

IMPORTANT ADD/DROP PERIOD NOTES

Revised: Sept. 1, 2009

New Courses Added to our Fall Course Offerings

Law 438 – Queen’s Business Law Clinic (QBLC) (Prof. Kissick): As announced earlier on our listserv by Dean Flanagan, this clinical course will be offered at Queen’s Law for the 09-10 academic year. A special selection process by the instructor will be conducted to select students for this clinic program. The classes for the QBLC are scheduled on Thursdays from 10:00 – 11:30 am in both the fall 09 term (in MC C420) and the winter 10 term (in MAC 515). Students must have Law 440 Business Associations as a pre- or co- requisite to take this course. The course will be offered by Prof. Peter Kissick from the School of Business. This is a year-long course which will meet our practice skills degree requirement and has the possibility of spring/summer 2010 employment.

Course Description: This course provides 2nd and 3rd year students with the opportunity to provide supervised legal services to entrepreneurs, start-up and small businesses, and not for profit organizations located in Kingston and the broader region of Eastern Ontario. It is meant to augment the common and statutory law principles students learn in such courses as Contracts, Business Associations and Trade-marks in a practical way. The course also provides a valuable service to the area community. Under the supervision of the Clinic Director and Review Counsel, students will work on client files that involve business law matters such as:

- Incorporation and organization of business and not-for profit organizations
- Shareholder and partnership agreements
- Business name and trade-mark work (including applications)
- Compliance with general government regulations for start-up companies
- Drafting and review of simple contracts, including non-disclosure and non-competition agreements
- Employment contracts

Students will also be actively involved in the operation of the Clinic, learning and developing practice management skills such as client development and marketing, Law Society regulation, the use of retainer agreements and practice administration.

The course will run from September until the last day of exam period in April (i.e. two terms). Clinic members will meet as a class for 1.5 hours each week, and students will be required to meet with the Clinic Director on at least a weekly basis. Grading will be based on two elements: an evaluation of the work completed by the student throughout the year; and the completion by each student of an oral and written presentation on a matter relevant to the Clinic and determined by agreement between the student and Clinic Director. A maximum of 8 students will be admitted to this course in 2009-2010; students will be selected by the Clinic Director based on a written application process to be completed in the first week of September. The Clinic Director may interview prospective students as, in his discretion, is necessary or desirable.

Pre or co-requisite: Business Associations (LAW 440)

Application Process for Law 438:

Students interested in being considered for this course should submit an application consisting of:

1. An application letter (max. 500 words) which addresses the following two questions:
 - why do you want to take part in the business law clinic - (or what do you expect to get out of the clinic); and
 - what do you bring to the clinic that would help make it a vital part of Queen's Law and the Greater Kingston community?
2. A Law School transcript (photocopy sufficient) or permission to access an unofficial copy on their behalf.

Applications to be submitted to: Nancy Somers, MAC 512 (somersn@queensu.ca) in print or electronic format.

Application Deadline: 12:00 Noon on Thursday, September 10, 2009

Students will be notified by email no later than midday on Monday, Sept. 14, 2009

Law 564 – Pensions and the Law (Ms. Mills and Ms. Arbour): The Faculty of Law is pleased to offer this three credit course in the fall after an absence of several years. The course will be co-taught by Ms. Lisa Mills (Hicks, Morley of Ottawa) and Ms. Rachael Arbour (Hicks, Morley of Toronto). The class is scheduled for Wednesday evenings from 5:30 – 8:30 pm in MAC 202.

Course Description: Pension law is a growing field and one that intersects with many different areas of law including labour and employment, human rights, trusts, tax, contract, tort, agency, bankruptcy, family, administrative and regulatory law. It is also an exciting time from a policy perspective with the recent release of the Ontario Expert Pension Commission's report and recommendations for legislative change. Pension matters are also frequently in the news as solvency funding, corporate insolvencies triggered by pension deficits, class actions and advocates for an expanded CPP system have resulted in considerable media attention to the issues in Ontario. The purpose of this course is to introduce students to the various legal issues relating to the design and operation of employer-sponsored pension plans.

Method of Evaluation: 50% written paper, 25% in class participation, 25% in-class presentation

Law 575 – Racism and Canadian Legal Culture (Mr. Kissoon): The Faculty of Law is pleased to have Mr. Kissoon join us once again to offer this three credit course. The course is scheduled Tuesdays in the fall term from 2:30 – 5:30 pm in MC D211.

Course Description: The purpose of this seminar course is to examine the role and effect of racism in Canadian legal culture, by discussing racism in Canadian legal history and the use of law in particular moments of Canadian social history characterized by racism; by examining racism in legal education (and education generally) and in the legal profession; and by discussing manifestations of racism in Canadian legal doctrine and the Canadian system of justice.

Method of Evaluation: Paper and participation

Law 688 – International Trade Litigation (Mr. Behboodi): The Faculty is pleased to offer this course to our students in the fall 2009 term.

Scheduling: This course is scheduled for the first eight Tuesday evenings of fall term from 6:30 – 9:30 pm in MAC 400.

Course Description: The dispute settlement mechanism of the World Trade Organization has been considered the Crown jewel of the Uruguay Round of multilateral negotiations that established the WTO in 1995. In many respects, this is merited: the WTO DSM is the only permanent interstate adjudicatory body, operating under international law, that has mandatory jurisdiction, a system of appeals, swift deadlines and near-universal Membership. Moreover, its rulings have an increasingly deep and important impact on not only trade relations between the sovereign Members of the WTO, but also their regulation of many aspects of their domestic affairs. This course seeks to demystify the WTO DSM. We will examine its structure and identify its strengths and weaknesses through a practical walk-through of all the stages of dispute settlement in concrete cases. Specifically, we will explore identification of trade barriers by a state, the decision to engage WTO dispute settlement, Consultations, panel request, the panel process, the appellate process, arbitration and, finally, implementation. We will do so against the background of the systemic and theoretical considerations that underlie the functioning of the WTO DSM. Finally, while the basic principles of advocacy are constant before all fora and across all disciplines, we will examine certain crucial ways in which international trade litigation is distinct from domestic and all other international litigation.

Pre- requisite: Law 540 – Public International Law. Pre- or co-requisite: Law 454 or 456 – International Economic Law [formerly known as: International Trade and Investment Law]

Method of Evaluation: 10-12 page research paper or a 24-hour take-home exam

New Courses Added to our Winter Course Offerings

Law 302 – Law and Development (Prof. Katz): This course will be offered to students in place of Law 315 Private Law Theory.

Course Description: This seminar will explore the relationship of property law to development. Property law plays a crucial but under-recognized role in a country's economic, social and political development. The domestic rules that govern control and use of resources impact local peoples and their governments in developing nations on a number of dimensions.

The course will begin by studying different theoretical perspectives on the goals of development. We will then turn our attention to a critical study of the role of property law reform in meeting these goals. This will include a study of different models offered to explain how and why particular property institutions do emerge as well as a consideration of the constraints, social and political, on the design of property institutions. The inquiry into the role of property in development will be set in the context of the current trend toward the formalization of informal and communal property systems.

Method of Evaluation: 60% paper, comment papers 25%, participation 15%

Scheduling: Tuesdays in the winter term, from 3:00 – 6:00 pm in MAC 515

Law 511 – Corporate Taxation (Mr. Tobias): We are pleased to add this course to our Winter 2010 roster of courses. Mr. Norman Tobias returns as the instructor for this course.

Scheduling: Fridays, 11:30 – 2:30 pm in MC E230

Course Description: This course examines the taxation of corporations and their shareholders and contrasts it with the treatment of partnerships, trusts and other taxable entities and intermediaries. The general theory of corporate taxation is considered, as well as the specific rules of the Income Tax Act. Among specific issues considered are the tax consequences of incorporation and of corporate reorganizations, tax aspects of business finance, the treatment of dividends and distributions, and tax planning for the family business.

PREREQUISITE LAW-508 Taxation. PREREQUISITE OR COREQUISITE LAW-440 Business Associations.

Method of Evaluation: 90% exam; 10% participation

Distinguished Visitors to Queen's Law Offer One-Credit Courses

The Faculty is pleased to offer to students an opportunity to study under two very distinguished visitors coming to Queen's Law during the Fall 2009 term.

Law 627 – Advanced Topics in Criminal Law Theory (Prof. Andrew Ashworth): A well-known expert in the field of criminal law, Prof. Andrew Ashworth from All Souls College (Oxford) joins us to share his knowledge and expertise.

Scheduling: Fall 2009

Tues., Sept. 29th 2:30 – 4:30 pm in MAC 300

Wed., Sept. 30th 3:30 – 5:30 pm in MAC 515

Thurs., Oct. 1st from 3:30 – 5:30 pm in MAC 300

Fri., Oct. 2nd from 2:30 – 4:30 pm in MAC 100

Course Description:

This course will be a series of four-2 hour sessions where the following topics will be discussed in depth:

1. Crime, Fault and Prison
2. Constructive Criminal Liability and 'Moral Luck'
3. Attempted Crimes and 'Moral Luck'
4. Excusatory and Justificatory Defences

Method of evaluation: 10-12 page double-spaced paper

Law 628 – Law and Courts in South Africa (Justice van der Westhuizen): Justice van der Westhuizen from the Constitutional Court of South Africa will be joining us to teach this course in mid October.

Course Description: Challenges to constitutions, courts and transformation in young democracies

The Constitution of the Republic of South Africa of 1996 has been described as the world's leading example of a transformative constitution and scholars have referred to the astonishing success of constitutional design in South Africa. Decisions of the South African Constitutional Court have been studied in many parts of the world.

The Constitution emerged out of the struggle against the oppression and exploitation of the apartheid system and its role in the thus far almost miraculous transition in the country has served as an example and source of inspiration for other new democracies, as well as for critical commentators on established constitutional democracies.

In this course decisions of the Constitutional Court on, for example, the role of courts in a constitutional democracy, human dignity, equality, African customary law, and socio-economic rights like health care and access to housing will be studied. Increasing challenges relating to the separation of powers, the rule of law and the independence of the judiciary will, however, also be critically analyzed.

Comparisons will be made with other democracies and class discussions will play a central role. The course will be taught by a judge of South African Constitutional Court, who as a law professor also served as a full-time member on the Independent Panel of Constitutional Experts of the Constitutional Assembly, the body that drafted the Constitution.

Course Evaluation: 10-12 page double-spaced paper

Scheduling: This course will be offered during a two-week period in October -- on Thursday, Oct. 15 & 22nd from 6:30 – 9:30 pm AND Tuesday, Oct. 20th & 27th from 5:30 – 8:30 pm. All classes will be held in MAC 100.

Winter Opportunity

Law 629 - Markets, Morals and Methods (Prof. Hockett): Professor Bob Hockett of Cornell Law School joins us in early January to teach this course.

Scheduling: Not yet in place. Expected to be two evenings for two weeks in early January.

Course Description: This seminar, open to law students and graduate philosophy and economics students, is devoted to the foundations of choice, agency, and welfare -- matters that lie at the core of normative legal and economic theory.

Readings and class discussion will focus on the nature of preferences, reasons, and norms, as well as (a) their inter-relations and (b) their roles in guiding human decision and action. A central theme will be the question whether and to what degree welfare, well-being, and wealth for that matter can be understood apart from, and even as determinative of, normative propriety ("rightness" and "wrongness") -- or whether instead these concepts presuppose a prior conception of normative propriety that is partly constitutive of welfare, well-being, and wealth themselves. Many legal and economic theorists seem to assume the former, but this assumption can -- and in this course will -- be examined critically, through careful attention to the nature of human action.

Method of Evaluation: 10-12 page double-spaced paper

Course Name Change

Law 454 – International Economic Law (Mr. Gallus): This course was formerly known as International Trade and Investment Law. It is scheduled on Mondays in the fall term from 9:00 am – 11:30 pm.

Course Withdrawals – Fall 2009

Law 465 – Municipal Law: The Faculty of Law regrets that it is not able to offer this course to students with the departure of Prof. Kong.

Course Withdrawals – Winter 2010

Law 315 - Private Law Theory: This course will not be offered during the 2009-10 academic year. In its place, Law 302 – Law and Development will be offered.

Important Updates

Law 552 – Fiduciary Obligations (Mr. Ellis): This course is scheduled for Thursday afternoons in the fall term. Mr. Ellis has advised that the class will run from 3:30 pm to 6:00 pm (not 6:30 pm as originally scheduled). The class will be held in MAC 400.

Law 440 Business Associations (Prof. Chris Nicholls): The Faculty is extremely pleased to have Prof. Chris Nicholls join us as the instructor for this course. It is scheduled Mondays from 3:30 – 5:30 pm and Wednesdays from 11:30 – 1:30 pm. Both classes are held in DUN 12.

Law 447: Patent Law (Mr. Zischka): Offered on Monday afternoons in the fall term from 3:30 – 6:30 pm, the course will be taught by Mr. Matthew Zischka from Smart & Biggar/Fetherstonhaugh. Mr. Zischka has previously taught Advanced Patents for us.

Law 687 – Freedom of Expression (Mr. Mackenzie): Mr. Mackenzie joins us once again to offer this popular course. Originally scheduled as six three-hour classes, the scheduling has been changed to a two hour class format each Thursday afternoon from 3:30 – 5:30 pm. Classes will run every Thursday during the fall term.

Law 622 – International Norms of Minority Rights (Prof. Kymlicka): Please note that this one-credit course will be offered on Nov. 9th and 16th and Nov. 11th and 18th. This is one week later than originally scheduled.

Law 360 – ADR (Mr. Curtis): Mr. Curtis joins us once again in the winter 2010 term. He will be teaching an Alternative Dispute Resolution course on Tuesdays.

Change of Instructors

Law 427 - Administrative Law (Winter 2010): Professor Stan Corbett will teach this course for us during the Winter 2010 term. Scheduling remains the same.

Law 339 Advanced Torts (Winter 2010): Prof. Lynne Hanson will be offering this course in the winter term. Scheduling remains the same.