenting you with the challenge of defining your objectives in the study of law, considering your future goals and then implementing a program of study within the inevitable constraints of the timetable and enrolment limits.

The upper year curriculum provides opportunities for the development of comprehensive knowledge and understanding of our laws and legal system and also enables you to pursue specialized interests in considerable depth. There are opportunities to study substantive law, the policies and theories it reflects, the context in which it operates and the interests it serves. There are also opportunities to develop skills in legal analysis, research and writing, advocacy, negotiation and drafting. The range of choice extends to the Intensive Programs, independent research, courses offered by other university faculties and exchange programs with other universities. We also offer “streams” of courses in four areas of the curriculum; these streams provide a structured opportunity to specialize in a particular field of law. Faculty members have worked closely with the Curriculum Reform Working Group to develop suggestive subject-area concentrations, and these too offer guidance to you in structuring your program.

The choice is wide, and to make a wise selection you may need assistance. Begin by reading the Syllabus carefully. Then, you may wish to seek advice from members of faculty, read student evaluations of courses and seminars (on reserve in the library) and talk with staff in the Student Services Office.

A few words of advice. If you intend to qualify for the practice of law, you should bear in mind the requirements for admission to the bar, but not let them prevent you from exploring new areas of law or from following specialized interests. You should seek to develop a balanced program in each year. While our basic courses are offered in large classes and evaluated mainly by final examination, there are many other opportunities to work in smaller groups which provide closer contact with instructors, varied learning methods and means of evaluation, and the opportunity to develop a range of skills.

Many students attempt to cover too much and sacrifice the opportunities for specialization that our curriculum provides. We would strongly suggest that you explore in depth and master at least one important field of law. The insights gained and skills acquired will be of general value to you. Research and writing skills are of particular importance and the Faculty Council of Osgoode Hall Law School has reaffirmed this by introducing an Upper Year Research and Writing Requirement for each student.

Finally, we urge you to seek an appropriate balance of courses involving the analysis of traditional legal materials together with those which examine legal institutions and phenomena from broader perspectives. Your understanding of law from the inside will be much enhanced by a view from the outside.

Once you have settled on your plan of academic priorities, your next task will be to attempt to implement it. Limitations on classroom space and teaching resources, the number of students with similar interests and the inevitable last-minute changes in the curriculum, will impose certain restrictions on your choices. If you need assistance in understanding the priority system, academic regulations or enrolment procedures, please contact the Student Services Office.

We hope that you will be successful in organizing a stimulating program tailored to your interests and objectives.

Jinyan Li, Interim Dean

Lorne Sossin (as of July 1, 2010), Dean
<table>
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<th>SESSIONAL DATES: 2010-2011</th>
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4. ACADEMIC REQUIREMENTS

Please read this section carefully before planning your year of study. In order to meet the academic requirements students in the JD program:

1. Must successfully complete a minimum of 60 credit hours over second and third years;
2. Must enrol in between 13 and 17 credit hours each term;
3. May not take more than two seminars per term;
4. In either second or third year, all students must successfully complete a seminar, course or other option satisfying the Upper Year Research Requirement.

Note: Students in either the Joint JD/MBA or JD/MES should refer to page 29.

4.1 Notes on Course Registrations

1. Students are not permitted to enrol in a course or seminar where the time for the classes or exams of that course or seminar conflict with those of another course or seminar in which the student is enrolled.
2. Personal research papers, courses in other faculties and courses at the University of Toronto Faculty of Law are considered as seminars for enrolment purposes.
3. Students enrolled in an intensive program (Advanced Business Law Workshops, Criminal Law, Immigration & Refugee Law, Poverty Law, Intensive Research or Lands, Resources and First Nations Government) may enrol in only four seminars over their second and third years.
4. A student may apply for approval to enrol in additional seminars by completing a More Than Two Seminars Approval Form and submitting it to Student Services.
5. A student may not be enrolled in more than one full term Intensive Program over second and third years;
6. Students must have taken all specified prerequisites for 4000-level courses and 5000-level seminars.

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


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

4.2 Upper Year Research and Writing Requirement

All students must complete an upper year research and writing requirement pursuant to Rule 4.6 of the Academic Rules of Osgoode Hall Law School by the end of third year. During the academic year, 2nd and 3rd year students are required to submit the requirement at the online declaration site on myosgoode. Students will be advised of the dates to declare (or amend) a declaration during the fall term.

Upper Year Research Requirement (Academic Rule 3.6)

a. In either second or third year, each student shall 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 (Student Services) or the Associate Dean, in another University;
   ii. “designated course” means a course or Intensive Programme designated by the Assistant Dean (Student Services) or the Associate Dean;
   iii. a research paper constitutes the “primary mode of evaluation” when at least 60% (or the equivalent) of the final grade in the seminar or course is based on the research paper;
   iv. a “research paper” means a paper at least 8,000 words in length, excluding notes, bibliography and appendices.
4.3 Osgoode Public Interest Requirement (OPIR)

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

5. 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.

5.1 Course and Seminar Selections

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

With respect to your course selections:
1. Select the courses/seminars you wish to take and list them for each term in order of preference.
2. You may select up to 17 credits per term. This is the maximum allowed credit per term.
3. Some students choose to list possible substitutes in case their selected courses have been in previous high demand. This is certainly not required.

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

5.2 Course Codes

Titles and numbers are allocated for every course and seminar:
2000's are courses without prerequisites
3000's are seminars without prerequisites
4000's are courses with prerequisites
5000's are seminars with prerequisites
6000's are personal research papers
7000's are Intensive Programs
8000's are CLASP or Law Journal Credits
9000's are exchange program courses

Courses in other faculties of York University retain the number used in that Faculty.

5.3 Priority-based Enrolment

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

5.4 Assigning Priorities

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

A = highest priority letter
K = lowest priority letter

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

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 is not reassigned to the substitute selection. If you have letter prioritized a course and do not secure a space, you will be placed on the waitlist. The position on the waitlist is determined by the letter priority assigned to the course.

5.5 Entering your course preferences

Starting Thursday, June 17th until Wednesday, June 23rd students will be able to access the Law Select website in order to enter their course preferences for Fall/Winter 2010-2011. During this time, the website will be available 24 hours a day. Students may change their course preferences as much as they like until the 4:00 p.m. deadline on June 23rd. At that time, the study plan is final and will be entered into the Law Select Course Lottery program. Student Services will inform students of their course enrolments in mid July. The course enrolments from Lawselect are automatically entered into the main university enrolment system by Student Services.

**It is your responsibility to ensure that the class times and examination times of the courses you are applying for do not conflict. Such a conflict does not constitute a valid ground for an Examination Deferral request.**

5.6 After Enrolment

1. Waiting Lists

All courses that have reached maximum enrolment will be wait listed. 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 under QuickLinks beginning on August 30th. Further details on waitlist procedures will be sent to all students in late August.

2. Course Changes and Confirming your Enrolment

While submitting your course preferences into the Lawselect database acknowledges your wish to register in courses, all students are required to use the Registration Enrolment Module (REM) to view the list of the courses in which they have been enrolled and confirm their intention to complete registration by paying the required fees. Students may also use the Registration Enrolment Module (REM) from Wednesday, July 21st until Monday, September 13th to amend their course enrolments. The Web Enrolment System 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 13, and then reopens in January 4, 2011 until January 17, 2011.

After viewing the course enrolments and confirming their intent to register on the York Enrolment System, students are then required to submit a payment of $450.00 to the Office of Student Financial Services of York University. Registration is complete once full academic fees (or the first installment of fees) have been paid. Full details on fees payment and deadlines are contained in the Financial Information Booklet which will be available on-line in July.

6. PROPOSAL AND PERMISSION FORMS

All Proposal and Permission Forms can be downloaded from Osgoode's website, and should be completed and faxed or mailed to Student Services Office by no later than the beginning of term. Note that some forms require the approval of the Assistant Dean (Student Services).

These forms should be submitted to:

Student Services Office, South 809 Ross
Osgoode Hall Law School of York University
4700 Keele Street
Toronto, Ontario
M3J 1P3
Fax (416) 736-5618

1. Intensive Research Proposal Form

Students who propose to undertake a major research project for not less than 15 or more than 30 credit hours, must complete and submit the designated form.

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

3. **More Than Two Seminars Approval Form**

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

4. **Extra-Disciplinary Course Approval Form**

Students who propose to enrol in a course in another Faculty of York University must complete this designated form. The form must be signed by the Faculty offering the course and by Osgoode Student Services. 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 Student Services Office (South 809 Ross, telephone 736-5042) is open to all students requiring assistance on course selection from 8:30am to 4:30pm 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.

7.0 ADDITIONAL COURSE ENROLMENT OPTIONS

7.1 **Supervised Research Papers** *(LW 6000.03)*

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

The necessary forms for the Supervised Research Papers may be obtained from, and should be submitted to the Student Services Office. Students should be prepared to submit a complete alternative timetable to the Student Services Office by May in the event that they are not accepted into the Research Program.

**Note: the due date for research papers is the first day of examinations.** Papers are submitted electronically through the online drop box.

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

7.2 **Mooting**

*LW 6020.03, LW 6021.02, LW 6020A, LW 6025.02, LW 6026.02, and LW 6029.03*

Professor J. Stribopoulos, 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. It covers all kinds of lawyering skills competitions, from traditional appellate moot court competitions to trial advocacy, arbitration, mediation and negotiation competitions. These competitions cover a wide range of subjects, including aboriginal, administrative, corporate, criminal, constitutional, environmental, 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 a variety of locations across Canada and around the world. Participation in the mooting program gives students the opportunity to delve deeply into a particular area of law and hone a wide range of legal research, writing, advocacy and dispute resolution skills in a small group setting, with the assistance of a coach.

The lawyering skills 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. The consolidated tryouts cover the Corporate/Securities, Gale, Jessup, Labour Arbitration, Laskin and Wilson competitions. Teams selected via separate processes include the Arnup Cup trial advocacy competition (selected via the Trial Practice course),
Copenhagen international climate change treaty negotiation competition (selected via the Climate Change seminar), Hague International Criminal Trial Competition, IADR National Law School Mediation Competition (Chicago) (selected by Professor F. Zemans), Kawaskimhon National Aboriginal Law Moot (selected by Professor B. Richardson) and Vis International Commercial Arbitration Competition (Vienna) (selected via the International Dispute Resolution seminar). The number and type of credits (graded vs. ungraded) vary between competitions, depending on the nature and scope of the academic work involved. Total credits vary between two and five.

**Appellate Advocacy Workshop**

Members of the Corporate/Securities, Fox IP, Jessup, Gale, Laskin, and Wilson teams are required to attend a biweekly Appellate Advocacy Workshop in the Fall term. This workshop allows members of Osgoode's upper year, five credit, research-based appellate moot court competition teams to hone their oral and written advocacy skills through a combination of readings, discussion, demonstrations, practice exercises, videotaped “mini-moots,” a guided visit to the Ontario Court of Appeal and guest appearances by coaches, faculty members and other legal practitioners. The workshop is part of the students' preparation for their respective competitions and carries no academic credit of its own. Satisfactory completion of the workshop is evaluated as part of the two ungraded credits students receive for mooting.

Please note that you may not enrol in mooting credits via the CourseSelect system. Students who are selected for mooting teams will be instructed how to enrol in mooting credits. Note as well that the Appellate Advocacy Workshop is scheduled in the timetable and you may not enrol in a course that conflicts with the workshop.

**7.3 Osgoode Hall Law Journal**  
LW 8010.04  
Professor K. McNeil, Editor-in-Chief

Academic Rule 7(a) (Part I and 2) 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 a junior 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.

**7.4 German Law Journal**  
LW 8010A.04, LW 8010A.02  
Professor P. Zumbansen, Editor-in-Chief, Charles Sherman, JD cand. 2011, Managing Editor

The German Law Journal is a peer-reviewed, English-language, monthly legal periodical with around 10,000 subscribers worldwide – www.germanlawjournal.com. With its critical and timely coverage not only of German, but also European and International Law, it has established itself as the world’s leading legal periodical online. Student editors in their first year receive no academic credit, but upon completing editorial assignments and a mid-size writing assignment qualify for advancement into second year, where they are entitled to four academic credits. Tasks include editing of submissions for form and substance and enhancing the comparative and transnational dimension of the Journal. Attendance at the weekly Editorial Board Meeting and Seminar is mandatory.

**7.5 Instruction in Computer-assisted Legal Research (Non-Credit)**

The Reference Librarians and research assistants offer instruction in computer-assisted legal research at regularly scheduled times (or by appointment) in the On-line Searching Centre. Computer-assisted legal research is a powerful research tool which provides quick, efficient access to law reports, unreported judgments, statutes, and legal periodical indices in Canadian, American, British and Commonwealth databases.

**7.6 Courses in Other Faculties of York University**

Students are allowed to take up to three courses (a maximum of nine credit hours) in other Faculties of the University over their second and third years, subject to the approval of the other Faculty and of the Osgoode Student Services Office. The course number designated by the other Faculty will be used by Osgoode. All such courses are considered seminars for enrolment purposes.

Courses will be approved only if the following conditions are met:

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

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 obtain an Extra-Disciplinary Course Approval Form from the Osgoode Student Services Office and have the form approved by both Faculties concerned. One copy of the completed form must be returned to the Student Services Office at Osgoode Hall Law School.

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

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

8. REGISTRATION STATUS CHANGE

8.1 Leave of Absence
A student who has completed not less than the first year of the JD program may request and receive, on a pro forma basis, one leave of absence for a period of no more than two consecutive semesters. A request outside the scope of the aforementioned may be granted only in the most exceptional circumstances. Written applications, with documentation should be submitted to the Assistant Dean, JD Program.

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

8.3 Extended Time Program
1. The Extended Time Program allows a limited number of students, whose life circumstances prevent them from engaging in a full-time study program, to reduce their courses to approximately one-half of the required course load.
2. Upper-year students may apply to enter the Extended Time Program at any point during their law studies.
3. The Admissions Committee believes such rationales 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.
4. Written requests by current students to participate in the Extended Time Program must be made to the Assistant Dean JD Program.

8.4 Withdrawal
See information on course changes and on leaves of absence.
9. SUGGESTIVE SUBJECT-AREA CONCENTRATIONS: 2010-2011 Fall/Winter

The main purpose of this set of 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 necessary requirement to pursue the courses in any particular order; however the subject-area concentrations listed below provide a general sense of the progression you may wish to consider as you plan your upper year curriculum. In preparing these, we have also included several related courses & seminars; for example, if you are interested in family law, you may wish to consider not only courses or seminars wherein the subject matter is specifically that of the family, but other courses or seminars that are relevant to the practice of family law, such as Trusts, Estates and Business Associations. Note that:

- Only the courses & seminars on offer for the 2010/2011 academic session are included.
- In general, only mandatory first year courses and available upper year offerings are included; however, those first year perspective option courses that are open to upper year students have also been included.
- The courses & seminars contained in each subjective-area map are arranged on 2, 3 or 4 different levels, as the case may be, and in the sequence in which you may wish to complete them.
- The suggestive subject-area concentrations are listed alphabetically, as are the courses listed within each subject-area level.

1. ABORIGINAL LAW

Level One:
- Native Rights

Level Two:
- International Human Rights Law
- Law & Social Change: Law & Development
- Resources Management

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

2. BUSINESS LAW

Level One:
- Bankruptcy and Insolvency Law
- Business Associations
- Commercial Law
- Family Law I
- Immigration
- Intellectual Property Law
- International Business Transactions
- International Trade Regulation

Level Two:
- Advanced Torts
- Corporate Finance
- Corporate Governance
- Course of a Transaction
- Project Finance
- Investor Protection Seminar
- Regulation of Competition
- Securities Regulation

Level Three:
- Advanced Business Law Workshop I and II
- Advanced Securities
- Art of the Deal
- Case Studies in Business Enterprises
- Joint JD/MBA Seminar (joint program students only)
3. CONSTITUTIONAL AND ADMINISTRATIVE LAW

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

**Level Two:**
Constitutional Litigation
Disability and the Law
Discrimination and the Law
Freedom of Expression & the Press
Jewish Law
National Security Law in Canada
Native Rights
Public Law & Decision-Making

**Level Three:**
CLASP Intensive
Criminal Law Intensive
Immigration and Refugee Law
Intensive
Intensive Program in Aboriginal Lands, Resources and Government
Intensive Program in Poverty Law

4. CONTRACTS AND COMMERCIAL LAW

**Level One:**
Contracts

**Level Two:**
Bankruptcy and Insolvency Law
Business Associations
Commercial Law
Contracts II
International Business Transactions
International Investment
International Trade Regulation
Restitution

**Level Three:**
Banking and Negotiable Instruments
Contract Remedies
Copyright
Course of a Transaction
Entertainment and Sports Law
Insurance Law
Patents
Trademarks

**Level Four:**
Art of the Deal
Osgoode Business Clinic

5. CRIMINAL LAW

**Level One:**
Criminal Law

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

**Level Three:**
Administration of Criminal Justice: Sentencing
Criminal Law II: Advocacy and the Criminal Trial
Criminal Law II: Sexual Offences
Forensic Science and the Law
Trial Practice

**Level Four:**
Criminal Law Intensive
Innocence Project

6. DISPUTE RESOLUTION

**Level One:**
Legal Process

**Level Two:**
Civil Procedure II
International Dispute Resolution: Vis Moot
Lawyer as Negotiator
Theory and Practice of Mediation
Trial Practice

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

**Level Four:**
CLASP Intensive
Litigation, Dispute Resolution & Administration of Justice Colloquium
Mediation Intensive
Intensive Program in Poverty Law
7. ENVIRONMENTAL LAW

Level One:
Environmental Law

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

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

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

8. FAMILY LAW

Level One:
Contracts
Criminal Law
Property Law

Level Two:
Business Associations
Conflicts of Law
Dispute Settlement
Estates
Family Law I
Health Law
Immigration
Jewish Law
Lawyer as Negotiator
Pensions
Refugee Law
Taxation Law
Trusts

Level Three:
Administration of Justice: Estate Litigation
Estate Planning
Comparative Family Law
Children & the Law
Law, Gender & Equality

Level Four:
Administration of Justice: Estate Litigation
Comparative Family Law
Children & the Law
Law, Gender & Equality

9. HEALTH LAW

Level One:
Health Law
Environmental Law
Patents

Level Two:
Disability and the Law
Law and Psychiatry
Medical/Legal Seminar

10. HUMAN RIGHTS LAW

Level One:
Discrimination and the Law
Immigration Law
International Human Rights
National Security Law in Canada
Refugee Law

Level Two:
Administration of Civil Justice: Class Actions
Constitutional Litigation
Disability and the Law
Human Rights in Africa
Law and Psychiatry
Law of War

Level Three:
CLASP Intensive
Criminal Law Intensive
Immigration and Refugee Law Intensive
Innocence Project
Intensive Program in Aboriginal Lands, Resources and Government
Intensive Program in Poverty Law
11. INTELLECTUAL PROPERTY LAW

Level One:
- Copyright
- Intellectual Property
- Patents
- Trademarks

Level Two:
- Entertainment and Sports Law
- Legal Values: Reforming Intellectual Property – Copyright & Design
- Legal Values: Reforming Patents & Trademark Design

Level Three:
- Intellectual Property and Technology Intensive (starting Sept. 2011)

12. LABOUR LAW

Level One:
- Collective Bargaining Law
- Immigration
- Individual Employment Relationship
- Labour and Employment Law

Level Two:
- Comparative Law: International and Comparative Labour Law
- Labour Arbitration

Level Three:
- Intensive Program in Poverty Law (Workers' Rights Division)
- Immigration and Refugee Law
- Intensive

Level Four:
- Labour and Employment Law and Policy Colloquium

13. LEGAL THEORY

Level One:
- Jurisprudence

Level Two:
- Advanced Torts
- Disability and the Law
- Law, Gender and Equality
- Legal Values: Legal Ethics
- Sexuality and the Law

14. NATURAL RESOURCES AND THE LAW

Level One:
- Environmental Law
- Native Rights

Level Two:
- Land Use Planning (alternate years FES and Osgoode)
- Resources Management

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

15. PROPERTY LAW

Level One:
- Property Law

Level Two:
- Estates
- Intellectual Property Law
- Trusts

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

16. REGULATORY LAW

Level One:
- Administrative Law

Level Two:
- Banking and Insolvency
- Corporate Governance
- Environmental Law
- Health Law
- Immigration
- Insurance Law
- Land Use Planning (alternate years FES and Osgoode)
- National Security Law in Canada
- Native Rights
- Refugee Law
- Regulation of Competition
- Securities Regulation
17. SOCIAL JUSTICE, EQUALITY AND THE LAW

**Level One:**
- Collective Bargaining Law
- Environmental Law
- Family Law I
- Immigration Law
- Labour and Employment Law
- Legal Values: Law & Literature
- Legal Values: Legal Ethics
- Native Rights
- Refugee Law
- Western Legal Histories

**Level Two:**
- Discrimination and the Law
- Law & Social Change: Community Action Across Borders (ILP students only)
- Sexuality and the Law

**Level Three:**
- CLASP Intensive
- Criminal Law Intensive
- Disability and the Law
- Immigration and Refugee Law Intensive
- Innocence Project
- Intensive Program in Poverty Law
- Intensive Program in Aboriginal Lands, Resources and Government

18. TAXATION LAW

**Level One:**
- Pension Law
- Taxation as an Instrument of Social and Economic Policy
- Taxation Law

**Level Two:**
- International Taxation
- Tax Lawyering

**Level Three:**
- Taxation of Business Enterprises
- Taxation of Wealth Transfers

**Level Four:**
- Advanced Corporate Tax

19. TRANSNATIONAL LAW

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

**Level Two:**
- Comparative Law
- Conflict of Laws
- Immigration
- Public International Law
- Refugee Law

**Level Three:**
- Comparative Law: International & Comparative Labour Law
- Exchange Programs with Foreign Universities
- Human Rights in Africa
- International Business Transactions
- International & Comparative Family Law
- International Criminal Law
- International Dispute Resolution: Vis Moot
- International Human Rights Law
- International Investment Law
- International Taxation
- International Trade
- Law & Social Change: Community Action Across Borders (ILP students only)
- Law & Social Change in Latin America
- Law & Social Change: Law and Development
- Law of War
- National Security Law in Canada
- Summer Abroad Programs


**Level Four:**

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

### 10.0 CURRICULAR STREAMS

In 2001-2002, Osgoode Hall Law School introduced a significant innovation in the upper-year curriculum. Students have the opportunity to concentrate their studies in a particular subject area of the curriculum. This year curricular streams are being offered in the following four subject areas: International, Comparative and Transnational Law; Litigation, Dispute Resolution and the Administration of Justice; Tax Law; and Labour and Employment Law. It is not imagined that all, or even most, students will elect to enrol in one of the streams being offered this year. All students, whether enrolled in a stream or not, will have equal access to all courses offered in the upper-year curriculum. However, those students with a particular interest in one of the subject areas covered by the offered streams may wish to consider enrolling.

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

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

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

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

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

2010-2011 Convenor – Professor R. Wai

**Introductory Remarks**

The world is changing rapidly and, with it, the nature of both governance and the practice of law. In the past decade, Osgoode, along with several other of the world’s leading law schools, has led the way worldwide in ‘globalizing’ its curriculum in response to these changes, both
through curriculum offerings available to all students and through the specialized study represented by the ICT Program. In 2002-03, Osgoode became the first law school to offer a Globalization and the Law course in its first year curriculum; it is the mandatory foundations course for ICT Program students while also open as a Perspectives Option to all first year students. Osgoode again assumed global legal education leadership when it introduced, in 2008-09, the Ethical Lawyering in a Global Community course as mandatory for all first year students.

In the upper year curriculum, there are many courses taught in the international, comparative and transnational fields in any given year at Osgoode, both by regular faculty and by visitors. Approximately two-thirds of Osgoode’s full-time faculty members regularly research and write on aspects of international, comparative and/or transnational law. More generally, many opportunities have been developed or expanded, including (just to name some):

- joint degrees (notably, the JD/JD and the JD/LLM degrees with NYU and the joint common law / civil law degree with the Université de Montréal);
- study-abroad exchange opportunities, with a choice of exchanges at 17 different foreign law faculties;
- summer programmes in Prato in partnership with Monash University, in Jerusalem in partnership with Hebrew University, and in Hamburg in partnership with Bucerius Law School;
- research (and even teaching) opportunities with partners outside Canada (through various intensive programs such as the First Nations Intensive, the Teach-in-China Program, and the Collaborative Research Teams of the International Research and Placements course);
- editorial work (for credit) with the German Law Journal.

All students are invited to join professors and graduate students in the Friday afternoon Workshop Series on Legal Philosophy Between State and Transnationalism; the series meets approximately eight times every year with leading theorists from around the world invited to present papers at these workshops.

In tandem with introducing these curricular opportunities in Osgoode’s own programme (some, but not all, of which are mentioned above), Osgoode has played both a founders role and an ongoing leadership role in the formation of two new global 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 Osgoode, NYU, LSE, Melbourne, Cape Town, Deusto (Spain), Montréal, Bar-Ilan (Israel), Singapore, and Bucerius (Germany).

Students participating in Osgoode’s ICT Program benefit from a unique opportunity to learn with a second-to-none faculty in a field of knowledge that is widely understood to be tremendously useful for opening up a world of career opportunities beyond Canada’s borders and, more generally, for promoting the kind of creativity and lateral thinking that give Program graduates an edge in representing their clients.

**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 third year, take the ICT Program’s capstone course, The ICT Colloquium; and
- over the course of the two upper years, complete 13 further ICT-designated course credits (“optional” credits).

Within the 13 optional credits within these 24 upper-year credits, students must satisfy each of the following two requirements:

- pursue at least one of the opportunities designated by the Program as having an “experiential” dimension (see below for a non-exhaustive list), 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”)

**ICT Course Offerings for 2010-2011**

The course offerings currently designated as ICT courses for the 2009-2010 and 2010-2011 years are found below. Credited credit allocations are indicated by the numbers in parentheses while “Prato” indicates courses offered at the spring/summer 2010 Monash-Osgoode Prato Program. For questions regarding whether a course not listed below may be credited toward the stream, please contact the ICT Convenor.
<table>
<thead>
<tr>
<th>Course Title</th>
<th>Course Description</th>
<th>Credits/Offered</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advanced Public International Law: International Law of the North / South Relations (3)</td>
<td>Offered 09/10</td>
<td></td>
</tr>
<tr>
<td>Climate Change Law (3) (offered 09/10)</td>
<td>Climate Change and International Law (3/Prato)</td>
<td></td>
</tr>
<tr>
<td>Comparative Criminal Law (3/Prato)</td>
<td>Comparative European Legal Systems (3/Prato)</td>
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</tr>
<tr>
<td>Comparative Law: International and Comparative Labour Law (3)</td>
<td>Comparative Perspectives on Crime and Punishment (3/Prato)</td>
<td></td>
</tr>
<tr>
<td>Directed Research Program (10 of the possible 15-30)</td>
<td>Dispute Settlement: The Role of Justice in Indigenous Contexts (3) (offered 09/10)</td>
<td></td>
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<tr>
<td>Hebrew U – Osgoode Summer Exchange Program (3)</td>
<td>Human Rights in Africa (3)</td>
<td></td>
</tr>
<tr>
<td>Indigenous Peoples and the Law (3) (offered 09/10)</td>
<td>Intensive Programme in Lands, Resources &amp; First Nations Governments (6)</td>
<td></td>
</tr>
<tr>
<td>International and Comparative Family Law (3)</td>
<td>International Business Transactions (3)</td>
<td></td>
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<tr>
<td>International Criminal Law (4)</td>
<td>International Dispute Resolution: Vis Moot (3)</td>
<td></td>
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<tr>
<td>International Human Rights Law (4)</td>
<td>International Human Rights (3/Prato)</td>
<td></td>
</tr>
<tr>
<td>International Research and Placements including Collaborative Research Teams (3) or (4) (offered 09/10)</td>
<td>International Taxation (4)</td>
<td></td>
</tr>
<tr>
<td>Jewish Law (3)</td>
<td>Law and Social Change in Latin America (3)</td>
<td></td>
</tr>
<tr>
<td>Law and Social Change: Law &amp; Development (3)</td>
<td>Law of War (3)</td>
<td></td>
</tr>
<tr>
<td>Legal Values: Governance of the Intl Financial System (3) (offered 09/10)</td>
<td>Mooting (e.g. Jessup; Niagara; Aboriginal) (4-6)</td>
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<tr>
<td>Native Rights (4)</td>
<td>Product Liability from a Comparative Perspective (3/Prato)</td>
<td></td>
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<tr>
<td>Refugee Law (3)</td>
<td>Supervised Research Papers on ICT subjects (variable credit; see section 7.1)</td>
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<tr>
<td></td>
<td>Transnational Corporations &amp; Human Rights (3) (offered 09/10)</td>
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</tbody>
</table>

Note: The three pillar courses – Comparative Law, Public International Law and Conflict of Laws – appear on this list of ICT options because of the possibility for a student to take all three pillars, in which case one of them contributes 4 optional credits beyond the four required courses.
ICT Program Experiential Opportunities

The following is a non-exhaustive list of ‘experiential’ opportunities, from which students must do at least one. This list is general and applies to opportunities that will usually be available during a student’s three years at Osgoode, but that may not necessarily be available in any given year. In any case of doubt as to whether an activity satisfies this requirement, students must seek confirmation from the ICT Convenor’s view. Experiential opportunities include:

<table>
<thead>
<tr>
<th>Study for a semester or full year abroad (or in Québec) on exchange or on a letter-of-permission basis</th>
<th>ICT-designated intensive programs (Lands, Resources and First Nations Governments; Immigration and Refugee; and the Immigration section of the Parkdale Program)</th>
<th>ICT-related work in what is otherwise a ‘non-ICT’ intensive (e.g. the groups in the Parkdale Program in Poverty Law other than the Immigration Group; the Intensive Program in Business Law)</th>
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</thead>
<tbody>
<tr>
<td>Summer study: international, comparative and transnational law summer school in partnership with Monash University in Prato</td>
<td>Summer study: summer program in comparative perspectives with Hebrew University in Jerusalem</td>
<td>Summer study: international business law summer program at Bucerius Law School in Hamburg</td>
</tr>
<tr>
<td>International Legal Partnerships (ILP): participating either in terms of a summer placement or in terms of assuming a position of responsibility within ILP’s operational structure</td>
<td>Assuming significant responsibility in student organizations or activities that have a significant ICT dimension (other than ILP: see box to left), such as Osgoode International Law Society</td>
<td>Term-time work-study practicum or internship such as may be made available by an Osgoode program or such as may, exceptionally, be arranged within a Directed Research Program rubric</td>
</tr>
<tr>
<td>Collaborative Research Teams (CRTs) under the auspices of the International Research and Placements course</td>
<td>Summer internship abroad (or in Canada on an ICT theme), whether or not followed up by supervised research paper for credit in the following year</td>
<td>Enrolment in any course organized as an electronic classroom that links Osgoode and a partner institution (such as Human Rights in Africa course)</td>
</tr>
<tr>
<td>Participation in any joint degree programme with a foreign partner, such as the JD/JD or JD/LLM joint degrees with NYU</td>
<td>Osgoode Public Interest Requirement (OPIR) activity with a significant ICT dimension</td>
<td>International, comparative or transnational (including Aboriginal) moots</td>
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<tr>
<td>Significant editorial work with the German Law Journal</td>
<td>Significant organizational or editorial roles for ICT-related research hubs such as the Comparative Law and Political Economy (CLPE) network and the Nathanson Centre on Transnational Human Rights Crime and Security</td>
<td>Significant organizational or editorial roles for such ICT nodes as may operate in other research hubs such as Osgoode Hall Law Journal, IP Osgoode or TheCourt.ca</td>
</tr>
</tbody>
</table>

Such other experiences as proposed to and approved by the ICT Convenor

Further Rules and Considerations

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

Bridging: It is possible to build “ICT bridges” between the ICT Program and courses not designated as ICT courses in the official list of ICT courses. This bridging is achieved through the student receiving partial (or even full) credit for research papers or other written work done in ‘non-ICT’ courses where the content is significantly ICT in nature. For example, a 50% paper on multi-jurisdictional bankruptcy litigation worth of a four-credit Bankruptcy course would count for two ICT credits or a 100% paper on international law theory in a Jurisprudence class would count for three credits. Such counting of ICT work in non-ICT courses must be specifically approved by the ICT Convenor. Students fill out a Bridging Form containing the title of the paper and pertinent details (such as length / word count and percentage of course credit that the paper is worth) and have it signed by the course instructor; this form is then submitted to the ICT Convenor for credit approval.

Collaborative Research Teams (CRTs): ICT Program students are strongly encouraged to consider doing a Collaborative Research Team
(CRT) within the course International Research and Placements in one of their two upper years.

**Jurisprudence:** 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 Jurisprudence and doing their paper as a bridging paper (see "Bridging", above) on an ICT theme.

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

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

**Courses elsewhere at York:** Courses with ICT content in other faculties at York are eligible to be accorded ICT credits. For example, a student who takes a York graduate course in, for example, Colonial Literature (English Department) or Nuclear Deterrence Policy (Political Science Department) can bring that course selection to the ICT Convenor for approval as an ICT course. This would also apply, for example, to international business courses taken as part of the joint JD/MBA. (Note that, by Osgoode's general rules, students are permitted to take up to nine upper-year credits elsewhere at York, subject to approval by the Law School.)

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

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

### 10.2 Labour and Employment Law Program ("LELP Program")

**Convenor – Professor E. Tucker**

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

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

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

6. Overall, a minimum of 23 academic credits for the LELP and related courses, in accordance with the above requirements.

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

Convenor- Professor P. Emond

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 Civil Procedure I and Legal Research and Writing 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:

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

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

10.4 Tax Law Program ("Tax Program")

Convenor - Professor Jinyan Li

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

Students registered in the Tax Program must complete the following requirements over the course of the JD program.
1. the foundational seminar, Tax Lawyering (3)
2. the foundational course, Tax I (4)
3. the survey course, Taxation of Business Enterprises (4);
4. one of the following two policy seminars, either Tax Law as an Instrument of Economic and Social Policy (3) or Tax
5. one of the following three advanced seminars, Advanced Corporate Tax (3), Estate Planning (3), or Tax Planning (3);
6. the Tax Law Program capstone course, Tax Law and Policy Colloquium (3); and
7. overall, a minimum of 23 academic credits in Tax Program courses, including those courses taken in accordance with the above requirements. (In addition to the courses include Tax Planning (3), taxation of wealth Transfers (4), International Tax (4), Internet Commerce and taxation (3) and special topic course that will be offered from time to time.

11.0 CLINICAL & INTENSIVE PROGRAMS

11.1 Advanced Business Law Workshop I
Corporate Finance and Governance (7180.05)
Directors: Ms. Carol Pennycook & Mr. Jim Reid

Advanced Business Law Workshop I - Corporate Finance draws together various aspects of corporate and securities law focused on business transactions involving corporate finance. Through an interactive workshop format, students will gain insights into the practical aspects of structuring, negotiating and executing transactions in the public and private debt and equity markets. Students will gain familiarity with the relevant principal documents and processes by participating in exercises and completing assignments that emphasize practice skills and strategic considerations. Students will also develop insight into the broader theoretical and ethical considerations that necessarily confront a business lawyer. The workshop is conducted by Carol Pennycook, Jim Reid and other partners at Davies Ward Phillips & Vineberg LLP.

Topics will include:
- Business structures - including corporations, limited partnerships, investment trusts and alternative structures;
- Equity offerings in the capital markets - public offerings (including IPOs) and private placements of common, preferred and other equity securities;
- Bank financings - secured and unsecured;
- Debt offerings in the capital markets - public offerings and private placements of bonds, debentures, medium term notes and commercial paper;
- Public - private partnerships (P3s);
- Roles of rating agencies and investment dealers in corporate finance;
- Insolvency and restructuring;
- Corporate governance;
- How to run a deal - due diligence to closings

ABLW I – Corporate Finance is open to 16 students who will receive 5 credits over one semester.

The program will be three hours a week at the offices of Davies Ward Phillips & Vineberg LLP. Evaluation will be in the form of three assignments, one of which will be a group assignment involving the negotiation and drafting of a term sheet for a loan agreement. There will be no exam or major paper for this course.

Reminder *** Students may elect to take one or both Advanced Business Law Workshops. ABLW I - Corporate Finance will be offered in September 2010. ABLW II - Mergers & Acquisitions will be offered in January 2011.

11.2 Advanced Business Law Workshop II
Mergers & Acquisitions (7190.05)
Directors: Ms. Carol Pennycook & Ms. Patricia Olasker

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 insight into the broader theoretical and ethical considerations that necessarily confront a business lawyer. The workshop is conducted by Carol Pennycook, Patricia Olasker and other partners at Davies Ward Phillips & Vineberg LLP.

The workshop will focus on mergers and acquisitions, with an emphasis on public companies and will examine take-over bids; defences; corporate reorganizations; going private and related party transactions; and related aspects of competition law and corporate governance. Seminars include classroom lectures, problem-solving and written assignments such as preparation of a memorandum or letter of advice to a client in respect of various issues which may arise in
merger and acquisition transactions. The program has no major research paper or exam.

Requirements:
The Advanced Business Law Workshop II – Mergers & Acquisitions accepts 16 students who will receive five credits over one semester. Pre-requisites: Business Associations and Securities Regulation. Recommended Course: Commercial Law and Taxation of Business Enterprises. With special permission Securities Regulation may be taken concurrently.

Demonstrated academic performance based on law school grades to date will be an important selection factor. Students may elect to take one or both Advanced Business Law Workshops. Corporate Finance & Governance is offered in the Fall Term. Mergers & Acquisitions is offered in the Winter Term.

11.3 Community Legal Aid and Services Program

LW 8000.03 (fall), 8001.03 (winter), 8000.04, 8000.05
Marian MacGregor, Clinic Director; Christine Sinclair, Community Outreach Coordinator; Gina Nardella & Richard Ferriss, Review Counsel; Pat Case, Adjunct Professor – Seminar instructor

The Community and Legal Aid Services Program (CLASP) is a community service provided by Osgoode students. CLASP provides a combination of individual advocacy, community development (with an emphasis on the Jane-Finch community), law reform and clinical education for law students who 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 issues, youth, female survivors of domestic violence, and members of racialized communities. CLASP’s individual representation work is directed to low-income persons, including York University students, not eligible for a legal aid certificate.

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 15 student “division leaders” who work in the clinic, under the supervision of three lawyers and one outreach coordinator, for a full year (summer and academic year). During the academic year, these students facilitate the involvement of approximately 150 – 200 volunteer law students. Students are encouraged to become involved as volunteers in all aspects of CLASP’s services, including casework, community outreach and as duty counsel (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 duty counsel and caseworkers), advance a case load (including files and summary advice) in accordance with the standards of the supervision policy and related standards, oversee duty counsel at our main location, coordinate and staff our five satellites, and pursue law reform, PLE and community development projects in the clinic’s four divisions (Youth, Community Support, Criminal Justice and Women’s, and New Immigrant and Refugee). CLASP provides an opportunity for law students to gain experience and skills in community-based lawyering, client relations, professional responsibility, and advocacy as well as exposure to the legal and social needs of Toronto’s varied low-income community.

Student division leaders receive nine credit hours on a pass-fail basis for successfully completing their clinical work during the academic year. They are also required to participate in the CLASP seminar in the Fundamentals of the Lawyering Process each term for a further three credits each term (a total of 6). 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.

11.4 Osgoode Business Clinic

Directors, Stan Benda & J. Shin Doi, Adjunct Professors LW 7600.02 (Fall) & 7610.02 (Winter)

The objective is to give students practical experience in commercial law and thus complement their commercial law studies. Students are put into student teams of 2 – 3, assigned a business client and supervised by a team of lawyers from Stikeman Elliott. The files typically involve providing basic legal advice and documents (i.e. incorporation, drafting sales contracts) to the client who could not otherwise afford to obtain professional legal services in the
process of starting or operating their small business enterprise.

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

Student duties include: meetings with the client; 3 compulsory classes at the offices of Stikeman Elliot (2 in the fall, 1 in the winter), weekly OBC classes in the first half of the first semester, and weekly reports to the clinic. Participation in OBC is by permission of the Course Director. Students participating in OBC must register for the Fall and Winter semesters.

- Files: approximately 40 hours per semester for two semesters;
- Meeting: with supervising counsel: approximately 15 hours per semester for two semesters (including the off-site Stikeman Elliot classes);
- with Director, OBC: approximately 12 hours per semester for two semesters.

### 11.5 Innocence Project
Director, Professor A. Young
LW 7140.03 (Fall), LW 7140.06 (Winter)

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

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

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

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

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

Clinical work will be evaluated on the basis of a pass/fail grade and a detailed evaluation prepared by the Directors of the Project. The major paper will receive a letter grade.

### 11.6 Intensive Program in Criminal Law
Directors: Mr. E. Rondinelli and Mr. J. Di Luca, Adjunct Professors
LW 7100.03, LW 7110.03 and LW 7120.09

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

**Program Outline**
Students write two papers on topics approved by the Directors within the fields of criminal law, criminal procedure, evidence and/or the administration of criminal justice. They are also responsible for one seminar presentation on a topic from a pre-determined list of subjects of special importance within the criminal justice system. Attending 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 Superior Court of Justice or the Ontario Court of Justice or
Crown Counsel, or with Defence Counsel. During these placements students are exposed to every element of the process from initial client interview to sentencing and appeal. Students make weekly written reports on their activities and reflections and placement personnel report in writing on students placed with them.

Defending / prosecuting a “mock” trial before actual judges at the Ontario Court of Justice.

Attending on an autopsy at the Coroner’s Office and receiving instruction in pathology from the Chief Forensic Pathologist in the Province of Ontario.

Visiting a provincial detention centre and a federal penitentiary to obtain first hand contact with staff and inmates.

The two papers are letter graded, whereas the seminars and the placements are on a pass/fail basis. The outline/bibliography for the first paper must be approved by the end of Week 2, and the paper is due at the end of Week 7. For the second paper, the outline/bibliography must be approved by the end of Week 9, while the paper is due on the last day of examinations. At the conclusion of the semester the Directors supply each student with a four-page written evaluation of each aspect of the student's performance in the course.

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

11.7 Intensive Program in Immigration and Refugee Law
LW 7300.04, LW 7310.04, LW 7320.03 and LW 7330.04
Director: Sasha Baglay, Adjunct Professor

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’s objective is to assist students to critically assess the underlying tenets of this rapidly evolving body of public law, and the roles that lawyers play in the design and implementation of immigration and refugee law.

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 Speigel 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.

Requirements:
This 15-credit program is available to 20 students. A letter grade is given for each module. The prerequisites for the program are Immigration Law and Refugee Law. Administrative Law is recommended but not required.

11.8 Intensive Program in Aboriginal Lands, Resources and Governments
Directors: K. Murray & K. Manley-Casimir, Adjunct Professors
LW 7500.09, LW 7510.03, LW 7520.03

1. The Program

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

2. In the Classroom: The first phase

The term begins with three weeks of study. Students are taught how to use law in creative ways to solve problems. The importance of this
issue-based approach to the law is particularly evident in addressing problems Aboriginal peoples encounter within the Canadian legal context. Because of the distinctive history, culture and political situation of Aboriginal peoples, a distinctive approach to identifying and utilizing laws must be developed. Laws of Aboriginal nations themselves play an important part in determining the law applicable in certain contexts and the course employs an approach which respects the laws of those nations.

3. In the Field: The second phase

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

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

4. Evaluation: The third phase

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

11.9 Intensive Program in Poverty Law at Parkdale Community Legal Services

Academic Director, Professor S. Imai

LW 7000.03, LW 7000.12

Parkdale Community Legal Services was established 37 years ago as the first community-based legal aid clinic in Ontario. Law students have been placed with the clinic since its inception. Students accepted into the Intensive Program in Poverty Law will join over 1,500 members of the legal profession, including practising lawyers, law professors, and judges, who have participated in this enriching and challenging experience.

The goals of the Intensive Program include:
1. The development of an understanding of the social phenomenon of poverty, and of its causes and effects;
2. The critical analysis of the legal system's and lawyers’ responses to poverty, including questions about substantive and procedural law, the legal delivery system and issues of professional ethics;
3. The examination and evaluation of alternative strategies for intervention to alleviate poverty by the legal system and lawyers.

The Intensive Program places 20 students for a whole semester in the poverty law context of an operating community-based legal services clinic. PCLS is located in the Parkdale community, which is in the southwest section of the old city of Toronto.

Law students are an integral and vital part of the Clinic. They are placed in one of the Clinic’s four working groups and are responsible for interviewing clients and carrying a caseload of clients’ files. Students are introduced as well to less traditional approaches to legal services, including principles of community organizing and education, community outreach and law reform. Students are expected to become involved in the Clinic’s community development projects, ranging from public legal education to work with client and community groups.

The casework is principally in areas of public (administrative) law and on occasion will involve the student in appearances before boards, tribunals and occasionally courts. The bulk of the work entails interviewing and counselling clients and informal advocacy with government bureaucracies, landlords, and employers. Students are supervised by a staff lawyer, a community legal worker (CLW) and the Academic Director of the clinic.

The formal educational component of the Program includes an introductory week of clinic-
based instruction during the last week of August, a weekly seminar offered at the Law School by the Academic Director, and group meetings conducted at the clinic by staff lawyers and CLWs one or two mornings a week. Students are required to prepare a 30-page research paper, which will be a contribution to the Clinic's ongoing work. In addition to these structured components, there is a good deal of opportunity for informal learning to take place. The aim is always two-fold: to enable the students to offer the best service possible to clinic clients and the community we serve; and to give students both the occasions and the intellectual support necessary to reflect on their experiences.

1. The Work of the Clinic

Parkdale Community Legal Services (PCLS) is a busy clinic funded by Legal Aid Ontario and by Osgoode Hall Law School of York University. Since 1971 PCLS has provided legal services to the low-income residents of Parkdale in a wide variety of subject areas, including income security, workers' and tenants' rights, immigration and refugee law, and domestic violence. The permanent staff includes a Clinic Director, four staff lawyers, six community legal workers (CLWs), two articling students and seven support staff. The Academic Director is a member of Osgoode's faculty. The Clinic Director of PCLS is a member of the Faculty Council at Osgoode Hall Law School, and the Academic Director of PCLS is one of three Osgoode faculty members on the Clinic's Board of Directors.

At present Parkdale Community Legal Services is organized into four groups. A student will work for the entire term within one of these four groups:

i. Immigration & Refugee; ii. Landlord & Tenant; iii. Social Assistance, Violence & Health; iv. Workers' Rights

2. Introductory Clinic-based Skills Week

All students accepted into the Program, both for the Fall or for the Winter Term, are required to attend an introductory week of clinic-based skills instruction during the last week of August. Basic practice skills such as interviewing and litigation will be combined with an understanding of the work in the context of the Parkdale community. It will be a good opportunity to get to know the staff, and the other students participating in the Program. The sessions are held at different locations, including in the Parkdale community and at Osgoode. Attendance at and participation in Clinic Skills Week is mandatory.

3. Term Dates

A term at PCLS starts early and always extends to the last day of the exam period at Osgoode Hall Law School. Students are expected to be in attendance at PCLS between these dates. There is no "reading week" break in the Fall Term. During the longer winter semester students may schedule an individual "reading week" break. (Please note that as it is not possible to accommodate the regular university reading week, student reading week breaks are staggered through the Winter Term.)

4. In-house Clinic Orientation

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

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

5. Hours of Work

It is not possible to be precise about the hours of work. A term at PCLS is in many ways more than a full-time commitment. The clinic's hours extend into evenings. Community work and events often happen in the evenings and on weekends. Students should anticipate some evening and weekend work at the clinic or in the community. As a general rule, students are expected to be at the clinic during business hours even when not on intake.

6. Workload

Each student will handle 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 other appropriate agencies or services. Students are expected as well to become involved in community education, organization and law reform work.
7. Credit and Grading

The Intensive Program in Poverty Law at Parkdale Community Legal Services is a 15 credit program. Three credits are allocated to the academic seminar led by the Academic Director. Students receive a letter grade for this portion of their credit. The remaining 12 credits are awarded by the Academic Director on a credit/no-credit basis, pursuant to detailed evaluations of the student’s performance by the student’s supervising staff lawyer and CLW. These evaluations, together with a summarizing evaluation report written by the Academic Director, are included with the student’s mark and form part of the student’s academic transcript.

8. Acceptance and Withdrawal

The work of the Clinic cannot accommodate last-minute adjustments. Accordingly, acceptance of an offer of a place in the Program will include 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, who will consult with the Academic Director.

9. Summer Employment

Each year PCLS applies to Legal Aid Ontario for funding for twenty summer student positions. Our ability to offer summer work to students is dependent upon receipt of this funding.

Assuming the same level of funding as in the previous year, students who accept a position in the Program will be eligible for summer employment at the Clinic (if they have indicated their interest in it on the application form). We seek to hire up to 12-16 new students who will be coming to the Clinic 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). We attempt to reserve four to eight positions for students who have already completed the Program. This is done so that there will always be a core of experienced students at the Clinic, who are able to assist the new students.

PCLS has made a commitment to employment equity, and will give priority to applicants who are members of traditionally disadvantaged sectors of our society, where competence is equal. We may also consider your career goals and current financial need.

Students are advised that typically PCLS is only able to offer relatively modest summer salaries.

11.10 Mediation Clinical Program

Academic Director, Leanne Shafir, Adjunct Professor

LW 7800.04, LW 7810.05

This full-year, 9 credit hour program, bridges mediation theory and practice, while actively engaging students in the provision of conflict prevention and resolution services through the Osgoode Mediation Centre. Students participate in a weekly three-hour seminar that focuses on class discussion of the recent dispute resolution literature, including the utility of mediation in civil and criminal disputes, mediation advocacy, access to justice, community mediation issues, as well as cultural, power, ethical and professional responsibility issues in alternative dispute resolution and principles of dispute system design. The seminar includes a major research paper (20-25 pages) addressing one or more theoretical issues with observations based on the students’ practice experience. Students also participate in an intensive mediation skills training program, including significant interactions among faculty, coaches and students. Students are encouraged to reflect on their experiences and articulate their emotional and intellectual responses to the situations they encounter.

Under the guidance and direction of the Mediation Clinic Director, students will engage in a combination of court-related and community mediation services, including community outreach (e.g., ADR training and education of community groups and elementary/secondary school students); developing and applying dispute resolution design and implementation skills in the community; promoting mediation and the services of the Mediation Centre to potential community user groups; conducting several community and/or Small Claims Court mediations, and acting as mediation advocates at the Human Rights Tribunal or Landlord and Tenants Board, in partnership with CLASP. During the Mediation Intensive, students are responsible for completing a community engagement project, usually carried out by a team of 2-3, designed by the students and approved by the Clinic Director. Students are also responsible for conflict resolution skills training throughout the year at a local public school (Director will assign students to the schools), and the resolution of disputes that arise at the schools. Students will keep a reflective journal on their mediation practice activities throughout the course.
Graded: Students will receive a letter grade for their major research paper (20-25 pages), class participation, and a simulated mediation, for a total of 4 credit hours. The simulation will evaluate the development of students’ mediation and mediation advocacy skills. Students will participate in a self-critique that demonstrates their ability to reflect on what happened and their role in it.

Credit/No-Credit: The remaining 5 credit hours will be allocated on a credit/no-credit basis for the student’s fulfillment of the clinical components of the program throughout the year, including a mediation skills workshop and related training, clinical work (including mediations, conflict resolution education and training, and outreach), a reflective journal, and a community engagement project. The Mediation Clinic Director will also prepare a detailed evaluation report for each student (in the winter term) with respect to their performance in the clinical component of the program, which will then be attached to the student’s transcript.

11.11 Intensive Research Program
LW 7020.00

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

Notes
1. A student may receive credit for a Research Program of not less than 15 and not more than 30 credit hours which may extend through his or her second and third years.
2. A student will be permitted to pursue a Research Program if, in the opinion of the Associate Dean.

   i. The student's academic record in the law school and elsewhere, and other relevant evidence, shows promise of the ability to conduct with distinction a major program of research;
   ii. the proposed research program is within the student's capacity, and his/her entire plan of study is otherwise satisfactory; and
   iii. he/she will receive adequate supervision.

3. A Research Program will normally extend throughout a student's three final semesters, but, with the consent of the Associate Dean, may extend through the final four or final two semesters.

4. A student seeking permission to pursue a Research Program shall submit, to the Associate Dean, not later than 10 days prior to the commencement thereof, a statement from the proposed supervisor stipulating:

   i. the topic or field of research, and a tentative outline of research;
   ii. The amount of academic credit to be obtained and date for submission of the completed research paper; and
   iii. consent to provide supervision.

5. Any change in the conditions of supervision may only be obtained upon filing of a new form, signed by the supervisor and with consent of the Associate Dean.

6. The Associate Dean, on application by the student or the supervisor; or upon her/his own motion, may permit or require the student to terminate a Research Program upon such terms and conditions as she/he may decide.

7. Students who elect to take this program shall not:

   i. be enrolled in another intensive program, i.e. Parkdale, Criminal Law, Immigration & Refugee Law over the second and third years;
   ii. be enrolled in more than four seminars in addition to the Research Program over the second and third years;
   iii. for the purpose of this rule, "seminar" includes Personal Research, Intensive Programs, and Seminars in other faculties and departments.
Students who are interested in undertaking a research project must consult with faculty to obtain an appropriate supervisor. Not all faculty are able to undertake student supervision in any given year.

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

12.0 JOINT PROGRAMS – JD/MBA, JD/MES, JD/JD DEGREES

Osgoode Hall Law School offers three Joint Programs, in which students can complete 2 degrees in four years: JD/MBA; JD/MES; JD/JD

12.1 JD/MBA Joint Program

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

A maximum of 18 students are admitted to the first year of the Joint Program, nine commencing in the Law School and nine in the Business School. Successful applicants are asked to elect 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.

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).

New students entering the JD/MBA program have the option of completing the 4 year program in three years. This option is not open to students applying to the Joint program after completion of Year 1 at either Schulich or Osgoode. Students opting for this stream are admitted to Year 1 of the MBA beginning in April 2010 and complete year 1 in both degrees through continuous enrolment of Summer, Fall, Winter and Summer terms. Detailed information is found in the Joint MBA/JD section of the Schulich Graduate Handbook.

Graduation Requirements:

- 45 credit-hours of Schulich School of Business courses
- 78-79 credit-hours of Osgoode Hall Law School courses
- successful completion of an upper year legal research and writing requirement
- 40 hours Osgoode Public Interest Requirement (as per our Handbook)

The Academic Program:

Year 1

EITHER

- 27.0 credit-hours of Schulich MBA 1 Required Foundations of Management Core Courses
- 3.0 credit-hours of Schulich MBA elective courses
- 33.0 - 34.0 credit-hours (9 courses) of required Osgoode Hall Year 1 curriculum

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

Note: All joint MBA/JD students are required to take MGMT 5500.00 in their first year. This is a compulsory non-credit seminar course.
YEARS 3 AND 4

Note:

1) Students will not be eligible to advance to the final two years of the joint degree program if their grade point average (GPA) in the first year of Osgoode is lower than 5.5 (B), or is lower than 5.0 (B) in the first year of Schulich.

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

- A combination of Schulich and Osgoode courses, consisting of:
  - at least 15.0 credit-hours in Schulich (Note that MBA 2 Required Foundations of Management Core Courses: SGMT 6000.030 Strategic Management and MGMT 6090.030/MGMT 6100.030 Strategy Field Study can be taken in either Year 3 or Year 4.
  - at least 45.0 credit-hours of Osgoode Hall Law School courses
  - completion of the upper year research and writing requirement (a major paper of at least 8000 words worth at least 80% of the course grade)
  - 40 hours Osgoode Public Interest Requirement (as per our Handbook)

FEE SCHEDULE:

Fees must be paid as follows:

- Year 1 or 2 in Schulich
- Year 1 or 2 in Osgoode Hall (current Osgoode Hall tuition)
- Years 3 and 4 (current Osgoode Hall tuition)
- students may register for MBA courses in the Summer Term, in which case part-time tuition is paid to Schulich

For further information and details about the progress of courses over the three year and four year program, please visit Planning My MBA/JD > Study Options on The Schulich School of Business web site.

12.2 JD/MES Joint Program

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

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

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

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

Admissions

Applicants to the joint program must apply and be admitted separately to the MES and JD programs. Upon admission to both Faculties, students are admitted to the joint program. Students typically apply to both programs simultaneously, but may also apply to the joint program during their first year in either the MES or JD program. For information about each faculty’s application deadlines and admission requirements see www.yorku.ca/fes/apply (MES Admissions) and www.osgoode.yorku.ca/JD/applying.html (JD admissions).
The Academic Program

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

Students in the MES program progress through three stages:

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

MES II: Students pursue formal coursework, individual directed studies and/or field experience, and draft their Major Paper, Project or thesis proposal. This stage usually encompasses 1-2 terms of full time study in FES and/or Osgoode.

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

The MES Major Paper or Project focuses on integration of environmental studies and law. Osgoode professors are available to supervise Joint Program students’ Major Papers or Projects. The Major Paper satisfies Osgoode’s Upper Year writing requirement.

Sequence of Study

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

Year 1

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

OPTION B, Start at Osgoode: Students register full time in the JD First Year Program for the Fall and Winter terms.

They have the Spring/Summer term free.

Year 2:

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

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

Year 3: Students register full time in the JD upper year program for the Fall and Winter terms. They register full time in the MES program in the Spring/Summer term, working on the MES major 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 paper, project or thesis if not already completed. They pass the MES final examination and convocate from the joint program in the Spring.

Completion

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

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

Graduate Student Status

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

Fees

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

For additional information about the JD/MES Joint Program please consult the program handbook, available at

http://www.osgoode.yorku.ca/JD/combined_programs.html
and

Questions about the JD/MES joint program may be directed to Professor Dayna Scott, Law faculty coordinator, dscott@osgoode.yorku.ca, or Professor Mark Winfield, FES coordinator, marksw@yorku.ca.

12.3 JD (NYU)/JD (Osgoode) Combined Program

Students at Osgoode and New York University School of Law (NYU) have the opportunity to earn, through a combined program of study of four years, both a Juris Doctor (JD) degree from NYU and a Bachelor of Laws (JD) from Osgoode. This program, in keeping with both schools’ global outlook, recognizes that to practise law, graduates must have an ability to deal with legal systems from other countries.

Program Requirements:

Students admitted to the combined JD/JD will complete two years of study at one school, followed by two years of study at the partner school. In the first and third year of the program, students will necessarily complete the first year required courses at both NYU and Osgoode. Students will complete upper year courses at each school in the second and fourth year of the program, ensuring that they complete all upper year credit requirements at both institutions. The JD/JD is a four-year program and cannot be completed in less time. As an upper-year student at Osgoode and NYU, students are eligible for all programs of either school provided they are able to complete the mandatory requirements of those programs. However, in the second year of study at Osgoode, students will be permitted to enrol in only one, single-term intensive program, and they will not be eligible to participate in either an exchange or a Letter of Permission of any duration (in order to ensure that at least 2 years of study are completed at Osgoode). This combined program may not be combined with any other combined programs at Osgoode (eg JD/MES or JD/MBA). Meanwhile, all other program of study requirements will remain in effect. Students may elect to begin the Program at either Osgoode or NYU. Students complete two years at one school and the remaining two years at the other school.

Following successful completion of two academic years at each law school, students will be awarded the NYU JD and the Osgoode JD degrees. Since each program, alone, is a three year degree, students who have completed all requirements of the “home” school’s requirements at the end of year three may choose to formally convocate from their “home” school either in the year of their cohort (to graduate with their entering class) or may convocate from both schools upon completing the fourth and final year.

Similarly, students admitted to the Program who then decide not to complete the fourth year will receive the degree from the law school at which they completed the first two years of study, and the third year of study will be considered as having been completed at the partner school on the basis of “Letter of Permission” (for Osgoode) or “Third Year Visiting” (for NYU).

To clarify, students who begin the program at Osgoode, successfully completed years 1 and 2 at Osgoode and then successfully complete a “Letter of Permission” year at NYU, would be granted credit for their third year at NYU by Osgoode and be eligible to graduate with the JD.
The following chart reflects the program of study for students beginning the program at each school, based on the program requirements of each school in existence in the 2010-2011 academic year and which are subject to change:

<table>
<thead>
<tr>
<th>Required Course of Study for Students Commencing studies at Osgoode Hall Law School</th>
<th>Required Course of Study for Students Commencing studies at NYU School of Law</th>
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</thead>
<tbody>
<tr>
<td><strong>Second Year (at Osgoode)</strong>&lt;br&gt;Completion of 30 credit hours;&lt;br&gt;Completion of the Osgoode Public Interest Requirement (40 hours); and&lt;br&gt;Completion of Upper Year Research &amp; Writing Requirement (may be deferred, with approval, for completion in years 3 or 4 under NYU Writing “A” Requirement)</td>
<td><strong>Second Year (at NYU)</strong>&lt;br&gt;Completion of requisite NYU credit hours;&lt;br&gt;Constitutional Law;&lt;br&gt;Professional Responsibility Course;&lt;br&gt;Writing “A” Requirement (significant paper) (may be deferred, with approval, for completion in years 3 or 4 under Osgoode Upper Year Research and Substantial Writing Requirement)</td>
</tr>
<tr>
<td><strong>Third and Fourth Years (at NYU)</strong>&lt;br&gt;-must earn a minimum of 56 credits at NYU&lt;br&gt;-must complete Constitutional Law&lt;br&gt;-must take U.S. Procedure Law&lt;br&gt;-must complete a Professional Responsibility course&lt;br&gt;-NYU’s Writing “A”</td>
<td><strong>Third and Fourth Years (at Osgoode)</strong>&lt;br&gt;Must complete 60 credit hours, including&lt;br&gt;-first year Constitutional Law&lt;br&gt;-first year Civil Procedure&lt;br&gt;-Osgoode Public Interest Requirement (40 hours)&lt;br&gt;-Osgoode’s Upper Year Research &amp; Writing Requirement</td>
</tr>
</tbody>
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*Program requirements at either school are subject to change.*

Application Procedures for 2nd year Osgoode students:
To be considered for the program, students must apply to both NYU and Osgoode, and be admitted to both programs. While most students will apply to this program before their first year of studies at either law school, a few students annually may be admitted to the program from either partner school in the spring of their second year. Students will receive notification of the application process and requirements in March/April. While NYU will consider credentials of 2nd year Osgoode students such as undergraduate grades, LSAT score and recommendations, the most important factor in these applications is the academic performance of students in the four semesters at Osgoode, with a competitive record of a B+ average or above.

Though NYU’s application deadline is early July, Osgoode will collect the application packages of all students interested in being considered by NYU for this program. The deadline to submit complete packages to Osgoode will be mid-June. Current Osgoode students wishing to be considered will be required to:

1. obtain a PDF of the NYU application forms for Transfer students online; [http://www.law.nyu.edu/admissions/jdadmissions/applicants/applications/pdf/transferandnonmatriculantprograms/index.htm](http://www.law.nyu.edu/admissions/jdadmissions/applicants/applications/pdf/transferandnonmatriculantprograms/index.htm)
2. complete all requisite forms, make a copy of the application for their own files, and submit the original to the Recruitment & Admissions Office by the designated date in mid-June;
3. ensure that together with the NYU application (including all requisite transcripts from other institutions), pay the appropriate application fee to NYU;
4. ensure that together with the NYU application materials, an Osgoode Transcript Request Form, with appropriate fee, is included so that Osgoode
can produce and include a current Osgoode transcript;
5. NYU requires Osgoode complete, for each applicant, a Law School Certification Form. Students should ensure that this is completed, where appropriate by the student, and included in the package by for completion by Osgoode. If possible, it is preferable that this Form be left for Assistant Dean Bessner to complete before the mid-June deadline.

12.4 JD(Osgoode)/LLM (NYU) Combined Program

In 2007, Osgoode approved an agreement with NYU School of Law, whereby students can obtain both an JD degree from Osgoode Hall Law School and an LLM degree from NYU in a total of three and a half years of study (as opposed to the four years that would be required to obtain both degrees separately). This new initiative will provide students an enriched global perspective and advanced career opportunities, at law schools with excellent academic standards and a commitment to social justice. Students will complete three and a half years of full-time study (five semesters at Osgoode and two semesters at NYU), and graduate with a Bachelor of Laws Degree (JD) from Osgoode and a Master of Laws degree (LLM) from NYU.

Students will normally begin their LLM studies at NYU in the spring semester following completion of the fifth semester of the JD at Osgoode (but may begin their LLM studies at NYU following completion of their fourth semester of JD at Osgoode).

As indicated above, students admitted to the combined J.D./LLM will complete five semesters of study at Osgoode in the JD program and 2 semesters at NYU in its LLM program. Students will complete the entire first year JD program, a second year of study in the JD program and then one additional semester of the JD program. Students will be required to complete the Osgoode Upper Year Research and Writing course and any other graduation requirement in place at the time, while at Osgoode. The J.D./LLM is a three and a half year program and cannot be completed in less time. If students begin the LLM after 2 years of study at Osgoode, they will not be eligible to receive their Osgoode JD unless and until they complete the entire year of the LLM program at NYU and return to Osgoode for their final semester.

As an upper-year student at Osgoode and a graduate student at NYU, students are eligible for all programs of either school provided they are able to complete the mandatory requirements of those programs. However, in the upper years of study at Osgoode, students will be permitted to enrol in only one, single-term intensive program, exchange program or a Letter of Permission for a single term. This combined program may not be combined with any other combined programs at Osgoode (eg JD/JD, JD/MES or JD/MBA). Meanwhile, all other program of study requirements will remain in effect.

Following successful completion of five academic semesters at Osgoode and two academic semesters at NYU, students will be awarded an NYU LLM and the Osgoode JD degrees.

Second year Osgoode students apply in their first semester, prior to the NYU LLM application deadline (typically the beginning of December). Students will be required to:

1. review NYU's general information at its Graduate Admissions homepage for the most updated information, including application deadlines for those who will not receive their J.D. in the U.S.: http://www.law.nyu.edu/llmjsd/graduateadmissions/index.htm

2. complete the online application in the first semester of the second year of study at Osgoode (the online application opens in early September), indicating whether you wish to be considered for entry into the LLM program in the fall or spring semester of your 3L year. You will be required to electronically attach a personal statement and resume prior to submitting the application, and your recommenders may send their recommendation letters directly to NYU via electronic service available on the NYU online application, or via mail.

3. following the posting of grades for the first semester of your second year, submit original transcripts to Osgoode's Office of Recruitment & Admissions, which will then forward them to NYU. Please note that, unlike your other application materials which must be submitted on time to NYU, Osgoode has arranged for NYU to receive your transcripts after the LLM application deadline so that your application will benefit from the most current information.
13. EXCHANGE PROGRAMS

Law students around the globe, and especially in Europe and North America, have come to regard the opportunity to study abroad or at another institution as an important way of enriching their law school experience. Osgoode has joined the front rank of law schools that offer this wonderful opportunity to their students.

Osgoode has identified many opportunities for study abroad in over 12 countries. In addition, students can "shop" for themselves and propose a study-abroad program at a university which has not so far been added to our list. Opportunities fall into four categories:

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

13.1 How to Apply to Osgoode Exchanges

International experience has become increasingly valuable for law students who wish to practice private international law or public international law, who wish to work for NGOs or in any number of advocacy positions, or who wish to pursue any kind of work or academic study that has implications that go beyond the confines of our borders. To this end, Osgoode has been building on its international ties with universities around the globe to create opportunities of international study for Osgoode students. Below this section you will find outlines of programs that have already been in place for some years, but our exchange programs have continued to expand and now also include the following universities:

- University of Strathclyde (Scotland), University of Copenhagen (Denmark), University of Amsterdam, Vrije University (Holland), Maastricht University (Netherlands), Trinity College Dublin and University College Dublin (Ireland), University of Mannheim, St. Gallen University (Switzerland), New York Law School, Bucerius Law School (Germany), University of Luxembourg, Monash University (Australia), National University of Singapore, National Law School of India (Bangalore), Waseda University (Japan).

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

13.2 Osgoode Hall Law School /Université de Montréal, Faculté de Droit Exchange Program

Assistant Dean Ronda Bessner, Osgoode Faculty Director

The Exchange 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.

Under the Program, upper-year students from Osgoode may be enrolled in the Faculté de droit, l’Université de Montréal, for one or two semesters in any one academic year for credit towards their Osgoode degree. Courses at the Faculté de droit are given in the French language though examinations and term papers may be written in English. Some fluency in French is desirable. Programs of study have to be approved by both Program Directors.

Application forms are available in the office of the Osgoode Program Director and in the Student Affairs Office. Applications for the following academic year are accepted after the student information meeting held in the Winter term. Students have to confirm their places. Withdrawal from the program is only possible with the consent of the Program Director and the Associate Dean. Approximately six students are selected each year.

Fourth Year Degree - Osgoode Hall Law School / Université de Montréal, Faculté de Droit Exchange Program

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.

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 LL.B. 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. Additional information can be obtained from the Director of the Exchange Program.

13.3 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, Hong Kong University, Keele University (England), University of Helsinki (Finland), and the University of West Indies (Barbados). For more information you may contact York International, Osgoode International (416-736-5177, 108 Vanier College), or visit the Osgoode homepage. Academic Approval will be handled by Karen Willoughby (karenw@osgoode.yorku.ca) and Assistant Dean Ronda Bessner (rbessner@osgoode.yorku.ca). You will need to complete a York International application for these exchanges and check into their application deadlines.

14. LAW SOCIETY INFORMATION

14.1 Introduction to Law Students respecting Admission to the Practice of Law in Ontario

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

http://rc.lsuc.on.ca/jsp/licensingprocess/index.jsp

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

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

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

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

14.2 Licensing Process Information

The Licensing Process

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

Structure

The current licensing process consists of three mandatory requirements:

1. Skills and Professional Responsibility Program (with assignments and assessments online)
2. 2 Licensing Examinations: Barrister and Solicitor
3. Articling term (10 months)

You must successfully complete all mandatory requirements, submit all required documents and pay all required fees in order to be eligible to be called to the Ontario bar.

Registration

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

The Licensing Examinations

The licensing examinations will consist of a self-study Barrister Examination and a self-study Solicitor Examination. The competencies tested are those required for entry-level practice, that have the most direct impact on the protection of the public and that influence an effective and ethical practice.
The Barrister Examination will assess competencies in the following categories: ethical and professional responsibility, knowledge of the law (public law, criminal procedure, family law and civil litigation) and establishing and maintaining the barrister-client relationship.

The Solicitor Examination will assess competencies in the following categories: ethical and professional responsibility, knowledge of the law (real estate, business law, wills, trusts and estate administration and planning) and establishing and maintaining the solicitor-client relationship.

It is expected that each examination will be 7 hours. The Law Society will provide you with the necessary reference materials to study for the examinations. You will be permitted to mark the materials and bring them to the examinations. The examinations will also be available in French.

The Articling Term

The articling term consists of 10 months, and includes an online Professional Responsibility and Practice Course that must be completed during the articling term. Your articling term includes up to two (2) weeks of vacation. It is your responsibility to ensure that you article with an approved Principal who has filed the required education plan with the Law Society. More information on the articling process will be provided in the application package.

14.3 The Importance of a Well-rounded Law School Curriculum

The Law Society neither requires nor recommends that students limit their curriculum to the subject matters covered in the licensing examinations and does not require students holding an accredited JD to have completed particular courses in law school, other than the law school mandatory courses, before entering the Licensing Process.

The Law Society also recognizes the importance of a diverse student curriculum. The constant changes in both the practice of law and in societal demands require that lawyers have a strong theoretical grounding and a facility with inter-disciplinary and comparative approaches to legal studies. A well-rounded law school education will meet both the important special interests of each student and society’s need for competent and sophisticated legal services.

An Osgoode Hall Law School JD degree is recognized by the Law Society of Upper Canada as a pre-requisite for enrolment in the Licensing Process. The Law Society of Upper Canada places the responsibility on each student for having an adequate grounding in law before entering the Licensing Process. The only required law school courses are those which are currently mandatory in the Osgoode Hall Law School curriculum.

Students who wish to obtain further information or advice from the Law Society of Upper Canada may do so by contacting the Law Society's Department of Education. It is important that persons in any of the following special categories contact the Law Society of Upper Canada for information on special requirements: a member of the Bar of another jurisdiction; a holder of a civil law degree only; a holder of a law degree from a jurisdiction other than Canada; and a full-time faculty member of an Ontario law school.

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

15. FACULTY ON SABBATICAL/LEAVE

Professor S. Ben-Ishai – Fall and Winter terms
Professor N. Brooks – Winter term
Professor R. Buchanan – Fall term
Professor C. Craig – Fall and Winter terms
Professor A. Dhir – Fall and Winter terms
Professor J. Gilmour – Fall and Winter terms
Professor T. Johnson – Fall term
Professor J. Mosher – Fall and Winter terms
Professor M. Mossman – Fall and Winter terms
Professor R. Mykitiuk – Fall term
Professor P. Puri – Fall and Winter terms
Professor C. Scott – Fall and Winter terms
Professor B. Slattery – Fall and Winter terms
Professor S. Slinn – Fall and Winter terms
Professor E. Tucker – Winter term
Professor D. Vaver – Winter term
Professor J. Walker – Winter term
Professor S. Wood – Fall and Winter terms

Detailed faculty biographies may be found on www.osgoode.yorku.ca/faculty/index.html
Course Information Tables

The following tables list the courses and seminars offered in the 2010-2011 academic session. 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 \textit{initial demand} indicates the number of students that assigned a letter priority to that particular course or seminar. The \textit{final enrolment figure} indicates the number of students who were enrolled in that course at the end of the add/drop period.

Note:

1. When an instructor is new to Osgoode or when a course/seminar has not been offered for more than three years, the demand figures are listed as Not Available (N/A).
2. Please note that enrolment demand fluctuates and the figures presented may not accurately reflect future results.
3. Courses without prerequisites: 2000's;
4. Courses with prerequisites: 4000's.
5. Seminars without prerequisites: 3000's;
6. Seminars with prerequisites: 5000's
# 2010 Fall Courses

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<td>Legal Values: Law &amp; Literature</td>
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<td>Litigation Dispute Resolution and the Administration of Justice Colloquium</td>
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<td>Tax Law and Policy Colloquium</td>
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Administration of Civil Justice: Class Actions
(3010A.03) Seminar
Instructor(s): Professor G. Watson, K. Baert & C. Poltak, Adjunct Professors
Fall: 3 credits; 2 hours; max. enrollment: 20
Prerequisite Courses: None
Preferred Courses: none
Presentation: Discussion, lectures, student presentations, and (limited) presentations by class action lawyers and judges.

This seminar is strongly recommended for those considering a career in civil litigation. Today class actions are booming and becoming increasingly important to access to justice. The courts have realized that because of expense, much litigation cannot be done individually so they are going to do it “wholesale” through class actions. Currently it really is where litigation “is at” and class actions will continue to grow in importance.

This seminar will examine critically and comparatively a range of contemporary issues surrounding class actions. The primary focus will be on class actions in Canada and the United States. Issues to be addressed will include: certification; the central role of the “lawyer entrepreneur” in class actions and the related ethical issues; costs in class actions (who should be ordered to pay costs and when); funding class actions; the settlement of class actions (“is a class action something where the class members get a new toaster and the lawyers get $2 million” and should the court be more aggressive in exercising its responsibility to approve settlements); court regulation of communication with the class; the certification of national classes, parallel and overlapping class actions and cross-border class actions; res judicata. The remarkably contrasting roles of plaintiff-side and defendant-side counsel are also covered in depth.

Evaluation: In this seminar great emphasis is placed on paper writing, and class meetings will be adjusted to allow for this. Students will be expected to write a research paper (25-30 pages) that will form a substantial basis of the evaluation (together with student class presentations).
Administration of Civil Justice: Estate Litigation
(3010B.03) Seminar
Instructor(s): H. S. Black, Adjunct Professor
Winter: 3 credits; 2 hours; max. enrollment: 20
Prerequisite Courses: Co or pre-requisite - Estates
Preferred Courses: none
Presentation: Presentation: Discussion, lectures, student presentations

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, class participation, and student presentations.

Administration of Criminal Justice: Sentencing
(5010C.03) Seminar
Instructor(s): K. Crosbie, Adjunct Professor
Fall: 3 credits; 2 hours; max. enrollment: 20
Prerequisite Courses: None
Preferred Courses: none
Presentation: Discussion, participation

This seminar examines various aspects of the Canadian sentencing system. While this course is primarily legal in its orientation, the aim is to augment the discussion of sentencing issues with philosophical and criminological literature.

The seminar commences with a consideration of the philosophical dimensions of sentencing and an examination of certain empirical issues, such as problems in assessing the efficacy of deterrence theory and of penal measures, and the difficulties involved in substitution of penalties. Thereafter, considerable emphasis is placed on legislative and judicial approaches to the sentencing function and the procedural aspects of the Canadian sentencing system. Other topics for consideration include: victim participation, mandatory sentences, restorative justice, young offenders, plea bargaining and an examination of the gap between the sentence imposed and the constraints on those who administer it.

Students are also strongly encouraged to visit a criminal court as early as possible in the term - preferably before the end of February. Arrangements will be made in class concerning visits to the Metro West courts.

Evaluation: 1) A 25-30 page research paper worth 80% of the final mark. Suggested topics will be distributed early in the term and may be designed in consultation with the instructor.
2) Class participation worth 20% of the final mark. This will include attendance and 3 one-page comments on the readings for the day to be emailed to the instructor by noon of the day of class.
Administrative Law
(2010.04 A) Course
Instructor(s): Professor D. Scott
Fall: 4 credits; 4 hours; max. enrollment: 95
Prerequisite Courses: None
Preferred Courses: none
Presentation: Lectures, discussion, class exercises, guests

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 the study of any particular administrative or regulatory regime. 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 administrative law.

Evaluation: Open-book examination (100%)
OR
Open-book examination (70%) + assignment option (30%)
Administrative Law  
(2010.04 P) Course  
Instructor(s): Professor G. Van Harten  
Winter: 4 credits; 4 hours; max. enrollment: 95  
Prerequisite Courses: None  
Preferred Courses: none  
Presentation: Lectures  

This course is an introduction to the body of law that governs administrative and regulatory decision-making. It examines foundational rules and principles that apply across a wide range of areas of legal practice and policy-making. It is therefore relevant to a wide range of potential career tracks of law students. The administration (or executive branch of government) implements legislative policy and delivers government services in various fields, including public health and safety, immigration, labour relations, social benefits, securities regulation, securities regulation, business licensing and approvals, communications and broadcasting, and environmental protection. The administration also incorporates numerous 'court like' tribunals, such as landlord-tenant boards, immigration appeals tribunals, or human rights commissions, that adjudicate disputes and implement policy outside of the courts.

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

The course is demanding and student who miss multiple classes will quickly fall behind. Students are expected to read the assigned materials each week, typically including excerpts from a textbook or from statutes as well as prominent or exemplary cases, and to be well prepared for class discussions. Problem-solving and analytical activities may also be used in class to allow students to assess and track their understanding of the subject as we proceed (although not for formal evaluation). Further information, including the previous year's course outline, is available to students on the instructor's course website.

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

(2010.04 Q) Course
Instructor(s): B. Gover, O. Rees, B. Van Niejenhuis, Adjunct Professors
Winter: 4 credits; 4 hours; max. enrollment: 95
Prerequisite Courses: None
Preferred Courses: None
Presentation: Lectures, discussion

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

Evaluation: Final examination (100%)

Advanced Corporate Tax

(5210.03) Seminar
Instructor(s): Professor J. Li
Winter: 3 credits; 2 hours; max. enrollment: 20
Prerequisite Courses: Taxation of Business Enterprises (or with special permission of the instructor)
Preferred Courses: none
Presentation: Discussion, lectures, problems, guest speakers

This seminar is co-taught with practising lawyers. It is designed to examine advanced problems in the taxation of business transactions. After an introduction about tax planning, ethics, and the general anti-avoidance rule, the seminar will focus on selected corporate transactions, including corporate financing, the purchase and sale of a business, corporate reorganizations, foreign takeovers, and "hot" corporate tax deals.

Students are expected to participate in discussions in the classroom and be actively engaged in learning.

Evaluation: Two written assignments (90%); class participation (10%).
**Advanced Securities**  
(5280.03) Seminar  
Instructor(s): Professor M. Condon  
Winter: 3 credits; 2 hours; max. enrollment: 20  
Prerequisite Courses: Securities Regulation, Business Associations  
Preferred Courses: none  
Presentation: Discussion, guest speakers, student presentations  

This advanced seminar deals with current issues in the policy and practice of securities regulation in Canada, although issues such as convergence with international regulatory norms will be canvassed throughout. The seminar will begin with a discussion of philosophies of securities regulation and the role of investors in the changing markets. Specific seminar discussions will focus on issues currently being addressed and debated by securities regulators in Ontario and elsewhere, including: changes to securities regulation following the global financial crisis, including the emerging regulation of derivatives and of systemic risk; principles vs. rule based regulation, the role of litigation in addressing securities market problems; approaches to securities regulatory enforcement; updates on the potential for national securities regulation in Canada; globalization of securities markets, emerging issues in financial product regulation.

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

**Advanced Torts**  
(2480.03) Course  
Instructor(s): Professor K. Sutherland  
Winter: 3 credits; 3 hours; max. enrollment: 95  
Prerequisite Courses: None  
Preferred Courses: None  
Presentation: Lectures, large and small group discussion.

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

Evaluation: Students will be given a choice. They can opt to write a three-hour open book examination for 100% of their final grade. Or, in the alternative, they can write a combination of a short essay and a two-hour open-book examination, each worth 50% of their final grade.
Art of the Deal  
(5100.04) Seminar  
Instructor(s): Professor E. Waitzer  
Winter: 4 credits; 3 hours; max. enrollment: 15  
Prerequisite Courses: Business Associations and Securities Regulation

Note: Joint JD/MBA students are normally not allowed to register for this course, which is reserved for regular MBA and JD students. On occasion, the instructor may allow a limited number of joint students when the learning benefits from attending the course are obvious, the conditions permit, and their involvement would not upset the balance of the group compositions.  
Preferred Courses: none  
Presentation: Seminar – foundational lectures, group projects/presentations, discussion

This course is intended to provide senior Osgoode J.D. and Schulich MBA students with a unique integrative experience and the opportunity to analytically examine the planning and execution of major business transactions.  
The first part of the course is focused on understanding core concepts of transacting – including information problems, strategic behaviour and a range of responses. These are traditional seminar sessions, based on assigned academic readings, lectures, case examples, and discussions. The second part of the course consists of a team-based analysis of significant recent, high profile transactions. Prior to the beginning of the course, the instructor selects 6 to 8 significant and different types of complex transactions (including a merger/acquisition, reorganization, joint venture and innovative financing) which have occurred recently. Deal documentation (redacted as required) is supplied by the professionals (lawyers and bankers) who were involved in advising on the transaction. These professionals also participate as mentors to the student teams.

The major deliverable for each team consists of a written analysis of the transaction, which is accompanied by a formal presentation to the class. The aim of the report is to “teach” the dynamics of the transaction to the rest of the class – explaining both the business context and purposes of the transaction from the perspectives of the various parties and the particular issues that had to be resolved in order to effect the transaction. The rest of the class is expected to comment and critically reflect on the presented transaction. Subsequent to each presentation and discussion, all the students in the class are expected to complete a journal entry with their reflections and critical appraisal of the presentation, the deal and lessons learned.

Evaluation: 50% of the final grade is a team component, consisting of the transaction report and presentation. Intelligibility and insight are among the features looked to in assigning this grade. All members of the team will receive the same grade. The remaining 50% of the grade is individual. Of this, 30% is assigned to the student journal with commentary, assessment and critical reflections from each of the presentations. Students are allowed to miss at most one of these presentations and correspondingly, not include it in their journal. The remaining 20% is based upon class participation.
Banking & Negotiable Instruments
(2420.04) Course
Instructor(s): Professor B. Geva
Winter: 4 credits; 4 hours; max. enrollment: 95
Prerequisite Courses: None
Preferred Courses: None
Presentation: Lecture, discussion

The course provides an introduction to the Canadian financial system and covers law applicable to financial and payment instruments, mostly under the Bills of Exchange Act.

“Negotiable instruments” governed by the Bills of Exchange Act are commonly used as credit and payment instruments in consumer, commercial and financial transactions. They are widely used in connection with common transactions such as sales, guarantees and loans as well as most sophisticated money and financial market contracts. Some of their aspects are closely linked to the banker-customer relationship and must be studied in conjunction with fundamentals underlying banking and the financial industry. Hence, the course deals with the law applicable to these instruments in the context of “banking” and further provides an overview of the financial system.

The course thus covers, with varying degrees of detail, several closely inter-related areas in the law governing financial instruments, banking and payment mechanisms: Negotiable instruments governed by the Bills of Exchange Act (that is, bills of exchange, promissory notes and cheques); the banker and customer relationship and overview of the banking system: the national payment and clearing system under the Canadian Payments Act, particularly, but not exclusively, as applied to cheques; domestic electronic payments; international wire transfers, and the letter of credit, particularly as used (with bills of exchange) in international trade. Particularly in relation to negotiable instruments, the course is quite heavily (though not exclusively) statutory. To a large extent, the course is on the interaction among statute, common law, practices and policies. A central theme is the adaptation of an old body of law to accommodate needs arising in modern commercial settings culminating in electronic banking.

The course augments the commercial and business law offerings, provides an introduction to specialized banking law courses, and is particularly relevant to those intending to work in these areas. It further develops skills in doctrinal analysis and statutory interpretation.

Evaluation: Open book examination; paper option (30%).
Bankruptcy and Insolvency Law
(2430.03) Course
Instructor(s): T. Telfer, Visiting Professor
Fall: 3 credits; 3 hours; max. enrollment: 95
Prerequisite Courses: There are no prerequisites for the course although students may find it useful to take commercial law before or at the same time as this course.
Preferred Courses: None
Presentation: Lecture, discussion

Bankruptcy and Insolvency Law has become part of mainstream Commercial Law and plays a significant economic and social role in contemporary credit economies. This course will consider the fundamentals of business and personal bankruptcy and insolvency as contained in the Bankruptcy and Insolvency Act (BIA), the Companies' Creditors Arrangement Act (CCAA) and relevant provincial legislation.

There are two basic approaches to bankruptcy: liquidation and reorganization. The traditional idea of bankruptcy was to liquidate the assets of a debtor for the benefit of all creditors. Over time there has been a move towards the idea of rescue and rehabilitation as an important objective for both business and personal insolvency. We shall consider the relevant parts of the BIA concerning liquidation and reorganization as well as the CCAA, which provides a vehicle for corporate rescue. However, recently a new framework has emerged under the CCAA in that some corporations are seeking to use the CCAA as a means of liquidating the firm's assets.

Bankruptcy and insolvency law involves not only an analysis of the rights of different groups of creditors and debtors but also may implicate other constituencies such as workers and the broader public interest. We shall examine the possibilities and limits of bankruptcy and reorganization law in maximizing value for the benefit of all interested parties.

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

Evaluation: 100% Final Exam
Business Associations  
(2020.04 A) Course  
Instructor(s): F. Stewart, Adjunct Professor  
Fall: 4 credits; 4 hours; max. enrollment: 95  
Prerequisite Courses: None  
Preferred Courses: none  
Presentation: Lectures, discussion  

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

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

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

Evaluation: 100% open-book examination or 70% open-book examination and 30% research paper.

Business Associations  
(2020.04 B) Course  
Instructor(s): Professor E. Waitzer & D. Nordick, Adjunct Professor  
Fall: 4 credits; 4 hours; max. enrollment: 95  
Prerequisite Courses: None  
Preferred Courses: none  
Presentation: Lecture, problem solving, discussion  

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

Evaluation: 100% open-book examination - a paper is optional and will only improve the exam grade (or leave it as is).
Business Associations  
(2020.04 P) Course  
Instructor(s): R. Crofts, Adjunct Professor  
Winter: 4 credits; 4 hours; max. enrollment: 95  
Prerequisite Courses: None  
Preferred Courses: None  
Presentation: Lecture, problem solving, discussion  

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

Evaluation: 100% open-book examination.
Case Studies in Business Enterprises
(5630.03) Seminar
Instructor(s): J. Kroft, Adjunct Professor
Fall: 3 credits; 2 hours; max. enrollment: 20
Prerequisite Courses: Business Associations. Restricted to students in the Osgoode Business Clinic or subject to
approval of the instructor.
Preferred Courses: None
Presentation: Discussion; simulation and role-play; research and legal drafting assignments; research. Restricted to
students in the Osgoode Business Clinic or subject to written permission of the Instructor which may be withheld at
the discretion of the Instructor

Case Studies in Business Enterprises explores substantive law issues commonly encountered in the creation and
operation of emerging business enterprises, and related business topics.

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

This course will equip students to understand and deal with the business and legal issues of common application to
business enterprises of different sizes and from divergent industries by providing advanced coverage of topics that
are dealt with tangentially in other courses, such as the law of agency and partnerships; choice of enterprise
structure; common commercial agreements; partnership, joint venture and shareholders’ agreements; purchase and
sale of a business; business financing; advanced regulatory issues; and advising the failing business. We will also
deal with business-related topics such as financial statements; basic accounting principles; general business
principles and concepts; tax and financing issues for small or medium businesses; regulatory constraints; governance
issues; and the broader constraints and pressures facing members of the business community. Focus will also be
provided to the lawyer in the private practice environment as a business person and the considerations involved in
developing and growing a business law practice.

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

Evaluation: Students in the seminar will receive a letter grade for a combination of assignments (2 x 10%),
participation (20%) and research paper (60%).
Children And The Law
(5230.03) Seminar
Instructor(s): Professor S. Kierstead and I. Mang, Adjunct Professor
Winter: 3 credits; 2 hours; max. enrollment: 20
Prerequisite Courses: Family Law I (2060.04)
Preferred Courses: none
Presentation: Lectures, discussion, student participation & presentations.

This seminar will examine a number of related issues concerning the characterization and treatment of children and adolescents in the legal system. In addition to addressing substantive and procedural legal topics, tactical, ethical and policy questions will be considered. Potential topics of study will include: the concept of childhood, child custody, child welfare and protection, and international/domestic adoption.

Evaluation: Research paper (75%); class presentation (25%)

Civil Procedure II
(2230.03) Course
Instructor(s): M. Watson, Adjunct Professor
Winter: 3 credits; 3 hours; max. enrollment: 75
Prerequisite Courses: None
Preferred Courses: none
Presentation: Lecture, discussion

This advanced course in Civil Procedure explores in greater depth certain topics touched on in introductory civil procedure courses, and delves into other more advanced topics not previously studied. The subject matter includes the solicitor-client relationship, motions, disposition without trial, litigating across borders, 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.

Collective Bargaining Law
(2515.04) Course
Instructor(s): E. Shilton, Adjunct Professor
Winter: 4 credits; 4 hours; max. enrollment: 95
Prerequisite Courses: None
Preferred Courses: None
Presentation: Lecture, discussion

This course provides an introduction to the law governing collective employee representation.

This course will provide students with an introduction to the law and policy relating to unionization and unionized workers, with an emphasis on the law of Ontario. Topics include statutory certification procedures for unions; unfair labour practices; the duty to bargain in good faith; issues relating to collective bargaining disputes such as strikes, lockouts, picketing and first-contract arbitration; the administration of the collective agreement; and the application of human rights and other general workplace laws in unionized workplaces.

Students will be introduced to the policies underpinning legislation governing collective employee representation and the on-going debate about future directions for law and policy. We will examine the relationship between different social and economic goals for labour law, the relationship between individual and collective rights, and the impact of the Charter of Rights and Freedoms on labour law. Students will be encouraged to consider the historical context within which modern labour law evolved, as well as the implications for labour law of workplace inequality on the basis of gender and other grounds. We will discuss current pressures on workers’ economic security, such as industrial restructuring and the transition from “career” jobs to more contingent work arrangements.

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

Evaluation: 100% open book examination; option to negotiate an exam/paper combination, with the paper (due no later than the date of the examination) worth 30-50% of the total course grade.
Commercial Law
(2030.04 A) Course
Instructor(s): R. Cattanach and A. Wiens, Adjunct Professors
Fall: 4 credits; 4 hours; max. enrollment: 95
Prerequisite Courses: None
Preferred Courses: none
Presentation: Lectures, discussion

This course is devoted to an examination of the principles and policies that govern the law of secured business finance within the context of a small business enterprise with an emphasis on secured transactions pursuant to the Personal Property Security Act (Ontario) (the "OPPSA") and competing secured claims. Coverage will also include brief introductions to sale of goods law, the legal principles of suretyship as well as the provisions of the Securities Transfer Act (Ontario).

In general, this course will deal with:

- 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 and third parties;
- policy and function of registration;
- rights on transfers of collateral and rights to proceeds; and
- default and enforcement.

Evaluation: open-book examination: 100%

Commercial Law
(2030.04 P) Course
Instructor(s): Professor T. Johnson
Winter: 4 credits; 4 hours; max. enrollment: 95
Prerequisite Courses: None
Preferred Courses: Business Associations
Presentation: Lecture, discussion

This course will encompass an examination of the law related to the taking and realization on security in personal property with specific focus on the Personal Property Security Act (Ontario) and a brief look at the security provisions of the Bank Act (Canada). Coverage also includes a brief introduction to insolvency law, the proprietary aspects of sale of goods, cost of borrowing disclosure, suretyship, and asset securitization.

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

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

Evaluation: Open book examination: 100%.
Commercial Law
(2030.04 Q) Course
Instructor(s): Professor B. Geva
Winter: 4 credits; 4 hours; max. enrollment: 95
Prerequisite Courses: None
Preferred Courses: None
Presentation: Lectures, discussion

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 proprietary aspects of sale of goods, insolvency, and suretyships. 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: Evaluation: Open-book examination; paper option (30%).
Comparative Law
(2004.04) Course
Instructor(s): Professor S. Drummond
Winter: 4 credits; 4 hours; max. enrollment: 50
Prerequisite Courses: None
Preferred Courses: none
Presentation: Lectures, discussion, films, small group work

As legal practice becomes more global, law students need to prepare themselves for careers that increasingly require knowledge of more than one legal system. This course provides students with an opportunity to familiarize themselves with comparative law’s methodologies for the study of diverse legal traditions. The basic aims, traditions, methods and achievements of comparative law will be taken up while focusing on particular legal jurisdictions and regions. Given the global influence of both the common law system and the civil law system of continental Europe, the course will begin with a general introduction to the history, institutions and methodologies of the civil law. The common law tradition will also be examined through the prism of comparative analysis so that its historical contingencies and idiosyncratic configurations become illuminated from an external point of view. The course will also investigate several non-Western legal systems, introducing students to their distinct institutions, histories and motifs. The mutual influences, not always balanced, between Western and non-Western legal traditions, will also be explored. The proclivity of the discipline of comparative law to define itself in predominantly Euro-American terms will be critically examined. Readings on the institutions and doctrines of legal traditions will be complemented with materials on the most significant social, economic, and political factors that shape legal cultures.

As with any study of international, foreign, or comparative law, some knowledge of a language other than English is useful, but is not required for the course.

Evaluation: Final research paper and small group work. Papers for this course can be submitted to meet the upper year writing requirement.
Comparative Law: International & Comparative Labour Law
(3040N.03) Seminar
Instructor(s): A. Gomes; Adjunct Professor
Winter: 3 credits; 2 hours; max. enrollment: N/A
Prerequisite Courses: None
Preferred Courses: None
Presentation: Seminar, discussion

The changes caused by globalization and the implications for labour and for national and international labour regulations make knowledge of the international and comparative dimensions of labour law and practice vital for lawyers, scholars and policy-makers. This seminar introduces application of the comparative method to labour law, and offers an oversight of the study of labour regulation within the international context. It considers the definition and purpose of international labour law and examines the sources and effectiveness of global and regional international labour law such as international labour standards, unilateral, bilateral and regional social clauses and trade-linked labour standards. In particular, the seminar examines the role of the ILO through its declarations, treaties and its initiatives for the promotion of fundamental labour rights. Private forms of regulation such as social labels, codes of conducts and various institutional guidelines will be considered as possible complements to public regulation.

Evaluation: Research paper (70%), paper presentation (20%), commentary (10%).
Conflict of Laws
(2040.04) Course
Instructor(s): Professor J. Walker
Fall: 4 credits; 4 hours; max. enrollment: 95
Prerequisite Courses: None
Preferred Courses: none
Presentation: Lectures, discussion

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

This course provides a solid grounding in the basic principles governing questions such as whether a court has authority to decide a dispute and whether it should exercise that authority; what effect the court should give to the judgments of courts in other provinces or countries; and which law the court should apply to determine the issues in dispute. Also considered are the particular rules that have been developed for some 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: In-course assignments and open-book final examination.

Constitutional Litigation
(3630.03 A) Seminar
Instructor(s): C. Dassios & A. Lokan, Adjunct Professors
Fall: 3 credits; 2 hours; max. enrollment: 20
Prerequisite Courses: Constitutional Law
Preferred Courses: none
Presentation: Discussion of assigned readings and their application in the development of litigation strategies in case studies; students choose a hypothetical case and prepare a brief of materials (affidavits of actual witnesses and other documents) as their assignment for the course.

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: Class participation & preparation of case materials.
Constitutional Litigation  
(3630.03 P) Seminar  
Instructor(s): R.E. Charney; Adjunct Professor  
Winter: 3 credits; 2 hours; max. enrollment: 20  
Prerequisite Courses: Civil Procedure I, Constitutional Law  
Preferred Courses: none  
Presentation: Student presentations and discussion.

This seminar considers the adjudication process in constitutional litigation; questions of procedure, evidence and remedies; and the preparation of and advocacy in constitutional cases.

Seminar topics will include: history of constitutional litigation: the American example; role of the judiciary in deciding Charter cases; raising constitutional issues: selecting the appropriate court and procedure; standing, class actions, intervention and references; role of the Attorney General; proving constitutional facts: presentation and assessment of social science data in the adversary system; drafting constitutional arguments and presenting them effectively; remedies for constitutional infringements; litigation strategies for public interest groups; case studies; and other suitable topics.

Evaluation: Class participation and attendance (20%); factum and moot or research paper (80%).

Contract Remedies  
(3050.04) Seminar  
Instructor(s): L. Carty, M. Johnson & C. Burr; Adjunct Professors  
Winter: 4 credits; 3 hours; max. enrollment: 20  
Prerequisite Courses: None  
Preferred Courses: none  
Presentation: Participation-based seminar featuring discussion, simulation exercises, and limited lecturing

An in-depth analysis of contemporary problems in the area of contractual remedies. The seminar will consider such questions as: the classification of contract terms; the nature and scope of the contractual relationship; the effect of fundamental breach; the approach of the courts to exclusion and limitation of liability clauses; the interrelationship of contract and tort; restitution claims in a contractual setting; problems of "election"; principles governing damage awards; problems in recovering and calculating damages; equitable remedies, such as specific performance, injunctions and rescission; and limitations and other restrictions on the availability of contractual remedies. In addition to discussing the academic issues raised by the readings and assigned problems, the seminar will focus on practical considerations, including commercial drafting and litigation/negotiation strategies. Students will participate in weekly simulation exercises including law firm conferences, negotiation sessions and arguments before various "courts".

Evaluation: Short class presentations; short written assignments; general participation; short final paper.
Contracts II  
(2460.03) Course  
Instructor(s): A. Swan; Adjunct Professor  
Winter: 3 credits; 3 hours; max. enrollment: 95  
Prerequisite Courses: None  
Preferred Courses: None  
Presentation: Discussion, lectures  

The course will be an intensive examination of selected issues arising in the law of contracts, principally from the point of view of the solicitor.

The course will emphasize the different problems and concerns that arise in relations created by contract when compared with those that arise in transactions. The course will explore the different problems that solicitors encounter when drafting agreements to create a relation or effect a transaction. The close connection between relations created by contract and those established by legislation like the Partnerships Act and Business Corporations Acts will be examined. Actual agreements used by a wide variety of organizations will be looked at.

The framework for the course will be provided by considering a number of difficult issues of contract law, including:

(i) the practical problems created by the third party beneficiary rule;
(ii) the features of and methods for dealing with the modern Canadian law of exemption clauses;
(iii) interpretation of contracts;
(iv) mistake and frustration; and
(v) the control of contract power.

A significant aspect of the examination of these issues will be on what a solicitor can do to avoid problems for his or her client.

The material for the course will consist of:

(i) Swan, Bala & Reiter, Contracts: Cases Notes and Materials , 8th ed., 2010;
(ii) Swan, Canadian Contract Law , 2nd ed., 2009;
(iii) Material posted on-line for the course; and
(iv) publicly available contracts and contract-related documents on line.

Evaluation: There will be at least two assignments during the term and a final exam.
Copyright
(2870.03) Course
Instructor(s): C. Chisick, Adjunct Professor
Fall: 3 credits; 3 hours; max. enrollment: 95
Prerequisite Courses: None
Preferred Courses: none
Presentation: Lectures, discussion

This course is a study of the limited statutory monopoly granted to the authors of musical, literary, dramatic and artistic works under the Canadian copyright regime. From art and entertainment to education and information, copyright law affects almost every aspect of our lives. Through analysis of the Copyright Act and cases, the course aims to introduce students to substantive copyright law while critically assessing the copyright system in terms of its justifications and its public policy objectives. The course will examine the requirements for copyright protection, the kinds of works that qualify for protection (including computer software), and the scope of the rights granted to the copyright owner. Among the subjects to be explored are the nature of the owner's 'right' in her work, the role of the public interest and the public domain, the meaning of authorship and originality, the dichotomy between protected expression and unprotected ideas, and the freedom of users to deal fairly with copyrighted works. By the end of the course, students will be familiar with the fundamentals of copyright law and the theoretical and political controversies that surround copyright in the modern age.

Evaluation: Closed-book examination (100%).
Corporate Finance
(4000A.03) Course
Instructor(s): S. Murray; Adjunct Professor
Winter: 3 credits; 3 hours; max. enrollment: 95
Prerequisite Courses: Business Associations, Tax, Securities Regulation
Preferred Courses: none
Presentation: Discussion, workshops, lectures, guest speakers

This course will examine corporate financing techniques using actual recent financings by Canadian public companies as case studies. The course is designed to introduce the students to the basics of financing techniques available to businesses and the role that a lawyer plays in corporate finance transactions. The impact of the credit crisis on financings and the role of the securities regulators and the central bank and OSFO will also be discussed.

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

- understand the basic financing alternatives
- review financial statements to determine relevant information about the financial performance of a company
- identify and understand important provisions of a loan agreement and trust indenture
- understand the difference between debt and equity financing and the factors that drive the decision to choose one method over the other
- discuss the key terms of underwriting or agency agreements and the importance of MAC provisions.
- discuss the role of the regulators in investor protection in corporate finance transactions

Evaluation: Students must hand in 5 class assignments and be prepared to discuss the assignments in class. The assignments will include, (i) analysing and defending the covenants in a loan agreement, (ii) describing the attributes of re-set rates preferred securities; and (iii) discussing the use of convertible debt to meet capital requirements as proposed by OSFI.
Corporate Governance
(5170.03) Seminar
Instructor(s): R. Leblanc; Adjunct Professor
Winter: 3 credits; 2 hours; max. enrollment: 20
Prerequisite Courses: Business Associations
Preferred Courses: Securities Regulation
Presentation: Lecture, student participation

Corporate Governance focuses at an advanced level on current academic thinking in corporate law, policy and research in light of recent North American and international developments in corporate governance. Particular attention is given to how these developments are situated both within theories of corporate governance and within the history of the development of corporate governance law in Canada. Among the subjects considered are: (1) a re-evaluation of the divorce of corporate control from ownership; (2) the status and practicability of "shareholder democracy"; (3) proper corporate goals; (4) the corporation and its constituencies (shareholders, labour, consumers, etc.); (5) the duties and responsibilities of corporate directors, officers and insiders; (6) the role of the corporate lawyer; (7) the role of auditors; (8) the respective roles of corporate law and securities law; and (9) comparative corporate governance and the problems of systemic convergence and transitions.

Evaluation: Research paper 70%, Class participation 15%, Class presentation: 15%.
Course of a Transaction: Following a Business Acquisition from Start to Finish
(5020.03) Seminar
Instructor(s): A. Swan & M. Nelligan, Adjunct Professors
Fall: 3 credits; 2 hours; max. enrollment: 20
Prerequisite Courses: None
Preferred Courses: none
Presentation: Seminar, Discussion

Description: The purpose of this course is to take students through a common business transaction and the creation of three common business relations from the moment when the clients first involve their solicitors in their planning, through the early, preliminary negotiations and the development of the structure of the transaction or relation, the settlement of the terms of the documents to the final closing of the transaction. At the end of the course, the students should be familiar with:

- the factors that influence the form that the transaction or relation will take;
- the planning involved in achieving the clients’ goals;
- the role of other parties necessary to complete the transaction or establish the relation;
- the steps necessary to comply with legislation relevant to the transaction or relation, the Canada Business Corporations Act and the Ontario Business Corporations Act; the Securities Act; the Bulk Sales Act, the Personal Property Security Act, etc.;
- the language and terminology in standard precedents used by lawyers, the alternatives that may be the subject of negotiation between the parties and the other documents that may be involved;
- the common problems that are likely to arise in the effort to reach agreement on the actual terms of the contracts that have to be executed;
- the subsidiary documents (directors’ resolutions, certificates, etc.) that may have to be prepared or obtained;
- the need for and form that third party consents (suppliers, landlords, licensees, governmental bodies of all kinds) may take;
- the role of and the preparation of the solicitor’s transaction opinion; and
- the legal background to the documents, contracts and issues involved.

The course will be an intensive examination of the role of the solicitors involved in bringing the transaction to a successful completion and in creating the various relations.

The transaction will be an asset purchase agreement (a business acquisition agreement).

The three relations will probably be:
- a shareholders’ agreement;
- a distribution agreement; and
- a licence agreement.

(We reserve the right to substitute some other transaction or relation for those listed.)

While students will be expected to understand generally the effect of the Income Tax Act and several other acts on a business transaction or relation, the focus of the course will be on the nature of the transaction or relation and the solicitor’s role in achieving his or her client’s goals. The course will not be a course on negotiation, though there will be constant examination of what negotiating issues are likely to be taken by the parties and how they may be resolved.

Issues of intellectual property, employment law, labour law, pension benefits, securities, environmental law, secured transactions and several other topics will be relevant to various aspects of the documents. Students will be expected to have a general knowledge of these topics, such that any intelligent person might pick up from many law school courses and reading the Globe & Mail, Report on Business, the Financial Post, or any other similar newspaper.

The method of instruction will be principally lectures, supplemented where necessary by the intensive examination of drafting techniques, though the course will not be a course on drafting.

Evaluation: There will be four assignments and a final exam. The first assignment, to be given out at the end of the
first class will be a drafting exercise, to be completed for the second class where it will be discussed. This assignment will not be marked and is intended only to help students overcome any concerns they may have about drafting contracts, or parts of contracts, and using contractual terms and language.

There will be three other assignments with, respectively, marks of 10, 15 and 15 allocated to them. The exact timing of these assignments will be set out in the Course Outline. There will be a final, take home exam worth 60 marks.

The course will be radically different from the courses given in previous years.
Criminal Law II: Advocacy & the Criminal Trial
(2240J.03) Course
Instructor(s): M. Greene & J. Trehearne; Adjunct Professors
Winter: 3 credits; 3 hours; max. enrollment: 25
Prerequisite Courses: Evidence
Preferred Courses: None
Presentation: lectures and discussions

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

Evaluation: Evaluation will be based on class participation/presentations (20%), a midterm assignment of drafting a notice of application/response and supporting materials (40%) and a two hour final exam (40%).

Criminal Law II: Sexual Offences
(2240E.03) Course
Instructor(s): J. Klukach & S. Chapman, Adjunct Professors
Fall: 3 credits; 3 hours; max. enrollment: 95
Prerequisite Courses: Criminal Law I
Preferred Courses: none
Presentation: Discussion, lectures

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

Evaluation: One - 20 page essay (80% of final grade) and class attendance and participation (20% of final grade)
Criminal Procedure
(2690.04 A) Course
Instructor(s): R. Libman, Adjunct Professor
Fall: 4 credits; 4 hours; max. enrollment: 95
Prerequisite Courses: None
Preferred Courses: None
Presentation: Lecture

This course will deal with all stages of the criminal process, from the investigation and detection of crime to the final appellate review. The topics which will be stressed are the system of classification of offences, jurisdictional questions, the field of interrogation, police powers and arrest, the contents and execution of search warrants, wire tapping, the contents of information and indictments, and amendments thereof, preliminary inquiry, disclosure, discovery, special pleas and res judicata. It is not intended to deal in detail with trial practice and appellate advocacy. Discussions will also focus on the roles of different participants in the criminal process - the police, the prosecutor, the defense and the jury.

Special emphasis will be given to the effect of the Charter of Rights and Freedoms on the various aspects of criminal procedure mentioned above.

Evaluation: 100% final open book examination or 100% essay.

Criminal Procedure
(2690.04 P) Course
Instructor(s): Professor A. Young
Winter: 4 credits; 4 hours; max. enrollment: 95
Prerequisite Courses: None
Preferred Courses: none
Presentation: Lectures, Discussion

This course will deal with all stages of the criminal process, from the investigation and detection of crime to the final appellate review. The topics which will be stressed are the system of classification of offences, jurisdictional questions, the field of interrogation, police powers and arrest, the contents and execution of search warrants, wire tapping, the contents of information and indictments, and amendments thereof, preliminary inquiry, disclosure, discovery, special pleas and res judicata. It is not intended to deal in detail with trial practice and appellate advocacy. Discussions will also focus on the roles of different participants in the criminal process - the police, the prosecutor, the defense and the jury.

Special emphasis will be given to the effect of the Charter of Rights and Freedoms on the various aspects of criminal procedure mentioned above.

Evaluation: 100% final open book examination or 100% essay.
**Directed Reading: Law Reform in Ontario**  
(6000F.03) Seminar  
Instructor(s): P. Hughes, Adjunct Professor  
Fall: 3 credits; 2 hours; max. enrollment: 10  
Prerequisite Courses: None  
Preferred Courses: None  
Presentation: Seminar, discussion

When it was established in 2007, the Law Commission of Ontario created new interest in systematic law reform in Ontario. The LCO's mandate is to make recommendations to increase access to justice. This seminar will explore the history of law reform, especially in Canada, different approaches to law reform and the relationship of law reform activity with public policy. Students will be asked to undertake critical analysis of the LCO’s mandate, mission, selection of projects and approaches to research. Each student will develop a project proposal consistent with the mandate and approach of the LCO. Students will be selected to present their proposals to the LCO’s Board of Governors.

Evaluation: Research Paper (including Class Presentation) and Class Participation

**Disability & the Law**  
(4905.03) Course  
Instructor(s): Professor R. Mykitiuk  
Winter: 3 credits; 3 hours; max. enrollment: 25  
Prerequisite Courses: None  
Preferred Courses: None  
Presentation: Lecture, discussion, student presentations

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

This course offers in-class instruction in an interactive lecture/discussion 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.

Discrimination & the Law  
(3300.03) Seminar  
Instructor(s): Professor B. Ryder  
Winter: 3 credits; 2 hours; max. enrollment: 20  
Prerequisite Courses: None  
Preferred Courses: None  
Presentation: Discussion

The purpose of this course is to study constitutional and statutory anti-discrimination law in depth, with an emphasis on section 15 of the Canadian Charter of Rights and Freedoms. In the drafting of s.15, in the years leading up to its coming into force, and in the 25 years since, the equality rights in the Charter have been a focus for the hopes and aspirations of many disadvantaged groups. Section 15 has also been a site of intense political and legal contestations, as well as persistent judicial anxieties. Some sustained law reform campaigns, fuelled by litigation or the threat of litigation, have enjoyed remarkable success that would not have been possible absent s.15 of the Charter. Moreover, Canadian equality jurisprudence has inspired scholars and judges around the world.

Despite these successes, a mood of despair pervades recent scholarship on s.15 of the Charter. Some disadvantaged groups – those defined by race, for example – have had little apparent success in using s.15 as a tool of law reform. The broad and liberal approach to the interpretation of rights that infused Charter jurisprudence in the 1980s is mostly absent from current s.15 case law (and, arguably, always has been absent from judicial interpretation of s.15). In its ruling in Kapp (2008), the Supreme Court of Canada re-affirmed its promise, issued first in Andrews v. Law Society of British Columbia (1999), to interpret s.15 in light of the goal of promoting substantive equality for disadvantaged groups. Yet, in the current judicial and political climate, rhetorical support for equality rights is not matched in practice. Section 15 claimants face high costs, heavy burdens and low success rates. Governments have eliminated or cut the funding of equality-seeking organizations; statutory human rights commissions are facing increasing political scrutiny, much of it hostile.

How are we to understand the symbolic importance, the transformative potential, and the limitations of constitutional and statutory equality rights? What are we to make of the mix of celebration and disappointment that has characterized Canadian activists’ engagement with anti-discrimination statutes and s.15? Through an examination of the academic literature and case law interpreting s.15 of the Charter and statutory equality rights, and with an eye to similar legal protections of equality rights in foreign and international law, this course aims to develop perspectives from which to understand, critically assess and think constructively about equality rights and their impact on society.

Evaluation: Research paper on a topic, approved by the instructor, relating to any aspect of anti-discrimination law (75%); short written comment on readings (5%); written feedback on another student's paper outline (5%); participation in seminar discussions (15%).
Dispute Settlement
(3980.03 A) Seminar
Instructor(s): E. Fleischmann, Adjunct Professor
Fall: 3 credits; 3 hours; max. enrollment: 20
Prerequisite Courses: None
Preferred Courses: None
Presentation: *Taught intensively in 9 classes of 3 hours duration. Classroom lectures, videos, simulated exercises and role-plays, small and large group discussion, and an expert panel of ADR practitioners.

This seminar offers an in-depth examination of alternative dispute resolution (ADR) processes, including negotiation and mediation. Key issues relevant to ADR theory and practice are explored, such as: conflict theory, power, culture, and communication. The appropriateness of ADR processes for the resolution of civil disputes in diverse areas including labour and employment, corporate/commercial, family, and neighbourhood disputes is also examined.

The seminar is designed to maximize class discussion and debate regarding emerging developments in the ADR field. There will also be an opportunity to enhance ADR skills through participation in role-plays and the provision of constructive feedback.

Evaluation: Class participation, contribution to dispute resolution role-plays and exercises, and a 20-page paper on a pre-approved ADR topic relevant to the seminar content. Please note: Given the extent to which the course relies on full class participation in discussions and simulated exercises, attendance at all classes is mandatory.
Entertainment & Sports Law
(3840.03 A) Seminar
Instructor(s): G. Kirke, Adjunct Professor
Fall: 3 credits; 2 hours; max. enrollment: 20
Prerequisite Courses: None
Preferred Courses: none
Presentation: See description

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. We will study the acquisition of rights, including copyright considerations and the literary purchase option agreement. The issue of financing of entertainment projects will be examined, including such aspects as tax implications, international treaties, government regulation and the sources and vehicles of financing. A discussion of personal service contracts will include an examination of the basic terms and types of agreements, together with tax considerations.

The distribution and licensing component of the industry will be studied, including an examination of the basic motion picture distribution agreement, the market for the product itself as well as ancillary rights and government regulation.

We will have sessions with respect to book publishing, live theatre and the music industry.

We will study industry regulation in general, including the concept of “Canadian content”, government incentives, censorship and proposals for reform.

2. Sports Law

In the sports law section of the seminar, we will study a sample standard player contract and focus on contract negotiation, collective bargaining and the constitutions of the various professional leagues. We will examine the phenomenon of discipline of players and judicial review, including discipline imposed by the employer club and the league.

The concept of “inducing breach of contract” in the sports context will be discussed, including the issue of “tampering”, together with a practical case study involving a player wishing to retire from one sport to play in another sport. We will analyze the traditional problems involved in breach of contract and the remedies for breach, within the context of the sports industry. Finally, we will focus on the concept of restraint of trade in the sports industry, including common law and statutory anti-trust law.

Evaluation: Seminar participation and research paper.
This seminar will cover issues of substantive law in the practice of entertainment law, with a focus on the Canadian film and television industry. The seminar will review fundamental legal concepts in the areas of copyright, trade-mark, confidential information, defamation, and rights of privacy and personality. We will then proceed to study how these concepts are applied in the practice of entertainment law through a case study of the legal process involved in the development, production and distribution of a hypothetical docu-drama for television. This will include a review of the agreements and legal issues presented in the acquisition of motion picture rights to a book, the acquisition of life story rights, the engagement of a scriptwriter, the legal review to “clear” a program for insurance, the lead performer agreement, and the structuring of production financing including a television license, distribution agreement, co-production agreement, and bank loan.

We will also touch on issues relating to other substantive areas of law, including labour relations, secured lending in connection with intellectual property, legislation and regulations that govern production tax credits, the Canadian content certification process, and international co-production treaties.

Finally, we will examine the broader application of the legal and practice principles we have studied to other areas of entertainment practice such as book publishing, music production, celebrity endorsement, and live theatre.

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

Evaluation: Contract drafting and advice take home exercise (15%), class participation (10%), research paper (75%).
Environmental Law
(2880.03) Course
Instructor(s): D. McRobert, Adjunct Professor
Fall: 3 credits; 3 hours; max. enrollment: 95
Prerequisite Courses: None
Preferred Courses: None
Presentation: Lecture, discussion, guest lectures, student presentations

This course provides an introduction to Canadian environmental law, with a focus on federal and Ontario law. It surveys the theoretical, doctrinal and practical dimensions of environmental law, with some attention to comparative and international dimensions. Major issues in environmental law are brought to life via guest lectures, the Web, videos, and scenarios drawn from real-world environmental controversies. These scenarios are taken up through a series of student-led legal briefings, in which groups of students research legal issues and advise hypothetical clients ranging from government to business, environmentalists and First Nations. Course topics typically include histories of environmental law; major ideas and theories of environmental law; division of powers and federalism; command regulation and its critics; risk and precaution; water pollution and conservation; air pollution (with a focus on the Ontario Environmental Protection Act); climate change; toxic substances (with a focus on the Canadian Environmental Protection Act); contaminated land; environmental compliance and enforcement; economic instruments of environmental regulation; financial institutions and the environment; voluntary environmental codes; public participation and environmental rights (with attention to the Ontario Environmental Bill of Rights); judicial review, private prosecution and statutory citizen suits; common law environmental actions; environmental impact assessment (with a focus on the Canadian Environmental Assessment Act); parks and protected areas; endangered species; environmental justice; aboriginal peoples and the environment; international environmental law; and international trade and the environment. This course is integrated with the Faculty of Environmental Studies graduate course ENVS 6164 and typically includes students from the MES and MBA programs, whose presence greatly enriches the learning experience.

Evaluation: Legal briefing exercise (30%); Final open book exam (70%).
**Estates**  
(2050.04 A) Course  
Instructor(s): H. S. Black, Adjunct Professor  
Fall: 4 credits; 4 hours; max. enrollment: 95  
Prerequisite Courses: None  
Preferred Courses: none  
Presentation: Lectures, discussion  

A course in the law of succession to property, 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 (25 pages). If the paper/exam option is chosen, paper is due on first day of examinations. Topic must be course-related and approved by the instructor. Grade for paper will comprise 50% of final grade if it is higher than examination grade; otherwise, course grade will be based solely on the final examination.

**Estates**  
(2050.04 P) Course  
Instructor(s): H. S. Black, Adjunct Professor  
Winter: 4 credits; 4 hours; max. enrollment: 95  
Prerequisite Courses: None  
Preferred Courses: none  
Presentation: Lectures, discussion  

A course in the law of succession to property, 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 (25 pages). If the paper/exam option is chosen, paper is due on first day of examinations. Topic must be course-related and approved by the instructor. Grade for paper will comprise 50% of final grade if it is higher than examination grade; otherwise, course grade will be based solely on the final examination.
Evidence
(2490.03 B) Course
Instructor(s): J. Morton, Adjunct Professor
Fall: 3 credits; 3 hours; max. enrollment: 95
Prerequisite Courses: None
Preferred Courses: none
Presentation: Lectures, discussion, problem solving

This course explores evidence from a civil, criminal and administrative law perspective. Emphasis is placed on a practical understanding of how the law is applied in court. Caselaw, both old and new, will be examined so as to demonstrate evidence law as actually applied. Topics covered include relevance, materiality, hearsay, opinion evidence, character evidence, competence and compellability of witnesses and the role of counsel and the court. Evaluation:

Evaluation: Grading is based on a 100% closed book final exam, although a paper option for part or all of the grade will be available.

Evidence
(2490.04 A) Course
Instructor(s): Professor M. Pilkington
Fall: 4 credits; 4 hours; max. enrollment: 95
Prerequisite Courses: First year courses
Preferred Courses: none
Presentation: Lecture; discussion; problem solving.

This course deals with the basic principles of civil and criminal evidence law. In particular, the following topics will be examined: the interests served by evidence law in the adversary system; relevance, probative value and prejudicial effect; direct and circumstantial evidence; competency and compellability of witnesses; character evidence; similar fact evidence; hearsay; opinion evidence; credibility and impeaching credibility; the rights of the accused, confessions, improperly obtained evidence, and exclusion of evidence under the Charter of Rights and Freedoms; privileges; means of proof (viva voce evidence, affidavits, real evidence); proof without evidence (presumptions, judicial notice); the professional responsibilities of the advocate; burdens and standards of proof; and appellate review of evidence rulings. Students will develop frameworks for (1) anticipating and analyzing evidence issues, (2) understanding the values inherent in evidence law, the initiatives for its reform, and the impact of those initiatives, and (3) applying evidence law.

Powerpoint slides will be provided in advance of class to assist students in preparing the assigned readings. Classes will be organized around questions and problems arising from the materials and slides.

Evaluation: Mid-term examination (in class); short answer and multiple choice; open book; worth 30% of the final grade.
Final examination; problem analysis; policy analysis; and (possibly) short answer; open book; worth 70% of the final grade.
Option to write a case comment for 25% of the final grade.
Option of participating in non-credit workshops on examination and cross-examination.
Evidence
(2490.04 P) Course
Instructor(s): Professor J. Stribopoulos
Winter: 4 credits; 4 hours; max. enrollment: 95
Prerequisite Courses: None
Preferred Courses: None
Presentation: Lectures, Discussion, In-Class Problems

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

This will be followed by a consideration of what makes evidence "relevant" - the threshold requirement for admissibility. The most common exclusionary rules, and the exceptions to them, will then be considered. This will include hearsay evidence (and the most common categorical exceptions, as well as the principled exception to the rule), character evidence (and its exceptions, including the "similar fact" rule), and opinion evidence (and its exceptions, including expert evidence). By the end of the course students should have a firm grounding in the basic principles of Evidence Law in Canada. This course will be taught using a combination of the case and problem methods. The problems will be taken up through group exercises in class.

Evaluation: Open book examination (100%), classroom participation (pass/fail), paper option (up to 50%).
Family Law I
(2060.04 A) Course
Instructor(s): Professor S. Kierstead
Fall: 4 credits; 4 hours; max. enrollment: 95
Prerequisite Courses: None
Preferred Courses: none
Presentation: Lectures, discussion, group problem solving exercises

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: Class Participation (25%); Open-book examination (75%)
Family Law I
(2060.04 P) Course
Instructor(s): Professor R. Mykitiuk
Winter: 4 credits; 4 hours; max. enrollment: 95
Prerequisite Courses: None
Preferred Courses: none
Presentation: Lectures and discussion

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 three sections: the creation of the family unit, the regulation of the ongoing family, and the problems of family breakdown. It will include an examination of issues including marriage, reproduction, adoption, divorce, property, support, domestic contracts, child custody and the constitutional dimensions of family law.

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 obvious 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, sexuality, race and class.

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

Evaluation: This course will have a final examination worth 100% of the final grade. A part of this final exam will include a take home component directed to policy issues in family law. This component will be distributed two weeks before the end of term and due the day of the exam.
Family Law I
(2060.04 Q) Course
Instructor(s): Professor S. Drummond
Winter: 4 credits; 4 hours; max. enrollment: 95
Prerequisite Courses: None
Preferred Courses: none
Presentation: Lectures, small group work, film, discussion

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

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

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

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

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

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

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

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

Evaluation: This course will have an in-class midterm that examines students on the first several sections of the course. A final examination covering the remaining sections will be held during the exam period. A part of this final exam will include a take home component directed to policy issues in family law. This component will be distributed two weeks before the end of term and due the day of the exam.
Forensic Science & the Law  
(3690.03) Seminar  
Instructor(s): V. Rondinelli & R. Federico, Adjunct Professors  
Winter: 3 credits; 2 hours; max. enrollment: 10  
Prerequisite Courses: None  
Preferred Courses: none  
Presentation: Lecture, discussion, guest speakers. Seminar maximum is 20 students, 10 spaces are reserved for Innocence Project students.  

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

Evaluation: Students will be required to complete an essay worth 100% of the final grade.

Freedom of Expression and the Press  
(3002.03) Seminar  
Instructor(s): Professor J. Cameron & C. Bredt, Adjunct Professor  
Fall: 3 credits; 2 hours; max. enrollment: 20  
Prerequisite Courses: None  
Preferred Courses: none  
Presentation: Discussion  

This seminar studies the Supreme Court of Canada’s treatment of expressive and press freedom under section 2(b) of the Charter of Rights and Freedoms. It examines the guarantee’s core values and asks whether the Court has adequately protected those values across a range of issues. The two key issues on expressive freedom are: 1. content-based restrictions (i.e., Criminal Code provisions on hate propaganda, obscenity, child pornography, and defamatory libel, and other non-criminal restrictions on discriminatory expression under human rights codes, commercial advertising, political expression, and defamatory statements); and 2. access (i.e., Charter claims for access to government property for expressive purposes). On press and media issues the seminar will discuss the status of the press and its role in democratic governance, address the regulation of the media (including broadcast and internet technologies), and debate the constitutionality of publication bans and restrictions on access to proceedings. The materials will be updated to include recent developments on newsgathering issues, such as the SCC’s recent decision on journalist-source privilege and decisions on publication bans that are presently under reserve.

Evaluation: Evaluation: research paper (75%); class presentation (15%); class attendance and participation (10%).
Globalization & the Law
(2008.03 P) Course
Instructor(s): F. Stewart; Adjunct Professor
Winter: 3 credits; 3 hours; max. enrollment: 5
Prerequisite Courses: None
Preferred Courses: none
Presentation: Seminar, discussion

The classes will be taught in an eleven-week period, beginning January 19, 2011. There will be ten sessions divided into thematic blocs (“modules”). Each session will be 3 hours.

This course challenges students to reflect on “globalization”, which permeates legal development, and which is growing in significance for legal practice. As the demands for social ordering exceed the capacity of the nation state, political/economic/social actors press for “law” to move further beyond the state into public international and private transnational spaces. Such phenomena are leading to crisis for more traditional structures and processes of domestic legal development by creating non-state norm entrepreneurs, who not only operate from within international organizations, business networks, and other non-traditional lawmaking spaces, but also challenge the core tenets of the understanding of law, and compete with state actors for the prize of norm supremacy within targeted segments of society.

The objective of the course is to grapple with this evolving network of official and unofficial legal norms and law-making processes so as to better appreciate the significance of this evolution upon “domestic” law, legal practice and legal methodology. Students will be asked to read, consider and deliberate at the margins of the traditional understanding of law, in order to appreciate what “law beyond the state” could mean for its future as a regulatory tool. The course will provide students with a foundation for approaching international law and development, regulation and governance, law and economics, and comparative law, by offering a general understanding of what appears to be the direction of legal development in the twenty-first century. It will also include detailed instructions and important tips on how to effectively write and present a scholarly paper in law.

Evaluation: Term paper (20 pages) including a detailed essay proposal 90%; Class Participation 10%
Health Law
(3004.03) Seminar
Instructor(s): L. Stewart Ferreira; Adjunct Professor
Fall: 3 credits; 2 hours; max. enrollment: 20
Prerequisite Courses: None
Preferred Courses: none
Presentation: Discussion, Student Participation (including presentation), Lecture

This seminar will examine selected topics at the interface of the law and public health. We will begin by studying the ethics and criteria for universal health care, the allocation of scarce resources, the debate regarding public-private health care, the role of public health in the health care system and the ethics of public health. With this background, we will consider particular issues at the interface of law and public health. Areas of study will include: Privacy and Confidentiality, HIV/AIDS, Criminal Justice, Environmental Issues related to Walkerton, the West Nile Virus and SARS as well as Obesity and Food borne Illnesses, Tobacco Control, Vaccines and Genetics. Students will share responsibility for leading a seminar and will meet with the instructor in advance to determine the approach to be taken. Students presenting will be responsible for preparing a brief handout outlining responses or questions which flow from the readings and would be useful in structuring seminar discussion.

Evaluation: Take Home Exam/Research Paper 75%; Seminar Presentations 20%; Class Participation (attendance & participation) 5%
History of Criminal Law & its Administration

(2047.03) Course
Instructor(s): Professor D. Hay
Fall: 3 credits; 3 hours; max. enrollment: 25
Prerequisite Courses: None
Preferred Courses: None
Presentation: Lecture, discussion

The two dominant legal traditions in much of the world, common law and civil law, emerged in medieval times, and to the present often differ greatly in their modes of prosecution, standards of evidence and nature of proof, form of trial and roles of fact finders. Borrowings between the traditions, in the past and now more frequently, are creating some convergence, but the inner logic of each system remains quite different.

This course explores those differences, and also important variations between common law jurisdictions, for the light they cast on Canadian criminal law. Our system is the complex product of changes to different parts over a long period, rather than a logical structure designed as a whole. Thus miscarriages of justice, new demands for prosecutorial efficiency, political crisis and revolution, the attack on capital punishment, changes in ideas of criminal responsibility, democratic movements, all brought sudden change, and then consequent changes in other parts of the system—because it is a system.

The course explores this process and its results in considering—blood feud; Romanization of European law; inquisitorial procedure and the emergence of the common law; the common law trial before the lawyers; treason, felony, and misdemeanour; development of right to counsel; capital punishment and the genesis of exclusionary rules; search warrants; habeas corpus and detention without trial; judicial review; codification; juries, jury nullification, and crown appeals; grand juries (an American survival); private and public prosecution; speedy trials and lay justice; the insanity defence and other doctrines of criminal responsibility; origins of the presumption of innocence; habitual and dangerous offenders; executive clemency, error, and defence appeals; judicial authority and contempt of court; electing judges and prosecutors; Anglo-American and European policing; military justice; criminal law in empires; civil liberties and political trials; the rule of law and the nature of the state.

Evaluation: 30% participation/group presentations to the class; 70% final exam or a research paper. If you choose a research paper, there are required deadlines for proposal, working bibliography, an advanced draft, and the final version.
Human Rights in Africa
(2450.03) Course
Instructor(s): Professor O. Okafor
Fall: 3 credits; 3 hours; max. enrollment: 20
Prerequisite Courses: None
Preferred Courses: none
Presentation: Lecture, discussion, and participation in a transnational electronic classroom linkage

This interdisciplinary course explores the history, nature, problems, achievements, and prospects of human rights promotion and protection on the African continent – paying particular attention to the relevant discourses, norms, institutions and practices.

During this 2010-11 academic year, this course will be taught in part as a “transnational electronic classroom” course. This means that while students will be enrolled in and participate mostly this Osgoode course, part of their pedagogic experience within this course will involve substantial linkages and interaction (or even collaboration), primarily via the use of the internet, with students at similar course that will be offered at one or more partner law schools in Nigeria and perhaps elsewhere. This may include the use of video-conferencing.

The objectives of this course are:
- to provide students with a much deeper and broader understanding of the legal, social and institutional contexts and frameworks in which human rights activism takes place on the African continent
- to expose students to the hitherto under-explored innovations in human rights thought, languages, and practice that have been fostered by African human rights thinkers, activists, and institutions – innovations that have had, and continue to have, global implications.
- to equip students with the foundational knowledge(s), understandings and skills that they require in order to engage effectively with human rights issues affecting African peoples.
- To allow students at Osgoode and the partner law school to exchange ideas and learn directly from each other in the area of human rights in Africa

The subject matter of the course may include some or all of the following:
- Alternative Conceptions of Human Rights in Africa
- The access of Africans to pharmaceuticals
- Land redistribution in Africa
- Military rule and democratization in Africa
- Human rights NGOs and Movements in Africa
- Women’s movements in Africa
- The activities of multinational corporations in Africa
- The adjudication of economic and social rights in Africa
- Minority rights struggles in Africa
- The African human rights system
- National human rights commissions in Africa

This course offers in-class instruction in an interactive lecture/discussion format. Students will be encouraged to participate in both physical in-class and “transnational electronic classroom” discussions and engage with both the readings and with students at the partner law school(s). Such participation in in-class discussions and in the “transnational electronic classroom” interactions will attract a portion of the final course marks.

Evaluation: Students in this course will receive a letter grade for a combination of in-class participation (15%); internet postings, chatroom discussions, discussion board postings or other participation (outside class times) in interaction with students at the partner law school (15%); and the research paper (70%).
ICT Colloquium
(5810.03) Seminar
Instructor(s): Professor R. Wai
Winter: 3 credits; 2 hours; max. enrollment: 20
Prerequisite Courses: Globalization and the Law plus two of the following: Public International Law, Conflict of Laws and Comparative Law. Students must be enrolled in the ICT Program or be a qualified exchange student. Graduate Program students (candidates for the LLM and PhD) will also have special access to the course. See below under "Preferred" for a second admission path for JD students.
Preferred Courses: Subject to space, the instructor may approve admission of JD students not in the ICT Program whose record of courses in areas of ICT (which must include at least one of Public International Law, Conflict of Laws, or Comparative Law) and/or legal theory reveals that they have the necessary background to contribute to and benefit from the seminar.
Presentation: Seminar discussion; reading directed by reflective questions provided in advance by the instructor; student presentations (in the last classes of term) of essays-in-progress.
This seminar is the capstone course for the International, Comparative and Transnational Law (ICT) Program. The goal of the seminar is to provide a stimulating culmination for 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 research and writing of a research paper. 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.
The final few classes in the semester are devoted to students presenting the outlines of their papers-in-progress and receiving feedback from colleagues in the seminar. In order that the research paper can be a serious and worthwhile exercise, early deadlines are set in the course for students to receive feedback on and approval of the direction in which they plan to take their research. Within approximately three weeks, each student must submit a 100-250 word description of her or his current thinking on her essay topic and focus. A substantial outline, in the form of a fairly detailed table of contents, is then expected roughly two-thirds of the way through the course. A topic and focus may be changed as student reflection deepens, subject to the student informing and receiving the approval of the instructor.
Evaluation: Attendance (10%); participation (10%); final paper (80%). Paper description and outline are evaluated on a pass/fail basis as part of the participation mark; this includes marks for making the deadlines.
Immigration Law
(4270.04) Course
Instructor(s): Professor O. Okafor
Fall: 4 credits; 4 hours; max. enrollment: 80
Prerequisite Courses: None
Preferred Courses: Administrative Law
Presentation: Lectures and discussion

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

Evaluation: One Take Home Assignment (20%), Open-book examination (80%)
Individual Employment Relationship
(2550.03) Course
Instructor(s): S. Ball; Adjunct Professor
Winter: 3 credits; 3 hours; max. enrollment: 95
Prerequisite Courses: None
Preferred Courses: none
Presentation: Lecture, discussion

The course will examine the legal ramifications of the employment relationship from its formation throughout its existence. It will also look at the rights and obligations of both employees and employers after the contract of employment has been terminated. The course will allow the student to understand relevant employment law principles germane to both practicing litigators and solicitors. It will look at current trends prevailing and emerging at common law, including contract and tort, as well as developing equity issues. While the individual employment relationship is primarily governed by common law principles in Canada, relevant statutes and their interaction with the common law will be reviewed. These statutes will include the Employment Standards Act of Ontario, the Ontario Human Rights Code, the Canada Labour Code unjust dismissal provisions, and the Occupational Health and Safety Act. Remedies available at common law, equity and statute for both employees and employers will be examined. Legal and equitable issues concerning employee post employment competition will be reviewed.

Evaluation: 100% open book final examination or 75% open-book final examination and 25% short paper. Short paper is to be handed in by the last day of class.

Insurance Law
(2280.04) Course
Instructor(s): J. Campisi, Adjunct Professor
Fall: 4 credits; 4 hours; max. enrollment: 95
Prerequisite Courses: None
Preferred Courses: none
Presentation: lectures and in-class discussions

Insurance rights underlie so many aspects of our daily professional and personal lives. Through this course, students will achieve a better understanding of an individual’s rights when involved in a motor vehicle collision, a slip and fall accident, or when they suffer from an unexpected illness. Through a case study approach, students will be able to tailor and apply the Statutory Accident Benefits Schedule to the circumstances of various individuals. This will involve an analysis of the Dispute Resolution Practice Code and case law generated by both the Financial Services Commission of Ontario and multiple levels of the Superior Court of Justice. As part of this analysis, students will also be taught to identify unfair and deceptive practices and whether an insurer has violated its duty of good faith. Students will also be able to appreciate the role that insurance law plays in specific tort claims, short-term and long-term disability benefits, and accidental death and dismemberment claims.

The type of analysis offered in the insurance law context carries over into many areas of litigation.

Evaluation: Final examination, 100%. Paper option, 50% of the final grade.
**Intellectual Property**

(2970.03) Course
Instructor(s): B. Sookman, S. Mason, Adjunct Professors & Professor P. D'Agostino
Winter: 3 credits; 3 hours; max. enrollment: 95
Prerequisite Courses: None
Preferred Courses: None
Presentation: Lecture, class discussion

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

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

The learning objectives of the course are as follows:

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

Evaluation: 100% open book exam.
International and Comparative Family Law  
(5140.03) Seminar  
Instructor(s): Professor S. Drummond  
Fall: 3 credits; 2 hours; max. enrollment: 20  
Prerequisite Courses: Family Law  
Preferred Courses: none  
Presentation: Seminar, discussion  

Family law has long been considered so paradigmatically local a field of study that it was of limited use for comparative and international law studies. This perspective has changed radically in the last twenty years. As a result of greatly increased mobility of individuals and families, transnational family law disputes have correspondingly increased. It is no longer unusual for family law disputes to involve more than one jurisdictions and divergent legal traditions. Family law has become an unlikely pioneer in both comparative and international law.

This seminar begins with comparative approaches to a range of legal traditions in which family law is idiosyncratically situated. Topical issues touching on how domestic law interacts with legal diversity in family law will be canvassed. Particular emphasis will be placed on the interactions between religiously-governed family law and secular state law, especially in the Canadian context.

From the comparative law perspective, the course will progress to a consideration of the ways in which Immigration and Refugee Law interacts with Canadian family law and family law policy.

The seminar will then progress to an examination of the traditional common law conflict of law principles that touch on family law matters, including jurisdiction and recognition and international enforcement of foreign family law orders. Consideration will then be given to the modification of the common law regime by treaty and legislation, including the various Hague Conventions that apply to family law issues. Further attention will be given to the United Nations Convention on the Rights of the Child as well as other human rights treaties. Each regime will be considered in the context of its impact upon domestic legal issues in Canada.

The six main area of family law will be examined through the lenses of comparative and international law, including marriage, divorce, matrimonial property, adoption, custody, and support.

Evaluation: 1. Final Paper (80%): Students must submit a final research paper worth 70% of the final grade. The paper should be approximately 30 pages double-spaced. Paper topics are to be selected by the students with the proviso that they draw upon the subject matter and substantive areas of law contemplated by the course. Paper topics must be vetted by the professor via the submission of a proposal:

2. Paper Proposal (10%): Within the first month of term, students must submit a brief 5 page, fully sourced proposal outlining the substantive area of their final paper, the theoretical concerns and arguments it will advance, and a description of the areas of law and society they will be drawing upon. The proposal should have a detailed bibliography attached.

Student Questions (10%): On a rotating basis, students will be selected to submit questions on the course reading materials and lead the class discussion.
**International Business Transactions**

(2890.03)  Course
Instructor(s): C. Gastle, Adjunct Professor
Winter: 3 credits; 3 hours; max. enrollment: 95
Prerequisite Courses: None
Preferred Courses: None
Presentation: Lectures, discussion

This course examines the legal structure of business transactions that cross national boundaries. The course is primarily concerned to understand the plural regulatory contexts for international transactions and the role of contract in the private ordering of transactions. The course will also explore how the differing cultural, economic and political orientations of participants impact on the legal structure of international transactions.

The main kind of transaction to be examined will be the international sale of goods, including the topics of sales, carriage, insurance, payment and dispute resolution. The course will more briefly address investment transactions such as joint venture arrangements. Finally, it will examine the role of the legal profession in cross-border transactions.

Sources of law examined include Canadian statutory and common law and relevant international treaties (such as the UN Convention on Contracts of the International Sale of Goods). The course will also examine the growing importance of non-state norms including *lex mercatoria* and transnational codes of conduct.


**International Criminal Law**

(2440.04)  Course
Instructor(s): Professor M. Mandel
Winter: 4 credits; 4 hours; max. enrollment: 95
Prerequisite Courses: None
Preferred Courses: None
Presentation: Lectures, discussion, guest speakers

The course is intended to offer students interested in international law and criminal law an opportunity to study the international law aspects of criminal law and the criminal law aspects of international law. Part I of the course deals with jurisdiction over offences that involve more than one country. Part II is concerned with mutual assistance in criminal matters, with an emphasis on extradition to and from Canada. Part III of the course deals with international crimes, namely aggression, genocide, crimes against humanity and war crimes, and terrorism and the international and national prosecution of such crimes.

The course will give the student an opportunity to study the law, practice, procedure and functioning of some selected international courts and tribunals such as, for example, the International Court of Justice, the International Criminal Court, and the International Criminal Tribunals for Rwanda and the former Yugoslavia.

Evaluation: Option 1: 100% three-hour open-book examination; Option 2: 50% three-hour open-book examination (same as for Option 1) plus a 50% research paper (of at least 5000 words in length). Research papers are due on the day of examination in the course.
International Dispute Resolution: Vis Moot
(3007A.03) Seminar
Instructor(s): Professor J. Walker
Fall: 3 credits; 2 hours; max. enrollment: 16
Prerequisite Courses: None
Preferred Courses: none
Presentation: Student Moot Presentations, discussions.

The focus of this advanced seminar is on the arbitration of international commercial disputes under the UN Convention on the International Sale of Goods (CISG). Following introductory sessions providing background on international commercial arbitration, the UNCITRAL Model Law, and the CISG, students prepare and present written and oral submissions on the various issues arising in the case set for the Willem C. Vis International Commercial Arbitration Moot. This provides an active learning experience for every member of the seminar by integrating legal research with written and oral advocacy.

The Osgoode Team for the Vis Moot is selected near the end of the term based on the quality of the written and oral presentations throughout the term. In the nine years in which Osgoode has participated, we have excelled in the Competition, winning the 11th Moot in 2004, the Top Oralist award (2006); Second Runner-up Oralist (2008), Third Place overall out of more than 250 teams (2010), and winning oralist and memoranda prizes in each of the past eight years. The greatest achievement, though, has been the strong representation of the best of Osgoode's collegiality and team spirit - all of which are fostered in the seminar!

Evaluation: Evaluation in the seminar will be based on in-term written assignments including a draft factum.

(4880.03) Course
Instructor(s): Professor D. Scott
Winter: 3 credits; 3 hours; max. enrollment: 95
Prerequisite Courses: None
Preferred Courses: none
Presentation: Lectures, discussion, student presentations, guest speakers

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

Evaluation: 75% research paper and 25% class participation OR 3 “reaction papers” of 25% each and 25% class participation
In this seminar, we will attempt to understand the role of international law (as well as other modes of regulation and other forms of normativity) in the promotion and protection of human and peoples' rights the world over. We will grapple with the histories and policies that are relevant to the international legal protection of human and peoples' rights. We will seek to locate, engage, and understand the underlying economic, socio-cultural and political forces that have shaped, and continue to shape, both international human rights law and the world in which it operates. We will also examine the various global-level and regional-level international normative texts (e.g. treaties), processes, and institutions that have been established to advance the cause of the international protection of human and peoples' rights. We will attempt to understand the nature of their design, their functions, and their effectiveness. Our focus will be on the various global texts, norms, and institutions that exist (such as the International Covenant on Civil and Political Rights and the Human Rights Committee established under it), as well as on the African, European, and Inter-American Systems for the protection of human and peoples' rights. Finally, we will focus on the practice of international human rights activism by states, groups, and individuals and on the question of the possibility of the enthronement of a cosmopolitan international human rights ethos, of a "multicultural universality". Throughout we will engage human rights theory through the exploration of concrete human rights claims and violations.

Evaluation: Participation (20%); final paper (80%).
International Human Rights Law
(3440.04 P) Seminar
Instructor(s): Professor O. Okafor
Winter: 4 credits; 3 hours; max. enrollment: 20
Prerequisite Courses: None
Preferred Courses: None
Presentation: Seminar time devoted to active student participation, in addition to lectures and discussions.

In this seminar, we will attempt to understand the ever increasing, but constantly contested, role of international law (as well as other modes of regulation and other forms of normativity) in the promotion and protection of human and peoples' rights the world over, a world that was recently referred to as "our global neighbourhood" by the Commission on Global Governance. The seminar will proceed in three broad movements.

In the first segment, we will grapple with the histories and policies that are relevant to the international legal protection of human and peoples' rights. We will seek to locate, engage, and understand the underlying economic, socio-cultural and political forces that shaped, and continue to shape, both international human rights law and the world in which it operates. In pursuit of these objectives, we will, inter alia, consider the following facts/circumstances and reflect upon the following questions: we live in a world that is at once deeply multicultural and patently unequal, a world that is divided inter alia by race, gender, culture, and class-given these particularities, can the "international" (which claims universality) accommodate the "local" (which is particular)? Indeed, why (and to what extent) is the "international" an important element in the protection of human and peoples' rights? How (and to what extent) is "law" relevant to the international protection of human rights - why do we not just resort to politics? A broad-based set of literature will be examined including African, Asian, Islamic, European, and Inter-American perspectives.

In the second segment, we will examine the various global-level and regional-level international normative texts (e.g. treaties), processes, and institutions that have been established to advance the cause of the international protection of human and peoples' rights. We will attempt to understand the nature of their design, their functions, and their effectiveness. Our focus will be on the various global texts, norms, and institutions that exist (such as the International Covenant on Civil and Political Rights and the Human Rights Committee established under it), as well as on the African, European, and Inter-American Systems for the protection of human and peoples' rights.

In the third and last segment, we analyze the lessons for both international human rights theory and practice that are decipherable from our examination of the literature and seminar discussions. In this context, we will focus on the practice of international human rights activism by states, groups, and individuals. We will also focus on the question of the possibility of the enthronement of a cosmopolitan international human rights ethos, of a "multicultural universality".

Evaluation: Attendance (10%); participation (15%); outline of final paper (pass/fail), final paper (75%).
International Investment Law
(3100.03) Seminar
Instructor(s): Professor G. Van Harten
Winter: 3 credits; 2 hours; max. enrollment: 20
Prerequisite Courses: None
Preferred Courses: None
Presentation: Seminar discussion

This seminar examines current developments in international investment law and investment arbitration. It may be of special interest to students interested in public international law, international arbitration, business law and regulation, or law and economic development. The main legal topic is the public international law, and to a lesser extent domestic law and policy, governing the regulatory relationship between states and foreign investors. Special attention is paid to investment treaties including bilateral agreements and regional agreements (e.g. NAFTA). The seminar also examines the burgeoning body of arbitration awards pursuant to investment treaties as well as relevant domestic court decisions.

Anticipated topics include: policy issues in regulation of foreign investment; background to investment treaties and relevant arbitration treaties; major arbitration institutions and rules; international standards including expropriation, fair & equitable treatment, national treatment, and most-favoured-nation treatment; jurisdiction and admissibility of claims in investment arbitration; umbrella clauses, investment contracts, and privatization; remedies and state liability; recognition and enforcement of awards. The aim is to provide students with a sound grounding in technical issues while affording opportunities to engage in critical discussion of this area of the law and possible reforms and to develop their analytical, presentation, and research/writing skills.

Evaluation: Research paper (80%); participation/class activities (20%).
International Taxation
(4150.04) Course
Instructor(s): Professor J. Li
Winter: 4 credits; 4 hours; max. enrollment: 35
Prerequisite Courses: Taxation Law
Preferred Courses: none
Presentation: Discussion, lecture, problems, guest speakers

The overall objective of the course is help students learn: some basic knowledge about tax law and policy applicable to cross-border transactions, problem solving skills, statutory interpretation skills, modest group/collaborative learning and ethical issues in international tax planning. The subject area is important for lawyers working in a small and open country such as Canada. The globalization of trade and investment flows is having a profound effect on the practices and policies of income taxation and on the ways Canadian corporations doing business.

More specifically, this course provides students with the opportunity to study tax law in a global context. It covers both domestic tax law and tax treaties. Specific issues include jurisdiction to tax, non-residents investing in Canada; cross-border services; Canadian investing offshore; the foreign affiliate system, foreign tax credit, electronic commerce; and transfer pricing.

Students are treated as forthcoming legal professionals. Each module of the course is designed to help students further develop a set of basic knowledge or skills. In stead of a 3-hour exam, students will be given assignments during the term so that the assignments are part of the learning process. Students are also encouraged to use the opportunity to further their research and writing skills through writing a research paper.

Guest speakers will be invited to lead the discussion of some modules of the course. Students are expected to be active learners.

Evaluation: Option One: 20% for class participation and presentation, and 80% for a major research paper.
Option Two: 20% for class participation, and 80% for two take-home assignments (one before reading and one at the end of the term).
International Trade Regulation
(2290.04) Course
Instructor(s): Professor R. Wai
Winter: 4 credits; 4 hours; max. enrollment: 95
Prerequisite Courses: None
Preferred Courses: None
Presentation: Lectures, discussion

This course surveys the public laws of international trade from a Canadian perspective. The course addresses various regimes affecting the conduct of international trade to and from Canada, with a particular focus on the World Trade Organization and the General Agreement on Tariffs and Trade. The course also introduces students to basic policy aspects of international trade law developed from economic theory, international relations theory and globalization studies. Particular subjects for discussion will include: the theory of comparative advantage; strategic trade theory; sovereignty and game theory; WTO/GATT treaties and institutions; dispute settlement; trade in goods; non-discrimination principles; trade law and non-trade objectives such as environmental protection; subsidies and countervailing duties; anti-dumping measures; trade in services; trade and intellectual property; trade and investment; and regional free trade areas such as the NAFTA.


Investor Protection: Advanced Seminar
(5410.04) Seminar
Instructor(s): Professor E. Waitzer
Winter: 4 credits; 3 hours; max. enrollment: 20
Prerequisite Courses: Business Associations and Securities Regulation
Preferred Courses: None
Presentation: Seminar, discussion, presentations

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

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

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

Note: this seminar has been changed from 2 hours, 3 credits to 3 hours, 4 credits, subject to approval.

Evaluation: 1) class participation and collaboration: 15%; 2) class presentation: 25% and 3) paper: 60%.
Jewish Law
(3770.03) Seminar
Instructor(s): J. Richler, Adjunct Professor
Fall: 3 credits; 2 hours; max. enrollment: 20
Prerequisite Courses: None
Preferred Courses: none
Presentation: Seminar, discussion

This seminar is intended to provide students with an introduction to Jewish Law as a self-contained, comprehensive, dynamic and evolving legal system. The seminar will examine the sources and development of Jewish law, its precedents and principles of adjudication. It will focus on the relationship between the rights of the individual and the needs of the community in the Jewish legal tradition. The seminar will explore contemporary topics in Jewish law pertaining to the status of the individual, issues of human rights and dignity and bioethics. The only text required for this seminar will be a readings package available at MDC.

Evaluation: Research paper and class participation.

Joint JD/M.B.A. Seminar
(3820.03) Seminar
Instructor(s): Professor T. Johnson
Winter: 3 credits; 2 hours; max. enrollment: 20
Prerequisite Courses: 4th year JD/MBA
Preferred Courses: none
Presentation: Discussion

The principal objective of this special seminar is to integrate the law and business aspects of the Joint JD/MBA Program. In order to achieve this objective we canvass a broad range of topics from both perspectives, and visit several businesses on-site to discuss business models and challenges with top executives.

For the last two years we have used the financial crisis as the focal theme of the seminar, and we will do so again this year. Topics explored in this seminar may include valuation methodologies, capital markets and structured financing, traditional regulation of the financial services sector, innovative financing techniques and the shadow banking system, rating agencies, executive compensation schemes, venture capital, private placements and strategic planning. We will also explore the impact of the financial crisis on the manufacturing, transportation, retail, communications and service industries, and examine some of the financial sector reforms proposed in various jurisdictions. Senior members of the business community and legal and accounting professionals will be invited from time-to-time to participate in the seminar.

*NOTE: This seminar is mandatory for students in the 4th year of the Joint JD/MBA program.

Evaluation: Research paper - 80%; Class participation - 20%.
Jurisprudence

(2720.03)  Course
Instructor(s): Professor F. Tanguay-Renaud
Fall: 3 credits; 3 hours; max. enrollment: 25
Prerequisite Courses: None
Preferred Courses: none
Presentation: Lectures, discussion

This seminar offers a critical introduction to some leading themes in contemporary analytic jurisprudence. Its approach is philosophical, not historical or sociological. Problems that may be considered include: theories of the nature of law and legal systems; the normative character of law; whether there is an obligation to obey the law; the relationships between law and power, law and justice, law and equality, and law and individual liberty; the rule of law; the nature of legal responsibility; human rights; as well as puzzles related to the nature of international law and to the transnational character of law.

Evaluation: Weekly participation, including regular discussion notes (20%); final examination (80%).

Labour Arbitration

(5070.03)  Seminar
Instructor(s): M. Lewis; Adjunct Professor
Winter: 3 credits; 2 hours; max. enrollment: 20
Prerequisite Courses: Labour Law
Preferred Courses: Evidence, Administrative Law
Presentation: Tutorial discussion, simulation, visitors

Labour arbitration was one of the premiere “alternate dispute resolution” processes to be established. In order to achieve industrial peace, productivity and competitiveness, the grievance and arbitration process was designed to provide speedy, expeditious and expert resolution of workplace disputes during the life of the collective agreement.

This seminar will begin by examining the machinery of the grievance and arbitration process. Students will also explore a variety of topics, such as the role of the arbitrator, private and public arbitration processes, the nature of the jurisdiction of arbitration boards, evidence and advocacy issues, and judicial review of arbitration awards.

The general focus of the seminar will be a critical analysis of arbitration practice and theory in order to determine if modern labour arbitration is fulfilling the purpose for which it was designed.

Evaluation: Seminar participation and contribution (30%); mock hearing and written assignment (70%).
Labour & Employment Law
(2315.04) Course
Instructor(s): Professor E. Tucker
Fall: 4 credits; 4 hours; max. enrollment: 95
Prerequisite Courses: None
Preferred Courses: none
Presentation: Lecture, discussion

The purpose of the course is to provide students with a foundation for engagement with labour and employment law. It will give students an overview and working knowledge of Canadian labour and employment law, including the common law individual contract of employment, minimum standards legislation and regulations, and collective bargaining law. The role of the Charter of Rights and Freedoms as it pertains to labour and employment law will also be explored, as will transnational law. The course examines the role of institutions, including legislatures, government departments, administrative tribunals, arbitration boards and courts. It also is attentive to the historical, social, economic and political context within which labour law is created and operates.

Evaluation: 100% final examination; or writing an additional form of evaluation (research paper, case comment, etc.) for up to 75% percent of the final grade and the final examination for the remainder (the value of the additional form of evaluation will be determined by the instructor through discussions with the student); or in exceptional circumstances, writing a research paper for 100% of the final grade.
Labour & Employment Law and Policy Colloquium

Seminar

Instructor(s): Professor E. Tucker

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

Prerequisite Courses: Students must have taken one of Labour and Employment Law, Collective Bargaining Law, or Individual Contract of Employment.

Preferred Courses: none

Presentation:

Employment and labour relations have been transformed in the past twenty years and the pace of change is accelerating. The inter-related phenomena of globalization, restructuring, neo-liberalism, and feminization have contributed to these changes. One result is that while employment and labour law are in a state of flux, arguably its has not adequately responded to the challenges posed by the changing reality of the labour market. In order to assess existing law and to devise appropriate reforms, labour lawyers need to be aware of how the labour market operates and the changes it is undergoing.

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. Theoretical perspectives will include neoclassical economics, institutional economics and Marxist political economy. Attention will be paid to understanding labour market trends, including the growth of precarious employment (including self-employment, temporary employment, and temporary migrant employment), vertical and horizontal disintegration of production, increased labour force participation by women, and the problems experienced by young workers. The implications of these and other trends for minimum labour standards, collective bargaining and the common law contract of employment will be considered. The role of constitutional and international law may also be considered. Topics will vary depending on the instructor's and the student's research interests.

Evaluation: 1. Major research paper (70%), paper presentation (20%), commentary (10%)
Land Development & Commercial Real Estate Problems
(5160.03) Seminar
Instructor(s): M. G. Gross; Adjunct Professor
Winter: 3 credits; 2 hours; max. enrollment: 20
Prerequisite Courses: Real Estate
Preferred Courses: Tax, Land Use Planning
Presentation: Discussion, problem solving based on fact situation

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

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

Law of War
(3730.03) Seminar
Instructor(s): Professor M. Mandel
Fall: 3 credits; 2 hours; max. enrollment: 20
Prerequisite Courses: None
Preferred Courses: none
Presentation: Class discussion

Was America's war against Iraq legal? What about the treatment of prisoners in Guantánamo Bay, Cuba? 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, in Iraq, 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 (75%) and student participation (25%), including one brief class presentation (15%).
Law & Psychiatry

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

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" and Ontario Review Board dispositions. The civil law portion of the course reviews issues arising from state institutional detention, as well as the law of treatment capacity and decision-making (including Charter issues relevant to the debate surrounding the right to autonomy versus the right to treatment). Additional topics include: financial capacity and powers of attorney, capacity to instruct counsel, ethical responsibilities of counsel when representing clients with mental health issues, criminalization of persons with mental illness, seclusion and restraint, patient sexuality, human rights issues respecting mental illness in the workplace and education system, and international approaches to law and psychiatry.

Typical seminars will cover both procedural and policy issues. Students are expected to actively participate via class discussion and a class presentation. Guest speakers will provide unique perspectives on several topics.

Evaluation: Major paper (60%), 3-5 page reflective piece (20%), class presentation on one assigned reading (10%), and class attendance/participation (10%).
**Law & Social Change in Latin America**  
(5190.03) Seminar  
Instructor(s): Professor S. Imai & F. Luce, Adjunct Professor  
Fall: 3 credits; 2 hours; max. enrollment: 20  
Prerequisite Courses: None  
Preferred Courses: none  
Presentation: Seminar  

This is a seminar course which analyses the relationship between law and social change in various Latin American countries. This year, the course will focus on the following topics: (1) Canadian Mining and Corporate Social Responsibility; (2) Constitutional Change and Indigenous Mobilization; (3) Law and development programmes in action; (4) Gender, Race, and Reproductive Rights; and (5) Labour and contemporary forms of slavery. These topics will be examined from a Latin American perspective, which means that, to the extent possible, we will be reading materials written by authors from the region. Mandatory readings and class discussions will be in English. Although knowledge of Spanish or Portuguese is not a requirement, optional readings in Spanish and Portuguese will be suggested for those who have the ability to read in these languages.  

An objective of this course is to develop a critical mass of scholars in Canada who are familiar with the Latin American legal framework and the wealth of legal scholarship produced in the region. Guest speakers will attend the seminars to address topics of interest, including guests from the region who will be brought in by video-conferencing. The course method is inter-disciplinary and participatory, encouraging participants to engage in collaborative research, including Osgoode’s ongoing collaborative research project on Canadian mining activity in Latin America. The course is open to Osgoode Hall Law School's LLB and graduate students, as well as to York graduate students from all disciplines. Students are expected to write and present a research paper, to participate in seminar discussions, and to participate in the course blog.  

Evaluation: Students are required to submit a research paper for evaluation. Students will have the option to write their final paper in English, French, Spanish or Portuguese. Recommended length is 25 pages. Students will present their research papers in the format of a half-day conference open to the York community. Students are encouraged to revise their papers for publication.
Law & Social Change: Community Action Across Borders
(2750M.03) Course
Instructor(s): F. Bhabha, Adjunct Professor
Fall: 3 credits; 3 hours; max. enrollment: 20
Prerequisite Courses: This seminar is open only to those students who participated in a summer ILP.
Preferred Courses: none
Presentation:

The law is increasingly being used as an instrument of social change in the globalized world. A central aim of this course is for students to learn how to make a difference: how to be a community-based lawyer on a global scale. It offers students the opportunity for skills training, hands-on experience, structured reflection and peer collaboration. It merges theory, doctrine and practice in a dynamic, comprehensive and multi-disciplinary setting.

The course works in tandem with the International Legal Partnership (ILP), a student-run group providing policy and legal research assistance to organizations working in the developing world. Since 2006, Osgoode students have undertaken summer fellowships in places such as Uganda, Zambia, Kenya, the Philippines, India, Argentina, Kosovo and South Africa.

Prior to their departure, students participate in a week-long intensive program in May, which includes mandatory sessions with the course instructor. While abroad, they submit weekly reports and write comments on the class blog, which is reviewed by the instructor.

On return, student participation in the weekly seminar focuses on writing a term paper incorporating research, findings and reflections based on their experience abroad, and presenting works in progress to their classmates. Papers are due at the end of the term.

Evaluation: Research/reflective paper (60%); Presentation (20%); Participation (20%).

Law & Social Change: Law & Development
(2750H.03) Course
Instructor(s): Professor R. Buchanan
Winter: 3 credits; 2 hours; max. enrollment: 20
Prerequisite Courses: None
Preferred Courses: none
Presentation: Lecture, discussion

This course will examine the changing role of law and legal institutions in both development policy and practice since the end of the Second World War. It will include a consideration of multilateral institutions such as the World Bank, the IMF and the World Trade Organization, as well as states and nongovernmental organizations. The focus will be on the examination of contemporary discourse and practice within the field of law and development understood as contextualized within political, economic, and social histories of global inequality.

Evaluation: Term Paper 80%; Participation 20%
Law & Social Change: Policing
(2750B.03) Course
Instructor(s): Professor M. Beare
Winter: 3 credits; 3 hours; max. enrollment: 5
Prerequisite Courses: None
Preferred Courses: None
Presentation: Seminar /Lecture and discussion. The seminar will be taught over 9 classes in an eleven-week period, beginning January 18, 2011. Each session will be 3 hours.

Law and Social Change will look at the institution of policing from an organizational, operational, and legal perspective. The course will examine issues concerning police conduct and misconduct as a means of illuminating broader questions about the relationship(s) between law and social change.

We will use recent policing related Inquiries/Royal Commissions as a resource to critically examine contemporary relationships between the police and the community, police and politics, police and lawyers/legislation/ and the wider legal process, and consider some of the current theories around police training, discretion, recruitment, and police culture. Specific instances of wrongdoing by police will be examined in a study of legal, social and political structures of accountability. Finally, the course will focus on a number of legal strategies that have been used more or less successfully to change or reform police-community relations and police accountability, in order to consider the efficiency of legal tools to effect social change. The final section of this course will focus on the policing of transnational crime and international issues that impact on domestic policing. Class participation is required.

Evaluation: 80% for a research paper (this percentage will be divided into smaller research tasks that culminate in the final paper—10% outline, 20% annotated bibliography, 50% actual research paper); 20% participation including a brief class presentation.
**Lawyer as Negotiator**  
(3960.04) Seminar  
Instructor(s): Professor F. Zemans  
Fall: 4 credits; 3 hours; max. enrollment: 64  
Prerequisite Courses: None  
Preferred Courses: none  
Presentation: Lectures, discussion, and negotiation simulations with emphasis on participation and learning in small groups. Students receive a letter grade.

Law schools have traditionally prepared lawyers for litigation and the courts, although in practice lawyers spend much of their time resolving disputes through negotiation and mediation. Lawyer as Negotiation is designed to familiarize students with contemporary negotiation theory and how theory informs the development of effective and strategic negotiations. Students will participate in lectures and seminars that will introduce and critique contemporary theory and practice of representative negotiation. Students are expected to prepare plans and to participate in weekly negotiations simulations as well as in two graded negotiations at the end of term. Students will be coached and received critiques from experienced negotiators and expected to reflect on and discuss their weekly negotiations.

The first half of the course will introduce students to distributive and integrative bargaining and specifically to the complexities of creating and claiming in the context of civil negotiations. The latter part of the course will consider the implications of integrity, power, gender, and culture on legal negotiation theory and practice.

Evaluation: Students will receive a final letter grade based on their two final negotiations (40%); their weekly and final plans (20%); a short paper analyzing and applying contemporary negotiation theory (20%) and class participation including their negotiation reflections (20%).
Law, Gender, Equality
(3039.03) Seminar
Instructor(s): Professor S. Lawrence
Winter: 3 credits; 3 hours; max. enrollment: 5
Prerequisite Courses: None
Preferred Courses: None
Presentation: Seminar style discussion/debate guided by set questions/topics.

This course focuses on how law and gender operate in two thematic areas: the way we manage/interpret appearance, and restrictions on access to spaces and groups in which we learn, work and play. How does law participate in or disrupt the ways that gendered expectations shape our lives? How do aspects of identity and experience other than gender play into these processes? What can we expect from law and how can we pursue these expectations? Through readings, group discussion, and individual research and writing, we will explore how to analyse gender (in)equality and the ways that law promotes and thwarts our choices and actions.

Through these two main areas of inquiry – the regulation of appearance and single gender spaces – students in this course will develop and apply a critical approach to examining law’s role in supporting or challenging particular visions of masculinity and femininity, an approach which is alert to counterarguments, and attentive to the ways that phenomena other than sex/gender, in particular race and sexual orientation, are implicated in the situations we examine. We will consider each week’s readings not only in terms of substantive content, but also in terms of the research and writing process as students develop or refine the skills necessary to identify an interesting research problem, find secondary literature which addresses the problem, and write and revise a research paper which attempts to resolve the question posed. The course will include a brief introduction to feminist/gender analysis of law in order to outline the analytic tools. It is appropriate for students with various levels of experience with gender/feminist studies – including “none”.

Evaluation: Students will be asked to write a paper of 4500 words (20pg x 225 words/page) on a relatively narrow subject area. The paper should provide explanation and discussion of a gender related legal controversy, which allows the application of the kinds of analyses we have used in the class. There will be graduated assignments leading to the paper – for instance, outline, thesis statement, annotated list of sources, peer review exercise, etc. Students will have some choice in the type of preparation which best suits them (for instance, outline or abstract). These graduated exercises are intended to assist in time management and lead directly to the paper and are flexible in the sense that they ought not comprise any “extra” work. Peer review exercises may comprise some portion of the graduated assignments.

Four graduated assignments leading to the paper:
Topic + [short annotated bibliography or more extensive preliminary reference list]
Statement of research question
Outline or description of paper
Five pages, either an expanded outline or part of draft.

Total 20%
Final paper: 55%

Overall, the paper is worth 75% as in all Perspective Option courses. All students will be expected to participate in class discussion on a weekly basis. Students will be assigned particular responsibility to provide short blog style written commentary on the readings at least twice in the semester.
**Legal Drafting**  
(2140.03) Course  
Instructor(s): S. Benda and J. Shin Doi, Adjunct Professors  
Winter: 3 credits; 3 hours; max. enrollment: 75  
Prerequisite Courses: Contracts  
Preferred Courses: none  
Presentation: Lectures, discussion, small group work  

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

Evaluation: Two take-home assignments: 50% and 50%.

**Legal Politics**  
(2570.03) Course  
Instructor(s): Professor M. Mandel  
Winter: 3 credits; 3 hours; max. enrollment: 5  
Prerequisite Courses: None  
Preferred Courses: none  
Presentation: Lectures and class discussion. The seminar will be taught over 9 classes in an eleven-week period, beginning January 17, 2011. Each session will be 3 hours.

This course examines the phenomenon of the Charter of Rights and Freedoms and how it has affected Canadian social and political life. It places the Charter in a historical and international context and has as its central theme the question of its “democratic” character. This course critically analyzes and evaluates the history and philosophy of the Charter and its impact on the major political controversies of the day, such as the French-English struggles inside and outside of Quebec, the powers of the police, refugee rights, union rights, business rights, Aboriginal rights, women’s rights, gay and lesbian rights and equality in general. The attempts at constitutional change in the 1990’s (Meech Lake and Charlottetown) also come in for scrutiny. The course treats law as “politics by other means” trying to uncover the political element in law as well as to grasp what it means for politics increasingly to take this legal form.

Evaluation: Evaluation is by major paper (75%), class participation (15%) and attendance (10%).
Legal Values: Law & Literature
(3590V.03) Seminar
Instructor(s): Professor K. Sutherland
Winter: 3 credits; 2 hours; max. enrollment: 20
Prerequisite Courses: None
Preferred Courses: None
Presentation: Discussion and student presentations.

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

Evaluation: 1) A paper worth 80% of the final mark. Students will determine their own paper topics in consultation with the instructor.
2) Class participation worth 20% of the final mark. This will include short commentaries on three of the readings and an in-class presentation.

Legal Values: Legal Ethics
(3590N.03) Seminar
Instructor(s): Dean L. Sossin & F. Faraday, Adjunct Professor
Winter: 3 credits; 2 hours; max. enrollment: 20
Prerequisite Courses: None
Preferred Courses: none
Presentation: Seminar participation

This seminar will take a critical and constructive look at the professional responsibility of lawyers, legal ethics and the profession. The course will be problem and discussion-based and students will be expected to participate extensively.

Evaluation: 80% writing components, 20% participation (to be discussed further in class).
Legal Values: Reforming Intellectual Property - Copyright & Design
(3591G.03) Seminar
Instructor(s): Professor D. Vaver
Fall: 3 credits; 2 hours; max. enrollment: 20
Prerequisite Courses: A course or seminar on copyright or intellectual property law
Preferred Courses: none
Presentation: Seminar, discussion

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

Evaluation: Preliminary and final memoranda (30%); preliminary and final draft legislation (50%); participation (20%).

Legal Values: Reforming Patent & Trademark Design
(3591F.03) Seminar
Instructor(s): Professor D. Vaver
Fall: 3 credits; 2 hours; max. enrollment: 20
Prerequisite Courses: A course or seminar on patents, trade-marks or intellectual property law
Preferred Courses: none
Presentation: Seminar, discussion

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

Evaluation: Preliminary and final memoranda (30%); preliminary and final draft legislation (50%); participation (20%).
Litigation Dispute Resolution and the Administration of Justice Colloquium
(5007.03) Seminar
Instructor(s): L. Dizgun, Adjunct Professor
Winter: 3 credits; 2 hours; max. enrollment: 20
Prerequisite Courses: Students must be in their final year
Preferred Courses: None
Presentation: Student presentations and discussion

While this seminar is the required capstone course for students enrolled in the LDA Stream, more broadly it will be relevant for students interested in all forms of dispute resolution. The course will explore some of the centrally contested issues regarding the administration of justice (access to justice, efficiency and procedural fairness, fitting the fuss to the forum). A focus of the course will be an in-depth exploration of the principles and concepts of both classical and modern exponents of rhetoric in order to situate persuasive advocacy as central to a critical assessment of the process of dispute resolution in Anglo-American culture. Various rules of Civil Procedure will be analyzed as rhetorical devices and as the infrastructure for various modes of persuasive advocacy. Students would be required to review, and parts of the course will be grounded in the literature available on rhetoric, and to a lesser degree narrative theory, as it relates to persuasive technique.

The course provides students with the opportunity, in collaboration with their peers, and the Instructor, to develop a major research paper on a topic related to litigation, advocacy, dispute resolution or the administration of justice. A significant amount of time in the seminar will be devoted to advanced legal research and writing. Students will first identify the research they wish to develop in the seminar, and then consult on ways to develop and refine the research. They present their paper proposal to the class for comment and discussion and they prepare a formal commentary on another proposal. Second, based on the proposal and the discussion, students conduct further research and writing in order to craft the substance and structure of their papers. Based on an outline prepared for the class, they present their papers and receive feedback on the analysis and the direction of the argument. The expectation is that all students will engage collaboratively in a critical and engaged process of reflection on their own and other students’ work.

Evaluation: The evaluation in the course is a major research paper (70%) of 8-9000 words, class presentations (10%) and oral and written commentary on another paper (10%). Full attendance and participation is also considered as part of the evaluation scheme (10%). This seminar is the capstone course for the LDA Stream. It provides students with the opportunity, in collaboration with their peers, and the Instructor, to develop and refine a major research paper on a scholarly project commenced in a previous seminar or course. The seminar proceeds in three phases.

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

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

Third, as the papers progress through initial drafts, the students participate in intensive editing workshops to provide them with techniques for improving the quality of their writing.
Medical/Legal Seminar
(3180.03) Seminar
Instructor(s): Dr. J. Carlisle & B. Brock, Adjunct Professors
Winter: 3 credits; 3 hours; max. enrollment: 20
Prerequisite Courses: None
Preferred Courses: none
Presentation: Discussion, guest speakers

The management of personal injury cases from initial client interview to trial, basic medical information, expert medical witness, confidentiality, demonstrative evidence, the medical negligence case, the regulatory framework, the Coroner System, hospital visit, and attendance at a personal injury discovery.

The nature of this seminar is such that attendance at all sessions is mandatory. This, of course, is subject to excuse based on illness or compelling compassionate grounds, notice of which has been communicated to the instructors, prior to the session. Since, "participation" is part of the evaluation process, unexcused absences are unacceptable and will be taken into account for evaluation purposes. In the instructors' view, the early sessions of the seminar are the most important from the perspective of potentially useful information that students may attain from this seminar. Because of this, please note, that persons on the waiting list for this seminar are not only permitted but are required, for the purposes of the "participation" evaluation rule explained above, to attend the first two sessions of the seminar (i.e. the sessions which take place during the "drop" period.)

Evaluation: Regular participation in class discussions; major term paper involving empirical or library research.
**National Security Law in Canada: Structures, Objectives, Techniques and Human Rights Protections in a Global Context**

*(3008.03) Seminar*

Instructor(s): R. Atkey, Adjunct Professor

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

Prerequisite Courses: None

Preferred Courses: none

Presentation: Seminar, discussion

This seminar examines the place of national security in Canadian society, focusing on institutional structures, relevant legislation and accountability mechanisms. Students will examine a close look at national security objectives involved in preventing threats to the security of Canada (terrorism, weapons proliferation, immigrant infiltration, political emergencies, natural disasters, public safety and health), and review national security tools and techniques (secrecy, surveillance, intelligence sharing, communication interceptions, detention, interrogation, use of intelligence in court proceedings, evidence obtained through torture, extraordinary rendition, public right to know etc.). Of great importance to this exercise is the Canadian Charter of Rights and Freedoms. Human rights protections are considered in a domestic and international context.

The seminar will be broken down into four phases, as follows:

(a) national security structures (CSIS, CSE, RCMP, provincial & municipal police, CIC, DFAIT, CBSA, Transport Canada, CRA, Federal Court etc);

(b) national security objectives (preventing threats to the security of Canada from terrorism, weapons proliferation, immigrant infiltration, political emergencies, natural disasters, pandemics etc.);

(c) relevant legislation (CSIS Act, Criminal Code, Anti-terrorism Act, Emergencies Act, National Defence Act, Access and Privacy Acts, Canada Evidence Act, Security of Information Act etc.) considered in the context of the Canadian Charter of Rights and Freedoms, and International Conventions;

(d) national security tools and techniques (secrecy, surveillance, intelligence sharing, interception, detention, interrogation, use of intelligence in court proceedings, evidence obtained through torture, extraordinary rendition, public right to know etc.)

The seminar will feature outside guests from the legal and security intelligence communities.

Two themes will be pervasive throughout: accountability and the rule of law.

Evaluation: Research paper of approximately 30 pages on a national security subject from the instructor's pre-approved list (to be distributed on the first day of class). Papers must be submitted by the date specified by the law school for all seminars. Papers will be valued at 80% of a student’s mark. The remaining 20% will be assigned by the instructor based on class presentation and participation.
Native Rights
(2110.04) Course
Instructor(s): Professor K. McNeil
Fall: 4 credits; 4 hours; max. enrollment: 50
Prerequisite Courses: None
Preferred Courses: None
Presentation: Lectures, discussion

This course will provide an initial exposure to the law as it relates to Aboriginal peoples of 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 the advanced seminar on First Nations and the Law.

Evaluation: Open book exam. There is also a paper option with permission of the instructor.

Patents
(2330.04) Course
Instructor(s): Professor I. Mgbeoji
Winter: 4 credits; 4 hours; max. enrollment: 95
Prerequisite Courses: None
Preferred Courses: None
Presentation: Lectures, discussion

This course deals with the law of patents. The law of patents is one of the main headings of intellectual property law (along with copyrights and trademarks). Patents provide limited term monopoly-like property rights in inventions. The justification for the existence of a regime of patents include, encouragement of innovation, an incentive for disclosure of inventions, production of social benefit, and a catalyst for industrial development. The course will examine the statutory basis of patent law in Canada, the judicial construction and interpretation of various statutory provisions of Canadian patent law and cover also the doctrinal developments in case law. The course also examines how developments in other countries such as the United States, England, Japan, and other countries influence the evolution of patent law and procedures in Canada. The course will also 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.

Evaluation: Open-book examination (100%).
Pension Law
(5240.03) Seminar
Instructor(s): B. Austin, Adjunct Professor
Fall: 3 credits; 2 hours; max. enrollment: 20
Prerequisite Courses: None
Preferred Courses: none
Presentation: Guest lectures, student presentations, discussions

Pension law is an area of large and growing importance to Canadian society given Canada's aging population and the significant percentage of Canadian assets held by pension funds. The body of case law, involvement of lawyers, development of policy and legal principles all continue to expand rapidly. It is an evolving area in which traditional trust, contract, and other legal principles are being applied to new fact situations, often with awkward results. It is also an area in which value systems, intergenerational conflict over the allocation of scarce fiscal resources and changing views of community are highlighted.

In this context, the seminar will focus on both the legislation (tax, pension standards and human rights) and common law affecting pension plans in Canada. In particular, the seminar will examine retirement income policy, the integration of tax-assisted retirement savings, factors influencing plan design, plan governance issues, issues on the purchase and sale of a business and corporate reorganizations, fiduciary issues, the ability to merge pension plans, the ability to take “contribution holidays”, surplus entitlement, and the future of pension law in Canada (including a review of the reports of the Ontario and Joint B.C./Alberta Expert Commissions on Pensions expected out in Fall 2008 and various research papers completed for the Ontario Commission).

As this is a relatively new area of law, it presents an opportunity for students to see how the law and the lawyer’s role can develop over time. This seminar will teach students the skills of interpreting statutes, plan texts and funding agreement, research skills, and legal drafting skills.

Evaluation: 15% class participation and presentation; 85% research paper.
Public International Law
(2340.04) Course
Instructor(s): Professor I. Mgbeoji
Fall: 4 credits; 4 hours; max. enrollment: 95
Prerequisite Courses: None
Preferred Courses: none
Presentation: Lectures, discussion, guest speakers

Public International Law is the system of law which governs inter-state relations. This course is intended as an introduction to the rules of international law that are recognized as being binding obligations on sovereign states in their mutual relationships.

Topics will be covered from among the following: sources of international law; subjects of international law (States and non-State actors; peoples seeking self-determination; individuals; international organizations); rights and duties of States; recognition of States and governments and legal effects thereof; state responsibility for international delinquencies: (injuries done to aliens abroad; expropriation of foreign property; trans-boundary pollution; espousal of claims and remedies); international law applying processes in domestic legal systems; state and diplomatic immunities from suit in foreign courts; the United Nations Charter and limitations on the use of force and international dispute settlement.

Evaluation: Option 1: 100% three-hour open-book examination. Option 2: 75% three-hour open-book examination (same as option 1) plus a 25% research paper (15 - 20 pages). Research papers are due on day of the examination in the course.
Public Law & Decision Making
(3400.03) Seminar
Instructor(s): A. Levine; Adjunct Professor
Winter: 3 credits; 2 hours; max. enrollment: 20
Prerequisite Courses: None
Preferred Courses: None
Presentation: Discussion

What role do lawyers and law play in the public policy process? Is there a distinctive role for lawyers within government? How do legal standards and rules intersect with policy and decision making processes in government? To what extent are legislative and policy decisions support or driven by legal analysis, or other considerations?

This course straddles the fields of law, public administration and political science. We will examine the public policy process from a legal perspective, outlining the various legal rules and principles that structure the way governments and legislatures operate. We will also examine how these rules and principles intersect with the broader political and social environment in which they operate.

Topics to be covered include decision making in the legislative process, decision making in the executive branch, the structure of the public service, the process of making regulations, ethical considerations for lawyers in government, and the role of the Attorney General in government. The course will include case studies on classically legal areas of policy: criminal justice, human rights, and access to justice.

Evaluation: Research paper on a topic, approved by the instructor, relating to any aspect of public law and decision making (75%); short written comments on readings and participation in seminar discussions (25%).

Real Estate Transactions
(2070.03 P) Course
Instructor(s): P. M. Perell; Adjunct Professor
Winter: 3 credits; 3 hours; max. enrollment: 95
Prerequisite Courses: None
Preferred Courses: none
Presentation: Lectures, discussion

This fundamental course examines the legal structure and the legal problems and remedies associated with commercial transactions involving the sale, mortgaging and leasing of real estate. Topics include conveyancing practice, vendor and purchaser remedies, the Planning Act and mortgage remedies.

Real Estate Transactions  
(2070.04 A) Course
Instructor(s): R. Rosenblatt, Adjunct Professor
Fall: 4 credits; 4 hours; max. enrollment: 55
Prerequisite Courses: None
Preferred Courses: none
Presentation: Lectures, discussion

The purpose of this course is to expose for examination the principal legal, ethical and practical problems in commercial and residential transactions respecting property as well as the legal arrangements available for dealing with them. Problems related to real estate transactions, including those involving real estate agents, vendor and purchaser, mortgagor and mortgagees and Planning Act will be examined. Focus is on current legal issues, the role of the lawyer including the lawyer's obligations and ethical considerations.

Evaluation: Open-book examination; 50% paper option.

Real Estate Transactions  
(2070.04 B) Course
Instructor(s): C. Carter, Adjunct Professor
Fall: 4 credits; 4 hours; max. enrollment: 95
Prerequisite Courses: None
Preferred Courses: none
Presentation: Lectures, discussion

Real estate is fundamental to the wealth accumulation of Canadians and to the operational capacity of Canadian business. As such a working knowledge of real estate and mortgage law is essential for lawyers practising in commercial, taxation, litigation, estates and family law. The purpose of this fundamental course is to examine the most topical legal and economic issues in real estate transactions as well as the legal principles available for dealing with them. Problems related to real estate transactions, including those involving real estate agents, vendor and purchaser, the agreement of purchase and sale, mortgagor and mortgagees and solicitors duties will be examined. The course will use a standard residential purchase and sale transaction as the focus but will consider commercial real estate transactions as appropriate. Current legal issues, current cases, lawyers obligations and ethical considerations will be considered.

Refugee Law
(2470.03) Course
Instructor(s): Professor S. Rehaag
Fall: 3 credits; 3 hours; max. enrollment: 80
Prerequisite Courses: None
Preferred Courses: none
Presentation: Lectures and discussion

Refugee protection is in a state of crisis, both domestically and abroad. Many refugee law practitioners and scholars argue that states are retrenching from their duty to provide refugees with the protection to which they are entitled under international law. At the same time, some government actors, media figures and civil society groups contend that existing refugee determination processes are excessively generous and are subject to widespread "abuse" by economically motivated migrants. Still others suggest that refugee protection regimes distract from a deeper problematic: control over migration that serves to entrench global disparities in income, wealth and security.

This course offers students an opportunity to engage critically with these and other debates over refugee law at the level of theory, policy and practice. This critical engagement will occur through a detailed examination of refugee law instruments, institutions and jurisprudence in international and domestic forums.

Evaluation: Open-book examination (60%); 1500-2000 word case comment (30%); participation (10%).

Regulation of Competition
(2350.03) Course
Instructor(s): M. Wood and A. Morris; Adjunct Professors
Winter: 3 credits; 3 hours; max. enrollment: 80
Prerequisite Courses: None
Preferred Courses: none
Presentation: Lectures, discussion

Policy makers around the world are increasingly recognizing the importance of regulating competition - not to "level the playing field" or out of concerns for distributional "fairness", but because of an understanding that anti-competitive conduct can destroy the benefits that competition provides. This course surveys Canadian competition laws with comparative analysis of US and EU law. Our aim is to understand both the substance of Canada's competition regulatory framework and the normative policy considerations that underpin the law. Key topics considered in detail are: (1) collusion among competitors; (2) mergers; and (3) abuse of dominance or monopolization.

Evaluation: Open-book examination
Resources Management  
(3490.03) Seminar  
Instructor(s): A. Koehl, H. Wilkins, J. Duncan; Adjunct Professors  
Winter: 3 credits; 2 hours; max. enrollment: 20  
Prerequisite Courses: None  
Preferred Courses: none  
Presentation: Lectures, discussion, guest speakers.

This seminar introduces students to natural resources law, with a specific focus on new and emerging issues and proposals for strengthening existing laws from a public interest perspective. Each week's seminar will focus on a specific component of natural resources law and include references to legal strategies, especially litigation opportunities, that each of these components of the law presents. Topics for discussion may include: a range of natural resource issues such as forests, water, and minerals; sustainability and resources (renewable and non-renewable); environmental assessment (provincial and federal) and approvals; Aboriginal resource law; climate change impacts; and compliance and enforcement.

Evaluation: The course evaluation has two components: research paper (20-25 pages) based on approved topic (75%); and class participation (25%)
Restitution
(2360.04) Course
Instructor(s): Professor J. D. McCamus
Winter: 4 credits; 4 hours; max. enrollment: 95
Prerequisite Courses: None
Preferred Courses: none
Presentation: Lectures, discussion

The law of restitution is the third branch - in addition to contract and tort - of the common law of obligations. An understanding of restitut ionary doctrine is vitally important for potential litigators and commercial lawyers. Restitutionary issues can, however, arise in virtually every legal area. This course covers a number of topics - such as fiduciary obligation and constructive trust - that feature prominently in contemporary litigation both in commercial matters and in other aspects of private law, including family law.

The course organizes these materials in terms of a unifying theory of unjust enrichment and examines the relationship of restitution with the more familiar doctrines of tort, contract and property law. In so doing, the course fills in a number of gaps left by the first year contracts course and offers the student an overview of the entire field of civil liability.

Placing particular emphasis on Canadian materials which adopt the unjust enrichment theory, the course examines the more common instances of restitutionary recovery, benefits conferred under mistake, fraud or compulsion, in circumstances of necessity, or under transactions that are ineffective for such reasons as informality, incapacity, illegality, mistake, undue influence, unconscionability, frustration or breach. As well, consideration is given to the recovery of benefits acquired through wrongdoing whether criminal, tortious or in breach of a fiduciary duty.

Evaluation: Open-book examination. In addition, but not in substitution for the final examination, students may write a paper on a topic to be approved by the instructor, worth 33.3% of the final grade. Students must elect to write a paper by the end of Week 4, and must provide a detailed outline of the paper by the end of Reading Week.
Securities Regulation
(2620.03 A) Course
Instructor(s): D.H. Lastman, Adjunct Professor
Fall: 3 credits; 3 hours; max. enrollment: 95
Prerequisite Courses: None
Preferred Courses: Business Associations
Presentation: Lectures, discussion

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

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

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

Securities Regulation
(2620.04 P) Course
Instructor(s): Professor M. Condon
Winter: 4 credits; 4 hours; max. enrollment: 95
Prerequisite Courses: None
Preferred Courses: Business Associations
Presentation: Lectures, discussion

This is a four hour course that attempts a detailed coverage of the Ontario Securities Act, with reference to other provincial or international regulation where appropriate. 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 and recent changes here; exemptions and resale rules; regulation of the trading markets including the Toronto Stock Exchange; continuous and timely disclosure with particular reference to insider trading; mergers and acquisitions with particular reference to takeover bid legislation; primary and secondary market civil liability; enforcement issues.

Evaluation: 100% open book examination OR 50% open book examination plus 50% research paper.
Sexuality and the Law  
(3910.03) Seminar  
Instructor(s): S. Marvel, Adjunct Professor  
Fall: 3 credits; 2 hours; max. enrollment: 20  
Prerequisite Courses: None  
Preferred Courses: None  
Presentation: Discussion and Participation  

This seminar aims to explore the socially constructed norms and frameworks enabling the legal regulation of human sexuality. We will focus on certain types of criminalized sexual behaviour (including pornography, sex work, polygamy and sexual assault) as well as on the social inclusion of formerly ‘deviant’ sexual identities (including same-sex marriage, new family forms, and the LGBT rights movement). The seminar will offer students a strong theoretical and doctrinal analysis, and provide the critical tools required to evaluate a host of legislative and judicial responses to human sexuality.  

Evaluation: There will be no examination in this seminar and evaluation will be in the form of written work and participation.

Tax Law and Policy Colloquium  
(5330.03) Seminar  
Instructor(s): Professor J. Li  
Winter: 3 credits; 2 hours; max. enrollment: 20  
Prerequisite Courses: Tax I and an advanced tax course  
Preferred Courses: none  
Presentation: The winter 2011 colloquium will be in a directed reading format.  

This tax policy seminar is open to all students. It also serves as the capstone course for the Tax Law Program. Its purposes are to help students bring together the knowledge and skills they have developed in the tax and related courses they have taken, to further develop their critical thinking and writing abilities, and to engage them actively in the production of new knowledge in the tax field. Although the precise content of the course will vary from year to year, basically the seminar will involve an examination of current research in tax law and policy.  

The objective of the seminar is to foster a high level of scholarly and professional sophistication among graduates of the Tax Program and other students interested in tax and expose them to the most current tax research being conducted in a variety of professional settings. For students who may be interested in graduate work or careers in research the course will provide an opportunity to clarify their research interests and to learn from experienced tax researchers. At the end of the seminar students should have the ability to read the most sophisticated tax articles - whether theoretical or practical - critically and with understanding and to write publishable tax commentaries.  

Evaluation: Students will be evaluated on the basis of their written critiques of the scholarship assessed during the colloquium and on the basis of a research project undertaken by them.
**Tax Lawyering**

(3370.03) Seminar

Instructor(s): Professor L. Philipps

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

Prerequisite Courses: Taxation Law

Preferred Courses: none

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

This seminar is required for those who wish to complete the Tax Law Program and is also open to other students. Its purpose is to step back from the substantive content of tax law to examine the procedures and skills involved in working as a tax lawyer in various settings. It will ask students to think critically about tax lawyering processes and how they impact upon the efficiency and equity of the tax system. The seminar is structured around four topics that are cornerstones to the study and practice of tax law. First, it addresses the professional role and ethical responsibilities of tax lawyers in different contexts such as tax planning, litigating tax disputes, and advising governments on proposed tax reforms. Second, the seminar covers the tax law-making process including the role of different players in the Department of Finance, the legislative processes for enacting tax bills, issues of equality and democratic accountability in the formation of tax policy, and efforts to coordinate tax policy internationally. Third, it looks at tax administration from the perspective of national and international enforcement powers and techniques, taxpayers’ appeal rights and remedies, and tax dispute resolution. Finally, the seminar develops tax research and writing skills. Students will learn how to use a wide range of conventional and electronic research sources and will develop their skills directly by conducting research, preparing a variety of written documents, and making verbal presentations.

Evaluation: 3 written assignments submitted during the term. Class attendance and participation.
The seminar is intended to be an interdisciplinary seminar that, in the context of tax law, examines the normative justifications for government intervention in a market economy and the selection of the appropriate governing instrument for pursuing social and economic policy goals. Also, the seminar will examine the determinants of government policy making and the various perspectives from which issues of public policy can be examined. The seminar will view these issues from a comparative perspective.

Evaluation: Presentation, short critical memo, and analytical or policy oriented research paper.
Taxation Law
(2080.04 A) Course
Instructor(s): Professor J. Li
Fall: 4 credits; 4 hours; max. enrollment: 95
Prerequisite Courses: None
Preferred Courses: none
Presentation: Lecture, problems, discussion

Taxation Law is the foundational course in the tax area, and one of the highly recommended courses for students at Osgoode. It is designed not only for students who find tax issues intriguing, but also for those who are more interested in the relevant non-tax substantive areas, which are myriad. For example, corporate lawyers working on mergers and acquisitions need to understand the tax consequences of such transactions, which are often structured in response to the tax law. Lawyers specializing in international business transactions need to understand domestic and international tax law because they profoundly affect these transactions. Family lawyers need to understand the tax consequences of marriage, divorce, and the transfer of property. Less obviously, students interested in poverty law and social justice should be familiar with tax law as the Income Tax Act (the Act) is used as a major policy instrument in regulating non-profit entities and in redistributing social income.

Taxation Law focuses on the federal Income Tax Act and the policy considerations that inform the design of the tax. The Act is perhaps the most pervasive federal statute on the books, and has become an important governmental tool for influencing many aspects of modern Canadian life. Therefore, the course examines not only the concept of taxable income, but also how the federal government uses the tax to influence the behavior of taxpayers.

A principal goal of the course is to teach students to analyze and apply a complex federal statute. It aims at helping students to develop skills of statutory interpretation, drafting, and problem solving. It also aims at helping students learn some basic technical tax law and to understand the underlying tax policy and principles. Problems will be used to illustrate how the law is supposedly to work in real life.

Students are expected to be active learners: read the materials before class, think about the issues before, during and after the class, and participate in class discussions.

Evaluation: 100 % examination (3-hour open book); or alternatively, 50% examination, 50% paper due on the first day of examinations. If examination grade is higher, it will count for 100%.
**Taxation Law**  
(2080.04 B) *Course*  
Instructor(s): Professor N. Brooks  
Fall: 4 credits; 4 hours; max. enrollment: 95  
Prerequisite Courses: None  
Preferred Courses: none  
Presentation: Lecture, problems, discussion

This course surveys most aspects of the taxation of the individual: the concept of residency; amounts that must be included in income for tax purposes; the deduction of business and personal expenses; and the taxation of capital gains.

While the course is about technical tax law, heavy emphasis is placed upon developing skills in dealing with statutory materials, tax policy, and problems of professional responsibility. The distributive effects of tax law is a recurrent theme in the course.

Evaluation: Open book examination. Optional 50% paper, due on the first day of examinations.

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**Taxation Law**  
(2080.04 P) *Course*  
Instructor(s): Professor L. Philipps  
Winter: 4 credits; 4 hours; max. enrollment: 95  
Prerequisite Courses: None  
Preferred Courses: none  
Presentation: Lectures, problems and exercises, discussion

This course is about income tax law as it applies to individuals. Areas covered include the concept of residence; the taxation year; amounts that must be included in income; deductions and credits for personal and business expenses; the taxation of capital gains on the disposition of property; and tax evasion and avoidance. The course aims to help students develop a thorough technical knowledge of the most important aspects of personal income tax law and a facility in interpreting tax statutes, as well as a comprehension of underlying policy objectives, issues of professional responsibility for tax planners, and the impact of the tax system on different individuals, families and social groups.

Evaluation: 100% final examination (3 to 3.5 hours long, open book). Optional evaluation: 75% final examination, 25% case comment or tax policy comment. Students who submit a case comment or tax policy comment will be exempt from writing an equivalent portion of the final exam. Detailed requirements for the alternative forms of evaluation will be set out in the course syllabus.
**Taxation of Business Enterprises**

*(4100.04) Course*

Instructor(s): Professor T. Edgar

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

Prerequisite Courses: Tax I

Preferred Courses: None

Presentation: Lectures and discussion

This course examines the federal income tax treatment of resident corporations and their shareholders. It also deals, to a limited extent, with the income tax treatment of partnerships and their members. It considers the basic income tax concerns of business enterprises: the decision to incorporate; considerations when capitalizing a corporation; the use of professional, personal services, and executive management corporations; the small business deduction and associated companies; remuneration of the owner manager; transferring assets to a corporation; statutory amalgamations, arrangements, and continuations; liquidations; and demergers and reorganizations of capital.

A focus on statutory construction and the detailed provisions of the *Income Tax Act* is a central feature of this course.


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**Taxation of Wealth Transfers**

*(4080.03) Course*

Instructor(s): H. Evans & L. Levin, Adjunct Professors

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

Prerequisite Courses: Taxation Law

Preferred Courses: None

Presentation: Lecture, discussion, problems

This course focuses on selected areas of personal taxation that should assist students interested in taxation law and those interested in related areas such as trusts and estates, family law and private corporate law. Topics will include the taxation of capital gains and other items at death; provincial probate planning; the taxation of trusts and beneficiaries; intra-familial transfers; income splitting; and estate freezes. The course is intended to help students develop a more advanced understanding of the technical aspects of the personal income tax, the underlying tax policy issues, as well as basic tax planning techniques.

Evaluation: 100% examination (3 to 3.5 hours long, open book).
Theory and Practice of Mediation  
(5960.04) Seminar  
Instructor(s): Professor F. Zemans  
Fall: 4 credits; 3 hours; max. enrollment: 16  
Prerequisite Courses: None  
Preferred Courses: none  
Presentation: Seminars, mediation practice  

This seminar will offer students an opportunity to develop an understanding of the utility and impact of mediation within the context of contemporary dispute resolution developments in Ontario. Students will gain an understanding of mediation through seminars, simulations, and four or five mediation sessions co-mediated at North York Small Claims Court, located at 45 Sheppard Avenue East, Toronto.  

The course will involve i) weekly seminars and discussion of course readings; ii) an Intensive Mediation Workshop, skills training and introduction to mediation skills; iii) a supervised co-mediation practicum at North York Small Claims Court; and iv) a research and writing component. The seminars will examine the utility of mediation in civil disputes as well as ethical and professional responsibility issues. Specifically, the seminar will address issues related to mediation in a multicultural environment; analyze the successes and problems that students have encountered in their mediations; and explore the role, utility, and effect of mediation in contemporary small claims and other areas of civil litigation.  

Evaluation: Mediation Practica in Small Claims Court; Mediation Journal; and Class Presentations (30%); Final Mediations and Mediation Advocacy (30%); and Final Paper (40%).
Trademarks
(2170.03) Course
Instructor(s): Dr. R. Corbin, Adjunct Professor
Winter: 3 credits; 3 hours; max. enrollment: 95
Prerequisite Courses: None
Preferred Courses: None
Presentation:

The Osgoode Hall Trademarks course is a study of the protection of brands, logos and other trade-marks that are such an essential feature of today’s consumer culture, and of the marketing practices of modern organizations. Protection in Canada is afforded by the exclusive right to use a trade-mark that indicates the source of a product or service. The focus of the course is on the federal Trademarks Act and its impact on private rights to control trademark use and prevent unfair competitive practices. The course will also examine how corporations and other trade-mark owners should govern their activities to optimize their access to protection and remedies. Specific topics to be covered include the wide-ranging types and uses of trade-marks, the concepts of reputation, distinctiveness, confusion and depreciation, the criteria for trademark registration, the basis for opposing an application or expunging a registration, infringement, the common law of passingoff, and the evolving case law of “famous brands.” The nature of evidence to sustain various causes of action will also be covered. Besides gaining familiarity with substantive law, students will have the opportunity to examine the law in light of the various interests at stake, from the entrepreneur’s interest in preventing ‘freeriding’, to the competitor’s interest in free competition and the consumer’s interest in avoiding confusion.

Evaluation: 100% open-book final, with opportunity to substitute up to 20% of final grade with case write-up and contributions to class discussion.

Trial Practice
(5270.04) Seminar
Instructor(s): R. Grinberg, J. Rosenthal, J. Baichoo, Adjunct Professors
Fall: 4 credits; 3 hours; max. enrollment: 80
Prerequisite Courses: Evidence
Preferred Courses: none
Presentation: Student performances plus critique, demonstrations

An introduction to the techniques of trial advocacy in civil and criminal trials. Consideration is given to pretrial preparation and analysis of the case, opening statements, examination and cross-examination of witnesses, evidence issues, closing arguments, 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. At the end of the seminar, students conduct ½ day jury trials, with two student counsel acting on each side of the case.

Evaluation: Class presentations, final trials. Grade is on credit/no credit basis.
Trusts
(2090.03) Course
Instructor(s): L. Kaufman; Adjunct Professor
Winter: 3 credits; 3 hours; max. enrollment: 95
Prerequisite Courses: None
Preferred Courses: none
Presentation: Lectures, discussion

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; 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.