

Upper Year Courses 2011-2012

Year	Term	courseName	course#	Section	instructorPantherID
2011	F	Aboriginal Law	5325A	001	mcoyle
2011	F	Administrative Law	5200A	001	ghuscrof
2011	S	Administrative Law	5200D	001	bmille3
2011	S	Advanced Constitutional Law - Charter of Rights	5330D	001	ghuscrof
2011	F	Advanced Criminal Law	5360A	001	ismith99, pdownes
2011	J	Advanced Intellectual Property	5600C	001	jhynes7, dschn99
2011	FJS	Advanced Litigation Practice	5785	001	jvoss
2011	FJS	Advanced Litigation Practice	5785	001	dfergus
2011	S	Advanced Patent Law (ST)	5872D	001	egold99, kpathiya, msajewyc
2011	J	Appellate Advocacy Competition -	5715C	001	dmacken8
2011	J	Appellate Advocacy Competition - Gale Cup	5715C	002	psankoff
2011	J	Appellate Advocacy Competition - Jessup	5715C	003	vooster
2011	J	Appellate Advocacy Competition - Laskin	5715C	004	acampb73, msmit85
2011	J	Appellate Advocacy Competition - Niagara	5715C	005	nkhour2
2011	J	Appellate Advocacy Competition - Wilson	5715C	006	aparachi
2011	S	Bankruptcy and Insolvency Law	5505D	001	ttelfer
2011	F	Canadian Human Rights Law	5340A	001	randallm
2011	F	Case Studies in Business Law	5545A	001	lawrhm
2011	S	Children and the Law (ST)	5876D	001	nsempl99
2011	F	Civil Procedure	5205A	001	dmacken8
2011	S	Civil Procedure	5205D	001	ntahir3
2011	F	Class Actions (ST)	5867A	001	ehoaken, meizenga
2011	S	Climate Change (IC)	5928D	001	sdeboe99
2011	S	Clinic in Criminal Law Practice	5365D	001	jvoss
2011	J	Comparative Constitutional Law (ST)	5821C	001	pyowel99
2011	F	Comparative Copyright Law	5627A	001	strosow
2011	F	Comparative Corporate Law (IC)	5929A	001	jarmour99, cnichol8
2011	J	Competition Law and Policy (ST)	5833C	001	pscott99
2011	J	Contemporary Issues with the Wagner Model of Labour Law (ST)	5826C	001	psecun99
2011	S	Corporate Finance	5555D	001	cnichol8
2011	F	Corporate Law	5210A	001	cnichol8
2011	S	Corporate Law	5210D	001	mkhimji3
2011	F	Corporate Reorganizations	5515A	001	vdare2
2011	F	Criminal Law Advocacy	5370A	001	jvoss
2011	F	Criminal Procedure	5375A	001	csherrin
2011	S	Dispute Resolution (ST)	5856D	001	nkhour2
2011	F	Employment Law	5650A	001	chall37
2011	F	Environmental Law	5305A	001	sseck
2011	F	Evidence	5215A	001	psankoff
2011	S	Evidence	5215D	001	randal
2011	F	Family Law	5415A	001	bhovius
2011	J	Family Law Dispute Resolution (ST)	5845C	001	hlinton
2011	J	Family Law Externship (ST)	5820C	001	dfergus
2011	J	Global Issues in Intellectual Property (ST)	5829C	001	sfrank99
2011	J	Harold Fox IP Moot	5717C	001	mawilk
2011	J	Healthcare Law and Policy	5310C	001	rsolomon
2011	S	Immigration and Refugee Law (ST)	5873D	001	slevin99, jlewis99
2011	F	Income Taxation	5220A	001	ccampb64
2011	S	Income Taxation	5220D	001	ccampb64
2011	S	Individual Research	5797D	000	
2011	F	Insurance Law	5565A	001	cbrown3
2011	F	Intellectual Property	5625A	001	mawilk
2011	S	International Business Transactions	5640D	001	ccarmody
2011	J	International Commercial Arbitration (ST)	5834C	001	rwerbi99
2011	S	International Commercial Litigation	5670D	001	spitel
2011	J	International Human Rights and Global Justice	5830C	001	ailumoka
2011	S	International Protection of Intellectual Property	5630D	001	mawilk

Upper Year Courses 2011-2012

2011	F	International Tax	5435A	001	ccampb64
2011	J	International Taxation - Policy and Practice (ST)	5823C	001	ksadiq99, mkobet99
2011	F	International Trade Law	5635A	001	ccarmody
2011	J	Judging the Judges (ST)	5836C	001	ghammo99
2011	F	Jurisprudence I	5760A	001	rbronaug
2011	J	Kawaskimhon Talking Circle	5712C	001	mcoyle
2011	J	Labour Arbitration Competition	5720C	001	mslynk
2011	S	Labour Arbitration Law and Procedure	5700D	001	ratkins7
2011	F	Labour Law	5655A	001	jcraig3
2011	F	Law and Literature (ST)	5818A	001	jmill45
2011	F	Law and Social Welfare	5315A	001	jschlemm
2011	J	Law and Sport	5690C	001	lawrhm
2011	F	Law and the American Empire: The United States and the Legal Reconstruction of Germany and Japan, 1945 - 52 (ST)	5859A	001	rwk
2011	S	Law, Justice and Mercy in Late Medieval England (ST)	5897D	001	mmcglynn
2011	F	Litigation Practice	5790A	001	dfergus, mcapes
2011	S	Litigation Practice	5790D	001	dfergus, mcapes
2011	S	Media Law	5350D	001	strosow
2011	J	Mining Law & Project Finance (ST)	5810C	001	bbarton
2011	S	Municipal Law (ST)	5874D	001	toudeker, jsmout, kstron
2011	F	NAFTA and its Place in Global Trade and Investment Law (ST)	5864A	001	jrobin69
2011	S	Negotiation and International Conflict (ST)	5861D	001	mcoyle
2011	F	Negotiation and Mediation	5710A	001	mcoyle
2011	J	Ontario Court of Justice Clerkship Program	5377C	001	csherrin
2011	F	Pensions and Benefits (ST)	5877A	001	sarche99, mazzuc99
2011	F	Pharmaceutical and Health Regulation (ST)	5863A	001	mawilk
2011	F	Public International Law	5225A	001	ccarmody
2011	S	Public International Law	5225D	001	sseck
2011	F	Reading and Study	5798A	000	
2011	S	Reading and Study	5798D	000	
2011	F	Real Estate Transactions	5680A	001	clamb
2011	S	Real Estate Transactions	5680D	001	clamb
2011	S	Regulatory Offences	5378D	001	rlibman
2011	F	Sale of Goods (ST)	5878A	001	mkhimji3
2011	S	Secured Transactions (ST)	5879D	001	pking99
2011	J	Securities Law - Concepts and Practice	5558C	001	bgraves3, jhoffma4, wlocke2
2011	S	Securities Regulation	5560D	001	cnichol8
2011	S	Sex Discrimination and the Law	5355D	001	randallm
2011	F	Statutory Interpretation	5775A	001	randal
2011	S	Tax Planning (ST)	5868D	001	mberry99, msherm99, nharr99
2011	S	Taxation of Corporations and Shareholders	5455D	001	ccampb64
2011	F	The Art of the Deal (ST)	5866A	001	cgauth6, rdrew3
2011	FS	Torys LLP Business and Law Pre-Eminent Scholars Series (ST)	5905	001	cnichol8
2011	J	Trial Advocacy Competition	5725C	001	jvoss, dfergus
2011	S	Trusts	5230D	001	aparachi
2011	S	U.S. Takeover Law in a Comparative Perspective (IC)	5931D	001	rkraak99, cnichol8
2011	S	Wills	5685D	001	dmcnama4
2011	S	Wrongful Convictions (ST)	5896D	001	csherrin

5325A 001 Aboriginal Law

Instructor(s)	Coyle, Michael
Credits	3
Essay Requirement	Yes, this course will satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	25

Course Times

Course Times For 5325A 001, 2011-2012			
Term	Day	Time	Room
Fall	Tuesday	9:00 - 10:20	206
Fall	Wednesday	14:00 - 15:20	206

Exam Times	none
Instruction	This course will be run seminar style, with readings, lectures, directed discussion, presentations, and supervised research.
Assessment	Seminar Presentation: 20% Participation: 10% Research Paper: 70%

Research Paper: The research paper must be 20-25 pp., double-spaced (font size 12), or about 5,000-6,200 words. Students may pick their own topic, subject to approval by the professor (to ensure that there is sufficient material available to permit a sophisticated legal analysis in the area you have chosen). The paper is due in the final class of the term.

Seminar: Each student will prepare and lead a class discussion of about 30 minutes on a topic of interest to the student, as approved by the professor. The topic may be a component of the subjects being investigated for the student's research paper.

Materials	M. Coyle, ed., <i>Aboriginal Law: Cases, Materials and Commentary</i> (2010). Available in print and on WebCT/library reserve.
Library Materials	Click here for Library Materials for this Course

Description

This course focuses on the legal aspects of the relationship between Aboriginal peoples and Crown governments in Canada. Through course readings, guest lectures and analysis of case law, students will engage in a critical review of the manner in which the Canadian courts, legislatures and executive have addressed the challenge of accommodating the reality that Aboriginal societies pre-dated European arrival in North America. Topics covered will include the following key aspects of that challenge:

- the interpretation and enforcement of the rights created by treaties between the Crown and First Nations;
- the evolving case law on aboriginal interests in land arising from prior occupation by Aboriginal societies, and the implications of those interests for corporations and municipalities seeking to develop lands traditionally occupied by Aboriginal peoples;
- the meaning and implications of the fiduciary relationship between the Crown and Aboriginal peoples;
- the content of Aboriginal rights under section 35 of the Constitution and the circumstances in which legislatures may infringe those rights;
- an examination of the basis of indigenous peoples' claims to a right to govern themselves and the place of Aboriginal peoples in relation to the Canadian Constitution; and
- the adequacy of non-judicial processes currently available to resolve outstanding issues related to land and governance rights.

5200A 001 Administrative Law

This course is required for the Area of Concentration: Intellectual Property, Information and Technology Law.

Instructor(s)	Huscroft, Grant
Credits	4
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	Yes
Enrollment Restriction	80 upper year students

Course Times For 5200A 001, 2011-2012			
Term	Day	Time	Room
Fall	Monday	10:30 - 12:20	36
Fall	Wednesday	10:30 - 12:20	36

Exam Times For 5200A 001, 2011-2012			
Term	Date	Time	Room
Fall	5 Dec 2011	9:00 - 12:00	

Instruction	Lecture and discussion
Assessment	100% final exam or 75% final exam plus 25% midterm assignment

Materials	<p><u>Required:</u></p> <p><i>Administrative Law: Cases, Text and Materials</i>, 6th Edition, Author: Mullan, Van Harten, Heckman (2010)</p> <p><u>Recommended:</u></p> <p>Flood and Sossin eds., <i>Administrative Law in Context</i> (2008)</p>
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Library Materials

[Click here for Library Materials for this Course](#)

Description

We will study the the role of the courts in overseeing administrative action; the evolution of the duty of fairness; judicial review of the decisions of the administrative tribunals; and common law and statutory remedies. The impact of the Charter of Rights and Freedoms on administrative law will also be considered.

5200D 001 Administrative Law

This course is required for the Area of Concentration: Intellectual Property, Information and Technology Law.

Instructor(s)	Miller, Bradley
Credits	4
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	Yes
Enrollment Restriction	80 upper year students

Course Times

Course Times For 5200D 001, 2011-2012			
Term	Day	Time	Room
Spring	Tuesday	14:00 - 16:20	36
Spring	Friday	10:00 - 12:20	36

Exam Times

Exam Times For 5200D 001, 2011-2012			
Term	Date	Time	Room
Spring	20 Apr 2012	9:00 - 12:00	

Instruction	Lecture and discussion
Assessment	100% final exam or 75% final exam plus 25% midterm assignment

Materials

Required:

Administrative Law: Cases, Text and Materials, 6th Edition, Author: Mullan, Van Harten, Heckman (2010)

Recommended:

Flood and Sossin eds., *Administrative Law in Context* (2008)

Library Materials

[Click here for Library Materials for this Course](#)

Description

We will study the the role of the courts in overseeing administrative action; the evolution of the duty of fairness; judicial review of the decisions of the administrative tribunals; and common law and statutory remedies. The impact of the Charter of Rights and Freedoms on administrative law will also be considered.

5330D 001 Advanced Constitutional Law - Charter of Rights

Instructor(s)	Huscroft, Grant
Credits	4
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	25

Course Times

Course Times For 5330D 001, 2011-2012			
Term	Day	Time	Room
Spring	Tuesday	14:00 - 16:20	202
Spring	Thursday	14:00 - 16:20	202

Exam Times none

Instruction Lecture and class discussion.

Assessment 80% three short essays
20% participation

1. Short essays

Students will have the option of choosing three paper topics from an approved list. Each paper will be 8-10 pages in length.

2. Class participation

Students are expected to attend class having prepared in advance, and to participate in the class discussions.

Materials

Library Materials [Click here for Library Materials for this Course](#)

Description

This course examines a range of issues including the interpretation of the *Charter* in and outside the courts; "dialogue theory" and the legitimacy of judicial review; the concept of proportionality in rights limitations; and international influences and comparative constitutional law. Current controversies from Canada and around the world will be considered.

5360A 001 Advanced Criminal Law

Instructor(s)	Smith, Ian R. ; Downes, Phil
Credits	3
Essay Requirement	Yes, this course will satisfy the Faculty of Law essay requirement
Pre/Co-requisite	5120 Criminal Law (Pre), 5215 Evidence (Co), 5375 Criminal Procedure (Co) [old course numbers: Criminal Law: 412, Evidence: 414, Criminal Procedure: 479]
Compulsory	No
Core	No
Enrollment Restriction	25

Course Times	Course Times For 5360A 001, 2011-2012			
	Term	Day	Time	Room
	Fall	Friday	9:30 - 12:20	100

Exam Times	none
Instruction	Most classes will include a brief introductory lecture, followed by a presentation by one or more students and a discussion on the topic of the day. Some classes may include a guest speaker. Active discussion and questioning of the issues will be an important part of the course.
Assessment	The following method of assessment applies: Class participation, including required class presentation: 20% Research Paper: 80%
Materials	As assigned.
Library Materials	Click here for Library Materials for this Course
Description	<p>This is an advanced research course for students with an interest in the field of criminal law. The course will examine selected areas of substantive criminal law, looking in depth at particular issues that students may have encountered in an introductory manner in earlier courses. Topics will include establishing criminal liability, defences going to the mental element, policy based defences, and justifications and excuses.</p> <p>Students will be expected to be familiar with the key cases and/or commentary assigned for each class such that they will be able to participate in discussion of those issues in class.</p>

Since it is assumed that students will come to the course with a familiarity of the basic principles of criminal law, procedure and evidence, this course will allow students to explore specific issues in criminal law in a detailed and critical way. It will also attempt to integrate into the classes a practical perspective on the practice of criminal law, whether as Crown or defence counsel.

5600C 001 Advanced Intellectual Property

This course satisfies the Group 2 requirement for the Area of Concentration: Intellectual Property, Information and Technology Law.

Instructor(s)	Schnurr, David ; Hynes, Jason
Credits	4
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	5625 Intellectual Property (Pre)
Compulsory	No
Core	No
Enrollment Restriction	25

Course Times

Course Times For 5600C 001, 2011-2012			
Term	Day	Time	Room
January	Monday	13:00 - 15:50	52
January	Tuesday	13:00 - 15:50	52
January	Wednesday	13:00 - 15:50	52
January	Thursday	13:00 - 15:50	52
January	Friday	13:00 - 15:50	52

Exam Times none

Instruction

Intellectual Property (IP) is one of the fastest growing and most dynamic fields in the practice and study of law. This January term course pairs student groups with a senior IP practitioner at the beginning of the course to discuss live issues in IP and design a research project. During the month of January student groups prepare a research memorandum and an oral report on a current issue in intellectual property for their respective practitioner. Often the student research is used in actual case preparation or reflects a real world problem. Throughout the month research guidance and evaluation will be provided by the instructors. Near the end of the term, student groups share the results of their research through a PowerPoint presentation to the class, before attending a debriefing session with their respective practitioner.

The Advanced Intellectual Property course provides unparalleled exposure to the actual practice of law. Practitioners design the projects to reflect what may be expected from an articling student or junior associate in a law firm or in-house setting. In the past, the visiting practitioners have been impressed by the quality of work and detail in the oral reports and

written submissions.

The course will involve students participating in class meetings and group projects, however, each student will prepare an independent portion of the research memorandum and be evaluated independently on this portion.

Assessment

Project: 80% (including an independent memorandum: 40%, an oral presentation: 20% and the final group memorandum: 20%)

Peer review exercise: 10%

Participation: 10%

There is no final examination for this course.

Materials

Optional - Mackaay and Gendreau, *Canadian Legislation on Intellectual Property*, Carswell, and other materials as announced.

Library Materials

[Click here for Library Materials for this Course](#)

Description

Project topics are drawn from the actual IP practice of the practitioners. Typically, the study is based upon selected topics in copyright, trademark, patent, industrial design and specialized IP protection regimes.

In the past years we have benefited from the integral involvement of practitioners from the following organizations:

- Bereskin & Parr LLP
- Copyright Board of Canada
- Davies Ward Phillips & Vineberg LLP
- Dimock Stratton LLP
- Gowling Lafleur Henderson LLP
- Lang Michener LLP
- Office Industry Liaison, University of Western Ontario
- Sim, Hughes, Ashton & McKay LLP
- Weir Foulds LLP
- Bennett Jones LLP
- Research in Motion Limited
- Bordner Ladner Gervais LLP

In previous years topics have included:

- “Lego” Case
- ICANN Dispute Resolution
- Domain Names
- Famous Marks
- Use of Trademarks
- IP Aspect of E-Commerce
- Health Information and IP
- Structuring Deals Pre-Patent
- Revising “Monsanto”
- MP3’s
- ICrave TV
- CCH et al v Law Society of Upper Canada
- Private Copying
- Copyright Incentives
- Patent Licensing
- Confidential Information Protection
- Patent Infringement
- Patented Medicines (Notice of Compliance) Regulations

5785 001 Advanced Litigation Practice

Instructor(s)	Ferguson, Doug ; Voss, Jason
Credits	8 (floating credits, i.e., students can allocate credits over any of the 3 terms with the approval of the course instructors and the Associate Dean Academic)
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	5790 Litigation Practice (Pre)
Compulsory	No
Core	No
Enrollment Restriction	10

Course Times

Course Times For 5785 001, 2011-2012			
Term	Day	Time	Room
Fall	Wednesday	16:00 - 17:50	205
January	Wednesday	16:00 - 17:50	205
Spring	Wednesday	16:00 - 17:50	205

Exam Times	none
Instruction	Seminars, guest lectures, group file discussions, and supervision of files.
Assessment	Letter grades based on: performance in the handling of CLS files and duty hour work at the clinic, advocacy exercise(s), and class participation (including regular file presentations)
Materials	Handouts; readings on reserve CLS Caseworkers manual is available on WebCT Owl
Library Materials	Click here for Library Materials for this Course

Description	This is an advanced litigation course. Class time will be devoted to guest lectures on various civil and criminal litigation topics (examination for discovery, civil motions, advanced cross-examination techniques, expert evidence, etc); individual and group file discussions and presentations. Students will also take part in an examination for discovery exercise, and will be expected to take part in file conferences during some classes.
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5872D 001 Advanced Patent Law (ST)

This course satisfies the Group 2 requirement for the Area of Concentration: Intellectual Property, Information and Technology Law.

Instructor(s)	Gold, Elliott ; Pathiyal, Krishna ; Sajewycz, Mark
Credits	3
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	5625 Intellectual Property (Pre) or 462.
Compulsory	No
Core	No
Enrollment Restriction	25

Course Times

Course Times For 5872D 001, 2011-2012			
Term	Day	Time	Room
Spring	Monday	16:00 - 19:50	100

Exam Times

Exam Times For 5872D 001, 2011-2012			
Term	Date	Time	Room
Spring	16 Apr 2012	9:00 - 12:00	

Instruction

This will be a quick paced class. It will include lectures, class discussion, small group work and a role playing exercise (for the mid-term as lawyers interviewing an inventor).

We will teach advanced patent law by way of real world patent examples. Examples will originate from IP savvy companies that have used their patent portfolios to develop strategically important assets in a commercial environment. Occasional guest lecturers with specialized patent expertise will be brought in to supplement the overall learning experience.

Assessment

Midterm Assignment: 50% Final Examination: 50%

Materials

There will neither be any mandatory casebook nor treatise. References will be made to relevant case law, patents and statutes by providing web-based links. There will be no more than a maximum of three mandatory cases per class to read (additional/supplementary reading references will be set out). All class slides will be available at the beginning of the class.

Library Materials

[Click here for Library Materials for this Course](#)

Description

Welcome to Advanced Patent Law. We will endeavour to teach the important tenets of patent law by referring to a set of patents as case studies as we progress through the syllabus to help drive home the practical implications of the legal analysis. The patents will be technical in nature; hence, students with technical educational backgrounds in engineering, computer science or science are encouraged to take this course. Having said that, students with nontechnical backgrounds are not barred from enrolling.

5715C 001 Appellate Advocacy Competition - Corporate / Securities

This course satisfies Module 3 for the Area of Concentration: Business Law.

Instructor(s)	MacKenzie, David
Credits	4
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	5

Course Times

Course Times For 5715C 001, 2011-2012			
Term	Day	Time	Room

Exam Times	none
Instruction	Students will be given some guidance by the faculty advisor, depending on the degree of consultation allowed by the competition's rules, but the expectation is that they will do much of the work on their own with minimal supervision. Students will receive instruction and feedback on oral advocacy through a series of practices before the actual competition.
Assessment	Students will receive a grade reflecting an overall assessment of their research, written work and oral advocacy. Results in the competition are a relevant factor in the assessment. While students work and compete as a team, it is not required that all students receive the same grade.
Materials	To be determined in consultation with the instructor.
Library Materials	Click here for Library Materials for this Course
Description	<p>This course is the means by which students participate, for academic credit, in the Canadian Corporate and Securities Law appellate advocacy competition, a national competition among Canadian law schools run by Davies Ward Phillips & Vineberg. The team for this competition is composed of four competitors.</p>

Enrollment in this course is subject to an application process. The application process involves submitting a written application consisting of a statement of interest and law school academic transcripts. In addition to the four competitors, a researcher is required for this

competition. Students will be invited to apply in writing for all five positions in the fall prior to the competition. Students who are selected will be enrolled in the Appellate Advocacy Competition course as their January Term course (worth four credits) and will be removed from the course they had originally chosen for that term.

It will be helpful, though not required, for the four competitors and the researcher for this competition to have taken, or be taking, Corporate Law.

5715C 002 Appellate Advocacy Competition - Gale Cup

Instructor(s)	Sankoff, Peter
Credits	4
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	5

Course Times

Course Times For 5715C 002, 2011-2012			
Term	Day	Time	Room

Exam Times	none
Instruction	Students will be given some guidance by the faculty advisor, depending on the degree of consultation allowed by the competition's rules, but the expectation is that they will do much of the work on their own with minimal supervision. Students will receive instruction and feedback on oral advocacy through a series of practices before the actual competition.
Assessment	Students will receive a grade reflecting an overall assessment of their research, written work and oral advocacy. Results in the competition are a relevant factor in the assessment. While students work and compete as a team, it is not required that all students receive the same grade.
Materials	To be determined in consultation with the instructor.
Library Materials	Click here for Library Materials for this Course
Description	<p>This course (Law 5715) is the means by which students participate, for academic credit, in the Gale Cup appellate advocacy competition, a national competition among Canadian law schools involving criminal and constitutional law and run by the Canadian Bar Association. The team for this competition is composed of four competitors.</p> <p>To be enrolled in this course, students are first required to participate in the internal Lerner's LLP Cup, the appellate advocacy competition in the Fall Term. This competition is run by the Faculty with the assistance of third-year students who competed in an external advocacy competition in their second year. Students in the internal competition are ranked based on</p>

their performance. The top-ranking students are then able to select which external competition they will enter. All students who so select are enrolled in the Appellate Advocacy Competition course or the Labour Arbitration Competition course as their January Term course (worth four credits) and are removed from the course they had originally chosen for that term. For second year students, any points bid for the original January term course will be refunded.

A researcher is required for five of the competitions, including this one. Students will be invited to apply in writing for these positions once the competitors have been finalized. Students who are selected as researchers will also be enrolled in the Appellate Advocacy Competition course as their January Term course (worth four credits) and will be removed from the course they had originally chosen for that term.

The Faculty's participation in this competition is generously supported by Fraser Milner Casgrain.

5715C 003 Appellate Advocacy Competition - Jessup

Instructor(s)	Oosterveld, Valerie
Credits	4
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	5225 Public International Law (Pre)
Compulsory	No
Core	No
Enrollment Restriction	5

Course Times

Course Times For 5715C 003, 2011-2012			
Term	Day	Time	Room

Exam Times	none
Instruction	Students will be given some guidance by the faculty advisor, depending on the degree of consultation allowed by the competition's rules, but the expectation is that they will do much of the work on their own with minimal supervision. Students will receive instruction and feedback on oral advocacy through a series of practices before the actual competition.
Assessment	Students will receive a grade reflecting an overall assessment of their research, written work and oral advocacy. Results in the competition are a relevant factor in the assessment. While students work and compete as a team, it is not required that all students receive the same grade.
Materials	To be determined in consultation with the instructor.
Library Materials	Click here for Library Materials for this Course
Description	<p>This course (Law 5715) is the means by which students participate, for academic credit, in the Canadian National Division Qualifying Tournament of the Philip C. Jessup International Moot Court Competition, the first round of which is a national competition among Canadian law schools involving issues of public international law. The team for this competition is composed of four competitors and one researcher.</p> <p>To be enrolled in this course as a competitor, students are selected through an application process. This competition is run by the Faculty with the assistance of third-year students who competed in an external advocacy competition in their second year. Students in the internal</p>

competition are ranked based on their performance. The top-ranking students are then able to select which external competition they will enter. All students who so select are enrolled in the Appellate Advocacy Competition course or the Labour Arbitration Competition course as their January Term course (worth four credits) and are removed from the course they had originally chosen for that term. For second year students, any points bid for the original January term course will be refunded.

A researcher is required for five of the competitions, including this one. Students will be invited to apply in writing for these positions. Students who are selected as researchers will also be enrolled in the Appellate Advocacy Competition course as their January Term course (worth four credits) and will be removed from the course they had originally chosen for that term.

It will be extremely helpful, though not required, for competitors and the researcher for this competition to have taken, or be taking, Public International Law.

The Faculty's participation in this competition is generously supported by McCarthy Tetrault.

5715C 004 Appellate Advocacy Competition - Laskin

Instructor(s)	Campbell, Adam ; Smith, Myfanwy
Credits	4
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	5

Course Times	Course Times For 5715C 004, 2011-2012			
	Term	Day	Time	Room

Exam Times	none
Instruction	Students will be given some guidance by the faculty advisor, depending on the degree of consultation allowed by the competition's rules, but the expectation is that they will do much of the work on their own with minimal supervision. Students will receive instruction and feedback on oral advocacy through a series of practices before the actual competition.
Assessment	Students will receive a grade reflecting an overall assessment of their research, written work and oral advocacy. Results in the competition are a relevant factor in the assessment. While students work and compete as a team, it is not required that all students receive the same grade.
Materials	To be determined in consultation with the instructor.
Library Materials	Click here for Library Materials for this Course
Description	<p>This course (Law 5715) is the means by which students participate, for academic credit, in the Laskin moot, a national appellate advocacy competition among Canadian law schools. The competition focuses on administrative and constitutional law. The competition is bilingual, though fluency in both languages is not required. The team for this competition is composed of four competitors.</p>

To be enrolled in this course, students are first required to participate in the internal Lerner's LLP Cup, the appellate advocacy competition in the Fall Term. This competition is run by the Faculty with the assistance of third-year students who competed in an external advocacy

competition in their second year. Students in the internal competition are ranked based on their performance. The top-ranking students are then able to select which external competition they will enter. All students who so select are enrolled in the Appellate Advocacy Competition course or the Labour Arbitration Competition course as their January Term course (worth four credits) and are removed from the course they had originally chosen for that term. For second year students, any points bid for the original January term course will be refunded.

A researcher is required for five of the competitions, including this one. Students will be invited to apply in writing for these positions once the competitors have been finalized. Students who are selected as researchers will also be enrolled in the Appellate Advocacy Competition course as their January Term course (worth four credits) and will be removed from the course they had originally chosen for that term.

The Faculty's participation in this competition is generously supported by Lerner LLP.

5715C 005 Appellate Advocacy Competition - Niagara

Instructor(s)	Khouri, Nina
Credits	4
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	4

Course Times

Course Times For 5715C 005, 2011-2012			
Term	Day	Time	Room

Exam Times	none
Instruction	Students will be given some guidance by the faculty advisor, depending on the degree of consultation allowed by the competition's rules, but the expectation is that they will do much of the work on their own with minimal supervision. Students will receive instruction and feedback on oral advocacy through a series of practices before the actual competition.
Assessment	Students will receive a grade reflecting an overall assessment of their research, written work and oral advocacy. Results in the competition are a relevant factor in the assessment. While students work and compete as a team, it is not required that all students receive the same grade.
Materials	To be determined in consultation with the instructor.
Library Materials	Click here for Library Materials for this Course
Description	<p>This course (Law 5715) is the means by which students participate, for academic credit, in the Niagara moot, a regional appellate advocacy competition among Canadian and American law schools. The competition focuses on public international law and cross-border legal issues. The team for this competition is composed of four competitors.</p>

To be enrolled in this course, students are first required to participate in the internal Lerner's LLP Cup, the appellate advocacy competition in the Fall Term. This competition is run by the Faculty with the assistance of third-year students who competed in an external advocacy competition in their second year. Students in the internal competition are ranked based on

their performance. The top-ranking students are then able to select which external competition they will enter. All students who so select are enrolled in the Appellate Advocacy Competition course or the Labour Arbitration Competition course as their January Term course (worth four credits) and are removed from the course they had originally chosen for that term. For second year students, any points bid for the original January term course will be refunded.

It will be helpful, though not required, for competitors for this competition to have taken, or be taking, Public International Law.

The Faculty's participation in this competition is generously supported by Leners LLP.

5715C 006 Appellate Advocacy Competition - Wilson

Instructor(s)	Parachin, Adam
Credits	4
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	5

Course Times

Course Times For 5715C 006, 2011-2012			
Term	Day	Time	Room

Exam Times	none
Instruction	Students will be given some guidance by the faculty advisor, depending on the degree of consultation allowed by the competition's rules, but the expectation is that they will do much of the work on their own with minimal supervision. Students will receive instruction and feedback on oral advocacy through a series of practices before the actual competition.
Assessment	Students will receive a grade reflecting an overall assessment of their research, written work and oral advocacy. Results in the competition are a relevant factor in the assessment. While students work and compete as a team, it is not required that all students receive the same grade.
Materials	To be determined in consultation with the instructor.
Library Materials	Click here for Library Materials for this Course
Description	<p>This course (Law 5715) is the means by which students participate, for academic credit, in the Wilson moot, a national appellate advocacy competition among Canadian law schools. The competition focuses on the law relating to women and minority groups. The team for this competition is composed of four competitors.</p>

To be enrolled in this course, students are first required to participate in the internal Lerner's LLP Cup, the appellate advocacy competition in the Fall Term. This competition is run by the Faculty with the assistance of third-year students who competed in an external advocacy competition in their second year. Students in the internal competition are ranked based on

their performance. The top-ranking students are then able to select which external competition they will enter. All students who so select are enrolled in the Appellate Advocacy Competition course or the Labour Arbitration Competition course as their January Term course (worth four credits) and are removed from the course they had originally chosen for that term. For second year students, any points bid for the original January term course will be refunded.

A researcher is required for five of the competitions, including this one. Students will be invited to apply in writing for these positions once the competitors have been finalized. Students who are selected as researchers will also be enrolled in the Appellate Advocacy Competition course as their January Term course (worth four credits) and will be removed from the course they had originally chosen for that term.

The Faculty's participation in this competition is generously supported by Lerner LLP.

5505D 001 Bankruptcy and Insolvency Law

This course satisfies Module 2 for the Area of Concentration: Business Law.

Instructor(s)	Telfer, Thomas
Credits	3
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	80

Course Times For 5505D 001, 2011-2012			
Term	Day	Time	Room
Spring	Tuesday	10:30 - 12:20	MCR
Spring	Thursday	10:30 - 12:20	MCR

Exam Times For 5505D 001, 2011-2012			
Term	Date	Time	Room
Spring	25 Apr 2012	9:00 - 12:00	

Instruction Lectures and class discussion

Assessment Option One: 90% final exam; 10% participation

Option Two: 40% final exam; 50% essay; 10% participation

Students selecting **Option One** will write a three-hour final exam.

Students selecting **Option Two** will write a one-hour final exam. The final exam will be open book subject to the limitations contained in the syllabus. The paper component in Option Two will be on a subject pre-approved by the Instructor.

Materials Required:

Duggan, Ben-Ishai, Telfer, Wood & Ziegel, *Bankruptcy and Insolvency Law*, (2nd en.) (Emond Montgomery, 2009)

Optional:

Federal and Ontario Insolvency Legislation (Canada Law Book) (2011-2012)

Students may access the relevant statutory provisions on-line through links on WebCT.

Supplementary Materials on WebCT.

Library Materials

[Click here for Library Materials for this Course](#)

Description

This course will examine the principles of bankruptcy and insolvency law as contained in the *Bankruptcy and Insolvency Act*, the *Companies' Creditors Arrangement Act* and relevant provincial legislation.

Topics covered may include:

1. The history of Canadian bankruptcy law
2. Policies underlying modern bankruptcy law
3. Initiation of bankruptcy proceedings
4. Property of bankrupt divisible among creditors
5. Review of pre-bankruptcy transactions
6. Effect of bankruptcy on third party interests
7. Administration of the bankrupt's estate including ranking of creditors and distribution of proceeds
8. The position of the individual bankrupt and the principles governing the discharge
9. Director liability and the insolvent company
10. Alternatives to bankruptcy including reorganizations and proposals

5340A 001 Canadian Human Rights Law

Instructor(s)	Randall, Melanie
Credits	3 one term (can be 4 credits with supplemental writing credit)
Essay Requirement	Yes, this course will satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	25

Course Times

Course Times For 5340A 001, 2011-2012			
Term	Day	Time	Room
Fall	Wednesday	16:00 - 18:50	100

Exam Times	none
Instruction	Lectures, seminar participation and class discussions
Assessment	<ol style="list-style-type: none"> 1. First Assignments (Seminar Presentation and Written Summary) - 20% 2. Class Participation - 15% 3. Major Research Essay - 65%
Materials	Course materials, compiled by M. Randall, WebCT Course Page <i>Ontario Human Rights Code, Canada Human Rights Act</i> , other provincial codes
Library Materials	Click here for Library Materials for this Course

Description

This course studies the role of the legal protection of human rights in Canada, focusing specifically on the development, interpretation and enforcement of Canadian human rights legislation and complaints processes, at the provincial and federal levels.

The course raises a number of questions relating the ways in which the legal regime governing human rights in Canada engages the various bases of social inequality. What, for example, are the grounds which human rights law protects? Why these grounds, and how are they conceptualized in law? How are intersecting grounds of discrimination treated by the law? What grounds are currently left unprotected, and why? Are there alternatives to the

prohibited grounds approach and what would they look like? What are the existing exceptions and defences to human rights claims and what are their supporting rationales? Because the judicial interpretation of s. 15(1) has influenced the development of human rights law in Canada, and vice versa, the course will address a number of *Charter* cases that have dealt with equality and human rights issues, in particular to examine the interplay and differences between the *Charter* equality and other rights protections, and human rights legal approaches.

The course will touch upon the history of human rights law in Canada, theories of legal equality and systemic discrimination, the role of administrative law principles, the various reforms to human rights processes, and the influence of the *Charter*. The course materials cover selections from some of the essential developing Canadian case law on the major protected grounds under human rights legislation, including disability, gender, religion, race, age, sexual orientation, and social condition. Course topics will also include human rights issues such as sexual harassment and pay equity. In each of these areas, we will consider various critiques of the present law, and the possibilities for reform. The research paper allows students the opportunity to explore in some depth a topic of special interest in the area of human rights and the law.

5545A 001 Case Studies in Business Law

This course satisfies Module 3 for the Area of Concentration: Business Law.

Instructor(s)	McLaren, Richard
Credits	6
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	25 third-year students only

Course Times

Course Times For 5545A 001, 2011-2012			
Term	Day	Time	Room
Fall	Monday	9:30 - 12:20	34
Fall	Wednesday	14:00 - 16:50	34

Exam Times	none
Instruction	The course consists of a series of problems with related exercises together with discussions of cases. The cases are not law cases but actual business case situations. The student will be required to study both the business and legal aspects of a situation where a corporation is in serious financial difficulties. There will be substantial time required beyond the class hours to do background reading and prepare documents for class.
Assessment	Class participation; individual projects; and group projects & presentations. There is no final examination but there are a considerable number of exercises to be done individually and in groups.
Materials	The materials to be used comprise a series of case studies and other selected materials prepared by Professor McLaren. The student will be frequently required to use library and reference materials. Some materials will be provided on WebCT Owl
Library Materials	Click here for Library Materials for this Course
Description	The principle objective of this course is to give students the opportunity to synthesize the

knowledge acquired in the corporate business area of the curriculum. The synthesis process is focused upon using the law creatively to assist in the solution of business problems. There are a series of exercises at the outset of the course which are intended to provide some general introduction to financial statements and understanding financial aspects of business transactions. The course then moves into a series of case studies for which the student is required to develop a solution. The solution is then executed by preparing the necessary documentation or undertaking the required negotiations associated with solving the problem. The balance of the course involves case studies of actual business situations.

5876D 001 Children and the Law (ST)

Instructor(s)	Semple, Noel
Credits	3
Essay Requirement	Yes, this course will satisfy the Faculty of Law essay requirement
Pre/Co-requisite	5415 Family Law (Pre)
Compulsory	No
Core	No
Enrollment Restriction	25

Course Times	Course Times For 5876D 001, 2011-2012			
	Term	Day	Time	Room
	Spring	Tuesday	16:30 - 18:20	206
	Spring	Wednesday	16:30 - 18:20	206

Exam Times	none
Instruction	The classes will consist of short lectures, interspersed with multimedia presentations and class discussion.
Assessment	<p>Assessment</p> <ol style="list-style-type: none"> 1. Attendance and Participation (10%): Students will be given opportunities to participate in the class discussion in various ways. 2. Written Comments (20%): Students will complete six (6) short responses to the readings and class discussion. These will not require additional research. 3. Essay (70%): A research essay on a children's law topic of the student's choice. An essay outline will be due at an earlier point in the term.
Materials	It is not necessary to purchase any books. The instructor will provide the necessary materials online.
Library Materials	Click here for Library Materials for this Course
Description	This course introduces students to the central doctrines, debates, and practices in children's law. The law has a complicated relationship with children. It sees them as rights-holders who

speak for themselves, but it also sees them as vulnerable parties whose interests must be defined and protected by others. The law can treat children as resources to be divided among adults, and it can also treat them as threats to others. This course will explore law's complex relationship with children, and encourage critical thinking about it. It will also introduce students to the practice of children's law, and to some of the lawyers who have taken up this fascinating and challenging field.

The first half of the course examines disputes between parents about children. We will begin with the child custody and access disputes which arise after parents separate. We then turn to adoption and the international disputes which child custody creates. Custody and adoption disputes can be distressingly similar to disputes over property, so we will wrap up the first half by asking how and if children can express themselves and defend their own rights in court.

In the second half, the state takes a more prominent part in our course. We begin by exploring the threshold of intervention – parent behaviours which legally justify involvement by child protection authorities in a family. We then ask what happens after this intervention occurs, both in the short and long term. Finally, we will study youth criminal justice, a field in which our desire to protect children must be reconciled with our desire to be protected from them.

Tentative Outline

1. Introduction: Children's Interests and Rights
2. Custody and Access: Theory
3. Custody and Access: Practice
4. Adoption
5. Globalized Children's Law
6. The Voice of the Child in Litigation
7. Parenting Practices and the Threshold of Intervention
8. Children's Rights and Interests in the School and in the Hospital
9. Child Protection – Intervention and Aftermath
10. Youth Criminal Justice: Society versus the Child
11. Youth Criminal Justice: Critical Perspectives and New Directions
12. Concluding Discussion: Children's Interests and Rights

5205A 001 Civil Procedure

Instructor(s)	MacKenzie, David
Credits	4
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	Yes
Core	No
Enrollment Restriction	90

Course Times For 5205A 001, 2011-2012			
Term	Day	Time	Room
Fall	Tuesday	16:00 - 17:50	38
Fall	Thursday	16:00 - 17:50	38

Exam Times For 5205A 001, 2011-2012			
Term	Date	Time	Room
Fall	6 Dec 2011	9:00 - 12:00	

Instruction	Lectures and group assignments
Assessment	<ol style="list-style-type: none"> 1. 25% Short answer mid-term 2. 25% Pleadings 3. 50% Short answer final exam
Materials	<ol style="list-style-type: none"> 1. <i>Ontario Annual Practice</i> (Carthy, Millar, Cowan- Canada Law Book) (current edition) 2. <i>LSUC Rules of Professional Conduct</i> (available on web) <p>Students are required to have their own copies of these materials Some materials will be available on WebCT Owl</p>
Library Materials	Click here for Library Materials for this Course

Description

This course will consider the judicial processes used to resolve civil disputes in Ontario, with a focus on those based in contract, tort, property and equity. The course will not consider estate or family litigation.

A significant component of the course will involve a review and consideration of the Rules of Civil Procedure and related statutory material, including the Courts of Justice Act, the Class Proceedings Act, 1992, and the Limitations Act, 2002. Many of the lectures will go beyond simply learning the procedural framework of civil litigation in Ontario, however, and will include a discussion of a variety of tactical strategies and issues common to litigation practice.

Both the midterm and final examination will be comprised of short answer questions.

5205D 001 Civil Procedure

Instructor(s)	Tahir, Nawaz
Credits	4
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	Yes
Core	No
Enrollment Restriction	90

Course Times

Course Times For 5205D 001, 2011-2012			
Term	Day	Time	Room
Spring	Monday	18:00 - 20:20	38
Spring	Thursday	18:00 - 20:20	38

Exam Times

Exam Times For 5205D 001, 2011-2012			
Term	Date	Time	Room
Spring	16 Apr 2012	9:00 - 12:00	

Instruction	Lectures and class participation.
Assessment	(i) Mid Term exam of multiple choice and short and long answer questions worth 35%; (ii) Final exam of short answer, drafting and some long answer questions worth 65%
Materials	<i>The Rules of Professional Conduct</i> , available online from the Law Society of Upper Canada's Website. The Adjunct Professor will advise which annotated Rule book will be used in the class prior to the first class. The course outline will also refer to cases from CanLII, which students will need to download and review prior to class.
Library Materials	Click here for Library Materials for this Course
Description	This course will emphasize developing a problem solving skill set using the <i>Ontario Rules of Civil Procedure</i> as the core source of law.

This course will consider the judicial processes used to resolve civil disputes in Ontario, with a focus on those based in contract, tort, property and equity. The course will not consider estate, family, or class actions litigation.

A significant component of the course will involve a review and consideration of the *Rules of Civil Procedure* and related statutory material, including the *Courts of Justice Act*, and the *Limitations Act, 2002*. Many of the lectures will go beyond simply learning the procedural framework of civil litigation in Ontario, however, and will include class discussions of a variety of tactical strategies and issues common to litigation practice, including the ethical and professional obligations of lawyers.

5867A 001 Class Actions (ST)

Instructor(s)	Hoaken, Eric ; Eizenga, Michael
Credits	3
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	25

Course Times	Course Times For 5867A 001, 2011-2012			
	Term	Day	Time	Room
	Fall	Monday	16:00 - 18:50	202

Exam Times	Exam Times For 5867A 001, 2011-2012			
	Term	Date	Time	Room
	Fall	14 Dec 2011	9:00 - 12:00	

Instruction	Class Actions is a lecture based course that will be organized to allow for discussion and question and answer sessions.
Assessment	Midterm assignment 40%; class participation 10% and final examination 50%.
Materials	The required reading will consist of cases and materials selected specifically for this course.
Library Materials	Click here for Library Materials for this Course
Description	<p>This course, which is taught by two of Canada's leading Class Action lawyers, is designed to provide an introduction to the general area of Class Proceedings and complex litigation. Eric Hoaken and Michael Eizenga are two of Canada's leading complex litigation and class action lawyers.</p>

The course will examine the policy objectives of class proceedings, but will largely take a practical approach and will examine each of the relevant stages and aspects of a class proceeding, including practical and procedural aspects of certification, the substantive tests for class certification, inter-jurisdictional class litigation, the impact of a class proceeding on limitation periods, the conduct of a class proceeding, including the treatment of individual

claims, and the economics of class litigation, including costs and class fees. Class proceedings represent a growing and cutting edge practice area and the course will include discussions on a number of the most recent and significant developments.

5928D 001 Climate Change (IC)

Instructor(s)	deBoer, Stephen
Credits	2
Essay Requirement	Yes, this course will satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	20 upper year students. Students may take only one Intensive Course per term.

Course Times

Course Times For 5928D 001, 2011-2012			
Term	Day	Time	Room
Spring	Monday	14:00 - 16:50	34
Spring	Tuesday	14:00 - 16:50	34
Spring	Wednesday	14:00 - 16:50	34
Spring	Thursday	14:00 - 16:50	34
Spring	Friday	14:00 - 16:50	34

Exam Times none

Instruction Lecture and class discussion.

This course is offered as an intensive seminar from 2:00-4:50 p.m. February 27 - March 2, 2012. Attendance at all of the classes is mandatory. There will be a two hour introductory lecture prior to the commencement of the course.

Assessment 20% participation
80% 15-20 page paper due 4 weeks after the course (March 30, 2012)

Materials All materials will be available through WebCT or in the reference section of the library.

Library Materials [Click here for Library Materials for this Course](#)

Description This course will primarily adopt an international perspective surveying the broader themes of climate change law and policy including an examination of the United Nations Convention

on Climate Change (UNFCCC) and its Kyoto Protocol. A secondary focus will be on its relationship to domestic law.

5365D Clinic in Criminal Law Practice

Instructor(s)	Voss, Jason Mentors: Senior members of the Crown Attorney's Office & Criminal Defence Bar
Credits	3
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none but Evidence, Criminal Procedure and Criminal Law Advocacy are recommended
Compulsory	No
Core	No

Enrollment Restriction	5 ; third year students only** ** <i>Entry is by application only. Resume and covering letter must be sent to the attention of Jason Voss (submitted to the Student Services Office by 4 p.m. on Friday, September 9, 2011). Please indicate academic background, reasons for wishing to take this course, and other information relevant information.</i> <i>Notification of acceptance will be given in October.</i>
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Course Times	Course Times For 5365D 001, 2011-2012			
	Term	Day	Time	Room
	Spring	Thursday	9:30 - 12:20	206

Exam Times	none
Instruction	Practical
Assessment	Evaluation by participating lawyers and instructor: participation/attendance at court, memoranda of law to be evaluated by instructor, learning journal.
Materials	None
Library Materials	Click here for Library Materials for this Course

Description	Students will be paired with a Crown counsel and a Defence counsel. The students will observe and assist with the various aspects of prosecutions and defence of criminal charges. This may include such things as interviewing witnesses, bail hearings, resolution meetings,
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pre-trials, guilty pleas and / or trials.

Students will be required to write a memorandum of law to be evaluated by the course instructor.

For the student interested in criminal law, this is an invaluable course. This is the chance to see how the criminal justice system works with the guidance of those who work in it daily.

What is required is interest, enthusiasm and commitment. A student who declines to meet with their counsel and attend court regularly will not fare well in terms of their grade.

5821C 001 Comparative Constitutional Law (ST)

Instructor(s)	Yowell, Paul
Credits	4
Essay Requirement	Yes, this course will satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	25

Course Times

Course Times For 5821C 001, 2011-2012			
Term	Day	Time	Room
January	Monday	13:00 - 15:50	34
January	Tuesday	13:00 - 15:50	34
January	Wednesday	13:00 - 15:50	34
January	Thursday	13:00 - 15:50	34
January	Friday	13:00 - 15:50	34

Exam Times	none
Instruction	Lectures and discussion. Students are expected to come to each class prepared to make contributions, and will be required to write a 20-30 page paper. A list of paper topics will be provided, but students may suggest their own topics (which must be approved by the instructor). Students will make short class presentations based on the topic of their paper.
Assessment	Participation and class presentation: 20% Written paper (20-30 double-spaced pages): 80%
Materials	A reading list of primary legal materials and scholarly analysis will be provided by the instructor. It will be divided into main texts and suggested further reading.
Library Materials	Click here for Library Materials for this Course
Description	This course will examine and compare the constitutional systems of four countries: the United States, the United Kingdom, Germany and Canada. We will study structural aspects

of constitutions and processes of lawmaking and adjudication, as well as substantive constitutional law on topics such as freedom of speech and religion; privacy; and equality and discrimination. We will consider the degree to which variations in substantive law between countries can be explained by underlying structural features and institutional processes. Why, for example, are certain forms of "hate speech" constitutionally protected under the First Amendment in the United States but not in other countries? The structural features on which we will focus include the following:

1. the power of courts to review or strike down legislation;
2. judicial independence and appointment procedures;
3. electoral systems and the composition of legislative bodies;
4. the nature of executive power in parliamentary and presidential systems;
5. the division of powers between national and regional bodies and other aspects of federalism; and
6. amendment and other methods of constitutional change

There are a number of important differences and similarities between the four constitutional systems regarding these points. Students will be asked to reflect upon the underlying reasons for this, and upon the implications of constitutional choices.

5627A 001 Comparative Copyright Law

This course satisfies the Group 3 requirement for the Area of Concentration: Intellectual Property, Information and Technology Law.

Instructor(s)	Trosow, Samuel
Credits	3
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	25

Course Times

Course Times For 5627A 001, 2011-2012			
Term	Day	Time	Room
Fall	Tuesday	18:00 - 20:50	206

Exam Times	none
Instruction	Lectures, class discussions, student presentations and guest speakers.
Assessment	<p>10% class participation (As this course will be conducted in a seminar format, students are expected to come to class prepared to make meaningful contributions to the discussion about the week's topics. Class attendance is mandatory and unexcused absences will be reflected in the assessment. Students will be expected not to use electronic devices during class time unless it is directly related to the class discussion. In addition to contributions to discussions in class, students will be given the opportunity to continue the discussion and exchange materials electronically between classes.)</p> <p>30% national profile/analysis of the copyright regime of a selected jurisdiction (to be chosen in consultation with instructor) which will include a written and oral presentation component.</p> <p>30% Topical essay #1 (topics, scope and due dates tba)</p> <p>30% Topical essay #2 (topics, scope and due dates tba)</p>

Materials	TBA
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Library Materials

[Click here for Library Materials for this Course](#)

Description

This course presents a comparative analysis of the *Canadian Copyright Act* with the laws of other selected jurisdictions. Emphasis will be placed on current issues and problems in the formation, implementation and evaluation of copyright policies, including critical analysis of pending legislation and the impacts of international treaties and agreements.

5929A 001 Comparative Corporate Law (IC)

The Director for the Area of Concentration: Business Law has approved this Selected Topic course to be included in the Area of Concentration: Business Law requirements under Module 4 for 2011-2012.

Instructor(s)	Nicholls, Christopher C. ; Armour, John
Credits	2
Essay Requirement	Yes, this course will satisfy the Faculty of Law essay requirement
Pre/Co-requisite	5210 Corporate Law (Pre)
Compulsory	No
Core	No
Enrollment Restriction	20 upper year students. Students may take only one Intensive Course per term.

Course Times

Course Times For 5929A 001, 2011-2012			
Term	Day	Time	Room
Fall	Monday	16:00 - 18:50	100
Fall	Tuesday	16:00 - 18:50	100
Fall	Wednesday	16:00 - 18:50	100
Fall	Thursday	16:00 - 18:50	100
Fall	Friday	13:00 - 15:50	100

Exam Times	none
Instruction	One week intensive classes, seminar and discussion, approximately 3 hours daily during the week commencing September 12. Students are expected to attend all classes, complete all readings, and participate in class discussions.
Assessment	100% research paper (approximately 20 double spaced pages) due on December 2, 2011.
Materials	Reinier Kraakman et al, <i>The Anatomy of Corporate Law</i> , 2nd ed. (Oxford: OUP, 2009). Other readings will be listed on syllabus.
Library Materials	Click here for Library Materials for this Course
Description	The process of globalization has rendered the practice, and study, of corporate law increasingly international. An understanding of the approaches taken by different jurisdictions to resolving fundamental challenges faced by business organizations is therefore

highly instructive.

This course examines a selection of corporate law topics in comparative context, drawing in particular on the laws of the UK, continental Europe (in particular, Germany) and the United States (in particular, Delaware). The three areas or jurisdictions selected for comparative study have, collectively, had a very significant impact on the development of company law throughout the world. An understanding of these thus assists students in understanding both the content of, and influences upon, many others. The approach taken is both functional and comparative, looking at a series of core problems with which any system of corporate law must deal, and analysing, from a functional perspective, the solutions adopted by the systems in question. The course seeks to situate these solutions in the underlying concepts and assumptions of the chosen systems, as these often provide an explanation for divergences.

The topics considered are as follows:

1. Theory of Comparative Corporate Law

This seminar serves as a theoretical foundation for the substantive topics considered later in the course. The key question is: why do corporate laws differ? We begin by exploring the goals corporate law is used to achieve. We consider how particular functions may be more important than others, depending on contextual factors such as the way in which shares are owned and the structure of a company's financing. We then consider the factors that drive the evolution of corporate law.

2. Boards

In this topic, we consider the mechanisms employed by various jurisdictions for responding to the first 'basic problem' to which corporate law responds, namely the delegation of power to, and control of, corporate managers.

3. Shareholders

This seminar considers the role of, and limitations upon, shareholder decision-making within the corporation. It follows closely from the seminar, as shareholder participation can be an important check on managerial agency problems. However, greater shareholder power brings with it potential opportunities for majority shareholders to exploit their control, and we also therefore consider rules designed to protect minority shareholders.

4. Enforcement

The real effectiveness of corporate law is likely to be a function not only of the substantive rules, but also of the way in which it is enforced. In this topic, we consider different modalities of enforcement: their strengths and weaknesses, and how they are employed in various jurisdictions. We will focus in detail on private enforcement of corporate law through shareholder lawsuits.

5. Control Transactions

In this topic, we consider the regulation of control transactions, with a focus on contests. We explore both the obligations of acquirors and of targets.

5833C 001 Competition Law and Policy (ST)

This course satisfies Module 3 for the Area of Concentration: Business Law.

Instructor(s)	Scott, Paul
Credits	4
Essay Requirement	Yes, this course will satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	25

Course Times For 5833C 001, 2011-2012			
Term	Day	Time	Room
January	Monday	8:30 - 11:20	51
January	Tuesday	8:30 - 11:20	51
January	Wednesday	8:30 - 11:20	51
January	Thursday	8:30 - 11:20	51
January	Friday	8:30 - 11:20	51

Exam Times	none
Instruction	Students should expect to come to class having prepared the scheduled readings and associated questions, and ready to participate in class discussion. The classes will include a mix of lectures, class discussion, some small group work and research time.
Assessment	15% Course participation, 20% 2x short papers (500 words each) and associated presentation of short paper in class 65% research paper essay (10,000 words)
Materials	Electronic materials available on the course management system (WebCT).
Library Materials	Click here for Library Materials for this Course
Description	Most developed market economies seek by legislative intervention to promote competitive markets as part of the system for the efficient allocation of resources. Competition law or antitrust as it is called in the United States attempts to ensure that the market mechanism is

not endangered through the aggregation of economic power or monopolistic practices or concerted anti-competitive conduct between market participants. This course will examine all three areas which can endanger the market mechanism. In particular it will examine:

- The origins and development of competition law.
- Concerted anti-competitive conduct including price fixing cartels and exclusive dealing.
- Monopolisation including refusals to supply, tying, predatory pricing and sham litigation.
- Merger control.

5826C 001 Contemporary Issues with the Wagner Model of Labour Law (ST)

This course satisfies Module 3 for the Area of Concentration: Business Law.

Instructor(s)	Secunda, Paul
Credits	4
Essay Requirement	Yes, this course will satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	25

Course Times

Term	Day	Time	Room
January	Monday	8:30 - 11:20	204
January	Tuesday	8:30 - 11:20	204
January	Wednesday	8:30 - 11:20	204
January	Thursday	8:30 - 11:20	204
January	Friday	8:30 - 11:20	204

Exam Times	none
Instruction	This will be a highly interactive class. It will include lectures, class discussion, small group work, role playing exercises (as representatives of management and unions), media and film, and other interactive work.
Assessment	20% course participation and 80% final paper (approximately 30 pages).
Materials	Various chapters from Secunda & Hirsch: Labor Law: A Problem Based Approach (Lexis Nexis forthcoming 2012) and other materials that will be provided in photocopied form.
Library Materials	Click here for Library Materials for this Course
Description	Welcome to Contemporary Issues with the Wagner Model of Labour Law. In this age of the far-flung global economy and increased out-sourcing of American and Canadian jobs, it has become more difficult for workers to get themselves heard by their employers. The

traditional vehicle of collective voice in the workplace, the bread-and-butter unionism of Samuel Gompers, has found itself surviving in fewer and fewer industries and with its corporate opponents seeking to stomp out collective employee action once and for all. Recent attacks on public sector unionism in Wisconsin and other American states is just the most recent and notorious example.

Another source of the lack of meaningful employee voice in the workplace is the anachronistic nature of the National Labor Relations Act (NLRA or Wagner Act), due to the political stalemate that has left the law basically unchanged in its current form for over fifty years, even as the labor, capital, and products markets have changed dramatically. Critics maintain that not only is traditional labor failing workers in providing adequate voice in the workplace through union representation, but its de facto replacement, employment law, is a multi-headed hydra made up of a confusing array of minimum labor standards and workplace rights.

With this void in workplace representation, some labor and employment law scholars have called for an embrace of a “new governance” model of workplace relations. This workplace governance model focuses on the idea of “decentering the state” and elevating the regulatory role of other nongovernmental actors, including regulated entities themselves; and the idea of “reflexivity” in law—of replacing direct regulatory commands with efforts to shape self-regulation and self-governance within an organization. Questions abound about whether this new governance model will lead to further diminishment of employee rights, even though cosmetic improvements will doubtlessly be made by many employers. In short, through which labor models (Wagner, new governance, or other alternatives) will employees be able to meaningfully govern the workplace in partnership with their employers through reforms which change the power dynamic of the workplace? This course will explore these crucial issues in workplace governance.

5555D 001 Corporate Finance

This course satisfies Module 3 for the Area of Concentration: Business Law.

Instructor(s)	Nicholls, Christopher C.
Credits	3
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	5210 Corporate Law (Co) or 403 (old)
Compulsory	No
Core	No
Enrollment Restriction	80

Course Times For 5555D 001, 2011-2012			
Term	Day	Time	Room
Spring	Wednesday	10:30 - 12:20	51
Spring	Friday	10:30 - 12:20	51

Exam Times For 5555D 001, 2011-2012			
Term	Date	Time	Room
Spring	20 Apr 2012	9:00 - 12:00	

Instruction	Lectures and discussion.
Assessment	Final closed-book exam: 100% (unless student elects to write a paper). If student elects to write a paper, the assessment will be Paper: 25%, Final closed-book exam: 75%
Materials	<i>Corporate Finance Sourcebook</i> - Christopher C. Nicholls (available through WebCT) Additional reading will be required and materials will be available in class or via WebCT Vista
Library Materials	Click here for Library Materials for this Course
Description	This course is intended to canvass basic financial economic principles in a variety of legal contexts, including in relation to specific kinds of business transactions and financial

instruments (e.g., debt and equity financings, securitizations, mergers and acquisitions, issuances of exchangeable and convertible debt, and financial derivatives). The Interest Act and matters surrounding the criminal rate of interest will also be explored and the relationship between finance and corporate governance may also be discussed. Several classes will introduce basic financial concepts such as simple valuation methods, net present value and IRR, as well as a number of topics in modern financial theory including the efficient capital markets hypothesis, portfolio theory, the capital asset pricing model, option pricing theory, and behavioural finance. There will also be some discussion of the role of financial innovation in the recent financial crisis.

5210A 001 Corporate Law

Corporate Law is required for the Area of Concentration: Business Law. Students who are interested in this Area of Concentration are encouraged to take in it the Fall term.

Instructor(s)	Nicholls, Christopher C.
Credits	4
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	Yes
Core	No
Enrollment Restriction	90

Course Times For 5210A 001, 2011-2012			
Term	Day	Time	Room
Fall	Tuesday	8:30 - 10:20	38
Fall	Friday	8:30 - 10:20	38

Exam Times For 5210A 001, 2011-2012			
Term	Date	Time	Room
Fall	13 Dec 2011	9:00 - 12:00	

Instruction	Lecture and discussion
Assessment	100% Final Exam (unless the student elects to write a paper). If a student elects to write a paper, the assessment will be: Paper-25% and Final Exam 75%
Materials	<p><i>Canada Business Corporations Act</i> 3rd ed.</p> <p><i>Business Corporations Act</i> (Ontario) 34th ed.</p> <p>Nicholls, <i>Corporate Law</i> (Toronto:Emond-Montgomery, 2005)</p> <p>Bruce Welling, <i>et al</i>, <i>Canadian Corporate Law: Cases, Notes and Materials</i> 4th ed. (Lexis Nexis, 2010)</p> <p>Additional materials available on WebCT</p>

Library Materials

[Click here for Library Materials for this Course](#)

Description

This introductory, survey course explores the law of the business corporation primarily from a doctrinal perspective but with some elementary discussion of theoretical scholarship as well. The topics to be canvassed in the course will include a brief history of the business corporation, theories of the firm, competitive federalism in U.S. corporate law and the “Delaware phenomenon”, the foundational characteristics of the modern Canadian business corporation, promoters and pre-incorporation contracts, corporate contracting authority, disregard of the corporate entity, criminal and tortious liability of corporations, corporate governance—shareholder “voice” and directors’ and officers’ duties—corporate finance, private corporations, and shareholders’ (and others’) corporate law remedies.

During the introductory portion of the course, students will also examine important alternatives to the corporate form of business organization including sole proprietorship, (general) partnership, limited partnership, limited liability partnership (LLP), the unlimited (liability) company (ULC), and the U.S. organizational form, the limited liability company (LLC).

5210D 001 Corporate Law

Corporate Law is required for the Area of Concentration: Business Law. Students who are interested in this Area of Concentration are encouraged to take in it the Fall term.

Instructor(s)	Khimji, Mohamed
Credits	4
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	Yes
Core	No
Enrollment Restriction	90

Course Times For 5210D 001, 2011-2012			
Term	Day	Time	Room
Spring	Monday	10:00 - 12:20	38
Spring	Wednesday	10:00 - 12:20	38

Exam Times For 5210D 001, 2011-2012			
Term	Date	Time	Room
Spring	18 Apr 2012	9:00 - 12:00	

Instruction Lectures and discussions.

Assessment Students have the option of being graded on the basis of one of the following two options:
Option one: 100% final examination
Option two: 25% research paper + 75% final examination

***The paper component in Option two will require a research paper on a subject pre-approved by the Instructor.**

**** The final examination will be open book.**

Materials Robert Yalden, Janis Sarra, Paul D. Paton, Mark Gillen, Ronald Davis and Mary Condon; eds. *Business Organizations - Principles, Policies and Practices* (Toronto, Emond Montgomery Publications Limited, 2008)

Christopher C. Nicholls, *Corporate Law* (Toronto: Emond Montgomery Publications

Limited, 2005)

Current Edition of Consolidated Canada *Business Corporations Act*, 31st ed. (Toronto: Carswell, 2011)

Current Edition of Consolidated Ontario *Business Corporations Act*, 34th ed. (Toronto: Carswell, 2011)

Additional reading will be required and materials will be available on WebCT Vista

Library Materials

[Click here for Library Materials for this Course](#)

Description

This introductory, survey course explores the law of business corporations primarily from a doctrinal perspective, but with some elementary discussion of theoretical scholarship as well. The topics to be canvassed in the course will include a brief history of the business corporation, theories of the firm, the foundational characteristics of the modern Canadian business corporation, disregard of the corporate entity, the capitalization of corporations, corporate governance--shareholder "voice" and directors' and officers' duties, and shareholders' (and others') remedies.

During the introductory portion of the course, students will examine alternatives to the corporate form of business organization, including sole proprietorship, (general) partnership, and limited partnership.

5515A 001 Corporate Reorganizations

This course satisfies the Module 2 requirement for the Area of Concentration: Business Law.

Instructor(s)	DaRe, Vern												
Credits	3												
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement												
Pre/Co-requisite	none or 402. It is strongly recommended that students complete Commercial Law or Secured Transactions before taking this course.												
Compulsory	No												
Core	No												
Enrollment Restriction	25												
Course Times	<table border="1"> <thead> <tr> <th colspan="4">Course Times For 5515A 001, 2011-2012</th> </tr> <tr> <th>Term</th> <th>Day</th> <th>Time</th> <th>Room</th> </tr> </thead> <tbody> <tr> <td>Fall</td> <td>Tuesday</td> <td>15:00 - 17:50</td> <td>206</td> </tr> </tbody> </table>	Course Times For 5515A 001, 2011-2012				Term	Day	Time	Room	Fall	Tuesday	15:00 - 17:50	206
Course Times For 5515A 001, 2011-2012													
Term	Day	Time	Room										
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Exam Times	<table border="1"> <thead> <tr> <th colspan="4">Exam Times For 5515A 001, 2011-2012</th> </tr> <tr> <th>Term</th> <th>Date</th> <th>Time</th> <th>Room</th> </tr> </thead> <tbody> <tr> <td>Fall</td> <td>6 Dec 2011</td> <td>9:00 - 12:00</td> <td></td> </tr> </tbody> </table>	Exam Times For 5515A 001, 2011-2012				Term	Date	Time	Room	Fall	6 Dec 2011	9:00 - 12:00	
Exam Times For 5515A 001, 2011-2012													
Term	Date	Time	Room										
Fall	6 Dec 2011	9:00 - 12:00											
Instruction	Lectures and class discussion												
Assessment	<p>Option One: 100% final exam Option Two: 60% final exam and 40% essay</p> <p>The final exam will feature the same questions and be the same length for all students regardless of the option selected. The final exam will be open book subject to the limitations contained in the syllabus. The paper component in Option Two will be on a subject pre-approved by the Instructor.</p>												
Materials	Honsberger & DaRe, <i>Debt Restructuring: Principles and Practice</i> (Canada Law Book) (Student Edition)												
Library Materials	Click here for Library Materials for this Course												

Description

This subject deals with the law governing the reorganization of insolvent corporations and the principles governing receiverships. The seminar course considers those issues in greater depth than is possible in the Bankruptcy and Insolvency course.

Topics covered may include:

1. The history and purpose of Canadian reorganization law;
2. The initiation of reorganization proceedings;
3. Secured creditor rights and receivership procedures;
4. Stay of proceedings;
5. Treatment of executory contracts;
6. Debtor in possession financing;
7. Approval of proposals and plans;
8. The role of the Monitor;
9. Late Claims;
10. Mass Tort Claims;
11. Equitable Subordination;
12. Consolidation;
13. Treatment of Shareholders;
14. Cross-Border reorganizations;
15. Related reorganization and winding-up legislation dealing with farm debt mediation, banks, railways, etc; and
16. Recent Bankruptcy Reforms in action.

5370A 001 Criminal Law Advocacy

This course is required for the Area of Concentration: Criminal Law.

Instructor(s)	Voss, Jason
Credits	4
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	12

Course Times

Course Times For 5370A 001, 2011-2012			
Term	Day	Time	Room
Fall	Monday	14:00 - 15:50	MCR
Fall	Friday	10:30 - 12:20	MCR

Exam Times	none
Instruction	seminar
Assessment	Simulated exercises Class participation Clinical performance
Materials	TBA
Library Materials	Click here for Library Materials for this Course

Description

Class time will be a combination of lectures and simulated exercises. Students will perform the role of Crown or Defence counsel in the simulated exercises. Students will be required to do such things as interview prospective witnesses, counsel clients, negotiate plea agreements, conduct examinations-in-chief and cross-examinations of witnesses, conduct a bail hearing, make closing submissions etc...

Each student will have carriage of up to three active criminal law files at Community Legal Services (the "Clinic"). In this regard, each student will represent accused persons and may be required to make court appearances to speak to matters for adjournments, guilty pleas,

and/or trials. Jason Voss will supervise and evaluate each student in the management of their clinic criminal law files and their court appearances.

5375A 001 Criminal Procedure

Instructor(s)	Sherrin, Chris
Credits	4
Essay Requirement	Yes, this course will satisfy the Faculty of Law essay requirement if Option One is selected.
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	80

Course Times For 5375A 001, 2011-2012			
Term	Day	Time	Room
Fall	Monday	10:30 - 12:20	204
Fall	Thursday	10:30 - 12:20	204

Exam Times For 5375A 001, 2011-2012			
Term	Date	Time	Room
Fall	5 Dec 2011	9:00 - 12:00	

Instruction	lectures, problem-solving and class discussions
Assessment	Option One: 50% research essay and 50% final exam Option Two: 100% final exam (restricted open book)
Materials	<ol style="list-style-type: none"> 1. Don Stuart, Ron Delisle and Tim Quigley, <i>Learning Canadian Criminal Procedure</i>, 10th Edition (Toronto: Thomson Carswell, 2010) 2. <i>Pocket Criminal Code 2012</i> 3. Supplementary cases, articles and problems as assigned on the syllabus or in class. Some materials will be available on WebCT OWL
Library Materials	Click here for Library Materials for this Course

Description	This course provides an overview of the key areas of criminal procedure from investigation to trial and appeal. Topics covered include search and seizure, investigative detention, rights to counsel and silence, arrest, bail, jury selection, and the trial process. The role of the
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Charter in the area of criminal procedure is a focal point of the course. Students will be expected to participate actively in the class discussions and to reflect critically on the existing state of the law.

5856D 001 Dispute Resolution (ST)

Instructor(s) [Khouri, Nina](#)

Credits 3

Essay Requirement No, this course will *not* satisfy the Faculty of Law essay requirement

Pre/Co-requisite none

Compulsory No

Core No

Enrollment Restriction 40

NOTE: 5710A Negotiation and Mediation is an antirequisite to this course. Students are not permitted to take both courses. If a student bids on and gains entry to both courses, he or she will have to elect the course in which they would like to remain. The usual bid point refund rules will apply.

Course Times

Course Times For 5856D 001, 2011-2012			
Term	Day	Time	Room
Spring	Monday	10:30 - 12:20	202
Spring	Wednesday	10:30 - 12:20	202

Exam Times none

Instruction This will be a highly interactive course, using traditional lectures, class discussions, student group presentations and practical exercises to reinforce learning. This approach reflects the course's mix of theory and practice.

Assessment

15 % Reflective report on the negotiation exercises (5 pages maximum)

25% Student group presentation

10% Class participation

50% Research essay (15 pages maximum)

Materials Fisher, R., Ury, B., & Patton, B., *Getting to Yes: Negotiating Agreement Without Giving In* (2nd ed., Penguin, 1991)

Materials will include cases and articles on alternative dispute resolution provided in photocopied form.

WebCT will be used to provide elements of the course content.

Library Materials

[Click here for Library Materials for this Course](#)

Description

Conflict is a natural part of human interaction and provides opportunities for change, growth and creativity. When not managed effectively, however, disputes arise, resulting in wasted time and money, damaged relationships and lost opportunities. Traditionally disputes were litigated. Today lawyers must take a more strategic approach to dispute resolution. Over recent decades there has been exponential growth in the use of alternative dispute resolution processes (ADR) both in Canada and internationally. This course addresses the legal framework and theoretical aspects of ADR, primarily negotiation and mediation, together with experiential learning through role play exercises, student group presentations and self-reflection.

The course is structured as follows:

- Introduction and overview: dispute resolution processes commonly used in Canada and the advantages and disadvantages of each.
- Negotiation theory and practice: different approaches to negotiation; strategies and tactics; role plays and critical reflection.
- Conflict and communication: conflict and its causes; behaviour in conflict situations; the components of effective communication.
- Mediation: the mediation process; assessing suitability for mediation; legal framework issues, including privilege and confidentiality; effective client representation in mediation.
- Student group presentations: specific topics such as gender, cultural and ethical issues in ADR.

A theoretical analysis of a particular aspect of ADR is required for the research essay. Attendance is compulsory, as is a willingness to engage in discussion and class exercises. Less than 90% attendance will result in a fail mark (subject to faculty discretion).

5650A 001 Employment Law

This course satisfies Module 3 for the Area of Concentration: Business Law.

Instructor(s)	Hall, Christina
Credits	3
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	65

Course Times For 5650A 001, 2011-2012			
Term	Day	Time	Room
Fall	Wednesday	18:00 - 20:50	51

Exam Times For 5650A 001, 2011-2012			
Term	Date	Time	Room
Fall	8 Dec 2011	9:00 - 12:00	

Instruction	lecture and discussion
Assessment	40% - Mid-Term Assignment 60% - Final Examination -OR- 100% Final Examination

Materials Provided by the instructor.

Library Materials [Click here for Library Materials for this Course](#)

Description This course is an introduction to the law of employment in Ontario. It will focus on the individual employment relationship in the non-unionized environment - the legal regime applicable to the majority of working Canadians, given the decline in union membership in recent years. It is an area of law infused with ideology, passionate litigants, and odd stories. As Chief Justice Dixon once stated, "Work is one of the most fundamental aspects of a

person's life, providing the individual with a means of financial support and, as importantly, a contributory role in society.”

In the non-unionized workplace, the employment relationship is typically governed by an intricate combination of contract, statute and common law. In a series of lectures and discussions, the following foundational areas of employment law will be addressed:

- introduction to the employment relationship;
- the employment contract;
- employment standards;
- resignation;
- wrongful dismissal
- constructive dismissal
- employment litigation;
- torts in employment law;
- human rights / discrimination;
- occupational health and safety;
- restrictive covenants (non-competition agreements); and
- privacy law in the employment context
- pensions

5305A 001 Environmental Law

Instructor(s)	Seck, Sara
Credits	4
Essay Requirement	Yes, this course will satisfy the Faculty of Law essay requirement if assessment OPTION II is chosen.
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	80

Course Times For 5305A 001, 2011-2012			
Term	Day	Time	Room
Fall	Wednesday	14:00 - 15:50	202
Fall	Friday	14:00 - 15:50	202

Exam Times For 5305A 001, 2011-2012			
Term	Date	Time	Room
Fall	9 Dec 2011	9:00 - 12:00	

Instruction	Lectures, class discussion, guest lectures and student presentations.
Assessment	<p>OPTION I: 100% Final Exam (open book)</p> <p>OPTION II: 10% Participation 15% Presentation on research paper topic (15-20 minutes) 75% Research paper (30-35 pages)</p>
Materials	<p>Doelle, M. and Tollefson, Co., <i>Environmental Law: Cases and Materials</i> (Carswell, 2009). [REQUIRED].</p> <p>Additional materials will be posted on the course website.</p>
Library Materials	Click here for Library Materials for this Course
Description	This course will provide an introduction to Canadian environmental law, with a focus on federal and Ontario law. The course will first cover foundational topics including: definitions and theories of environmental law; common law environmental causes of action; the

relationship between international environmental law and domestic Canadian environmental law; federalism and constitutional issues relating to jurisdiction over the environment; and judicial review of environmental decision-making (including public interest standing). Second, the course will provide an overview of environmental regulatory models for both the prevention and remediation of environmental harm. Topics will include environmental impact assessment (including social dimensions such as public participation and First Nations consultation), environmental standard setting (including the role of precaution, uncertainty and voluntary measures), compliance and enforcement (including criminal, regulatory and citizen enforcement). Throughout the course a number of substantive environmental law topics will be discussed, such as parks and protected areas, species protection, discharges to air and water, hazardous spills, toxic substances, environmental justice, and climate change.

5215A 001 Evidence

Instructor(s)	Sankoff, Peter
Credits	4
Essay Requirement	Yes, this course will satisfy the Faculty of Law essay requirement if paper/exam option is chosen.
Pre/Co-requisite	none
Compulsory	No
Core	Yes
Enrollment Restriction	80

Course Times For 5215A 001, 2011-2012			
Term	Day	Time	Room
Fall	Wednesday	14:00 - 15:50	36
Fall	Friday	14:00 - 15:50	36

Exam Times For 5215A 001, 2011-2012			
Term	Date	Time	Room
Fall	9 Dec 2011	9:00 - 12:00	

Instruction This will be an interactive class that combines lectures with class discussion, small group work, role-playing exercises (as lawyers addressing evidential problems), "moot" court exercises and other interactive work.

Assessment 100% final exam
OR 50% research paper and 50% exam

Materials The required text for this course is *The Law of Evidence*, 5th ed., by David Paciocco and Lee Stuesser, published by Irwin Law. Additional materials, class exercises and fact scenarios will be placed on WebCT. Students should carefully review the readings for each class beforehand.

Library Materials [Click here for Library Materials for this Course](#)

Description The law of evidence is the system of legal rules and standards governing the means by which alleged matters of fact are established or disproved before a court or tribunal. The study of

evidence law examines the acceptable methods of proof used to persuade a reviewing authority on factual questions arising in civil or criminal proceedings, and helps students learn how matters are proven as a matter of logic. As we go through this course, students will consider the following:

- a) What types of information may be considered by triers of fact (the person or persons responsible for coming to a conclusion – usually a judge or jury) in their determination of facts necessary for the resolution of a dispute;
- b) In what forms may this information be communicated to the trier of fact, and;
- c) The manner in which the trier of fact may use such information.

In this course, we will be concerned with the kinds of evidence acceptable in different legal forums, the manner in which it is presented, the amount of evidence required to prove a proposition of fact, and the persons qualified to present such proof.

While the course will examine certain issues from a theoretical perspective, the daily running of the course is designed to be highly practical. In each class, students will run through fact scenarios similar to what they would face in court and will need to apply evidence law rather than just think about it.

5215D 001 Evidence

Instructor(s)	Graham, Randal
Credits	4
Essay Requirement	Yes, this course will satisfy the Faculty of Law essay requirement if option one is selected.
Pre/Co-requisite	none
Compulsory	No
Core	Yes
Enrollment Restriction	80

Course Times For 5215D 001, 2011-2012			
Term	Day	Time	Room
Spring	Monday	14:00 - 16:20	36
Spring	Wednesday	14:00 - 16:20	36

Exam Times For 5215D 001, 2011-2012			
Term	Date	Time	Room
Spring	24 Apr 2012	9:00 - 12:00	

Instruction	lectures, problem solving and discussion
Assessment	Option one: 50% research essay + 50% final exam Option two: 100% final exam (open book)
Materials	Sopinka, Lederman and Bryant's <i>The Law of Evidence in Canada</i> (3rd edition by Bryant, Lederman and Fuerst, LexisNexis, 2009).
Library Materials	Click here for Library Materials for this Course

Description	<p>The Evidence course deals with the principles and rules governing the admissibility of evidence in legal proceedings. Emphasis is placed on understanding the underlying justification for these rules in the context of the adversary system.</p> <p>This is a survey course and the traditional areas of evidence are covered, such as relevance and materiality, examination and cross-examination of witnesses, credibility and character</p>
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evidence, hearsay, opinion evidence, and judicial notice. The effect of the *Charter* is considered where appropriate.

5415A 001 Family Law

Instructor(s)	Hovius, Ben
Credits	4
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	80

Course Times

Course Times For 5415A 001, 2011-2012			
Term	Day	Time	Room
Fall	Tuesday	10:30 - 12:20	52
Fall	Thursday	10:30 - 12:20	52

Exam Times

Exam Times For 5415A 001, 2011-2012			
Term	Date	Time	Room
Fall	15 Dec 2011	9:00 - 12:00	

Instruction	Combination of lectures, discussion, problems, and questions.
Assessment	There will be one (take-home) assignment during the term worth 30% and a final exam worth 70%.
Materials	<p>Hovius and Maur, <i>Hovius on Family Law: Cases, Notes and Materials</i>, 7th edition (Carswell, 2009) (Required)</p> <p><i>Consolidated Ontario Family Law Statutes and Regulations</i> (Carswell, 2011). (Optional: Students will need ready access to the relevant legislation, either through this or a similar publication or online).</p> <p>Some material will be available on WebCT Owl</p>
Library Materials	Click here for Library Materials for this Course
Description	This course introduces students to the legal rules relating to the organization and dissolution

of the family and the social context in which they apply. Topics covered include: marriage, divorce, family property, spousal support, custody and access, child support, domestic contracts, and domestic violence. When dealing with family property and spousal support, we will examine the rights and obligations of partners in common-law relationships as well as those of married persons. Throughout the course, reference will be made to the constitutional framework for legislative intervention in family life and to the impact of the *Canadian Charter of Rights and Freedoms*.

5845C 001 Family Law Dispute Resolution (ST)

Instructor(s)	Linton, Hilary
Credits	4
Essay Requirement	Yes, this course will satisfy the Faculty of Law essay requirement
Pre/Co-requisite	5415 Family Law (Pre)
Compulsory	No
Core	No
Enrollment Restriction	25

Course Times

Course Times For 5845C 001, 2011-2012			
Term	Day	Time	Room
January	Monday	13:00 - 15:50	202
January	Tuesday	13:00 - 15:50	202
January	Wednesday	13:00 - 15:50	202
January	Thursday	13:00 - 15:50	202
January	Friday	13:00 - 15:50	202

Exam Times none

Instruction This highly interactive course explores the theory, skills and law of dispute resolution in contemporary family law practice. Focusing on the costs and benefits of each process, students will apply theory to practice in negotiation, collaborative law, mediation, mediation-arbitration, and arbitration. Methods of instruction include lectures, video instruction, simulations with one on one coaching, guest lectures and coaching, and individual and group reflection and discussion.

Assessment **25%** course participation (including negotiation and mediation simulations)
25% case law analysis (10 pages)
50% research paper (20 pages)

Materials CanLii; WebCT; Text TBA

Library Materials [Click here for Library Materials for this Course](#)

Description

The adversarial judicial system is often an inefficient, ineffective way to resolve the complex problems faced by separating couples and their children. With the expansion of court-connected family mediation, private mediation and arbitration practices and collaborative practice, family lawyers need a solid understanding of the theory, skills and law of ADR. This course will teach students the essential theory and skills of proficient negotiators, mediation advocates, collaborative practitioners and arbitrators. The evolving case law in the field will be analyzed. Students will be exposed to real-life fact situations for case study and simulation with individual feedback. Seasoned professionals will share their experiences with the group. Attendance is mandatory given the assessment criteria. Completing readings each day and preparation for negotiation and mediation simulations is critical to success in this course. Students will be expected to actively participate in class discussions.

5820C 001 Family Law Externship (ST)

Instructor(s)	Ferguson, Doug												
Credits	4												
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement												
Pre/Co-requisite	5415 Family Law (Pre)												
Compulsory	No												
Core	No												
Enrollment Restriction	<p>2</p> <p><i>** Entry is by application only. Resume and covering letter must be sent to the attention of Doug Ferguson (submitted to the Student Services Office by 4 p.m. on Friday, September 9, 2011). Please indicate in your application your reasons for wishing to take this course, including your past involvement in the area and what you hope to gain from the experience, and any other relevant information.</i></p> <p><i>Notification of acceptance will be given in October.</i></p> <p>Applicants must have been involved in the Family Law Program. Priority will be given to third year students with an interest in Family Law.</p>												
Course Times	<table border="1"> <thead> <tr> <th colspan="4">Course Times For 5820C 001, 2011-2012</th> </tr> <tr> <th>Term</th> <th>Day</th> <th>Time</th> <th>Room</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Course Times For 5820C 001, 2011-2012				Term	Day	Time	Room				
Course Times For 5820C 001, 2011-2012													
Term	Day	Time	Room										
Exam Times	none												
Instruction	See Description below.												
Assessment	<p>70% Essay or research paper on the area of family law. The subject of the paper is open to students to choose, with approval from the faculty supervisor. Due at the end of January Term.</p> <p>30% Reflection summaries due at the end of each week, detailing students' experiences.</p>												
Materials													
Library Materials	Click here for Library Materials for this Course												
Description	The Family Law Externship provides academic credit for students who wish to participate in family law in the London community. Under the supervision of licensed professionals,												

students will learn the ins and outs of practising this area of law. The program is unique in that students visit 4 different placements throughout the month. The rotational schedule exposes students to many facets of family law, with the aim of leaving students with a well-rounded introduction to practising in the field.

Students will have the opportunity to gain hands on experience doing a variety of work, depending on their rotation. In addition to shadowing, students will be conducting legal research, writing legal memorandum, interviewing clients, completing documents, etc. Students will maintain a record of their experiences and complete a paper for the end of the term.

Schedule

Over the course of January, students will visit the following locations:

Week 1 - Duty Counsel at the Superior Court of Justice, Family Court, Supervisor: Diane Meikle

Week 2 – The Children’s Aid Society, Supervisor: TBA

Week 3 – A Law Office, Supervisor: Alf Mamo, McKenzie Lake

Week 4 – The Bench at the Superior Court of Justice, Family Court, Supervisor: The Honourable Justice Madam Templeton

Students will not have “class” on Friday. This day off will give students the opportunity to complete the assigned work for the program.

5829C 001 Global Issues in Intellectual Property (ST)

This course satisfies Module 3 for the Area of Concentration: Intellectual Property, Information and Technology Law.

Instructor(s)	Frankel, Susy
Credits	4
Essay Requirement	Yes, this course will satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	25

Course Times

Term	Day	Time	Room
January	Monday	13:00 - 15:50	206
January	Tuesday	13:00 - 15:50	206
January	Wednesday	13:00 - 15:50	206
January	Thursday	13:00 - 15:50	206
January	Friday	13:00 - 15:50	206

Exam Times	none
Instruction	Students should expect to come to class having prepared the scheduled readings and associated questions, and ready to participate in class discussion. The classes will include a mix of lectures, class discussion, some small group work and research time.
Assessment	<p>15% Course participation</p> <p>20 % 2x short papers (500 words each) and associated presentation of short paper in class</p> <p>65% research paper essay (10,000 words)</p>
Materials	Electronic materials available on the course management system (WebCT).
Library Materials	Click here for Library Materials for this Course

Description

Intellectual Property law has become a matter of global importance. The products of intellectual property including literature, music, films, pharmaceuticals, electronic goods and software, to name a few, are traded internationally. The laws of intellectual property touch everyday lives in a number of ways. Patent law, for example, affects the availability and the costs of medicines. Patent law also plays a role in determining the types of research that can occur within a nation. Copyright law governs the availability of cultural and creative works and access to information. In this course students will study a variety of intellectual property issues that are of global concern. The subject matter covered will include:

- The object and purpose of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) and what those concepts show about intellectual property law as a global issue.
- The World Trade Organization (WTO) dispute settlement system and how it has operated in relation to disputes about the TRIPS Agreement, including the nature of the disputes and enforcement of disputes. Enforcement issues include using the TRIPS Agreement as a method of cross-retaliation for violations of other trade agreements.
- Access to medicines and related patent issues.
- The evolving international framework for the protection of traditional knowledge (including discussion of activities at the World Intellectual Property Organization (WIPO); the Convention on Biological Diversity and the associated Nagoya Protocol; the TRIPS Council; and comparisons of measures taken at domestic law in countries such as New Zealand and Peru).
- The role that free trade agreements play in setting norms in international intellectual property law and plurilateral agreements (Anti-Counterfeiting Trade Agreement, known as ACTA, and the Trans-Pacific Partnership negotiations).
- Issues arising from the territorial nature of intellectual property rights, including the prevention of parallel imports and enforcement of rights across borders.

5717C 001 Harold Fox IP Moot

This course satisfies the Group 3 requirement for the Area of Concentration: Intellectual Property, Information and Technology Law.

Instructor(s)	Wilkinson, Margaret Ann												
Credits	4												
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement												
Pre/Co-requisite	5625 Intellectual Property (Co) or equivalent.												
Compulsory	No												
Core	No												
Enrollment Restriction	5 Admission to the course will be on application to the instructor, based upon curriculum vitae and, if invited based upon assessment of the curriculum vitae, subsequent performance in an oral exercise simulating the skills of appellate oral advocacy.												
Course Times	<table border="1"> <thead> <tr> <th colspan="4">Course Times For 5717C 001, 2011-2012</th> </tr> <tr> <th>Term</th> <th>Day</th> <th>Time</th> <th>Room</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Course Times For 5717C 001, 2011-2012				Term	Day	Time	Room				
Course Times For 5717C 001, 2011-2012													
Term	Day	Time	Room										
Exam Times	none												
Instruction	Students will be given some guidance by the faculty advisor, in accordance with the Rules governing the Fox IP Moot competition (see www.ipmootcanada.ca), but the expectation is that each student will work independently, with minimal supervision, while contributing to the overall team effort. Students will receive instruction and feedback on oral advocacy through a series of practices before the actual competition.												
Assessment	Students will receive a grade reflecting an overall assessment of their research, written work and oral advocacy. Students will prepare draft factums, review the factums of their peers, participate in the preparation of final factums, prepare outlines of oral argument, and present argument in practices and at the competition at the Federal Court in Toronto. Results in the competition are a relevant factor in the assessment of each student. Contributions to the overall team effort are also relevant to assessment but, while students work and compete as a team, students will be graded individually												
Materials	To be determined in consultation with the instructor.												
Library Materials	Click here for Library Materials for this Course												
Description	Students represent the Faculty in the Canadian national Harold G. Fox Intellectual Property												

Moot competition, announced for February 19th and 20th, 2010. The team for this competition is composed of four competitors and a researcher. This provides experience in the research and analysis of legal problems within, and connected to, intellectual property issues, the drafting of appellate facta, and the preparation and presentation of oral argument.

Any qualified and interested student may apply to the instructor and will be invited to do so by a date to be announced during the Fall term. Students will be selected for this team as outlined above. The five Students who are selected for this team will be enrolled in the Appellate Advocacy Competition course as their January Term course (worth four credits) and will be removed from the course they had originally chosen for that term.

The Faculty's participation in this competition is generously supported by Ridout & Maybee. The accommodation sponsor for out-of-town teams in Toronto, including Western Law, is Bereskin Parr. The Moot sponsor is Dimock Stratton, with further support from other firms.

5310C 001 Healthcare Law and Policy

This course satisfies the Group 3 requirement for the Area of Concentration: Intellectual Property, Information and Technology Law, only if the student writes a paper on a topic approved by Director.

Instructor(s) [Solomon, Robert](#)
 Room 25
 Office: 519-661-3603

Administrative Assistant: Tigger Jourard
 Room 243 (Student Services and Administrative Office)
 519-661-2111 x88406

Credits 4

Essay Requirement Yes, this course will satisfy the Faculty of Law essay requirement

Pre/Co-requisite none

Compulsory No

Core No

Enrollment Restriction 25

Course Times

Course Times For 5310C 001, 2011-2012			
Term	Day	Time	Room
January	Monday	13:00 - 15:50	204
January	Tuesday	13:00 - 15:50	204
January	Wednesday	13:00 - 15:50	204
January	Thursday	13:00 - 15:50	204
January	Friday	13:00 - 15:50	204

Exam Times none

Instruction A combination of lectures, guest lectures, student presentations, and seminar discussion.

Assessment There are three components to the course assessment. First, students will be expected to attend all classes including guest lectures, read the assigned materials prior to class and participate actively. Second, teams of students may be given a short assignment during the term, typically involving a brief class presentation. Third, students will be responsible for preparing either a legal memorandum or a research paper of approximately 30 pages. In either case, the student will be required to submit a topic statement and a final copy. The final memorandum or research paper will be due on the last day of class.

The final grade will be based on class participation which includes any short assignments (20%) and the memorandum/research paper (80%).

Materials

Required:

R. Solomon, *Healthcare Law and Policy* (London: UWO, 2011).

Recommended: *Ontario Consent and Capacity Legislation: 2011-2012 Edition* (Aurora, Ontario: Canada Law Book Inc., August 2011).

Some materials will be available on [WebCT Owl](#)

Library Materials

[Click here for Library Materials for this Course](#)

Description

The readings will include the following topics:

- Overview of the Healthcare System
- Introduction to Healthcare Law
- Consent
- Competency to Consent
- Competency and the Age of Consent
- Substitute Consent
- Federal and Provincial Authority to Treat Without Consent
- Limits on Refusing, Withholding or Withdrawing Treatment

- General Principles of Negligence
- Statutory Immunity
- Customary Practice
- The Standard of Care Expected in an Era of Fiscal Restraint
- Challenging Resource Allocation Decisions
- Special Standards of Care
- Liability for Failing to Obtain an Informed Consent
- Duties of Affirmative Action

- Record Keeping
- Civil Liability for Negligent Record Keeping
- Ownership and Patient Access to Records
- Defamation
- Confidentiality
- Privilege
- Counselling Records, the *Charter* and Sexual Assault Victims
- Disclosure

- Federal Reporting Obligations
- Provincial Reporting Obligations
- The Duty to Warn

- Record Keeping, Confidentiality and Disclosure under the *Personal Information Protection and Electronic Documents Act*.
- Record Keeping, Confidentiality and Disclosure under the *Public Hospitals Act*, *Mental Health Act*, and *Child and Family Services Act*.

- Record Keeping, Confidentiality and Disclosure under the *Municipal Freedom of Information and Protection of Privacy Act*.
- Record Keeping, Confidentiality and Disclosure under the *Personal Health Information Protection Act, 2004*.
- Record Keeping, Confidentiality and Disclosure under the *Quality of Care Information Protection Act, 2004*.

5873D 001 Immigration and Refugee Law (ST)

Instructor(s)	Lewis, Jackie ; Levine, Shelley
Credits	3
Essay Requirement	Yes, this course will satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	80

Course Times

Course Times For 5873D 001, 2011-2012			
Term	Day	Time	Room
Spring	Friday	8:30 - 12:20	202

Exam Times none

Instruction Although a portion of each class will contain a lecture component, classes will follow a flexible seminar and discussion format. Problem-solving case studies in small groups will be used to facilitate an understanding of class material, for which advance preparation is necessary. Students will be encouraged to participate in class discussion.

Assessment

1. Academic Paper 60%
2. Oral Presentation of Paper 30%
3. Class Participation 10%

The Paper is expected to be an in-depth analysis of a current legal issue in immigration or refugee law. Students may choose from a the list of suggested topics or may choose a topic with approval by the instructor.

Immigration Case Study presentations will take the form of small group presentations on one of the assigned cases accompanied by typewritten summaries of each student's work, not to exceed two type written pages per student. Refugee Case Studies will follow a similar format and will include mock hearings.

Participation will be evaluated on the basis of attendance **and** active engagement in discussion.

Materials

TBA

Library Materials

[Click here for Library Materials for this Course](#)

Description

The course will provide an introduction to Canadian Immigration law and Refugee law, history, policy, practice and procedure. There will be an emphasis on the practical aspect of Immigration – who, why and how we accept Immigrants into this country.

Students will study the role of overseas visa offices, Canada Immigration Centres, Adjudication Inquiries, the Refugee Protection System, the Immigration Appeal Board and the Federal Court Trial and Appeal Divisions.

We will examine the categories and criteria for the admission to and exclusion from Canada of potential immigrants and refugees, including recent changes in policy and legal reform.

5220A 001 Income Taxation

This course is required for the Area of Concentration: Business Law.

Instructor(s)	Campbell, Colin
Credits	4
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	Yes
Enrollment Restriction	80

Course Times For 5220A 001, 2011-2012			
Term	Day	Time	Room
Fall	Monday	8:30 - 10:20	36
Fall	Wednesday	8:30 - 10:20	36

Exam Times For 5220A 001, 2011-2012			
Term	Date	Time	Room
Fall	12 Dec 2011	9:00 - 12:00	

Instruction	lecture and discussion.
Assessment	100% final examination OR (at the student's option) 25% mid-term examination and 75% final examination

Materials	<i>Income Tax Act</i> , (Stikeman or Practitioner's), Carswell, (current edition) <i>Materials on Canadian Income Tax</i> , Carswell (14th edition)
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Library Materials	Click here for Library Materials for this Course
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Description	This course is a basic survey of income tax designed to provide students with some understanding of a complex and detailed statute. The course focuses on the <i>Income Tax Act</i> . Although the emphasis is the <i>Income Tax Act</i> , cases and administrative pronouncements are also dealt with where appropriate.
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The primary objectives of the course are to gain an understanding of the general principles underlying the *Income Tax Act* and to learn how to work with a complex statute. The central focus of the course is on the taxation of individuals.

5220D 001 Income Taxation

This course is required for the Area of Concentration: Business Law.

Instructor(s)	Campbell, Colin
Credits	4
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	Yes
Enrollment Restriction	80

Course Times For 5220D 001, 2011-2012			
Term	Day	Time	Room
Spring	Monday	8:30 - 10:50	36
Spring	Wednesday	8:30 - 10:50	36

Exam Times For 5220D 001, 2011-2012			
Term	Date	Time	Room
Spring	26 Apr 2012	9:00 - 12:00	

Instruction	Lecture and discussion.
Assessment	100% final examination OR (at the student's option) 25% mid-term examination and 75% final examination.
Materials	<i>Income Tax Act</i> , (Stikeman or Practitioner's), Carswell, (current edition) <i>Materials on Canadian Income Tax</i> , Carswell (14th edition)
Library Materials	Click here for Library Materials for this Course

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

5797D 000 Individual Research

Instructor(s) Faculty Supervisor as requested in research proposal.

If you are contemplating doing an independent research project, you should contact the professor with whom you wish to work.

Credits 0

There are no set rules concerning the granting of credits for projects. However, in determining the appropriate credits, consideration will be given to credits assigned to comparable law school courses. Thus, a three credit individual research project should involve roughly the same amount of work as a three credit course.

Essay Requirement Yes, this course will satisfy the Faculty of Law essay requirement

Specifically, projects of two or more credits will satisfy the essay requirement.

Students who undertake joint individual research papers of two or more credits may also use this project to satisfy the essay requirement.

Individual Research papers are due no later than the last day of classes in the term in which the research is undertaken.

Pre/Co-requisite none

Compulsory No

Core No

Enrollment Restriction none

Students are limited to undertaking one individual research and writing project in their law school careers.

Course Times

Course Times For 5797D 000, 2011-2012			
Term	Day	Time	Room

Exam Times none

Instruction *Responsibilities of the Faculty Supervisor*

The faculty member's signature will be taken to indicate his/her endorsement that the project has identified a specific legal problem, merits the number of credits sought, and that he/she agrees to the plan of supervision. *Faculty members are strongly urged to withhold their signature from an application that is deficient or incomplete.* Once a project has been approved, the responsibility for supervising and evaluating the project is borne solely by the faculty supervisor.

Assessment

Review of the Proposal

The Academic Policy and Programs Committee (APPC) will appoint a member of Faculty to review proposals and make recommendations. If the proposal is seen as deficient in some way, the reviewer will notify the student and faculty supervisor in an effort to repair it. However, the final decision on proposals rests with the APPC. If the Faculty member or student disagrees with a negative decision, either may ask that the proposal be reviewed by the Committee as a whole. Proposals that have been hastily researched and/or vaguely designed will be rejected by the APPC. The APPC has final responsibility for approving individual research projects.

Assessment of Joint Projects

Unless the students apply to be assessed separately on specific components of the paper, they will receive the same grade.

Materials

Completing the Application [available [here](#)]

To be determined in consultation with the instructor.

Library Materials

[Click here for Library Materials for this Course](#)

Description

The Faculty of Law encourages second and third year students to undertake individual research and writing projects. The purpose of this program is to enable students to pursue *advanced research on a specific legal problem* for academic credit. Under the guidance of their faculty supervisor, students should aim to produce original research of publishable quality. It is expected that students will have undertaken *extensive preliminary reading* and thought on a problem prior to the submission of a proposal. (See model proposal outline below.)

Note: The program is not designed to facilitate general legal research, or research that might otherwise be completed in an essay course.

An individual research project may concern a legal topic or any interdisciplinary topic that has a significant legal component. Thus, in devising projects, the term "legal" should be given a broad definition.

The Three Semester Academic Year

In the context of the trimester system, students are encouraged to submit projects that span the academic year (e.g., credits assigned to both fall and spring terms with the final paper submitted in the spring term) or projects of narrower scope that can be completed in the fall term only. Given the brevity of the spring term, it is *recommended* that students avoid individual research projects undertaken exclusively in that term.

If you are interested in undertaking a project in the fall term, you should begin planning in the preceding spring or during the summer. You should contact the professor with whom you wish to work as early as possible.

Individual research papers are due no later than the last day of classes in the term in which the research is undertaken.

Joint Projects:

With the approval of their Faculty Supervisor, two or more students may apply to do an individual research project. Unless the students apply to be assessed separately on specific components of the paper, they will receive the same grade. Students who undertake joint individual research papers of two or more credits may also use this project to satisfy the essay requirement.

Model Proposal Outline:

In order to obtain the approval of the APPC, students must append to their application an individual research proposal which contains specific information under all the following headings:

1) Working Title

- a title which describes the project's central problem

2) Description of the Problem

- what specific problem of law or jurisprudence will the project address?
- what specific cases, statutes, regulations or texts give rise to the problem?
- why does the problem merit extensive research and analysis?

3) Hypothesis

- what preliminary theses or hypotheses will be tested?
- what is the analytical framework, theory or goal of the study?

4) Methodology

- what analytical approach will you adopt to resolve the problem?
- will any particular body of legal, social or philosophical theory inform your work?
- how do you plan to collect and organize your evidence?
- does your project involve empirical research? If so, what special problems will data collection and analysis present, and how will you overcome them?

5) Sources

- what materials will provide the major source of data for your project?

- i) provide a select bibliography of the cases, statutes, books and articles read in preparing your proposal;
- ii) list key materials that will be consulted in the course of research;
- iii) make sure that the materials you require are readily available.

6) Credits Hours and Plan of Supervision

- indicate the number of credit hours requested and the semesters to which they are to be allocated
- set forth the plan of supervision (frequency of meetings; deadlines for drafts)

Completing the Application [available [here](#)]

The draft proposal must be submitted to, discussed with and approved by the faculty supervisor prior to submission. The final proposal must then be submitted on the application form to Student Services Office prior to the deadlines set forth below.

The deadline for submitting proposals to Student Services Office, in Room 243 is 4:00 p.m. on Friday, September 9, 2011 for the fall term, and 4:00 p.m. on Friday, January 13, 2012 for the spring term. The Academic Policies & Programs Committee will not entertain late submissions.

5565A 001 Insurance Law

This course satisfies Module 3 for the Area of Concentration: Business Law.

Instructor(s)	Brown, Craig
Credits	3
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	80

Course Times For 5565A 001, 2011-2012			
Term	Day	Time	Room
Fall	Wednesday	10:30 - 12:20	51
Fall	Friday	10:30 - 11:20	51

Exam Times For 5565A 001, 2011-2012			
Term	Date	Time	Room
Fall	5 Dec 2011	9:00 - 12:00	

Instruction	lectures and discussion of problems with class participation
Assessment	A written examination at the end of term (70% of final grade) and a written case comment, book review or short essay (approx 2500 words) (30% of final grade) OR final exam worth 100%
Materials	Brown, <i>Insurance Law in Canada</i> , 7 th student ed. (Thomson/Carswell)
Library Materials	Click here for Library Materials for this Course
Description	Insurance Law has a profound impact upon many different legal fields, ranging from civil litigation to business law. This course is designed to provide a series of frameworks for use in addressing legal problems arising in relation to insurance contracts in Canada. Topics will

be discussed in class based on readings of assigned statutory materials and text. This will be followed by the application of those frameworks to hypothetical problems distributed in advance. The primary emphasis in this course will be on indemnity insurance and its role in providing for various types of loss that occur in society.

5625A 001 Intellectual Property

This course is required for the Area of Concentration: Intellectual Property, Information and Technology Law.

Instructor(s)	Wilkinson, Margaret Ann
Credits	4
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	80

Course Times

Course Times For 5625A 001, 2011-2012			
Term	Day	Time	Room
Fall	Monday	16:00 - 17:50	52
Fall	Wednesday	16:00 - 17:50	52

Exam Times

Exam Times For 5625A 001, 2011-2012			
Term	Date	Time	Room
Fall	14 Dec 2011	9:00 - 12:00	

Instruction

This course is conducted in a lecture format: powerpoint presentations will normally accompany the classes and will be posted for students' use after class. Student participation is encouraged and expected: based on reading the assigned material before class, each student will be expected to ask questions and participate in discussions of cases, problems and issues arising from the classes.

Assessment

Midterm assignment: 30%
Final examination (open book): 70%

Materials

M.A. Wilkinson, Cases and Materials in Intellectual Property, 2011 will be available and is required.

RECOMMENDED - The standard reference to statutes in class will be to Ejan Mackaay and Ysolde Gendreau, Canadian Legislation on Intellectual Property, 2010 (Thomson Carswell) which has been ordered as a required text for this course. Statutory materials are also available online via <http://www.canlii.org>.

RECOMMENDED - Elizabeth F. Judge and Daniel Gervais, Intellectual Property 2d ed.: The Law in Canada (Thomson Carswell, 2010) has been ordered as a recommended text to accompany this course.

Library Materials

[Click here for Library Materials for this Course](#)

Description

This course will consist of a survey of the law and policy of copyright, patents, trademarks, industrial design and confidential information. By emphasizing the dynamic nature of intellectual property law and policy in a rapidly changing technological and economic environment, the course will prepare students to think critically about the tensions, trade-offs, and balances between protecting the interests of creators, rights-holders and users of intellectual goods. Students will develop the ability to select and explain the most appropriate legal devices to protect various aspects of marketing and business names, information, works in various media, commercial products and technology.

5640D 001 International Business Transactions

The course examines Canadian law and practice with respect to the international sale of goods. It reviews basic instruments, documents and financing arrangements common to these transactions, as well as the major international agreement in the field, the U.N. Convention on Contracts for the International Sale of Goods (CISG). The course also covers key elements of other types of international business transactions arising from foreign direct investment, technology transfer, trans-border lending, and project finance. Four credits, one term.

This course satisfies Module 4 for the Area of Concentration: Business Law.

Instructor(s)	Carmody, Chi
Credits	4
Essay Requirement	Yes, this course will satisfy the Faculty of Law essay requirement but only if Option Three is chosen
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	80

Course Times

Course Times For 5640D 001, 2011-2012			
Term	Day	Time	Room
Spring	Monday	14:00 - 16:20	202
Spring	Wednesday	14:00 - 16:20	202

Exam Times

Exam Times For 5640D 001, 2011-2012			
Term	Date	Time	Room
Spring	24 Apr 2012	9:00 - 12:00	

Instruction Lectures and class discussion.

Assessment Students have the option of being graded on the basis of one of the following three options:

Option One: 80% final examination, 20% class participation

Option Two: 80% final examination, 10% oral presentation*, 10% class participation

Option Three: 50% term paper**, 40% final examination, 10% class participation

* The oral presentation shall be of approximately 10 minutes' duration on a subject pre-approved by the Instructor.

** The paper component in Option Three will require a 20 page double-spaced paper on a subject pre-approved by the Instructor.

Materials

The required text is:

Carmody, *Supplementary Materials on International Business Transactions (2012)*

There may also be materials distributed in class or electronically from time to time.

Library Materials

[Click here for Library Materials for this Course](#)

Description

This course is an introduction to the legal principles and practice applicable to cross-border transactions involving the sale of goods, services and intellectual property, as well as associated topics of:

- business form
- cross-border investment
- international dispute settlement
- ethics in international business

The course features an introduction to the substantive law as well as case studies involving international business transactions where illustrative legal issues have been raised.

5834C 001 International Commercial Arbitration (ST)

Instructor(s)	Werbicki, Raymond
Credits	4
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none , but courses in Contract Law, Commercial Law, Civil Litigation and Conflicts of Law will provide useful background.
Compulsory	No
Core	No
Enrollment Restriction	25

Course Times

Course Times For 5834C 001, 2011-2012			
Term	Day	Time	Room
January	Monday	13:00 - 15:50	51
January	Tuesday	13:00 - 15:50	51
January	Wednesday	13:00 - 15:50	51
January	Thursday	13:00 - 15:50	51
January	Friday	13:00 - 15:50	51

Please Note: The instructor will designate Fridays as research and writing days.

Exam Times	none
Instruction	Lectures, class discussion and student presentations.
Assessment	20% class participation. 50% written submission to a mock arbitral tribunal (commonly known in practice as a “ <i>Memorial</i> ” or “ <i>Skeleton Argument</i> ”) of not more than 20 pages. 30% oral presentation of the written submission to a mock arbitral tribunal.
Materials	Redfern & Hunter on International Arbitration (5th Edition, student version, Oxford University Press, 2009) A selection of recent cases of the Canadian, American and United Kingdom Supreme Courts.

Library Materials

[Click here for Library Materials for this Course](#)

Description

An overview of the law and practice of international commercial arbitration, from the agreement to arbitrate through appointment of arbitrators, conduct of arbitral proceedings and enforcement of arbitral awards under international treaties such as the New York Convention 1958 and the Washington Convention 1965.

The course will explore:

- how and why businesses and sovereign states choose to arbitrate rather than litigate international commercial disputes;
- perceived advantages and disadvantages of international arbitration when compared to national litigation;
- the application of national laws to international arbitration;
- relationships between national courts and arbitral tribunals;
- how arbitral tribunals are appointed and how their proceedings are conducted;
- arbitration under multi-lateral trade agreements such as NAFTA;
- arbitration under bilateral investment treaties between sovereign states;
- the importance of arbitration to international investment;
- how rights to arbitration and awards of arbitral tribunals can be enforced against business entities and sovereign states across national borders.

5670D 001 International Commercial Litigation

This course satisfies Module 4 for the Area of Concentration: Business Law.

This course satisfies the Group 1 requirement for the Area of Concentration: Intellectual Property, Information and Technology Law.

Instructor(s)	Pitel, Stephen G.A.
Credits	4
Essay Requirement	Yes, this course will satisfy the Faculty of Law essay requirement if Option Three of the assessment is chosen.
Pre/Co-requisite	none

Note: Because some topics in International Commercial Litigation (ICL) will overlap with topics covered in LAW 5665 - Conflict of Laws, students are strongly advised **not** to take both courses.

Compulsory	No
Core	No
Enrollment Restriction	80

Course Times

Course Times For 5670D 001, 2011-2012			
Term	Day	Time	Room
Spring	Tuesday	8:30 - 10:50	202
Spring	Thursday	8:30 - 10:50	202

Exam Times

Exam Times For 5670D 001, 2011-2012			
Term	Date	Time	Room
Spring	17 Apr 2012	9:00 - 12:00	

Instruction Lectures and discussions.

Assessment Option One: 100% final exam
 Option Two: 70% final exam and 30% mid-term exam
 Option Three: 50% final exam and 50% paper

The final exam will feature the same questions and be the same length for all students regardless of the option selected.

Both the final exam and the optional mid-term exam will be open book with certain

limitations (as specified in the syllabus).

Materials

The required casebook is N. Rafferty *et al.*, *Private International Law in Common Law Canada: Cases, Text, and Materials*, 3d ed. (Toronto: Emond Montgomery Publications Limited, 2010).

This casebook will be supplemented by additional assigned readings which students can obtain in the library or on-line.

Library Materials

[Click here for Library Materials for this Course](#)

Description

The Faculty has two courses in the area of conflict of laws: (a) LAW 5665 - Conflict of Laws and (b) this course, ICL. The central difference between the courses is that ICL has a distinctly commercial focus, looking at practical problems in litigation involving connections to more than one jurisdiction. For example, it does not cover the theoretical or family law components traditionally covered in Conflict of Laws. Instead, it focuses more on components relevant to the conduct of international commercial litigation. However, students should note that no knowledge of commercial law beyond that covered in first year is required.

Students should also note that in our examination of litigation across legal jurisdictions we will be considering not only international cases (such as cases with connections to both Ontario and New York) but also interprovincial cases (such as cases with connections to both Ontario and Alberta). This makes the course of particular importance for an understanding of litigation in Canada, since cross-provincial litigation issues arise frequently. Students with an interest in litigation, particularly corporate or commercial litigation, should strongly consider this course.

5830C International Human Rights and Global Justice

Instructor(s)	Ilumoka, Adetoun
Credits	4
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	25 upper year students

Course Times

Course Times For 5830C 001, 2011-2012			
Term	Day	Time	Room
January	Monday	8:30 - 11:20	206
January	Tuesday	8:30 - 11:20	206
January	Wednesday	8:30 - 11:20	206
January	Thursday	8:30 - 11:20	206
January	Friday	8:30 - 11:20	206

Exam Times	none
Instruction	Seminar - discussions, in class exercises. (Careful reading of pre-assigned material and active participation by students in the seminar discussions are thus essential.)
Assessment	<p>1) Class participation 20%,</p> <p>2) two Class Exercises 50% (worth 20% and 30% each, one of which will be a short test), and</p> <p>3) Written paper – 30% (7-10 double spaced pages, Times New Roman). Students may choose to write on an assigned topic or on a substantive issue of their choice to be determined and approved by the beginning of the second week of classes.</p>
Materials	Most of our required readings are online and will be posted on WebCt. Students will be expected to download and print some of them, especially the treaties.

Recommended Reference Books:

1. Olivier de Schutter, *International Human Rights Law : Cases, Materials, Commentary*. New York : Cambridge University Press, 2010. (Online)

2. Steiner, Alston & Goodman, *International Human Rights in Context : Law, Politics, Morals*. New York : Oxford University Press, 2008.

Major Treaties:

The United Nations Charter

The Universal Declaration of Human Rights

International Covenant on Civil and Political Rights

International Covenant on Economic, Social and Cultural Rights

CEDAW

The Convention on the Rights of the Child

Library Materials

[Click here for Library Materials for this Course](#)

Description

This course examines the role of international law in defining and protecting a broad range of human rights. We will explore the emergence of the idea of International Human Rights and the International Human Rights legal regime that developed in the wake of the 2nd World War and critically assess its role in promoting and securing global justice as conceived of by various groups. The course will examine the concept of human rights, major sources of international human rights law, substantive rights and obligations, enforcement mechanisms and some of the agencies responsible for monitoring compliance. Against this background, we will identify some major controversies and debates in international human rights, specific threats to human dignity and the activities of specific advocacy groups. We will conclude the course by critically assessing the role of international human rights law in promoting global justice.

In class we will use case studies to deepen our understanding of the application of international human rights law and our class exercises will focus on issues of torture, livelihoods and equality and non-discrimination.

By the end of the course, students are expected to have a good understanding of the concept of human rights, the goals and historical development of international human rights law and major institutions and mechanisms for enforcement and monitoring. They should also be able to engage in a critical appraisal of the UN Human Rights system.

More specifically, students should have an overview and basic knowledge of the provisions of the foundational international human rights instruments sometimes referred to as the international bill of rights, and be able to write a legal opinion on the application of international human rights law to the problems/grievances of a specific group of people.

5630D 001 International Protection of Intellectual Property

This course is required for the Area of Concentration: Intellectual Property, Information and Technology Law.

Instructor(s)	Wilkinson, Margaret Ann
Credits	3
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	5625 Intellectual Property (Pre)
Compulsory	No
Core	No
Enrollment Restriction	25

Course Times

Course Times For 5630D 001, 2011-2012			
Term	Day	Time	Room
Spring	Wednesday	8:30 - 9:50	202
Spring	Friday	10:00 - 12:20	202

Exam Times	none
Instruction	This course is arranged as a series of modules, each comprised of at least 3 classes, and is conducted as a seminar.
Assessment	<ol style="list-style-type: none"> 1. Students will write a short paper of about 800 words (citing the assigned readings) for each of the first 3 modules, which they will post to an online discussion. (15% each) 2. Each student will read the other students' short papers in each module and then contribute approximately 250 words of comment, demonstrating familiarity with the work of at least 2 of the other students. (5% each) 3. A final comment of about 1600 words will be due at the end of the course, which will draw together the theories previously discussed, the 3 short papers, and the 3 commentaries already developed throughout the course. (30%) 4. Seminar participation. (10%)
Materials	Materials will be made available online at the beginning of the course - and may be supplemented online during the course as need arises. There is no text for this course.
Library Materials	Click here for Library Materials for this Course

Description

The global nature of intellectual property problems form part of today's headlines: for example, users want access to the world's music output while music producers seek global profits from the recording of songs; businesses want to be able to protect advertising investments in trademarks in a global marketplace and yet local businesses want to legally preserve their identities in the face of conglomerate competition; and the international struggle with health policy issues, including the roles of patents, in an environment of massive research and development costs for drugs and treatments.

In pursuing these kinds of questions, involving competitiveness and cooperation on an international scale, the topics to be covered will include:

- The international trade environment of intellectual property cooperation.
- The public international law framework surrounding the intellectual property environment.
- Critical examination of the values and policies underlying the international intellectual property structures.
- Treatment of emerging technologies in the international intellectual property arena.
- Discussion of conflict of laws in the context of intellectual property issues.
- Domestic implementation issues in managing international intellectual property obligations.

5435A 001 International Tax

This course satisfies Module 4 for the Area of Concentration: Business Law.

Instructor(s)	Campbell, Colin
Credits	3
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	5220 Income Taxation (Pre)
Compulsory	No
Core	No
Enrollment Restriction	80

Course Times

Course Times For 5435A 001, 2011-2012			
Term	Day	Time	Room
Fall	Tuesday	10:30 - 12:20	34
Fall	Wednesday	11:30 - 12:20	34

Exam Times

Exam Times For 5435A 001, 2011-2012			
Term	Date	Time	Room
Fall	15 Dec 2011	9:00 - 12:00	

Instruction	Lectures and class discussion
Assessment	100% final examination <i>or</i> (at the student's option) 25% mid-term paper and 75% final examination
Materials	<i>Income Tax Act</i> (current) Li, Cockfield and Wilkie, <i>International Taxation in Canada</i> (2006)
Library Materials	Click here for Library Materials for this Course
Description	Many trade and investment transactions have a cross-border component that engages the international tax provisions of Canada's income tax system. This course is designed to provide students with an understanding of those provisions both in theory and in practice. Specifically, it will survey the international aspects of the Canadian income tax system

including:

1. taxation of foreign source income of Canadian resident taxpayers and their controlled foreign corporations, including foreign tax credits and the foreign affiliate system;
2. taxation of Canadian source income of non-residents;
3. tax treaties, including the OECD Model Treaty; and
4. anti-avoidance measures, including thin capitalization, foreign accrual property income (FAPI), transfer pricing, non-resident trust and offshore investment fund provisions.

The course will consider the policy framework of Canada's international tax system and emerging issues (including, for example, the implications of electronic commerce, tax treaty interpretation and equitable taxation of Canadian multinational corporations). We will also review in detail relevant provisions in the Income Tax Act so that students have a strong technical foundation for an understanding of the broader policy issues. We will illustrate the application of the rules with examples of cross-border tax structures and transactions drawn from our practice experience. Students will gain from this course an understanding of the key technical rules, policy and principles, in preparation for further study or practice in international tax.

5823C 001 International Taxation - Policy and Practice (ST)

This course satisfies Module 4 for the Area of Concentration: Business Law.

Instructor(s)	Sadiq, Kerrie ; Kobetsky, Michael
Credits	4
Essay Requirement	Yes, this course will satisfy the Faculty of Law essay requirement
Pre/Co-requisite	5220 Income Taxation (Pre)
Compulsory	No
Core	No
Enrollment Restriction	25

Course Times

Course Times For 5823C 001, 2011-2012			
Term	Day	Time	Room
January	Monday	8:30 - 11:20	100
January	Tuesday	13:00 - 15:50	100
January	Wednesday	8:30 - 11:20	100
January	Thursday	13:00 - 15:50	100
January	Friday	8:30 - 11:20	100

Exam Times	none
Instruction	This will be a highly interactive class with lectures, class discussion, and small group work.
Assessment	<p>80% Final Essay (20 pages maximum). The primary method of evaluation will involve an 8000 word paper on an international taxation topic from the instructor's list of 4 topics distributed on the first day of class or a topic selected by a student and approved by the lecturers. Papers must be submitted by January 27, 2012.</p> <p>20% course participation. 20% will be assigned on based on class participation which will involve students participating in group presentations and in general class discussion.</p>
Materials	Requires course readings will be posted on WebCT, and will be drawn from academic sources and primary legal material.
Library Materials	Click here for Library Materials for this Course

Description

The course is divided into two equal parts. The first part of the course provides an analysis of international tax policy, introducing students to the theoretical concepts and alternative models underpinning international tax regimes. The second part of the course brings into play the material that students have learned in considering international tax policy to examine and evaluate how this policy is put into practice through bilateral tax treaties (tax treaties). In doing so, students consider both the Articles of the OECD Model Tax Convention as well as the Canadian adoption in its tax treaties of the various Articles.

Part 1: International Tax Policy

Introduction: A consideration of what constitutes international tax, addressing such questions as to whether countries are bound by an international tax system or whether international tax is only about the law adopted by each country and the tax treaties to which it binds itself.

Theoretical Models: A consideration of economic neutrality benchmarks which can be used to analyse the optimal taxation treatment of inbound, outbound and conduit income as well as the conflicting policy directions. Commonly used benchmarks such as capital export neutrality, capital import neutrality, and national neutrality will be considered.

Jurisdictional Allocation Models: A consideration of the principles of jurisdictional allocation and the fact that a comprehensive tax base requires taxpayers to be taxed on their worldwide income. This means it is necessary to choose a country that has the right to tax. The two fundamental concepts, the norms of residency and source which have been developed over the decades will be considered.

Alternate approaches to overcome double taxation of residents: A clash of residence and source means that there is a risk of double taxation whenever we have a resident involved in cross-border investment or international business activity where that resident is taxed on source in the foreign jurisdiction. While tax treaties help mitigate this double taxation they do not eliminate it. To overcome this there are several possible approaches. Capital Export Neutrality - credits are given so that all the income is taxed the same. Capital Import Neutrality - income is only subject to tax in the source country. National Neutrality - taxes paid to foreign governments yield no direct benefits to the residence country so no credit given. National Competitive Model - residents should be subject to no higher taxes on foreign income than anyone else investing in the jurisdiction. These approaches will be considered.

Models for taxing foreign residents: A clash of residence and source also means that there is a risk of double taxation whenever we have a foreign resident involved in cross-border investment or international business activity. Where countries have entered into a tax treaty a model is generally adopted where the source right to tax income earned by foreign resident entities is (subject to a number of exceptions for particular types of income) generally relinquished in respect of business income, unless the non-resident has a presence in the jurisdiction in the form of a permanent establishment. Where a non-resident has a presence in this form, the source jurisdiction will not relinquish its taxing rights under double tax agreements.

Anti-Avoidance Models: A consideration of the various models and approaches adopted to counter avoidance of taxation by taking advantage of different tax regimes. In particular, leading into Part 2 of this course, there will be an introduction to the transfer pricing regime. Thin-capitalisation and accruals regimes will also be discussed.

Part 2: International Tax Treaties

This component of the subject provides an in-depth examination of international tax treaties, both as regards inbound and outbound investment, using the OECD Model Treaty and Commentary and including an examination of important treaties of Canada's major trading partners. It examines current issues of international tax in the application and interpretation of tax treaties, including the meaning of permanent establishment and taxation of business profits, residence and source, the treatment of investment income, exchange of information and avoidance of double taxation. Upon successful completion of this subject, students should have an advanced understanding of the policies in relation to tax treaties. Principal tax treaty topics include:

- The role of tax treaties
- Interpretation of tax treaties
- Relationship between tax treaties and domestic law
- Impact of tax treaties on investing into Canada
- Impact of tax treaties on investing overseas
- Entities and tax treaties
- Tax treaties and tax avoidance.

5635A 001 International Trade Law

This course is an introduction to the legal framework of international trade. It focuses principally on the General Agreement on Tariffs and Trade (GATT) and its successor, the WTO Agreement. Four credits. One term.

This course satisfies Module 4 for the Area of Concentration: Business Law.

Instructor(s)	Carmody, Chi
Credits	4
Essay Requirement	Yes, this course will satisfy the Faculty of Law essay requirement but only if Option Three is chosen
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	80

Course Times For 5635A 001, 2011-2012			
Term	Day	Time	Room
Fall	Tuesday	10:30 - 12:20	202
Fall	Thursday	10:30 - 12:20	202

Exam Times For 5635A 001, 2011-2012			
Term	Date	Time	Room
Fall	15 Dec 2011	9:00 - 12:00	

Instruction Lectures, presentations and class discussion

Assessment Students have the option of being graded on the basis of one of the following three options:

Option One: 80% final examination, 20% class participation

Option Two: 80% final examination, 10% oral presentation*, 10% class participation

Option Three: 50% term paper**, 40% final examination, 10% class participation

* The oral presentation shall be of approximately 10 minutes' duration on a subject pre-approved by the Instructor.

** The paper component in Option Three will require a 20 page double-spaced paper on a subject pre-approved by the Instructor.

Materials

The required text is:

Carmody, *2011 Supplement for International Trade Law 5635A*

There may also be materials distributed in class or electronically from time to time.

Library Materials

[Click here for Library Materials for this Course](#)

Description

This course is an introduction to the legal framework of international trade. It focuses principally on the *General Agreement on Tariffs and Trade (GAAT)* and the *WTO Agreement*. This course considers:

- the economic and philosophical bases of freer trade and surveys the central provisions of GAAT and the *WTO Agreement*;
- how international trade theory and practice have evolved in recent cases brought under the WTO dispute settlement;
- the means by which WTO arrangements have been implemented in Canadian law and Canadian participation in the organization;
- selected issues such as environmental and development policy as they relate to international trade.

5836C 001 Judging the Judges (ST)

Instructor(s)	Hammond, Justice Grant
Credits	4
Essay Requirement	Yes, this course will satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	25

Course Times

Term	Day	Time	Room
January	Monday	8:30 - 11:20	34
January	Tuesday	8:30 - 11:20	34
January	Wednesday	8:30 - 11:20	34
January	Thursday	8:30 - 11:20	34
January	Friday	8:30 - 11:20	34

Exam Times	none
Instruction	The class will be interactive. Principally class discussion; some interactive work.
Assessment	20% Course participation 80% Research paper
Materials	Materials for this course will be posted on WebCT.
Library Materials	Click here for Library Materials for this Course

Description	<p>In the common law jurisdictions, the judiciary is a third arm of government. But how are we to assess judges, and how they "perform?"</p> <p>This seminar is concerned with the core concepts of the role of a judge today. It will address issues such as how judges are appointed to trial and appellate courts today, and whether the criteria and mechanisms for appointment are appropriate today. Once appointed, how are</p>
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judges administered? Can they be disciplined? What ethical codes of behaviour govern judges today and what problems do they raise? What statutory and common law constraints are there on the way behaviour of judges is governed today? Should judges be subject to performance or other reviews, and what form should this take? What recompense and benefits should judges receive today; and how is that to be adjusted from time to time? When should a judge be disqualified from sitting or recuse himself or herself? What difficulties are there in the relationship between the bench and the bar today, and what constraints are or should there be upon a judge and other organizations or individuals outside the judiciary? How far does freedom extend on the part of the judiciary? Is there a place for the "crusading" judge and what sorts of difficulties does this pose?

Comparative work and biographical studies of particular judges will also be encouraged.

In short, how is the role of the modern judge to be conceived, and what are the constraints and limits upon a judge today?

5760A 001 Jurisprudence I

Instructor(s)	Bronaugh, Richard
Credits	3
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	25

Course Times For 5760A 001, 2011-2012			
Term	Day	Time	Room
Fall	Tuesday	14:00 - 15:50	100
Fall	Thursday	14:00 - 14:50	100

Exam Times For 5760A 001, 2011-2012			
Term	Date	Time	Room
Fall	7 Dec 2011	9:00 - 12:00	

Instruction	Lecture and class discussion.
Assessment	15% - class discussion 25% - midterm test 60% - final examination
Materials	C.D.C. Reeve, editor, Plato, <i>The Trial of Socrates</i> Hackett Publishing pbk. Other reading will be on WebCT.
Library Materials	Click here for Library Materials for this Course

Description	Many lawyers have said the following to me over the years. "When I went into practice I found that the law was completely different from what I learned in law school." This is of course an exaggeration on their part--and a bit of boasting since they have done well at law--but the practicality of what one studies in law school is important. What legal education
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has to do is provide a background understanding, a command of a vocabulary, and case details from which one can develop skills. Yet I can say one thing for certain, law practice will not differ from what one learns in Jurisprudence.

This is not because the questions of jurisprudence are irrelevant; it is because the answers to the questions are assumed in the background of nearly everything that's done. Jurisprudence look behind closed doors, look underneath the floor. And they root for the foundations. (Of course, some will deny that there are foundations for anything.)

The course begins with an account of one of the most famous trials, namely, the trial of Socrates on the charge of impiety. Plato addresses this particular charge and in analyzing it asks one of the most important of all questions in life. His dialogue establishes the main theme of the course, namely, the nature of normative authority.

The course proceeds historically, but with a developmental goal. The second step concerns law as it was understood by St. Thomas Aquinas, writing in the Middle Ages. One then moves to the 19th century and the development of Legal Positivism. Of special interest is its link to colonialism and, then, to the transition to sociological jurisprudence and 20th century Legal Realism. The famous essay by Judge O. W. Holmes, Jr. called "The Path of the Law" is discussed. 20th century jurisprudence is examined in the work of HLA Hart and Ronald Dworkin. The final part of the course will concern the question of whether the idea of international law makes sense. This is the question whether legal normative authority can reach across national boundaries. There are those who hold that international law is impossible.

5712C 001 Kawaskimhon Talking Circle

Instructor(s) [Coyle, Michael](#)

Credits 4

Essay Requirement No, this course will *not* satisfy the Faculty of Law essay requirement

Pre/Co-requisite none

Compulsory No

Core No

Enrollment Restriction 5

Course Times

Course Times For 5712C 001, 2011-2012			
Term	Day	Time	Room

Exam Times none

Instruction

Assessment

Materials

Library Materials [Click here for Library Materials for this Course](#)

Description

5720C Labour Arbitration Competition

Instructor(s)	Lynk, Michael
Credits	4
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	2 second year students.

Course Times

Course Times For 5720C 001, 2011-2012			
Term	Day	Time	Room

Exam Times	none
Instruction	Students will be given some guidance by the faculty advisor, depending on the degree of consultation allowed by the competition's rules, but the expectation is that they will do much of the work on their own with minimal supervision. Students will receive instruction and feedback on oral advocacy through a series of practices before the actual competition.
Assessment	Students will receive a grade reflecting an overall assessment of their research, written work and oral advocacy. Results in the competition are a relevant factor in the assessment. While students work and compete as a team, it is not required that all students receive the same grade.
Materials	To be determined in consultation with the instructor.
Library Materials	Click here for Library Materials for this Course
Description	In this course, students participate, for academic credit, in the Mathews, Dinsdale & Clark LLP national labour arbitration competition. The team for this competition is composed of two members, both of whom must be in second year.

To be enrolled in this course, students are first required to participate in the internal Lerner's LLP Cup competition in the Fall Term. This competition is run by the Faculty with the assistance of third-year students who competed in an external advocacy competition in their second year. Students in the internal competition are ranked based on their performance. The top-ranking students are then able to select which external competition they will enter.

Students selecting this external competition are enrolled in the Labour Arbitration Competition course as their January Term course (worth four credits) and are removed from the course they had originally chosen for that term. For second year students, any points bid for the original January term course will be refunded.

It will be extremely helpful, though not required, for competitors to have taken, or be taking, Labour Law.

5700D 001 Labour Arbitration Law and Procedure

Instructor(s)	Atkinson, Robert J.
Credits	2
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	5650 Employment Law (Pre), 5655 Labour Law (Pre) (students must have either prerequisite - they do not need both)
Compulsory	No
Core	No
Enrollment Restriction	25

Course Times

Course Times For 5700D 001, 2011-2012			
Term	Day	Time	Room
Spring	Tuesday	18:00 - 20:50	34

Exam Times	none
Instruction	Seminar and class discussion.
Assessment	Class participation 20%; Presentation at mock arbitration 40%; Written argument for mock arbitration 40%
Materials	No required materials; Reading list to be provided WebCT Owl
Library Materials	Click here for Library Materials for this Course
Description	This course will examine the general and specific aspects of the labour arbitration process. It will include issues in substantive law and procedure. Students will be required to participate in a mock arbitration by presenting both an oral and written argument.

5655A 001 Labour Law

Instructor(s)	Craig, John
Credits	4
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	80 upper year students

Course Times

Course Times For 5655A 001, 2011-2012			
Term	Day	Time	Room
Fall	Monday	8:30 - 10:20	51
Fall	Wednesday	14:00 - 17:50	51

Please note: This course will meet every second Wednesday. Students will first meet on Wednesday, September 7, and every second Wednesday thereafter.

Exam Times

Exam Times For 5655A 001, 2011-2012			
Term	Date	Time	Room
Fall	12 Dec 2011	9:00 - 12:00	

Instruction	lecture and discussion
Assessment	Mid-term Essay 30% & Final Exam 70%

or

Final Exam 100%

Materials	<i>Ontario Labour Relations Act; 1995</i>
	Labour Law Casebook (8th ed.) (Irwin Law)
	Supplementary Materials

Library Materials

[Click here for Library Materials for this Course](#)

Description

This course is the study of the legal regulation of labour-management relations in the Canadian economy. Labour law is a significant focal point of our contemporary legal system, where modern business law meets social justice law. Unions in Canada today represent 30% of the contemporary labour force, including the employees in many of our most vital private and public sectors. Hence, the wage and contract settlements in the unionized workplace decisively influence the rest of the economy, including the non-unionized workplace. As well, labour law is on the cutting edge of most of today's important human rights rulings. As you study labour law, you will realize that it creatively borrows from the most interesting parts of criminal law, contract law, administrative law, property law, torts, evidence law, and advocacy.

The primary focus of this course will be Ontario and the *Ontario Labour Relations Act 1995*, although legislation and caselaw from other jurisdictions (particularly the federal jurisdiction; *i.e. the Canada Labour Code*) will be regularly reviewed. Among the specific areas of labour law that will be covered are:

- Human rights and equity laws in the workplace
- The relationship between labour law and employment law
- The right to organize
- Collective bargaining
- The acquisition of bargaining rights
- Strikes and industrial conflict
- Collective agreements and arbitration
- Relations between trade unions and their members
- Globalization and the new world of work

5818A 001 Law and Literature (ST)

Instructor(s)	Miller, Jeffrey
Credits	3
Essay Requirement	Yes, this course will satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	25

Course Times

Course Times For 5818A 001, 2011-2012			
Term	Day	Time	Room
Fall	Wednesday	15:00 - 17:50	204

Exam Times	none
Instruction	Lecture, discussion, audio (traditional ballads).
Assessment	<p>(a) Class participation (class discussion, answering instructor's questions), 18% of mark;</p> <p>b) Research progress report: a statement of 2,000 words, more or less, outlining: your topic (thesis statement) for your major paper (see (c) below); your existing and probable sources for it (the instructor and class will help you with this); how it fits within this particular course and the course readings; your progress and critical approach to that point (more or less around midterm); any issues or difficulties the class might help you with; 15% of mark; and</p> <p>(c) major paper of about 7,000-8,000 words, due the last day of the course, 67% of mark.</p>

Materials

Novels: Camus, Albert, *The Outsider* (sometimes called *The Stranger*); Coetzee, J.M., *Disgrace*; Caudwell, *What the Sirens Sang*; Orwell, George, *1984*; Ozick, Cynthia, *The Puttermesser Papers*; Richler, Mordecai, *St. Urbain's Horseman*; Theroux, Paul, *The Mosquito Coast*.

Stories: Mortimer, John, *Rumpole of the Bailey* (selections only); Updike, John, "Here Come the Maples"; Aymé, Marcel, "Dermuche" and "The Wife-Tax Collector"; Sayles, John, "At the Anarchists' Convention".

Short poems by William Empson, Ogden Nash, William Wordsworth, F.R. Scott, etc.

Various traditional ballads (we will listen to them sung, where possible), including “A Gest of Robyn Hode,” “Roger O’Heihr,” “Bruton Town,” “The Twa Sisters,” “Matt Hyland,” “Van Diemen’s Land,” “Old Judge Duffy.”

Cases: excerpts only from *Brodie v. The Queen*, *R. v. Penguin Books* (re *Lady Chatterley’s Lover*); *Bullen v. Ward* (1905), 74 K.B. 916; *Slater v. Evans*, [1916] 2 K.B. 916 (at law, French fries but not ice cream can be “meat”) and several Canadian cases that demonstrate the law’s idiosyncratic use of language.

Supplementary: Martin Luther King’s “I Have Been to the Mountaintop” speech; Frye, Northrop, *The Anatomy of Criticism*, pp. 96-104; Ward, Ian, *Law and Literature*, Part I; short extract on justice according to John Rawls; extracts from Miller, Jeffrey, *Where There’s Life, There’s Lawsuits*.

Library Materials

[Click here for Library Materials for this Course](#)

Description

Using outstanding and timely works of literature – works that are dramatic, funny, tragic, ironic, angry, and celebratory, sometimes all at once – this course places your legal studies in the wider context of your everyday life as an individual, as a member of our immediate society, and as a thinking being in the cosmos!

As with literature, our law expresses the imaginative life of our culture. Most literature worthy of the name concerns itself with the problem of justice in our “fallen” world. Starting at this cultural intersection of law and literature, the course divides essentially into five units, featuring particularly distinguished, unusually enjoyable, and timely works (mostly modern novels, but also stories, poems, essays, and case law) to survey:

- (1) First principles and core controversies: Is law and literature more than a distraction for bored law professors? Is there really any useful conversation between the two subjects? What are the principal critical approaches? Which seems to be most productive?
- (2) Law as narrative. As interacting aspects of our culture, law and literature share conventions, themes, and symbolism deriving from mythic and sacred literature, themselves rooted in Law. How have these latter developed in secular law and literature, and in the modern world of self-conscious irony? How does the law’s narrative differ from individual narrative? Answering such questions leads us to a more or less scientific approach to law-and-literature studies, based in archetypal literary criticism.
- (3) Duty, and the associated principle of reasonableness, comprise the heart of our cultural understanding of justice. When does breach of duty (as depicted in literature) address the gap between law and justice? When does it become dangerously anti-social?
- (4) Evil and how it can be perverted imaginatively to fit cultural patterns we associate with justice – the principal tension being between the neighbour principle of community versus psychopathy and sociopathy. How does literary expression presage the breakdown of the rule of law, “the end of days?”
- (5) The language of the law in law *as* literature: Does legal language form its own universe? How does its metaphorical inclinations and use of “legal fictions” compare with such use of language in literature? What are the respective narrative roles of the legislator, judges,

lawyers, and litigants?

The instructor will post most (almost all) of the ballads, poetry, and supplementary material in WebCT, or he will send them to you by e-mail. Some of the material (excluding the novels) is available on various web sites. The instructor will supply you:

- (1) a glossary of some terms used in the course;
- (2) a list of suggested essay topics on a broad variety of works and themes;
- (3) a list of secondary sources for law-and-literature studies and research;
- (4) a supplementary list of literature that fits nicely within the course's scope; and
- (5) a style sheet (covering matters such as textual format, footnotes, references, etc.)

5315A 001 Law and Social Welfare

Instructor(s)	Schlemmer, Jeff
Credits	3
Essay Requirement	Yes, this course will satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	25

Course Times

Course Times For 5315A 001, 2011-2012			
Term	Day	Time	Room
Fall	Thursday	18:00 - 20:50	206

Exam Times	none
Instruction	seminar
Assessment	Two Position papers on legal topics relevant to community placement: First 30%; Second 50% Oral presentation to mock Parliamentary Committee supporting or opposing a real proposed statutory amendment: 20%
Materials	Relevant statutes, regulations and policy directives available at Ministry website.
Library Materials	Click here for Library Materials for this Course

Description

The course explores the attempts made by our legal system to help poor and disadvantaged Ontarians. The principle areas of law studied include social assistance legislation respecting disabled and low-income persons, laws which establish programs intended to help the disadvantaged (such as non-profit housing), and the various laws, such as human rights statutes, which aim to redress perceived power imbalances in society.

The focus is on how these laws are applied in the "real world". We will hear from a variety of guest speakers, including a judge, a senior barrister, a senior bureaucrat, a politician, a social activist from the left and one from the right, an economist, a social worker, and a media expert. They will provide their experience and perspective on how these laws operate - and

in what ways they might be reformed.

Class preparation is kept to a minimum so that students can volunteer three hours per week at a community agency of their choice. Grading is primarily based on two position papers which the student will write about topics of current importance to the agency at which they choose to volunteer.

5690C 001 Law and Sport

Instructor(s)	McLaren, Richard
Credits	4
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none Antirequisite: 5817 ST: Law and Sport
Compulsory	No
Core	No
Enrollment Restriction	25

Course Times

Term	Day	Time	Room
January	Monday	8:30 - 11:20	36
January	Tuesday	8:30 - 11:20	36
January	Wednesday	8:30 - 11:20	36
January	Thursday	8:30 - 11:20	36
January	Friday	8:30 - 11:20	36

Exam Times	none
Instruction	This course will consist of lectures by Professor McLaren and invited guests, group presentations, simulation exercises, and intensive class discussions. There is a large amount of group work in this course. If you are disinclined to group work, you are encouraged to refrain from taking this course.
Assessment	Your grade will be based on a combination of group marks, individual assessments, and class participation. You will be evaluated on both written and oral presentations and simulations. Class participation (20%); individual projects (40%); group projects & presentations (40%).
Materials	The course materials consist of a series of articles, documents and decisions. The student will frequently required to use library and reference materials, and will need to purchase a sports law text.
Library Materials	Click here for Library Materials for this Course

Description

This course is not a traditional sports law course. Students may obtain generic sports law information from published materials on the topic. Instead, the principle objective of this course is to provide students with an understanding of sports-related topics that are not widely discussed or published. The balance of the course involves an intensive analysis of the dispute resolution and disciplinary processes of different sport bodies.

Examples of subjects this course may address are:

- Issues in both professional and amateur sports,
- Rules and Regulations of various National and International Organizations,
- The alternative dispute resolution processes for sport including international arbitration by the Court of Arbitration for Sport and the arbitration mechanism for the Olympics,
- The negotiation processes in sport with agents and clubs including contract negotiation, formation and interpretation,
- Issues surrounding the establishment of a league across international boundaries,
- NHL salary and NHLPA arbitration contrasted with baseball arbitration, and
- Doping control issues in sport

Note that this list of example subject matter is by no means exhaustive. As issues in sport develop over the course of the semester, the syllabus will be adjusted accordingly. The course will incorporate whatever is going on at the time.

A number of well-known figures in the area of sports law field will join us as guest lecturers. Each of the guests will be well versed in a particular area of sports law. To complement these lectures, students will deliver presentations on sports-related topics within an ADR context. For each presentation, there will be a specific series of problems and exercises to be completed. The presentations will take place before and after guest lectures. Invited speakers may assist in evaluation of the presentations. Following each presentation there will be intensive class discussion on the issues addressed.

The student should emerge from this course with enhanced Alternative Dispute Resolution skills, specific sports research related skills, and a new body of knowledge of specific sports topics. The course should be exciting and fun, but hard work will be required to obtain the maximum benefit of the knowledge and experience of the Professor and guest lecturers.

Professor McLaren has extensive personal experience in the Alternative Dispute Resolution processes of sport and is a member of the Court of Arbitration for Sport. His sport law experience is long and varied. Most recently, in 2007 and 2008, he sat on the arbitration panel that heard the Tour de France Floyd Landis doping case, collaborated with Senator Mitchell on the Mitchell Report examining doping in Major League Baseball, and was invited to be an arbitrator for the Court of Arbitration for Sport Ad-Hoc Division for the Olympic Games.

5859A 001 Law and the American Empire: The United States and the Legal Reconstruction of Germany and Japan, 1945 - 52 (ST)

Instructor(s) [Kostal, Rande](#)

Credits 3

Essay Requirement No, this course will *not* satisfy the Faculty of Law essay requirement

Pre/Co-requisite none

Note: While not a formal prerequisite, an academic background in modern history and/or politics will be a considerable asset to students enrolled in this course.

Compulsory No

Core No

Enrollment Restriction 20

Course Times

Course Times For 5859A 001, 2011-2012			
Term	Day	Time	Room
Fall	Thursday	14:00 - 16:50	206

Exam Times none

Instruction Introductory lecture followed by intensive seminar discussion.

Assessment Students will be evaluated on the best of three of four seven-page take-home essay assignments worth 75% of the course grade, and, for the remaining 25%, on the basis of their attendance, preparation, and intellectual contribution to the seminar. Unexcused absences will be reflected in the student's final mark for seminar contribution.

Note: This course is a great choice for students with: 1) wide-ranging intellectual curiosity, but especially about law and international affairs since the Second World War; 2) the willingness to do a more than an average amount of interesting reading and talking every week of term; 3) the capacity and desire to undertake a series of challenging tasks in critical thinking and written composition.

Materials All relevant reading material will be made available on the website supporting the course. No books purchases are required.

Library Materials [Click here for Library Materials for this Course](#)

Description

This course will concern the two greatest law reform projects in the history of the world. Students will examine how American legal officials undertook to impose (and/or induce) the “rule of law” in defeated Nazi Germany and imperial Japan after WWII. The course will delve into a range of published and unpublished source materials as it grapples with five overarching questions: To what extent did agencies of the American state act to transform the “fascist” legal systems of Germany and Japan? On what legal and political principles were these “reforms” founded? How did German and Japanese officials react to these initiatives? To what extent (and why) did American aims and actions differ in occupied Germany and Japan? What was the effect of the “Cold War” on these “reform” projects?

In the first sessions of the course, we will consider the methodology of modern legal historical inquiry, and also the historical and political context of the occupations of Germany and Japan in 1945. We will then examine the German and Japanese legal systems as they existed under the Nazi and Imperial-Showa states. In the balance of the course, sessions will be devoted to how American civilian and military agencies attempted the demolition and reconstruction of the German and Japanese constitutions, judiciaries, criminal justice systems and bar associations. We will also devote considerable time to the controversial subject of war crimes, and how and why American officials defined and prosecuted them in occupied Germany and Japan.

5897D 001 Law, Justice and Mercy in Late Medieval England (ST)

Instructor(s)	McGlynn, Margaret
Credits	3
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	10

Course Times

Course Times For 5897D 001, 2011-2012			
Term	Day	Time	Room
January	Thursday	13:30 - 15:30	LH 1218
Spring	Thursday	13:30 - 15:30	LH 1218

Exam Times	none
Instruction	N.B. This course is cross-listed through the Department of History and runs from January 9, 2012 to April 11, 2012.
Assessment	<p>Seminar(s) 15%</p> <p>Seminar reflection 15%</p> <p>Research Paper 45% (35% +10%)</p> <p>Participation 25%</p> <p><i>Seminar(s)</i></p> <p>You must lead at least one seminar discussion, perhaps two, depending on class size.</p> <p><i>Seminar Reflection</i></p> <p>Before the class you must submit a brief discussion of the material prepared for the seminar discussion you lead, detailing main arguments, implications, strengths, weaknesses etc. and key points to raise in the discussion. Following the seminar you must add in your reflections on the seminar discussion and any ways in which it changed your understanding of the material.</p>

Research Paper

A 20 page primary-source-based research paper on a topic within the general ambit of the class. There will be small preparatory exercises as the paper develops.

Participation

Attendance is mandatory and thus not a factor in the participation grade. A graduate seminar can only work with the active and informed participation of all the members.

Materials

None. All readings will be available on reserve, in electronic resources, or will be distributed in class.

Library Materials

[Click here for Library Materials for this Course](#)

Description

This course will focus on the administration of the criminal law in England from c. 1200 to c. 1550. It will examine legislation, legal treatises and court records for the period to consider how crimes such as murder, rape, suicide and theft were conceptualized, how people were supposed to be punished for these crimes, and how they avoided punishment. We will pay attention both to the technicalities of the law, and to the social values and constructs that the actual administration of the law reveal.

5790A 001 Litigation Practice

Instructor(s)	Ferguson, Doug ; Capes, Margaret
Credits	4
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	24

Course Times

Course Times For 5790A 001, 2011-2012			
Term	Day	Time	Room
Fall	Tuesday	16:00 - 17:50	51,100,204,205
Fall	Thursday	16:00 - 17:50	51,100,204,205

Exam Times	none
Instruction	Lectures, tutorials and supervision of files at an on-site legal clinic.
Assessment	Letter Grades (assessed on: clinical file work, duty hour performance, tutorial exercises)
Materials	Handouts; readings on reserve; courseware CLS Caseworkers manual is available on WebCT Owl
Library Materials	Click here for Library Materials for this Course

Description

This course provides an introduction to civil and administrative tribunal litigation and covers such topics as file management, interviewing, research, writing, settlement processes, direct examination, cross examination, openings/closings and motions. Students will participate in exercises designed to help them understand and develop litigation skills.

This course will introduce the students to the basic requirements of litigation practice. The objective of this course is to enable students to develop the knowledge, understanding and skills necessary to effectively and professionally manage a litigation file. Topics to be covered will include legal ethics, interviewing, opening statements, examination in chief, cross examinations, objections, exhibits, closing arguments, motions, negotiating, alternate dispute resolution, settlement processes, office procedures, file management and legal

drafting.

The four teaching hours each week will be generally broken down into two hours of lecture and two hours of tutorial and/or file work. During the tutorials, students will be expected to participate in advocacy exercises such as interviewing a client and arguing a motion. Tutorials will be overseen by Professors Ferguson and Capes and local litigation practitioners. Students should be aware that it is also expected that they will handle between three and five active files at Community Legal Services during the term, and will be required to attend for one duty hour per week at CLS for the purposes of interviewing new clients.

It is assumed that students in this course are sufficiently proficient in the English language to discuss a file on the phone with a client or adversary, and to present cases in court or a tribunal. A working knowledge of the common law system is also assumed.

5790D 001 Litigation Practice

Instructor(s)	Ferguson, Doug ; Capes, Margaret
Credits	4
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	24

Course Times

Course Times For 5790D 001, 2011-2012			
Term	Day	Time	Room
Spring	Tuesday	16:00 - 18:20	51,100,204,205
Spring	Thursday	16:00 - 18:20	51,100,204,205

Exam Times	none
Instruction	lectures, tutorials and supervision of files at an on-site legal clinic
Assessment	Letter Grades (assessed on: clinical file work, duty hour performance, tutorial exercises)
Materials	handouts; readings on reserve; courseware CLS Caseworkers manual is available on WebCT Vista
Library Materials	Click here for Library Materials for this Course

Description

This course provides an introduction to civil and administrative tribunal litigation and covers such topics as file management, interviewing, research, writing, settlement processes, direct examination, cross examination, openings/closings and motions. Students will participate in exercises designed to help them understand and develop litigation skills.

This course will introduce the students to the basic requirements of litigation practice. The objective of this course is to enable students to develop the knowledge, understanding and skills necessary to effectively and professionally manage a litigation file. Topics to be covered will include legal ethics, interviewing, opening statements, examination in chief,

cross examinations, objections, exhibits, closing arguments, motions, negotiating, alternate dispute resolution, settlement processes, office procedures, file management and legal drafting.

The four teaching hours each week will be generally broken down into two hours of lecture and two hours of tutorial and/or file work. During the tutorials, students will be expected to participate in advocacy exercises such as interviewing a client and arguing a motion. Tutorials will be overseen by Professors Ferguson and Capes and local litigation practitioners. Students should be aware that it is also expected that they will handle between three and five active files at Community Legal Services during the term, and will be required to attend for one duty hour per week at CLS for the purposes of interviewing new clients.

It is assumed that students in this course are sufficiently proficient in the English language to discuss a file on the phone with a client or adversary, and to present cases in court or a tribunal. A working knowledge of the common law system is also assumed.

5350D 001 Media Law

This course satisfies Module 3 for the Area of Concentration: Intellectual Property, Information and Technology Law.

Instructor(s)	Trosow, Samuel
Credits	3
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement Note: This course will NOT satisfy the IPIT essay requirement.
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	25

Course Times

Course Times For 5350D 001, 2011-2012			
Term	Day	Time	Room
Spring	Tuesday	14:00 - 15:50	100
Spring	Thursday	14:00 - 15:50	100

Exam Times	none
Instruction	Lectures, class discussions, student presentations and guest speakers.
Assessment	<p>10% class participation (As this course will be conducted in a seminar format, students are expected to come to class prepared to make meaningful contributions to the discussion about the week's topics. Class attendance is mandatory and unexcused absences will be reflected in the assessment. Students will be expected not to use electronic devices during class time unless it is directly related to the class discussion. In addition to contributions to discussions in class, students will be given the opportunity to continue the discussion and exchange materials electronically between classes.)</p> <p>30% group project. Early in the term, the class will be divided into groups (number and size of groups will be determined after the close of drop-add). Each group will be assigned a different problem/topic and the assignment will involve both a written and in class presentation component, the details for which will be discussed in class.</p> <p>30% Topical essay #1 (topics, scope and due dates tba)</p> <p>30% Topical essay #2 (topics, scope and due dates tba)</p>
Materials	TBA

Library Materials

[Click here for Library Materials for this Course](#)

Description

This course presents a survey of the historical development and current state of media and telecommunications law in Canada. Issues to be covered in the course may include broadcast regulation and the role of the CRTC, libel and defamation liability, free expression issues in the media, the legal aspects of new media, ISP liability for copyright infringement, the spectrum auction, network neutrality as well as other emerging topics. Emphasis will be given to current policy issues that are emerging in the networked environment.

5810C 001 Mining Law & Project Finance (ST)

This course satisfies Module 3 for the Area of Concentration: Business Law.

Instructor(s)	Barton, Barry
Credits	4
Essay Requirement	Yes, this course will satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	25

Course Times

Course Times For 5810C 001, 2011-2012			
Term	Day	Time	Room
January	Monday	8:30 - 11:20	202
January	Tuesday	8:30 - 11:20	202
January	Wednesday	8:30 - 11:20	202
January	Thursday	8:30 - 11:20	202
January	Friday	8:30 - 11:20	202

Exam Times none

Instruction Instruction is by lectures.

Assessment **Assessment Components**

The assessment for the paper is 80% research essay (proposal and final essay) and 20% class participation (seminar and general). In more detail that is as follows:

10% - Essay Research Proposal

10% - Class Presentation

70% - Essay, final written form

10% - Class Participation, general

Materials *Prescribed Book:*

Barton, *Canadian Law of Mining* (Calgary: Canadian Institute of Resources Law, 1993).

Recommended Journals:

Alberta Law Review

Australian Resources and Energy Law Journal – UWO electronic resource, from v. 1 1982 but excepting the last couple of years.

Australian Mining and Petroleum Law Association Yearbook – UWO electronic resource, from Jan. 1 1999 to the present.

Journal of Energy and Natural Resources Law. UWO electronic resource, from Jan. 1, 1983 to the present.

Resources Policy – Elsevier – UWO electronic resource, from 1974. Hard copies of Vols 1 (1995) to 28 (2002). (hard copies at DBW and ARCC).

Recommended Books:

Andrews-Speed, Philip, ed, *International Competition for Resources: The Role of Law, the State, and of Markets* (Dundee: Dundee University Press, 2008). UWO Law Library K3478.I58 2008.

Barton, *Regulating Energy and Natural Resources* (Oxford: Oxford University Press, 2006). UWO Library.

Bastida, E, et al, eds, *International and Comparative Mineral Law and Policy: Trends and Prospects* (The Hague: Kluwer Law International, 2005) – North America distributor Aspen Publishers Inc, Frederick MD. UWO K3904.I58 2005.

Blue, Greg, *Annotated British Columbia Mineral Tenure Act*, 2nd ed (Aurora: Canada Law Book Co) 2010, UWO KF1820.B57 2010.

Breaking New Ground: Mining, Minerals, and Sustainable Development, the Report of the MMSD Project (London and Sterling VA: Earthscan, 2002). UWO TD195.M5B74 2002 and one electronic copy.

D Cruise and A Griffiths, *Fleecing the Lamb: The Inside Story of the Vancouver Stock Exchange* (Vancouver: Douglas & McIntyre, 1987).

D Goold and A Willis, *The Bre-X Fraud* (Toronto: McClelland & Stewart, 1997)

Harries, K J C, *Mineral Agreements and Royalties*, 2 vol, (Montreal: Canadian Institute of Mining Mineralogy and Petroleum, CIM Special Volume 55, 2003). UWO KF1819.H375 2003 v.1 & 2.

Leshy, J D, *The Mining Law: A Study in Perpetual Motion* (Washington DC: Resources for the Future / Johns Hopkins UP, 1987). UWO KF1819.L45 1987.

Northern Miner, Mining Explained (Toronto: Northern Miner) UWO TN147.M565 2007.

Otto, J, and J Cordes; *The Regulation of Mineral Enterprises: A Global Perspective on Economics, Law and Policy* (Westminster, CO: Rocky Mountain Mineral Law Foundation,

2002). UWO K3904.O88 2002.

Rocky Mountain Mineral Law Foundation, Federal mineral leasing (non-oil and gas). [Boulder, Colo.] [s.n.] 1971. UWO KF1819.R62.

Wilkinson, C F, Crossing the Next Meridian: Land, Water, and the Future of the West (Washington DC: Island Press, 1992). UWO KF5505.W55 1992.

Library Materials

[Click here for Library Materials for this Course](#)

Description

An examination of the law concerning mineral exploration, financing, and development. The course will include close study of mining legislation concerning land available for mineral activity, competition among companies, acquisition of mineral title, and title disputes. Commercial agreements for mineral development will be examined, including options and joint ventures. Financing through stock exchanges and otherwise will be discussed. Issues concerning first nations, international mineral activity and the environment will be addressed.

The course is made possible with the Stephen Dattels Fellowship in Mining and Finance Law. The support of Mr Dattels for the programme is acknowledged with thanks.

5874D 001 Municipal Law (ST)

Instructor(s)	Smout, Jennifer ; Strong, Ken ; Oudekerk, Tara
Credits	3
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	25

Course Times	Course Times For 5874D 001, 2011-2012			
	Term	Day	Time	Room
	Spring	Thursday	17:00 - 20:50	206

Exam Times	Exam Times For 5874D 001, 2011-2012			
	Term	Date	Time	Room
	Spring	16 Apr 2012	9:00 - 12:00	

Instruction	Lectures and class discussion
Assessment	20% Take home assignment 10% Class participation 70% Examination
Materials	Reading materials prepared by instructor
Library Materials	Click here for Library Materials for this Course

Description	<p>The functions, obligations and responsibilities of municipalities have increased substantially over the last decade. At the same time, the provincial government has undertaken a host of legislative initiatives, including the entirely new <i>Municipal Act</i>, designed to reform the roles of municipalities in Ontario. With change comes opportunity. The course surveys the field of municipal law, the changes and opportunities, and focuses particularly on issues that tend to arise in practice. Topics of study include:</p> <ol style="list-style-type: none"> i. the powers of a municipality; ii. responding to environmental concerns;
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- iii. business licensing and regulation;
- iv. municipal reorganization;
- v. municipal practices and procedures;
- vi. challenging municipal initiatives;
- vii. financial administration;
- viii. expropriations; and
- ix. the Ontario Municipal Board.

5864A 001 NAFTA and its Place in Global Trade and Investment Law (ST)

The Director for the Area of Concentration: Business Law has approved this Selected Topic course to be included in the Area of Concentration: Business Law requirements under Module 4 for 2011/12.

Instructor(s) [Robinson, Q.C., J. Michael](#)

Credits 3

Essay Requirement Yes, this course will satisfy the Faculty of Law essay requirement if Option 1 is selected.

Pre/Co-requisite none
Antirequisite: prior NAFTA courses 337D in winter 2007 and 330A in fall 2007 and 5850A in fall 2008

Compulsory No

Core No

Enrollment Restriction 25

Course Times For 5864A 001, 2011-2012			
Term	Day	Time	Room
Fall	Tuesday	16:00 - 18:50	202

Exam Times none

Instruction The course is quasi-seminar. Students are required to prepare short summaries of assigned lecture topics and present them to the class. Discussion in class is mandatory and questions are welcomed at any time (and there are *no* “dumb” questions!)

Leading experts will be invited to lead a class: The Hon. James S. Peterson (UWO Law grad.), former Minister of International Trade, Canada, and WTO Doha Round negotiator for Canada and negotiator for Ontario of its 2009 trade agreement with Québec; Lawrence L. Herman, a leading trade practitioner and author of *Canadian Trade Law: Practice and Procedure* and James McIlroy, another leading trade lawyer, a consultant to industry and Executive Assistant to Canada’s first Minister of International Trade.

Assessment Grading will be by either a research paper (80%) of at least 6,500 words plus attendance and class participation (20%) **or** by a take home final exam (100%), at each student’s option. The instructor will provide non-exclusive suggestions for paper topics. Short abstracts of proposed papers must be submitted to and approved by the instructor in advance. Research papers will be due not later than the last day of classes.

Materials Materials will be available on WebCT OWL and on many free websites identified in the

syllabus. All agreements and cases to be studied are available on free websites. “Handouts” will also be distributed regularly in class illustrating current developments and issues. Only a few texts will be utilized, one being Lawrence L. Herman’s “*Canadian Trade Law: Practice and Procedure*” (2007, two volumes, to be on reserve in the library).

Library Materials

[Click here for Library Materials for this Course](#)

Description

I. FREE TRADE UNDER NAFTA and the WTO

The North American Free Trade Agreement of 1992 will be analysed, and also compared and contrasted with the three main multinational trade agreements of 1994 (on goods, services and intellectual property) administered and enforced by the *World Trade Organization* (successor to the *General Agreement on Tariffs and Trade* of 1949). Although NAFTA is the world’s broadest multinational trade and investment agreement, it binds only three countries. The WTO agreements bind over 140. New Canadian Free Trade Agreements, signed or in negotiation, will also be compared (e.g. those with Chile, Peru, the European Free Trade Association, Colombia and the European Union).

II. "FREE" TRADE WITHIN CANADA?

The course will examine Canada’s 1995 *Agreement on Internal Trade*, as amended several times since (AIT), among the federal and provincial governments, one between Ontario and Québec entered into in 2009, and the July 1, 2010 “New Western Partnership Trade Agreement” among Alberta, B.C. and Saskatchewan (which replaced one in 2008 between Alberta and B.C., and also added Saskatchewan). Significant weakness, which in current intra-Canada free trade law remains will be analysed.

III. INTERNATIONAL INVESTMENT, INVESTMENT PROTECTION AND INVESTMENT DISPUTE SETTLEMENT

NAFTA contains the world’s first comprehensive, multinational international private investor protection and investor state dispute settlement agreement. The course will analyse NAFTA’s investment provisions (Chapter 11) and several leading awards by arbitral tribunals under it. It will also discuss investment dispute settlement under other international investment treaties (there being 2,500 plus worldwide) at the World Bank’s International Centre for Settlement of Investment Disputes ICSID.

This course will examine the structure of and documentation for a modern, popular form of investment in developing country infrastructure:- the “Public/Private Partnership”. That will be done using a case study of an independent (private) power generation project to sell electricity to the state electricity agency of a South Asian country in which the instructor acted as counsel to the private investor consortium and which resulted in an investor claim for breach of state obligations at ICSID.

That claim and the ICSID arbitration system will be analysed and compared with that created by the United Nations Commission on International Trade Law (UNCITRAL) under a model law, applicable in many countries, including Canada.

SAMPLE QUESTIONS FOR DISCUSSION IN CLASS:

1. What is “free trade” (contrasted with, e.g., a customs union)?
2. Are Canadian economic and social policies and values “trumped”, as alleged by some in

- NAFTA by U.S. and Mexican private party (commercial/corporate) interests and rights (e.g. in health, environment, resource controls and conservation, energy, water, labour rights, etc.)?
3. How are labour and environmental standards dealt with and protected in NAFTA? Are those “side agreements” to NAFTA on the subjects effective? If not, why not?
 4. The “temporary” dispute settlement mechanism (for contesting dumping and subsidies duties) was the *raison d’être* for Canada signing the 1989 predecessor to NAFTA, the Canada/U.S. Free Trade Agreement. But it was carried over into NAFTA unchanged. Does it work? If not, why not?
 5. How do NAFTA’s dumping and subsidy rules and dispute settlement mechanism (question 4 above) work, compared with those at the WTO? Which is better? Why?
 6. Are the provinces bound by Canada’s NAFTA and the WTO Agreements? If not, why not?
 7. How is it that Canada’s trade with the U.S. and Mexico can be significantly freer than trade within Canada under the A.I.T. and inter-provincial agreements?
 8. Are U.S. “Buy American” requirements legal under NAFTA? Under the WTO Procurement Code? What was done by Canada and the U.S. in 2009/10 to resolve the problem? Does that work? What happens from here forward on freeing up open procurement laws?
 9. Is further progress in global trade liberalization “doomed” by the apparent failure of the current (Doha) round of WTO trade liberalization negotiations? What are countries doing about that? (Discussion of the “spaghetti” and “noodle” bowls, made up of many bilateral and several regional free trade agreements, which seem to be replacing the global WTO regime.) Is that a good idea? If not. Why not?
 10. How do international public/private partnerships for infrastructure development work? Are they better for developing countries (and donors) than grants and loans from international financial institutions (World Bank etc.)? What are their drawbacks? Can corruption in such projects (and international business generally) be controlled? How?
 11. Why do states sign bilateral investment treaties (BITs) (2,500 plus of them worldwide) and the ICSID Convention (150 plus countries)? Do these exploit developing countries or fairly encourage foreign investment? Why is Canada still not a member of ICSID?
 12. How do bilateral investment protection agreements work? Does Canada have them with its major trading partners (in addition to U.S. and Mexico under NAFTA Ch. 11)? If not, what is Canada doing about that?

These (and other) questions will be answered in the lectures and through class discussion.

The law studied is public international (treaty) law and private international business law, including for the course economic analysis, but a background in economics is not required.

5861D 001 Negotiation and International Conflict (ST)

Instructor(s)	Coyle, Michael
Credits	3
Essay Requirement	Yes, this course will satisfy the Faculty of Law essay requirement IF OPTION ONE IS SELECTED.
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	25

Course Times	Course Times For 5861D 001, 2011-2012			
	Term	Day	Time	Room
	Spring	Monday	10:30 - 12:20	34
	Spring	Wednesday	10:30 - 12:20	34

Exam Times	none
Instruction	Seminar course, involving lectures (including from guest experts), student participation in negotiation simulations, and joint debriefs of negotiations.
Assessment	10% - Participation, including preparation for in-class simulations; and 90% - either: 1) a research paper on a topic of the student's choice relating to international conflict and negotiation theory (6,000 to 7,500 words), or 2) a reflective journal, in which the student applies negotiation theory to a series of practical issues raised by the course simulations (6,000 to 7,500 words).
Materials	The course readings will be available on WebCT.
Library Materials	Click here for Library Materials for this Course
Description	Conflict is and always has been omnipresent in international affairs. As the world emerges into a new era where global power alignments are relatively undefined and where the force of international law remains limited, negotiation will continue to be a preeminent process for resolving disputes between nations.

This course will provide students with the analytical skills necessary to understand the sources and nature of common types of conflict that face the international community. Equally, students will learn to develop practical approaches for addressing such conflicts effectively, through lectures, readings and student participation in simulated negotiations. As such, the course will be of interest to students interested in the practical application of negotiation theory, as well as students who wish to deepen their understanding of contemporary international relations. The negotiation challenges to be examined will include the following:

- The need to seek agreement over shared environmental resources (the so-called “tragedy of the commons”), including disputes over sources of fresh water and efforts to obtain agreement on reducing air pollution,
- conflicts over boundaries, particularly between ethnic, religious or cultural groups (exemplified by the current situation in Palestine),
- efforts to establish justice and reconciliation in areas that have suffered civil war or genocide,
- disputes over the application of international law to marine resources (exemplified by the recent international dispute over tuna fishing), and
- the scope of national responsibility for the destructive activities of mining companies operating in foreign, and particularly developing, countries.

5710A 001 Negotiation and Mediation

Instructor(s) [Coyle, Michael](#)

Credits 3

Essay Requirement No, this course will *not* satisfy the Faculty of Law essay requirement

Pre/Co-requisite none

Compulsory No

Core No

Enrollment Restriction 24

NOTE: 5856D Dispute Resolution is an antirequisite to this course. Students are not permitted to take both courses. If a student bids on and gains entry to both courses, he or she will have to elect the course in which they would like to remain. The usual bid point refund rules will apply.

Course Times

Course Times For 5710A 001, 2011-2012			
Term	Day	Time	Room
Fall	Monday	10:30 - 12:20	100,205,206
Fall	Wednesday	11:30 - 12:20	206

Exam Times none

Instruction Seminar, simulations and lectures.

Assessment Students will be assessed on the basis of their effectiveness in an in-class negotiation at the end of the course (40% of the course grade).

Students will also be required to submit a negotiation preparation outline (5 to 10 pages: 20 % of course grade); and a reflective journal analyzing selected negotiations in which they participated (15 to 20 pages: 40% of course grade).

Materials Lewicki, Barry, Saunders & Tasa, *Essentials of Negotiation* (Canadian Edition) (2010, McGraw-Hill).

Library Materials [Click here for Library Materials for this Course](#)

Description In North America today roughly 95% of all civil lawsuits are settled without a full trial, through negotiation between the parties or mediation. In Toronto, Windsor and Ottawa, the parties in most civil cases are now required to participate in mediation in an effort to resolve

the claim out of court. At the same time, negotiation is a vital element in the fashioning of agreements to address or create rights between parties. Accordingly, a solid grounding in negotiation and mediation theory and skills is a key part of the modern lawyer's dispute resolution "toolbox".

The purpose of this seminar is to introduce students to the essential skills required for effective negotiation and mediation advocacy, grounded in a theoretical framework that can guide students through the practical challenges of maximizing the client's interests in these processes. This will be done through a combination of lectures, simulated negotiations and mediations, and in-class debriefs of the students' simulation experiences.

Topics include dispute analysis, communication skills, distributive negotiation strategy and tactics, interest-based strategy and tactics, and the norms and ethics associated with non-litigation dispute resolution. Simulated exercises will include fact situations from civil litigation, corporate and commercial problems, family breakdowns, and regulatory conflicts.

Note: Because students will rely on their colleagues to prepare for and participate in the in-class simulations, attendance in the class is mandatory.

5377C 001 Ontario Court of Justice Clerkship Program

Instructor(s)	Sherrin, Chris and various justices of the Ontario Court of Justice												
Credits	4												
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement												
Pre/Co-requisite	5215 Evidence (Pre), 5375 Criminal Procedure (Pre)												
Compulsory	No												
Core	No												
Enrollment Restriction	<p>6 second or third year students **</p> <p>**Entry is by application only to Professor Sherrin. Please indicate in your application your reasons for wishing to take this course, including what you hope to gain from the experience. Priority will be given to third year students and those with a demonstrated interest in criminal law. The deadline for applications is 4 p.m. on Friday, September 23, 2011.</p> <p>Notification of acceptance will be given in early October.</p>												
Course Times	<table border="1"> <thead> <tr> <th colspan="4">Course Times For 5377C 001, 2011-2012</th> </tr> <tr> <th>Term</th> <th>Day</th> <th>Time</th> <th>Room</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Course Times For 5377C 001, 2011-2012				Term	Day	Time	Room				
Course Times For 5377C 001, 2011-2012													
Term	Day	Time	Room										
Exam Times	none												
Instruction	Practical, supervision of research paper.												
Assessment	Evaluation by the supervising justices of the student's work at the court and the completion of a daily journal and a short research paper.												
Materials	None.												
Library Materials	Click here for Library Materials for this Course												
Description	<p>This course offers students a unique opportunity to observe the inner workings of the main criminal trial court in Ontario. Students will have the opportunity to observe pre-trial and trial proceedings, to engage in one-on-one discussions with their supervising justices and other members of the court, and to refine their skills in legal research, writing and citation. Students are expected to be present at the court or otherwise engaged in work for their supervising justice or other justices throughout the normal working day.</p> <p>There are five to six clerkship placements available to students. There are three spots with the London court and two to three spots with the Toronto court. Students will arrange to meet</p>												

with their assigned justices at the court house at the beginning of the January term and will undertake the work assigned to them by their justice.

There are three components to the evaluation process. The first component is based on the work that the student completes for their supervising justice or other justices of the court. This may include conducting legal research, preparing legal memoranda, and proof-reading judgments. The exact nature of the assigned work will vary depending on the court's docket during the January term. The second component is a journal of the student's activities at the court and the student's reflections on what they learned from the experience. The final component is a short research paper on an agreed-on or assigned topic.

***NOTE:** A mandatory meeting will be held in the Fall term to outline the course objectives and complete any necessary paper work. The place and time of the meeting will be announced at a later date.*

5877A 001 Pensions and Benefits (ST)

This course satisfies Module 3 for the Area of Concentration: Business Law.

Instructor(s)	Mazzuca, Mike ; Archer, Simon
Credits	3
Essay Requirement	Yes, this course will satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	25

Course Times

Course Times For 5877A 001, 2011-2012			
Term	Day	Time	Room
Fall	Thursday	15:00 - 17:50	202

Exam Times	none
Instruction	
Assessment	Participation 10%
	Presentation 20%
	Research Paper 70%
Materials	TBA
Library Materials	Click here for Library Materials for this Course

Description

In 1959 Adolf Berle called them the fission of property from its owners. In 1976 Peter Drucker called them a form of creeping socialism. In 2002 Robin Blackburn characterized them as banking on death. They are the subject of law reform across Canada. Yet, relatively little is known or understood about these arrangements outside a small group of financial sector experts.

This course will provide an overview of the major conceptual, analytical and empirical questions in the law and regulation of occupational pension and benefit plan system in Ontario. It will explore the major features of Ontario pension benefit legislation in depth.

The course will be relevant to those with an interest in labour relations, social policy related to employees and retirees and the role of pension funds in capital markets.

5863A 001 Pharmaceutical and Health Regulation (ST)

This course satisfies Module 3 for the Area of Concentration: Intellectual Property, Information and Technology Law.

Instructor(s)	Wilkinson, Margaret Ann
Credits	3
Essay Requirement	Yes, this course will satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	25

Course Times

Course Times For 5863A 001, 2011-2012			
Term	Day	Time	Room
Fall	Tuesday	9:30 - 12:20	204

Exam Times

none

Instruction

This course will be conducted as a series of seminars interspersed with classes devoted to various practical exercises and examples.

Assessment

Each student will be required to write an essay on a topic in the course, from the perspective of a given player in the health sector. The essay will be graded in components as follows:

Outline 10%

Bibliography 20%

Draft 25%

Peer review 10%

Final 15%

Class participation will be 20% of the final grade.

This course WILL satisfy the Faculty of Law and the Area of Concentration in Intellectual Property, Information and Technology Law ESSAY REQUIREMENT.

This course WILL satisfy the GROUP 3 Requirement for the Area of Concentration in Intellectual Property, Information and Technology Law.

Materials

M.A. Wilkinson, *Cases and Materials for Intellectual Property, Licensing and the Regulation of Health Business*, 2012 will be available.

Library Materials

[Click here for Library Materials for this Course](#)

Description

The course will discuss the health and pharmaceutical sectors from the business perspective: who are the players in the emerging Canadian economy of health? what role do the public and private sectors play and what determines those roles? what role does intellectual property play in the delivery of health services? how does a player in the health sector maintain the necessary "freedom to operate" in light of patent, licensing, research and personal data protection imperatives? is it possible to reconcile provincial and federal initiatives affecting health and pharmaceuticals? what controls do patients have in the health and pharmaceutical sectors?

5225A 001 Public International Law

Instructor(s)	Carmody, Chi
Credits	4
Essay Requirement	Yes, this course will satisfy the Faculty of Law essay requirement only if Option Three is chosen
Pre/Co-requisite	none
Compulsory	No
Core	Yes
Enrollment Restriction	80

Course Times For 5225A 001, 2011-2012			
Term	Day	Time	Room
Fall	Tuesday	14:00 - 15:50	36
Fall	Thursday	14:00 - 15:50	36

Exam Times For 5225A 001, 2011-2012			
Term	Date	Time	Room
Fall	7 Dec 2011	9:00 - 12:00	

Instruction lecture and class discussion

Assessment Students have the option of being graded on the basis of one of the following three options:

Option One: 80% final examination, 20% class participation

Option Two: 80% final examination, 10% oral presentation*, 10% class participation

Option Three: 50% term paper**, 40% final examination, 10% class participation

* The oral presentation shall be of approximately 10 minutes' duration on a subject pre-approved by the Instructor.

** The paper component in Option Three will require a 20 page double-spaced paper on a subject pre-approved by the Instructor.

Materials John Currie et al, *International Law: Doctrine, Practice and Theory*, 2nd ed. (Toronto, Irwin Law, 2008).

Library Materials

[Click here for Library Materials for this Course](#)

Description

This course is an introduction to the subject of public international law, which is traditionally regarded as the law applicable to inter-state relations. It addresses the background, subjects and sources of international law; Canadian application of international law; states and international organizations as subjects of international law; state jurisdiction over citizens, land, water and outer space; state responsibility for violations of international law; state and diplomatic immunities; the United Nations; international human rights; lawful use of force; economic sanctions; international criminal law; and international environmental law. Throughout the course, current events will be discussed and analyzed, and at least one class will be devoted to discussion of current international law issues in the news.

Course Outline:

A. Foundation Topics in Public International Law

1. Origins and Nature of International Law
2. Sources of International Law: Treaties, Custom, General Principles, Unilateral Declarations and “Soft” Law
3. Reception of International Law in Domestic Law
4. Subjects of (and Actors in) International Law: States and International Organizations
5. State Jurisdiction over Land (including Self-Determination), Water (Law of the Sea), Antarctic and Outer Space
6. Basis of State Jurisdiction over People and Things
7. State Jurisdiction and Immunities

B. Specific Issues in International Law

1. International Human Rights Law
2. State Responsibility for Violations of International Law
3. Economic Sanctions
4. Use of Force
5. International Criminal Law
6. International Environmental Law

5225D 001 Public International Law

Instructor(s)	Seck, Sara
Credits	4
Essay Requirement	Yes, this course will satisfy the Faculty of Law essay requirement IF assessment OPTION II is chosen.
Pre/Co-requisite	none
Compulsory	No
Core	Yes
Enrollment Restriction	80

Course Times For 5225D 001, 2011-2012			
Term	Day	Time	Room
Spring	Tuesday	10:00 - 12:20	36
Spring	Thursday	10:00 - 12:20	36

Exam Times For 5225D 001, 2011-2012			
Term	Date	Time	Room
Spring	25 Apr 2012	9:00 - 12:00	

Instruction Lectures, class discussion, and student presentations.

Assessment

OPTION I:

100% Final Exam (open book)

OPTION II:

10% Participation

15% Presentation on research paper topic (15 minutes)

75% Research paper (30-35 pages)

OPTION III:

50% Final Exam (open book)

50% Research paper (20-23 pages)

Materials

John Currie, Craig Forcese and Valerie Oosterveld, *International Law: Doctrine, Practice and Theory* (Toronto: Irwin Law, 2007).[REQUIRED]

Additional materials will also be posted on the course website.

Library Materials

[Click here for Library Materials for this Course](#)

Description

This course is an introduction to the subject of public international law, which is traditionally regarded as law applicable to inter-state relations. It addresses the background, subjects and sources of international law; Canadian application of international law; states and international organizations as subjects of international law; state jurisdiction over citizens, land, water and outer space; state responsibility for violations of international law; state and diplomatic immunities; the United Nations; international human rights; lawful use of force; economic sanctions; international criminal law; and international environmental law. From time to time, current events will be discussed and analyzed. Critical approaches to the analysis of international law will also be introduced.

A. Foundation Topics in Public International Law

1. Origins and Nature of International Law
2. Sources of International Law: Treaties, Custom, General Principles, Unilateral Declarations and “Soft” Law
3. Reception of International Law in Domestic Law
4. Subjects of (and Actors in) International Law: States and International Organizations; Non-state actors
5. State Jurisdiction over Land (including Self-Determination), Water (Law of Sea), Antarctic and Outer Space
6. Basis of State Jurisdiction over People and Things
7. State Jurisdiction and Immunities

B. Specific Issues in International Law

1. International Human Rights Law
2. State Responsibility for Violations of International Law
3. Economic Sanctions
4. Use of Force
5. International Criminal Law
6. International Environmental Law
7. International Economic Law
8. Critical Approaches

5798A Reading and Study

Instructor(s)	Faculty Supervisor as requested in application.
Credits	2
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	5

Course Times

Course Times For 5798A 001, 2011-2012			
Term	Day	Time	Room

Exam Times	none
Instruction	The Faculty anticipates that many of the reading and study projects will involve a series of readings and discussions with the faculty supervisor.
Assessment	Grading for this course is on a Pass/Fail basis and is given a weighting of 2 credits.
Materials	Application Form [available here] To be determined in consultation with the instructor.
Library Materials	Click here for Library Materials for this Course

Description

A student wishing to work on an independent reading & study project may apply to the Associate Dean (Academic) to undertake such a project. Projects may focus on any legal topic which has a significant legal component. Within this broad academic range, the exact focus and method of evaluation are to be determined by the faculty supervisor and student, subject to the approval of the Associate Dean (Academic). Students may select this option only once in their law school careers.

This course is designed to give students and faculty supervisors maximum flexibility. It allows students to pursue particular interests within an educational framework that meets their needs. The course recognizes that there is a broad range of legitimate educational goals and various means of achieving them. It is envisaged that the projects will not normally include a substantial piece of research and writing. Rather, the written work, if any, might

take the form of a book review, critique of legislation, case comment, legal pamphlet, editorial, position paper, or annotated bibliography. The Faculty anticipates that many of the reading and study projects will involve a series of readings and discussions with the faculty supervisor. **Grading for this course is on a Pass/Fail basis** and is given a weighting of 2 credits. Application deadlines are the same as for Individual Research.

The deadline for submitting proposals to Student Services in Room 241 is 4:00 p.m. on Friday, September 9, 2011 for the Fall term, and 4:00 p.m. on Friday, January 13, 2012 for the Spring term. Late submissions will not be entertained.

If you are interested in undertaking a Reading & Study project in the fall term, you should begin planning in the preceding spring or during the summer. You should contact the professor with whom you wish to work as early as possible.

Any written work or papers are due no later than the last day of classes in the term in which the Reading and Study program is undertaken.

5798D 000 Reading and Study

Instructor(s)	Faculty Supervisor as requested in application.
Credits	2
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	none

Course Times

Course Times For 5798D 000, 2011-2012			
Term	Day	Time	Room

Exam Times	none
Instruction	The Faculty anticipates that many of the reading and study projects will involve a series of readings and discussions with the faculty supervisor.
Assessment	Grading for this course is on a Pass/Fail basis and is given a weighting of 2 credits. Application deadlines are the same as for Individual Research.
Materials	Application Form [available here] To be determined in consultation with the instructor.
Library Materials	Click here for Library Materials for this Course
Description	<p>A student wishing to work on an independent reading & study project may apply to the Associate Dean (Academic) to undertake such a project. Projects may focus on any legal topic which has a significant legal component. Within this broad academic range, the exact focus and method of evaluation are to be determined by the faculty supervisor and student, subject to the approval of the Associate Dean (Academic). Students may select this option only once in their law school careers.</p> <p>This course is designed to give students and faculty supervisors maximum flexibility. It allows students to pursue particular interests within an educational framework that meets their needs. The course recognizes that there is a broad range of legitimate educational goals and various means of achieving them. It is envisaged that the projects will not normally</p>

include a substantial piece of research and writing. Rather, the written work, if any, might take the form of a book review, critique of legislation, case comment, legal pamphlet, editorial, position paper, or annotated bibliography. The Faculty anticipates that many of the reading and study projects will involve a series of readings and discussions with the faculty supervisor. **Grading for this course is on a Pass/Fail basis** and is given a weighting of 2 credits. Application deadlines are the same as for Individual Research.

The deadline for submitting proposals to Student Services in Room 241 is 4:00 p.m. on Friday, September 9, 2011 for the Fall term, and 4:00 p.m. on Friday, January 13, 2012 for the Spring term. Late submissions will not be entertained.

If you are interested in undertaking a project in the fall term, you should begin planning in the preceding spring or during the summer. You should contact the professor with whom you wish to work as early as possible.

Any written work or papers are due no later than the last day of classes in the term in which the Reading and Study program is undertaken.

5680A Real Estate Transactions

Instructor(s)	Lamb, Michael
Credits	4
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	80

Course Times For 5680A 001, 2011-2012			
Term	Day	Time	Room
Fall	Tuesday	14:00 - 15:50	51
Fall	Thursday	14:00 - 15:50	51

Exam Times For 5680A 001, 2011-2012			
Term	Date	Time	Room
Fall	7 Dec 2011	9:00 - 12:00	

Instruction	lectures and discussion
Assessment	25% mid-term exam 75% final exam
Materials	readings will be recommended but no text required Some materials will be available on WebCT Owl
Library Materials	Click here for Library Materials for this Course

Description You will find this course very helpful even if you don't plan to practice as a real estate lawyer. The law which supports real estate transactions is important in corporate law, litigation and many areas of practice. The course focus is primarily on residential real estate and will certainly provide useful information which you can use when purchasing a home personally.

Have you ever wondered what regulations and legal obligations are imposed on real estate agents and brokers? What is included and excluded when you sign a contract to purchase a

home? How is land subdivided to create a subdivision or a condominium complex? What laws govern the creation of mortgages and what rights do borrowers have when they default on mortgage payments? What happens if someone fails to complete a real estate transaction?

All these questions will be answered with a review of relevant case law and an exploration of various sections of statutes such as *Real Estate and Business Brokers Act*, *Vendors and Purchasers Act*, *Ontario New Home Warranty Plan Act*, *Conveyancing and Law of Property Act*, *Planning Act*, *Condominium Act*, and *Mortgages Act*.

Real Estate law is still grounded in some ancient legal principles but new innovations such as Seller Property Disclosure Statements, Title insurance and other considerations bring fresh energy to the subject. Welcome to the world of Real Estate!

5680D Real Estate Transactions

Instructor(s)	Lamb, Michael
Credits	4
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	80

Course Times	Course Times For 5680D 001, 2011-2012			
	Term	Day	Time	Room
	Spring	Tuesday	14:00 - 16:20	52
	Spring	Thursday	14:00 - 16:20	52

Exam Times	Exam Times For 5680D 001, 2011-2012			
	Term	Date	Time	Room
	Spring	19 Apr 2012	9:00 - 12:00	

Instruction	lectures and discussion
Assessment	25% mid-term exam 75% final exam
Materials	readings will be recommended but no text required WebCT OWL
Library Materials	Click here for Library Materials for this Course

Description	You will find this course very helpful even if you don't plan to practice as a real estate lawyer. The law which supports real estate transactions is important in corporate law, litigation and many areas of practice. The course focus is primarily on residential real estate and will certainly provide useful information which you can use when purchasing a home personally.
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Have you ever wondered what regulations and legal obligations are imposed on real estate agents and brokers? What is included and excluded when you sign a contract to purchase a home? How is land subdivided to create a subdivision or a condominium complex? What laws govern the creation of mortgages and what rights do borrowers have when they default on mortgage payments? What happens if someone fails to complete a real estate transaction?

All these questions will be answered with a review of relevant case law and an exploration of various sections of statutes such as *Real Estate and Business Brokers Act*, *Vendors and Purchasers Act*, *Ontario New Home Warranty Plan Act*, *Conveyancing and Law of Property Act*, *Planning Act*, *Condominium Act*, and *Mortgages Act*.

Real Estate law is still grounded in some ancient legal principles but new innovations such as Seller Property Disclosure Statements, Title insurance and other considerations bring fresh energy to the subject. Welcome to the world of Real Estate!

5378D 001 Regulatory Offences

Instructor(s)	Libman, Justice Rick
Credits	3
Essay Requirement	Yes, this course will satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	25

Course Times	Course Times For 5378D 001, 2011-2012			
	Term	Day	Time	Room
	Spring	Thursday	15:30 - 19:20	34

Exam Times	none
Instruction	Seminar.
Assessment	<ol style="list-style-type: none"> 1. Class presentation by students (same topic as the essay): 35% 2. Research paper (the most heavily weighed component): students will prepare a research paper on the chosen topic: 60% 3. Participation in class: 5%
Materials	<p><i>Libman on Regulatory Offences in Canada</i></p> <p>Materials prepared by students for class presentation.</p>
Library Materials	Click here for Library Materials for this Course
Description	<p>Students will learn the substantive and procedural aspects in the continually evolving area of regulatory offences, or public welfare offences as they are sometimes called. The course has a practical focus, examining matters which arise before administrative tribunals, law enforcement agencies and the courts. The course also covers the gathering of evidence and the unique nature of strict liability prosecutions.</p>

5878A 001 Sale of Goods (ST)

This course satisfies Module 2 for the Area of Concentration: Business Law.

Instructor(s)	Khimji, Mohamed
Credits	3
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	80

Course Times For 5878A 001, 2011-2012			
Term	Day	Time	Room
Fall	Monday	14:00 - 16:50	51

Exam Times For 5878A 001, 2011-2012			
Term	Date	Time	Room
Fall	16 Dec 2011	9:00 - 12:00	

Instruction Lectures, discussion, and problem solving.

Assessment Students have the option of being graded on the basis of one of the following options:

Option one: 100% final exam

Option two: 25% research paper+75% final examination

***The paper component in Option two will require a paper on a subject pre-approved by the Instructor.**

****The final examination will be open book.**

Materials Jacob Ziegel and Anthony Duggan; eds., *Commercial and Consumer Sales Transactions: Cases, Text and Materials, 4th Edition* (Toronto, Edmond Montgomery Publications Limited, 2002)

Additional reading will be required and materials will be available on [WebCT Vista](#)

Library Materials [Click here for Library Materials for this Course](#)

Description

This course is about commercial transactions involving the sale and supply of goods. It deals with the law relating to the sale and supply of goods and, in particular, involves a detailed study of the Sales of Goods Act. Topics to be covered include the definition of a sale, the definition and consequences of property passing, the rules for determining when property passes, the seller's implied obligations, the performance of the contract, and remedies for breach of contract. In addition, the course will discuss the obligations of manufacturers/distributors and consumer protection issues.

5879D 001 Secured Transactions (ST)

This course satisfies Module 2 for the Area of Concentration: Business Law.

Instructor(s)	King, Philip
Credits	3
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	80

Course Times For 5879D 001, 2011-2012			
Term	Day	Time	Room
Spring	Wednesday	8:30 - 10:20	51
Spring	Friday	8:30 - 10:20	51

Exam Times For 5879D 001, 2011-2012			
Term	Date	Time	Room
Spring	26 Apr 2012	9:00 - 12:00	

Instruction	Lectures and class discussion.
Assessment	Option 1: 100% Final Exam Option 2: 75% Final Exam and 25% Essay Essays must be completed on an individual basis. Group work is not permitted.

Materials	<p>REQUIRED</p> <p><i>Secured Transactions in Personal Property and Suretyships: Cases, Texts and Materials</i>, Ziegel and Duggan (5th edition, Edmond Montgomery Publications, Toronto, 2009)</p> <p><i>Personal Property Security Act</i>, R.S.O. 1990, c. P.10 (posted on WebCT)</p> <p>RECOMMENDED</p> <p><i>The 2006 Annotated Personal Property Security Act</i>, McLaren (Carswell, 2005)</p>
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Personal Property Security Law, Cuming, Walsh & Wood (Irwin, 2005)

Library Materials

[Click here for Library Materials for this Course](#)

Description

This course will examine secured transactions and the *Personal Property Security Act* (PPSA). The PPSA governs a wide variety of secured lending and, therefore, applies to many business transactions, from small consumer loans to billion dollar securitized debt instruments. Although the focus will be on the Ontario PPSA, all the provinces have similar PPSAs, so an understanding of PPSA legislation in general will be useful in all Canadian jurisdictions. With recent amendments to the PPSA, and the introduction of the *Securities Transfer Act*, there have been important changes to this area of law in recent years.

This course will provide a general overview of the topic of secured transactions and an introduction to basic concepts in personal property security law. The history and philosophy of secured transactions will be reviewed, however, the emphasis will be on matters of practical application. This course will be very useful for anyone intending to practice business law.

5558C 001 Securities Law - Concepts and Practice

This course satisfies Module 3 for the Area of Concentration: Business Law.

Instructor(s)	Graves, Brian ; Hoffman, Jay ; Locke, Wendi
Credits	4
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none , but Corporate Law is recommended. The content of the course may overlap with the Securities Regulation course.
Compulsory	No
Core	No
Enrollment Restriction	25

Course Times

Course Times For 5558C 001, 2011-2012			
Term	Day	Time	Room
January	Monday	13:00 - 15:50	36
January	Tuesday	13:00 - 15:50	36
January	Wednesday	13:00 - 15:50	36
January	Thursday	13:00 - 15:50	36
January	Friday	13:00 - 15:50	36

Exam Times	none
Instruction	Lectures and seminars including four full day sessions at the offices of McCarthy Tetrault LLP in Toronto. Students are expected to attend all classes.
Assessment	The assignment, which will be a 48 hour take home assignment, will account for 100% of the grade and will take the form of hypothetical fact patterns and/or short answer questions. The assignment will be due on the last day of class. The answers submitted for grading must be prepared by the students on an individual basis and not as part of a group.
Materials	Lecture materials (to be provided to students). Annotated Ontario Securities Legislation (CCH Canadian Limited). Other material on reserve: Mark R. Gillen, <i>Securities Regulation in Canada</i> , 3 rd Ed. (2007,

Thomson Carswell)

Library Materials

[Click here for Library Materials for this Course](#)

Description

This course is intended to offer students a practice-oriented program in securities law by giving them first hand exposure to securities practitioners, regulators and investment bankers outside of a traditional classroom setting.

Lecture topics may include: exempt distributions; public distributions; registrant regulation; early stage financing; continuous disclosure; investment management regulation; corporate governance; related party transactions; take-over bids; enforcement and securities litigation and a primer on U.S. securities.

During Week 1 of the program, lectures will be held in London.

During Week 2 of the program, students will attend a series of lectures led by securities practitioners at McCarthy Tetrault LLP's Toronto offices.

During Week 3 of the program, lectures will be held in London.

During Week 4 of the program, students will attend another series of lectures led by securities practitioners at McCarthy Tetrault LLP Toronto offices.

The Toronto sessions may include presentations by securities regulators and investment bankers.

5560D 001 Securities Regulation

This course is required for the Area of Concentration: Business Law.

Instructor(s)	Nicholls, Christopher C.
Credits	3
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	5210 Corporate Law (Pre)
Compulsory	No
Core	No
Enrollment Restriction	80

Course Times For 5560D 001, 2011-2012			
Term	Day	Time	Room
Spring	Tuesday	10:30 - 12:20	51
Spring	Thursday	10:30 - 12:20	51

Exam Times For 5560D 001, 2011-2012			
Term	Date	Time	Room
Spring	25 Apr 2012	9:00 - 12:00	

Instruction	Lectures and Discussion
Assessment	100% Final exam (unless student elects to write a paper). If a student elects to write a paper, the assessment will be: paper 25% and final exam 75%.
Materials	<p>Current edition of <i>Consolidated Ontario Securities Act, Regulations and Rules</i> (Carswell). Note: old editions are not acceptable.</p> <p><i>Securities Regulation Sourcebook</i> (Available on WebCT) -- Christopher C. Nicholls</p> <p>Other materials on reserve: <i>MacIntosh & Nicholls, Securities Law</i> (Toronto: Irwin Law, 2002); <i>Securities</i> (Halsburys Laws of Canada); Johnston & Rockwell, <i>Canadian Securities Regulation</i>, 4th ed.; Gillen, <i>Securities Regulation in Canada</i>, 3d ed.</p>
Library Materials	Click here for Library Materials for this Course

Description

This course of lectures will canvass at an introductory level the theoretical foundations of securities regulation and many of the fundamental doctrinal issues encountered by Canadian securities practitioners. Topics to be covered are expected to include foundational securities law concepts, Canadian securities regulators and regulatory instruments, registration and prospectus requirements, the exempt market, insider trading, continuous disclosure, take-over bids, and enforcement. There may be some limited discussion of and comparison with securities regulation in other jurisdictions, especially other Canadian provinces and territories and federal U.S. securities regulation. The evolution of recent proposals to create a national Securities Regulator in Canada will also be discussed.

5355D 001 Sex Discrimination and the Law

Instructor(s)	Randall, Melanie
Credits	3 (4 with supplementary writing credit)
Essay Requirement	Yes, this course will satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	25

Course Times

Course Times For 5355D 001, 2011-2012			
Term	Day	Time	Room
Spring	Monday	14:00 - 15:50	205
Spring	Wednesday	14:00 - 15:50	205

Exam Times	none
Instruction	Seminar course, facilitated discussions.
Assessment	20% - First Assignment/Seminar Presentation 15% - Class Participation 65% - Research Paper
Materials	Course materials are posted on Web CT.
Library Materials	Click here for Library Materials for this Course

Description	The course engages questions about the nature of sex discrimination and equality rights in law, and touches on debates about the kinds of legal interventions and remedies most conducive to achieving gender equality. These issues are illuminated through consideration of some of the key areas around which struggles for gender equality have been waged, and of the ways in which sex discrimination has, and has not been conceptualized and remedied in law.
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The goal is for students to complete the seminar with an understanding of some of the key questions relating to an analysis of the ways in which law is implicated in gender inequality, as well the interconnection between inequality based on sex and inequalities based on other social divisions. The course also aims to reflect critically on the law's potential to counter and remedy this discrimination. Put differently, what can law do to help achieve women's equality?

Through an examination of theoretical writings and case law, in any particular year, the course materials may address the following topics, among others:

- conceptualizing inequality - what is gender inequality? what is gender? how are the relationships between gender, power and inequality structured? what are the relationships between forms of social inequality (race, class, gender, sexuality, ability-disability)?
- sexual violence (including sexual assault, and sexual harassment) and sex discrimination
- Rape as a war crime, gender and genocide
- prostitution and the law, the legal regulation of "sex work," trafficking
- state intervention, reproductive rights and the regulation of pregnancy
- violence against women in intimate relationships / domestic violence
- law and "the family," marriage, sexual orientation and inequality
- The legal status of Aboriginal women in Canada
- Gender, culture, religion, and the law
- discrimination / equality rights in labour and employment contexts
- equality rights in law / legal remedies for discrimination, the Charter and gender discrimination

The course provides each student with an opportunity to explore an issue of special interest to them by researching and writing a final paper on their selected topic pertaining to gender and the law.

5775A 001 Statutory Interpretation

Instructor(s)	Graham, Randal
Credits	3
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	80

Course Times

Course Times For 5775A 001, 2011-2012			
Term	Day	Time	Room
Fall	Monday	14:00 - 16:50	36

Exam Times	none
Instruction	lecture and discussion coupled with problem-solving sessions
Assessment	Three take-home, written assignments worth 20%, 30%, and 50%, respectively
Materials	R. Graham, <i>Statutory Interpretation: Theory and Practice</i> , (Emond Montgomery, 2001) R. Graham, <i>Statutory Interpretation: Cases, Text and Materials</i> (Emond Montgomery, 2002)
Library Materials	Click here for Library Materials for this Course

Description	This course focuses on legal language and persuasion. Students will study the "rules" of interpretation governing statutes and private documents. Using these rules as an interpretive arsenal, students will learn to persuade others to accept or reject a given meaning of legal texts. The overall emphasis of the course is on the art of persuasion through the interpretation of law. Topics of study include legislative intention, maxims of construction, private documents, evidence of intention, persuasion and rhetoric.
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5868D 001 Tax Planning (ST)

This course satisfies Module 3 for the Area of Concentration: Business Law.

Instructor(s)	Berry, Maureen ; Sherman, Mitchell ; Harris, Neil H.
Credits	3
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	5220 Income Taxation (Pre)
Compulsory	No
Core	No
Enrollment Restriction	25

Course Times

Course Times For 5868D 001, 2011-2012			
Term	Day	Time	Room
Spring	Thursday	10:30 - 14:50	205

Exam Times	none
Instruction	Seminar discussions. Classes will generally include a lecture, followed by a group discussion of sample problems designed to demonstrate the application of the relevant taxation issues and principles.
Assessment	There will be no examination. Students will be evaluated on the basis of two written assignments (totalling 90%) and class participation (10%).
Materials	<i>Income Tax Act</i> (Carswell) current edition Various materials either handed out or put on reserve.
Library Materials	Click here for Library Materials for this Course
Description	The course will explore selected tax planning issues and strategies, which will be developed and discussed primarily through the examination of specific case studies and problems. The organizing theme of the course will be the life cycle of a new business enterprise. Accordingly, the course will canvass many of the significant tax planning considerations encountered by a new business enterprise and its founders as it evolves from an unincorporated business venture into a business corporation facing complex taxation issues

regarding its business, financing, growth, etc. Various tax planning issues will be considered, including those relevant to small businesses, financing transactions, corporate reorganizations, mergers and acquisitions and other common business transactions. Other considerations relevant to tax planning and the role of the tax advisor will also be discussed, including anti-avoidance rules and doctrines, and professional practice points. While the emphasis of the course will be on tax planning for business enterprises, some basic elements of estate planning in this context may also be covered.

5455D 001 Taxation of Corporations and Shareholders

This course is required for the Area of Concentration: Business Law.

Instructor(s)	Campbell, Colin
Credits	3
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	5220 Income Taxation (Pre)
Compulsory	No
Core	No
Enrollment Restriction	80

Course Times For 5455D 001, 2011-2012			
Term	Day	Time	Room
Spring	Monday	14:00 - 15:50	204
Spring	Tuesday	14:00 - 15:50	204

Exam Times For 5455D 001, 2011-2012			
Term	Date	Time	Room
Spring	19 Apr 2012	9:00 - 12:00	

Instruction	lecture and discussion
Assessment	100% final examination or (at the student's option) 25% essay and 75% final examination

Materials	<i>Income Tax Act</i> (any current commercial edition); Monaghan, Juneja, Lamarre and Campbell, <i>The Taxation of Corporate Reorganizations</i> , (Carswell, 2010); Krishna, <i>The Fundamentals of Canadian Income Tax</i> , (Carswell, 2006).
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Library Materials	Click here for Library Materials for this Course
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Description	This course presents a detailed examination of the federal tax treatment of corporations and their shareholders. The content of the course will include the following materials:
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1. The Taxation of Corporations

- a. The corporation as a taxable entity
 - b. Federal taxation of corporations
2. Corporate Capital Structure: Debt and Equity
3. Taxation of Corporate Distributions
 - a. Ordinary taxable dividends
 - b. Dividends in kind
 - c. Stock dividends
 - d. Capital dividends
 - e. Deemed dividends
 - f. Shareholder benefits
4. Dividend Stripping
 - a. Introduction to statutory provisions
 - b. Section 84.1 - non arm's length sale of shares
5. Corporate Reorganizations
 - a. Section 85 - transfer of property to a corporation
 - b. Section 85.1 - share for share exchange
 - c. Section 86 - exchanges of shares in course of reorganization of capital
 - d. Section 51 - convertible securities
 - e. Section 87 - amalgamations
 - f. Section 88 - winding-up of corporations

5866A 001 The Art of the Deal (ST)

This course satisfies Module 3 for the Area of Concentration: Business Law.

Instructor(s)	Gauthier, Christian ; Drew, Russel
Credits	3
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none - a prior Corporate Law course is recommended.
Compulsory	No
Core	No
Enrollment Restriction	25

Course Times

Course Times For 5866A 001, 2011-2012			
Term	Day	Time	Room
Fall	Monday	15:00 - 17:50	206

Exam Times	none
Instruction	Lecture, class discussion and practical in-class exercises.
Assessment	70% two group assignments, 20% in-class negotiations and 10% attendance and participation. Students are expected to attend all classes and participate in all in-class exercises.
Materials	All course materials will be provided.
Library Materials	Click here for Library Materials for this Course

Description	This course will provide students with a practical insight into the underlying motivations and dynamics of business negotiations and transactions. Students will have the opportunity to hear from several of Canada's preeminent lawyers who will share their first-hand experience negotiating some of Canada's largest business deals. The focus of the course will be on the practical considerations that are necessary in successful business negotiations, and the potential for counsel to add value in the course of the deal. By understanding the fundamental contracting problems inherent to all business transactions, future lawyers will be better equipped to respond creatively to the variety of situations encountered in the course of deal-making.
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The course will begin by outlining the relevant legal, economic and financial theory. The theory will provide the basis for the remainder of the class, which will focus on practical application in the course of business negotiations and deal-making. Students will have the chance to hear from several guest speakers, learn about and analyze recent business deals, and gain practical experience through mock-negotiations.

5905 001 Torys LLP Business and Law Pre-Eminent Scholars Series (ST)

This course satisfies Module 3 for the Area of Concentration: Business Law.

Instructor(s) [Nicholls, Christopher C.](#)

Credits 3
Grading for this course is on a Pass/Fail basis.
Students must attend all seminars, read the assigned material carefully prior to each seminar, participate in the seminar discussion and, following each seminar, write a short (1-2 single-spaced pages) carefully reasoned "reflection paper" critically analysing the material presented in the seminar as well as in the accompanying reading assignment.

Essay Requirement No, this course will *not* satisfy the Faculty of Law essay requirement

Pre/Co-requisite none

Compulsory No

Core No

Enrollment Restriction 30

Course Times

Course Times For 5905 001, 2011-2012			
Term	Day	Time	Room
Fall	Friday	14:00 - 15:50	MCR
Spring	Friday	14:00 - 15:50	MCR

Note: Specific dates and times for lectures will be confirmed. Most lectures will be held on Friday afternoons from 2:00 to 3:50 pm. However, some lectures will be held on different days of the week and at different times as necessary to accommodate visiting professors' schedules.

Exam Times none

Instruction Seminar presentation and discussion.

Assessment Grading for this course is on a Pass/Fail basis.
Students must attend all seminars, read the assigned material prior to each seminar and, following each seminar, write a short (1-2 page single spaced) carefully reasoned "reflection paper" critically analysing the material presented in the seminar as well as in the accompanying reading assignment.

Materials To be determined in consultation with the instructor.

Library Materials

[Click here for Library Materials for this Course](#)

Description

The Faculty of Law will host between five and seven of the world's pre-eminent business and law scholars over the course of the academic year. The presentation times will be flexible, and because of the schedules of our distinguished visitors, all timing is subject to change.

Confirmed speakers for 2011-12 are currently expected to include (among others):

Professor Ian Ayres (Yale) - September 23

Professor Henry Hu (Texas) - November 18

Professor Hideki Kanda (Tokyo) - February 10

Professor Michael Trebilcock (Toronto) - April 5

Note: SPEAKERS AND DATES ARE SUBJECT TO CHANGE

Past speakers in this program have included:

Roberta Romano (Yale)

Myron Scholes (Co-recipient of 1997 Nobel Prize in Economics)

Reinier Kraakman (Harvard)

Bernard Black (Northwestern)

William Bratton (Georgetown)

Henry Hansmann (Yale)

Brian Cheffins (Cambridge)

Jay Westbrook (Texas)

Donald Langevoort (Georgetown)

Merritt Fox (Columbia)

Robert Daines (Stanford)

Hal Scott (Harvard)

Ian Ramsay (Melbourne)

Douglas Baird (Chicago)

Ronald Gilson (Stanford)

Lynn Stout (UCLA)

Alan Schwartz (Yale)

5725C 001 Trial Advocacy Competition

Instructor(s)	Ferguson, Doug ; Voss, Jason
Credits	4
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	5

Course Times

Course Times For 5725C 001, 2011-2012			
Term	Day	Time	Room

Exam Times

none

Instruction

Students will be given guidance by the faculty advisor, particularly on practical trial advocacy skills, but the expectation is that they will do much of the work on their own with minimal supervision. Students will receive instruction and feedback on trial advocacy through a series of practices before the actual competition.

Assessment

Students will receive a grade reflecting an overall assessment of their research, written work and oral advocacy. Results in the competition are a relevant factor in the assessment. While students work and compete as a team, it is not required that all students receive the same grade.

Materials

To be determined in consultation with the instructor.

Library Materials

[Click here for Library Materials for this Course](#)

Description

This course is the means by which students participate, for academic credit, in Ontario's premier trial advocacy competition, the Arnup Cup.

To be enrolled in this course, students are first required to participate in the Cherniak Cup, the voluntary internal trial advocacy competition in the Fall Term. This competition is run by the Faculty with the assistance of upper-year students with experience in trial advocacy. The top upper-year students in the final of the Cherniak Cup are selected to represent the Faculty in the Arnup Cup. They are enrolled in Trial Advocacy Competition as their January Term course (worth four credits) and are removed from the course they had originally chosen for

that term. For second year students, any points bid for the original January term course will be refunded.

The team for the competition is comprised of two students. One additional student may be allowed to enroll in the course as an alternate. Evidence is a prerequisite for this course, so interested second-year students will need to take Evidence in the Fall term.

The Faculty's participation in the Arnup Cup is generously supported by Lerner & Associates LLP.

5230D 001 Trusts

Instructor(s)	Parachin, Adam
Credits	4
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	Yes
Enrollment Restriction	120

Course Times

Course Times For 5230D 001, 2011-2012			
Term	Day	Time	Room
Spring	Monday	14:00 - 16:20	38
Spring	Wednesday	14:00 - 16:20	38

Exam Times

Exam Times For 5230D 001, 2011-2012			
Term	Date	Time	Room
Spring	23 Apr 2012	9:00 - 12:00	

Instruction Lectures

Assessment 100% final exam

OR

75% final exam and 25% mid-term exam

Materials *Oosterhoff on Trusts: Text, Commentary and Materials* (required)

Supplemental materials available on [WebCT Owl](#)

Library Materials [Click here for Library Materials for this Course](#)

Description This course will provide a survey of key issues relating to trusts. The topics to be covered include: the nature of the trust as a distinctive legal institution, the reasons for which trusts

are established, the means by which trusts are established, the different species of trusts, including express trusts, purpose trusts, constructive trusts and resulting trusts, and select issues relating to the administration of trusts.

5931D 001 U.S. Takeover Law in a Comparative Perspective (IC)

This course satisfies Module 4 for the Area of Concentration: Business Law.

Instructor(s)	Nicholls, Christopher C. ; Kraakman, Reinier
Credits	2
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	5210 Corporate Law (Pre)
Compulsory	No
Core	No
Enrollment Restriction	20 upper year students. Students may take only one Intensive Course per term.

Course Times

Term	Day	Time	Room
Spring	Monday	14:00 - 16:50	206
Spring	Tuesday	14:00 - 16:50	206
Spring	Wednesday	14:00 - 16:50	206
Spring	Thursday	14:00 - 16:50	206
Spring	Friday	14:00 - 16:50	206

Exam Times	none
Instruction	One week intensive seminar, lecture and class discussion during the week commencing March 12, 2012.
Assessment	Assessment will depend on two factors.

First, during much of the fourth day of the Seminar, teams of students will be asked to compare Canadian law to American law on key M&A issues such as the board's discretion to deploy poison pills, the extent of judicial oversight, etc. The instructor will evaluate these oral presentations.

Second, participating students must email the instructor a (roughly) ten-page essay on the topic: "the company law of economically developed jurisdictions is converging on a single set of norms to regulate shareholder rights in both hostile and friendly acquisitions." This essay must reach the instructor within a week after the course concludes.

The instructor will be much less interested in the bottom line of these essays than in the arguments and evidence you use to support your conclusions. Research beyond the borders

of the Course's required readings is not only acceptable but welcomed. It is expected that students do not discuss their essay with anyone prior to emailing the instructor, most especially not with other students in the Course.

The final assessment will depend equally (50%) on the quality of students' group presentations on Canadian Law and on the quality of the student's essay.

Materials

All the required readings will be on the course website. They will include portions of law review articles, heavily edited cases (from the professor's case book), and statutory excerpts from the U.S, the EU, Germany, and Japan. The instructor will also post PowerPoint slide on the website--but only after they have been presented in class.

Library Materials

[Click here for Library Materials for this Course](#)

Description

This Intensive Course examines the evolution of takeover regulation as seen through the lens of American corporate law. The Course begins with an overview of the competing policy concerns at issue in the regulation of both "friendly" and "hostile" takeovers of publicly traded companies. Examples include coercive tender offers, assertions of shareholder myopia, and claims of market inefficiency. After this start, the Course turns to the history post 1984 of the U.S. takeover case law and statutes promulgated on the state level-with particular attention to Delaware. We begin with the classic phase of U.S. takeover regulation when the Delaware courts established a nationwide policy of takeover regulation with a series of foundational cases (*Unocal*, *Moran*, and *Revlon*) - and, equally importantly, with the so-called poison pill developed by the elite corporate bar, which significantly extended management's ability to defend against hostile takeovers and simultaneously shifted regulatory authority from Federal Law and the SEC to the Delaware courts. The course next tracks the subsequent (1990-2011) development of Delaware caselaw and the intervention of Federal law into the proxy rules and shareholder voting rights. The final portion of the Course compares the development American takeover law and that of the EU, the UK, Japan, and Germany. The implicit theme of the Course is whether developed jurisdictions are converging on a roughly similar regime of M&A regulation.

As a prerequisite students must have a prior course in Corporate Law and a taste for a soft-core law-and-economics perspective.

5685D 001 Wills

Instructor(s)	McNamara, Dan
Credits	3
Essay Requirement	No, this course will <i>not</i> satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	80

Course Times For 5685D 001, 2011-2012			
Term	Day	Time	Room
Spring	Tuesday	8:30 - 10:20	51
Spring	Thursday	8:30 - 10:20	51

Exam Times For 5685D 001, 2011-2012			
Term	Date	Time	Room
Spring	17 Apr 2012	9:00 - 12:00	

Instruction	Lecture, discussion and problem solving; introduction to will/power of attorney drafting (in class and in practical component).
Assessment	Will/powers of attorney practical component (meeting with actor client to take instructions, document preparation and second meeting with actor client to review and sign documents)- 30%; Open book final exam - 70%
Materials	A.H. Oosterhoff, <i>Oosterhoffon Wills and Succession</i> , 7 th ed. (Carswell, 2011) (Required) WebCT Vista
Library Materials	Click here for Library Materials for this Course
Description	The course examines the Ontario law of succession, that is, the law governing the passing of property on the death of the owner. It concentrates on the law of testate succession, that is,

the law that applies when the owner dies leaving a will. It also deals with will substitutes and Ontario substitute decision legislation (powers of attorney), family law legislation on death and, very generally, with tax consequences on death. The following is a summary of the syllabus.

- Introduction
- Probate and Administration (briefly)
- Intestate Succession (death without a will)
- Spousal Rights on Death
- The effect of the Family Law Act on succession
- Support of Dependants (after death)
- Nature of Testamentary Dispositions, including will substitutes
- Substitute Decisions (powers of attorney for property and for personal care; guardianship of property and of the person)
- Making A Will
- Capacity, undue influence, fraud and mistake
- Formalities of wills
- Revocation of wills
- Solicitor's duties and responsibilities in will preparation
- Interpretation of Wills
- Capacity of beneficiaries
- General principles of interpretation
- General fundamentals of income tax on death
- Testamentary gifts
- Lapse and survivorship
- Class gifts
- Vested and contingent gifts
- Accumulations

5896D 001 Wrongful Convictions (ST)

Instructor(s)	Sherrin, Chris
Credits	3
Essay Requirement	Yes, this course will satisfy the Faculty of Law essay requirement
Pre/Co-requisite	none
Compulsory	No
Core	No
Enrollment Restriction	25

Course Times

Course Times For 5896D 001, 2011-2012			
Term	Day	Time	Room
Spring	Monday	10:30 - 12:20	206
Spring	Wednesday	10:30 - 12:20	206

Exam Times	none
Instruction	Lectures, group discussion, presentations, and debates.
Assessment	Research paper - 60% Class presentation - 30% Class participation - 10%
Materials	None that need to be purchased. All readings will be available on WebCT or through the library.
Library Materials	Click here for Library Materials for this Course

Description	This course examines the unhappy phenomenon of convicting innocent people of crimes they did not commit. It involves a critical appraisal of the investigative, prosecutorial and trial stages of the criminal process, with a view to explaining when and why the justice system errs and how the errors can be both avoided and remedied. The first part of the course is taken up with a review of the major issues in wrongful conviction cases, including eyewitness misidentification, false confessions, fraudulent and incompetent forensic science, and misconduct by police, Crowns and defence counsel. In the second part of the course, students are expected to delve deeper into a narrow issue relevant to wrongful convictions,
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prepare a research paper on the issue, and either present or debate the issue in class.