

Course Descriptions for the 2009-10 Academic Year

(As of January 4, 2010)

****LAW-225 Civil Procedure – Compulsory Upper Year Course****

This course exposes students to the fundamental concepts in civil procedure in Ontario. Students will become familiar with the Ontario Rules of Civil Procedure. The course aims to be both practical and substantive. Areas of study will include: jurisdiction; limitation periods; commencing and defending an action; the steps in an action, including motions, discovery and pre-trial conferences; disposition without trial; alternatives to litigation; settlement; costs; trials; and appeals. Students will also have an opportunity to view pleadings and affidavits. Finally, students will be asked to assess and explore the efficacy of the civil justice system.

4 credits, lecture, fall term
Instructor: Maur

****LAW-225 Civil Procedure – Compulsory Upper Year Course****

This course examines fundamental civil procedure concepts relevant to today's lawyers in Ontario. The course aims to provide a working knowledge of the terminology and doctrine surrounding practice in the civil justice system. The course also aims to introduce the Ontario Rules of Civil Procedure. The course provides an opportunity to get comfortable with creating standard court documents and understanding some strategy and policy behind the civil justice system. The course fosters the development of a broader sense of how the entire civil justice system operates through the principles of fairness, efficiency, and predictability to impact the lives of both lawyers and clients alike. Topics include starting a lawsuit; defending a lawsuit, discovery; pre-trial relief and disposition without trial; alternative dispute resolution; settlement and costs; juries, trials, and appeals; class proceedings; and managing the civil justice system.

4 credits, lecture, one term
Instructor: Knutsen, winter term

LAW-532 Aboriginal Law

This course examines the legal and constitutional rights of Aboriginal peoples in Canada. It considers the legal legacy of Canada's colonial past – the implications, that is, for the present constitutional order of European settlement in territories that were occupied and governed by indigenous peoples. Much of the course focuses upon the interpretation of section 35 of the Constitutional Act, 1982, which entrenches 'existing aboriginal and treaty rights'. Particular attention will therefore be given to Aboriginal rights to lands, natural resources, and self-government, as well as the identification and interpretation of Aboriginal treaty rights. In the course of addressing these topics, we will confront constitutional issues relating to federalism and human rights, theoretical issues relating to legal interpretation in a cross-cultural setting, comparisons with indigenous rights in other former colonies, and the status of indigenous peoples and rights under international law. The general purpose of the course, then, is to examine the possibilities and challenges associated with Canada's multi-national and legally-pluralist constitutional order from a variety of legal, cultural, and theoretical perspectives.

3 credits, seminar, fall term
Instructor: Walters

LAW-427 Administrative Law

The primary focus of the course will be on the relationship between the courts and the executive and administrative branches of government; and on the role of judicial review of administrative action in the Canadian constitutional and governmental framework. In this context, the course will examine in detail the major bases for judicial review of administrative action - ultra vires action, jurisdictional error, abuse of discretion, error of law and procedural unfairness. As well, the various remedies, both common law and statutory, for unlawful administrative action will be considered. It is also the intention that, from the cases and other materials studied, the student will develop a better understanding of the executive and administrative processes and will appreciate some of the design or structural problems in creating a system of public interest decision-making which is efficient and effective and which recognizes and gives scope for valued individual interests and concerns.

4 credits, lecture, one term

Instructor: Walters, fall term; Corbett, winter term

LAW-529 Advanced Constitutional Law (Canadian Charter of Rights and Freedoms)

The course consists of a series of seminars on recent developments, practical considerations, and cutting edge issues in Constitutional Law. It is team-taught by a faculty member and a practitioner. In addition to participating in the weekly seminars, students must either write a paper on an approved topic or participate in a moot. The mooting option provides students with a very practical advocacy experience on a challenging, fact sensitive problem in Constitutional Law. The moot court hearings are presided over by well-known justices.

3 credits, seminar, fall term

Instructor: Stratas

LAW-608 Advanced Corporate Law

The purpose of the course is to examine in detail the principal legal issues and considerations involved in a variety of key transactions and other events that typically arise for a substantial private or public corporation. The topics to be considered include: share attributes and other 'corporate governance' matters affecting the organization of more complicated corporate entities, debt financings (including the preparation and negotiation of loan agreements and dealings with financial institutions generally), insolvencies and restructurings, amalgamations, reorganizations and other 'fundamental changes' and various aspects of corporate acquisitions. Emphasis would also be placed upon the role and responsibilities of lawyers involved in corporate organizations and transactions, taking into account potential ethical and conflict of interest considerations, and practices that a lawyer may or should adopt to reflect these considerations and to best serve the client's interests.

3 credits, seminar, winter term

Instructors: Belovich, Gauthier

LAW-411 Advanced Criminal Law

This seminar aims to explore, at an advanced level, various current issues in criminal law, procedure and evidence. Emphasis will be placed on areas where the law is conceptually challenging, controversial, or in flux. Specific topics to be discussed are likely to include, but will not be limited to, the causes of wrongful convictions, the limits of police interrogation, jury selection and jury adjudication, the uses and dangers of scientific evidence, and the role of culture in defences. Students will prepare short weekly response papers and participate in class discussions. Evaluation will be based primarily on a research paper on a topic chosen by the student and approved by the instructor.

Pre- OR co-requisite: Law 320 Evidence; Law 404 Criminal Procedure recommended

3 credits, seminar, winter term
Instructor: Dufraimont

LAW-458 Advanced Issues in Contract Law

Contracts and the law that governs them are fundamental to economic life in our society, and there is scarcely an area of legal practice in which issues of contract law do not figure. The first-year course in Contracts provides students with an excellent grounding in the subject. Advanced Contract Law builds on the foundations laid in first year, broadening and deepening the student's knowledge of this richly-textured subject. The course will cover a selection of advanced issues in contract law that cannot be dealt with in any detail in a first course in the subject. Examples of topics that may be covered in any given year include: illegality; agency; assignment; contractual construction; good faith; implied terms; paternalism and the problem of standard forms; unconscionability; economic duress; the interaction of contract with tort and restitution; the estoppels (equitable; conventional; in pais; proprietary). The course will be structured around readings drawn primarily from cases decided by common law courts here and abroad, and also from the scholarly literature.

Prerequisites: Students may enrol in Advanced Issues in Contract Law only if they have successfully completed first-year courses in Torts, Property, and Contract Law.

3 credits, lecture, fall term
Instructor: Pratt

LAW-321 Advanced Legal Research

The Advanced Legal Research Course prepares students to research the law by introducing them to the basics of legal research in their own and in other relevant jurisdictions. Students will study the courts and law making in Canada, the U.S., the U.K., and Europe as well as in an international context. They will learn how primary sources from various jurisdiction come into being, how they are organized, and where they can be found. They will also learn about 1) secondary sources in law available in print and electronically, 2) sources in the humanities and social sciences including Statistics Canada information, and 3) the major legal databases in Canada.

3 credits, lecture, one term, offered fall and winter terms
Instructor: McCormack

LAW-459 Advanced Securities

The purpose of this seminar is to explore, at an advanced level, issues in the regulation of capital markets. The seminar builds on fundamental concepts acquired in a basic securities regulation course by focusing on the theoretical underpinnings of securities regulation and the implications of such regulation for Canadian public corporations. Students will examine topical issues in securities regulation, such as: corporate governance, the duties of the board, shareholder activism, OSC Rule 61-501, class actions and cross-border transactions. Throughout the term, reference will be made to corporate and securities legislation governing particular transactions, the case law and the documentation used to effect such transactions.

Pre-requisite: LAW- 448 Securities Regulation
3 credits, seminar, winter term
Instructor: Joshi

Law-627 Advanced Topics in Criminal Law Theory

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

1 credit, seminar, fall term

Instructor: Dr. Ashworth (guest lecturer)

LAW-339 Advanced Torts

This seminar will provide students with the opportunity to explore tort law in greater depth. There will be in-class discussion of topics that provoke public debate or involve timely public issues. Such topics may include (but are not restricted to) the development and analysis of liability law within intentional torts, negligence and strict liability; injuries to business relationships and family relationships. There will be in-depth analysis of recoverable damages and techniques in proving damages. Students will generate research on a selection of current legal problems: such as medical malpractice, professional negligence, products liability, premises liability, business torts, information age torts, comparative torts, tort reform and the future of tort law.

3 credits, seminar, winter term

Instructor: King

LAW-341 and LAW-342 Alternative Dispute Resolution

The resolution of legal disputes by means of negotiation, mediation, or arbitration, rather than by trial before a judge. Both court-annexed and private ADR methods will be considered. The class will participate in simulation exercises, some of which will involve preparation of settlement documents, and will examine the relevant statutes and current studies on alternative dispute resolution. The primary focus will be on the use of ADR in private civil disputes, particularly in the areas of commercial law, torts, and family law. The goal of the course is the development of both settlement skills and a critical understanding of ADR methods.

NOTE Students cannot enroll in more than one of either LAW-341/342 Alternative Dispute Resolution or Law-335 Negotiation as there are subject areas common to both.

3 credits, seminar, one term. Offered in fall and winter terms

Instructors: Fall Term: LAW-341 Crush
 Fall Term: LAW-342 Gauci
 Winter Term: LAW-341 Curtis

LAW-350 Appellate Advocacy

This course examines oral advocacy skills and the preparation of facta. Students work in teams and will normally be required to participate in oral presentation exercises, conduct a moot, and draft facta for court matters under appeal.

3 credits, seminar, one term. Two sections offered; one in fall and one in winter term.

Fall Term: LAW-350 Osanic

Appellate Advocacy is substantially distinct from trial advocacy, both legally and procedurally. This will be a skills development course. The course will be graded 50% for the written factums and 50% for the oral presentation of arguments. Oral presentation exercises throughout the term will not be graded. This will allow students to develop skills and make mistakes without worrying about losing marks.

Winter Term: LAW-350 Burstein, Hutchison

This section focuses on advocacy in Criminal and quasi-criminal appeals in the Court of Appeal. Participants will work with a mock trial record to prepare an appeal from Notice of Appeal, through to factum and argument.

PRE- OR CO-REQUISITES: Criminal Procedure and Evidence recommended (winter term only)

LAW-606 Bankruptcy Law

This course examines the law dealing with the bankruptcy process in Canada, including the public policies advanced by the bankruptcy process, preferences and debtor rehabilitation. Within the context of different kinds of debts, it will review the remedies available to secured and unsecured creditors and the rights and obligations of creditors and debtors under the *Bankruptcy and Insolvency Act*. (Note: There is substantial interplay between the federal *Bankruptcy and Insolvency Act* and the provincial *Personal Property Security Act*. This course focuses on the former, not the latter, legislation.) The course will address the determinations of priorities among creditors and restrictions on the discharge of certain categories of debt in bankruptcy. A substantial part of the course will deal with restructuring insolvent businesses using proposals under the *Bankruptcy and Insolvency Act* or plans of arrangement under the *Companies Creditors Arrangement Act*, with a critical examination of the discretionary role of the courts in such proceedings.

PRE-REQUISITE: LAW-440 Business Associations

3 credits, lecture, winter term
Instructor: Jones

LAW-440 Business Associations

The course is a study of the establishment and operation of business organizations, including partnerships and closely and widely-held corporations. The nature of capital and corporate securities, and the formation of companies including the transfer of a business, will be considered. The consequences of carrying on business in the corporate form, including the liability of a corporation for the conduct of its agents and controllers will be examined. A major portion of the course will be taken up by a consideration of the powers, duties and liabilities of directors, officers and controlling shareholders, corporate responsibility and the rights of minority shareholders and other stakeholders, and the remedies of dissenters in a corporation.

4 credits, lecture, one term
Instructors: Nicholls, fall term; Miller, winter term

LAW-519 Children's Law

The course deals with a number of related issues concerning the treatment of children and adolescents in the legal system. Tactical, ethical and policy questions are addressed, as well as substantive and procedural

legal topics. We will also explore the role of lawyers in a variety of proceedings affecting children and adolescents. While the primary focus of the course is legal and process oriented, the legal issues must be seen in a multi-disciplinary context, as is reflected in the reading materials and the range of professionals who will visit the class as speakers. Lawyers, judges, social workers, probation officers, youth workers and others will be guest speakers. The major topics in the course are: (1) child welfare, including child abuse and neglect, focussing primarily on child protection proceedings, but also considering criminal law issues, such as those relating to child witnesses and corporal punishment; (2) adoption; (3) youth justice issues.

Although all social and economic classes are affected by the issues raised in this course, many of the issues studied in this course tend to disproportionately affect those who are socially or economically disadvantaged in society, and, for example, issues of aboriginal status arise in each section of the course.

This course may be of particular relevance to students with an interest in Criminal or Family Law, although some students take this course out of general interest. Many of the topics discussed are matters of considerable public controversy.

PREREQUISITE OR COREQUISITE LAW-520 Family Law or permission of the instructor.

3 credits, lecture, winter term
Instructor: Miklas

LAW-418 Clinical Correctional Law

Correctional Law is a specialized branch of administrative law dealing with administrative law principles and remedies in the context of the prison system. Students who enrol in this clinical course become student members of the Correctional Law Project. The Project is a specialized legal clinic that provides legal advice, assistance and representation to prisoners in federal penitentiaries in the Kingston area.

This clinical course provides students with the opportunity to develop essential lawyering skills by becoming involved in the legal practice carried on by the Correctional Law Project. Students will interview prisoner clients and witnesses. Students will represent prisoner clients at trials in Penitentiary Disciplinary courts and at hearings before the National Parole Board. Students will prepare facta for inmate appeals against conviction and sentence to the Court of Appeal for Ontario. Students will also be involved in providing legal advice and assistance to prisoner clients on a variety of other matters. Through the experience of involvement in the Project's legal practice, students will have many opportunities to develop skill in advocacy, in interviewing clients and witnesses, in legal research, analysis and drafting and in establishing and managing effective solicitor/client relationships. Instruction is provided through lectures and seminars and through individual supervision of student casework by the Project lawyers.

PREREQUISITE Completion of all first year J.D. courses.
4 credits per term, two terms
Instructor: Mandell

LAW-521 Clinical Family Law

Students in this course are placed with a range of professionals in the family and children's law field. Most of the placements will require the students to do some research, but the primary focus is on learning from observation and reflection. There is no scheduled class time, but there will be several meetings of the entire class arranged at times that do not conflict with any student's schedule. Students are required to keep a course log and write a short reflective piece. The placements include: Children's Aid Society, Family Court Duty Counsel, Frontenac Youth Diversion, Victim Witness Program and Family Law Lawyers (4).

PRE- REQUISITE: LAW-520 Family Law

3 credits, one term, offered both in fall and winter terms
Instructor: Bala

LAW-590 Clinical Litigation Practice

Queen's Legal Aid provides legal assistance to low-income area residents and to students at Queen's University. It also provides clinical legal experience to law students, helping them develop skill and confidence as legal professionals. Operating largely as a poverty law clinic, Queen's Legal Aid typically assists with criminal and quasi-criminal offences, landlord/tenant disputes, creditor/debtor matters, employment claims and income maintenance problems. Under close supervision by clinic lawyers, law students interview and counsel clients, research legal issues, draft legal memoranda, provide legal opinions, prepare pleadings, negotiate settlements and participate in trials before criminal and civil courts, as well as hearings before administrative tribunals. Approximately eighty students work on clients' files during the academic year. Eighteen can register for Clinical Litigation Practice (LAW-590) and carry significant client service responsibilities for academic credit. They have weekly classes involving lectures, exercises and seminars. Topics covered include: advocacy in trials and hearings, interviewing and counselling, file management, legal ethics, legal research and writing, negotiation and settlement, office procedures, professional responsibility and solicitor/client relationships. Students in LAW-590 are expected to participate in weekly classes, present a short seminar and attend weekly meetings with colleagues and clinic lawyers.

Students interested in this course should refer to information about the clinic in the Queen's Legal Aid chapter, and discuss any potential conflict of interest with the senior clinic lawyer.

RECOMMENDED LAW-320 Evidence, LAW-404 Criminal Procedure.
4 credits per term, two terms
Instructors: Charlesworth, Mills

LAW-562 Collective Agreement and Arbitration

The collective agreement establishes the legal framework that governs the ongoing relationship between the employer, the union, and the unionized workforce. Grievance arbitration is the special mechanism that provides for the enforcement of this framework. This course examines some of the most important areas of arbitral jurisprudence and the main areas of interface between the arbitral process and the general legal process. Examples of topics to be covered are discipline and discharge, seniority, management rights, the remedial powers of arbitrators, the impact of external legislation, and evidentiary and procedural issues.

PREREQUISITE LAW-560 Labour Law.
3 credits, seminar, winter term (twice a week for six weeks)
Instructor: Carter, D.

LAW-441 Commercial Law

This course will focus on domestic and international commercial sales transactions, considering domestic sale of goods doctrines (in particular the Ontario Sale of Goods Act), international instruments governing cross-border commercial transactions, payment systems, delivery terms, agency/commercial responsibility, and anti-corruption legislation.

3 credits, lecture, winter term
Instructor: Karton

LAW-221 Comparative Constitutional Law

In this course we will begin by examining the purposes and limits of comparative analysis in the field of constitutional law. We will then turn to a series of normative questions, assess how a variety of jurisdictions have addressed these, and reflect on the Canadian experience in light of this comparative assessment. Among the particular issues we will address are the following:

What texts, norms and practices make up a constitution? Why does a constitution have a continuing claim to legitimacy? What claims to institutional competence and legitimacy can the executive, legislative and judicial branches make? What theories of interpretation should be available to courts adjudicating constitutional claims? How do cultural, structural and institutional contexts shape the content and scope of rights? Why and how do jurisdictions structure themselves as federal states?

3 credits, seminar, winter term
Instructor: Newman

LAW-446 Competition Law

Competition law promises to be a fundamental government tool of business discipline in the global economy of the 21st century. This course examines the fundamentals of Canadian competition law, including its rationales, constitutional roots, enforcement mechanisms, as well as substantive provisions of the *Competition Act*. Contemporary hot topic, such as the efficiency defense in merger cases, predatory pricing, exclusionary practices and international issues will also be examined.

3 credits, seminar, winter term
Instructor: Eatrudes et al

LAW-473 Competitive Moot Court

Queen's Faculty of Law regularly sends a moot team to several national and international moot competitions (listed in Programs of Study - Moots and Oral Advocacy - Competitive Moots). Upper year students have the opportunity to earn academic credit for representing Queen's on one of these teams. An internal moot competition is held in the fall to select team members. Successful candidates may enroll in LAW-473 Competitive Moot Court for three credits to be graded on a letter grade basis by the faculty supervisor upon completion of the moot. LAW-473 must be added during the period for adding and dropping winter term J.D. courses (see Programs of Study – J.D. Program - Course Selection - Adding and Dropping Assigned Courses).

3 credits, winter term

LAW-495 Competitive Moot II

Students who successfully try out for a place on a competitive moot team for the second time may receive academic credit a second time by enrolling in LAW-495 Competitive Moot II. To qualify for LAW-495, they must moot on a different team than in the previous year. LAW-495 must be added during the period for adding and dropping winter term J.D. courses (see Programs of Study – J.D. Program - Course Selection - Adding and Dropping Assigned Courses).

3 credits, winter term

LAW-550 Conflict of Laws

A study of the circumstances in which the usual solutions to legal problems are modified because of the existence of significant foreign elements, for instance, a person living, an event happening or a thing being

located in another province or country. The course covers three general areas. First, the circumstances in which courts take jurisdiction in cases having foreign elements; second, the circumstances in which courts recognize foreign judgments as decisive of questions in dispute; third, the circumstances in which courts modify ordinarily applicable law because of different foreign laws. Problems covered come mainly from family law, property, contracts, torts and succession.

Recommended for students in third year

3 credits, lecture, winter term
Instructor: Bailey

LAW-468 Copyright Law

The law of copyright, that is, the protection of artistic, musical, literary, dramatic and other works under the federal Copyright Act. The course provides an introduction to the wider field of Intellectual Property, including consideration of the relation of Copyright to other specific fields of intellectual property law such as Patent, Trademark and Industrial Design, and Copyright's relation to common law and equitable rules governing Unfair Competition. The topics covered will include some or all of: fundamental principles of copyright, subject matter of copyright protection, ownership of, and dealing with copyright including the collective administration of copyrights, the extent and nature of protection including 'moral rights', and 'neighbouring' rights. As well as the historical and contemporary importance of the traditional forms of protected works, the course will address the impact of changing technology, particularly computers and the Internet, on copyright theory and application. Topics will also include consideration of copyright law reform processes and proposals, and the international copyright regime, particularly as found in the Berne Convention and the work of the World Intellectual Property Organization.

3 credits, lecture, fall term
Instructor: Freedman

LAW-512 Corporate Finance

This seminar will examine the public interest and the lawyers role in assisting an enterprise to raise money to finance its existing or proposed activities. The legal entity or entities which may be used to carry on the enterprise and raise the money, whether an individual, partnership, private corporation, public corporation, not-for-profit corporation, co-operative, trust or combination of entities, and the consideration to be given in exchange for the money, will be reviewed. Sources of money, including family, friends, community, governments, fourth pillars, angels, venture capitalists, mutual funds, pension funds, banks, insurance companies and other financial institutions, and the manner in which investments by them may be structured and regulated, will be analyzed through seminar presentations. The seminar will include both theoretical review and the application of theory to case studies. Seminars will include introductory lectures (it is assumed students do not have undergraduate degrees in business or finance) and student-led presentations and discussions of third party materials and their own work.

PRE-REQUISITE: LAW-440 Business Associations. LAW-448 Securities Regulation recommended but not required.

3 credits, seminar, winter term
Instructor: Connidis, J.

LAW-511 Corporate Taxation

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.
3 credits, seminar, winter term
Instructor: Tobias

LAW-399 Crime, Fault and Responsibility

This course will explore the role of law as a coercive institution. In particular, we will focus on the most drastic and most obvious institution of state coercion – the criminal law. In order to understand this role better, we will explore two related themes: the primacy of legal rules and the secondary, supporting function of punishment; and the importance of ideas of fault and responsibility in criminal law.

In order to understand the later discussion of punishment, fault and responsibility, we will begin with an introduction to the structure of law as a system of rules. We will distinguish traditional notions of punishments as threats (Austin) or prices (Holmes) and the response of H.L.A. Hart in *The Concept of Law* emphasizing the centrality and independence of legal rules. We then move to the central problems concerning fault and responsibility in Canadian criminal law. We will focus particularly on two issues: the application of objective fault standards and the appropriate structure of defenses such as self-defense, duress and necessity. In this discussion, we will also consider how and why we ought to treat the concept of fault differently in the criminal and civil contexts.

3 credits, seminar, fall term
Instructor: Thorburn

LAW-404 Criminal Procedure

Procedural dimensions of the criminal justice system are critically examined. The pervasive impact of the Charter is fully integrated and assessed. The pre-trial section includes police power to search and arrest, legal and illegal police discretion, show cause hearings (bail), the right to counsel, prosecutorial powers and discretion and plea bargaining. Trial topics are jurisdiction, election, formal objections, joint trials, pleas, the doctrine of included offences, double jeopardy, preliminary inquiries, direct indictment, discovery and the unique features of trial by jury. At the post-trial stage, sentence and appellate options and the prerogative writs are briefly explored.

4 credits, lecture, fall term
Instructor: Stuart

LAW-640 Elder Law

This course covers the legal implications of an aging population, bringing together selected issues drawn from a number of areas of law to explore common themes and practical problems. The course will cover a diverse range of issues including health and long-term care planning, access to public benefits and the question of equal entitlement, surrogate decision-making, legal capacity, obligations of support and maintenance, and physical and financial abuse.

Prerequisites: None, but any of Health Law, Family Law, or Wills and Estates are recommended.

3 credits, seminar, winter term
Instructor: Freedman

LAW-567 Employment Law

The Supreme Court of Canada has acknowledged that the contract of employment is "unique", and governs a "special relationship" between the employer and the individual non-unionized employee. This course will explore central issues and themes in employment law, and will focus on the following topics: 1) the formation of the employment contract; 2) employee or independent contractor?; 3) who is the employer?; 4) the impact of legislation upon the employment relationship (The course will focus on employment standards, pay equity, and human rights legislation); 5) termination of the employment relationship including wrongful dismissal, just cause termination; 6) the rights and remedies available to employees (including a comparison of the federal statutory regime with the provincial regime). If time permits, there will be a discussion of issues pertaining to employees with disabilities including a discussion of the workers' compensation and occupational health and safety legislative regimes.

3 credits, lecture, fall term
Instructors: Regenbogen and Goodman

LAW-517 Environmental Protection Law

This seminar focuses on the conceptual foundations of environmental protection law. We will examine and challenge the principles that underpin environmental legislation and policy, and consider competing models and theories. What does "protect the environment" mean? Why does ecosystem decline occur? What kind of legal mechanism could prevent it? Are the mechanisms now applied suitable to the task? If not, why not? What are the alternatives? Topics to be discussed include ecosystem management, environmental regulation, and civil liability for environmental harm. The emphasis will be on confronting the central dilemmas in environmental law and policy.

3 credits, seminar, winter term
Instructor: Pardy

LAW-645 Estate Litigation

This seminar will explore the substantive, procedural, and practical issues relating to litigating claims by and against estates. Topics include will challenges, unjust enrichment claims, challenges to gifts, dependant support claims, and undue influence of elder persons. As this seminar meets the advocacy requirement for upper year course selection, the discussions will be focused on how to advocate these claims effectively before the courts and how to address the emotional issues relating to a grieving client. Students will work in teams.

3 credits, seminar, winter term
Instructor: Griesdorf

LAW-546 European Union Law

This course examines the constitution and laws of the European Union (EU). The EU embraces 27 member states with a population of half a billion people. EU Law challenges traditional distinctions between international and domestic law, and orthodox assumptions about sovereignty and national identities. It is based upon treaties between sovereign states, but it creates institutions and laws that have profound and direct implications for domestic law and governance within member states. We will examine the constitutional structure of the EU, the role of the European Court of Justice in the interpretation of the EU treaties, the relationship between EU Law and the domestic laws and courts of member states, the development of laws relating to the free movement of workers, goods, capital, and services, the development of an EU jurisprudence on human rights and its relationship to domestic and international

human rights norms and mechanisms, and EU efforts to develop common immigration, security and foreign relations policies. Knowledge of EU Law is important for anyone interested in international trade and business law and/or public international law, including international human rights law.

3 credits, lecture, winter term

Instructor: Walters

LAW-320 Evidence

What are the objectives and what is the structure and content of the law governing judicial proof? As part of an allegedly rational system, how far are the rules consistent in principle and how do they work together? The course covers the common law of evidence, both civil and criminal, as it has been affected by legislation. Specifically, matters to be discussed include competence and compellability of witnesses, rules relating to the examination of witnesses, corroboration, burdens of proof and presumptions, judicial notice, illegally obtained evidence, privilege, hearsay, character, opinion, documentary and real evidence. Some attention will be devoted to the impact of new scientific knowledge and fact-finding techniques upon the system of judicial proof.

4 credits, lecture, one term

Instructors: Dufraimont, fall term; Manson, winter term

LAW-520 Family Law

An introductory course concerning the basic principles governing the formation, operation and dissolution of the family in Canada. Specific topics to be considered are validity and annulment of marriage, rights and obligations of persons who cohabit outside marriage, gay and lesbian relationships, domestic contracts, domestic violence, support, custody and access to children, the law of divorce and ownership, possession and division of matrimonial property. Most attention will be paid to the law applicable in Ontario, but where appropriate, references and comparisons may be made to developments in other provinces and countries. There is substantial similarity in the family law of Canada's common law jurisdictions.

The primary focus of the course will be upon substantive legal principles, as developed by the legislatures and courts. Consideration will also be given to a variety of tactical, ethical, procedural and evidentiary issues as well as to questions of law reform. Tax implications of some situations will be discussed, but no background in this area is necessary. The psychological dynamics of matrimonial disputes will receive some attention as well.

4 credits, lecture, one term

Instructor: Bailey, fall term; Maur, winter term

LAW-552 Fiduciary Obligation

Fiduciary Obligation will explore the rapid escalation to its current prominent status in modern Canadian jurisprudence. The course will trace the concept from its ancient origins in Equity to its ubiquitous presence in all areas of commercial, corporate, private and governmental law. Commencing with a discussion of the concept itself, the course will endeavour to deal with several distinct areas where the relationships have as their underpinnings a fiduciary duty: agent (real estate, stock brokers, promoters), solicitor-client, corporate (directors, officers, employees), private (clergy, teachers, family), governmental (aboriginal affairs, elected officials), etc. The course will conclude with an in depth discussion of the remarkable remedial power where the duty of utmost good faith applies and the courts' use of such equity-based power.

3 credits, lecture, fall term
Instructor: Ellis

LAW-687 Freedom of Information and Privacy

This course will explore the concept of freedom of expression and its boundaries, including limitations imposed on racist speech, hate speech, defamatory speech and indecent speech (pornography). We will look at least briefly at (or you may explore through a term paper) a wide range of other issues: access to media; commercial free speech; copyright and free speech, etc. Is freedom of expression an overvalued concept? What are the limits, and what policy interests do these limits serve? There will be substantial emphasis on the decisions of the Supreme Court of Canada, and on the strengths and weaknesses of the approach taken by the SCC to Section 2(b) of the Charter.

2 credits, seminar, fall term
Instructor: Mackenzie

LAW-307 Health Law

The course will provide an overview of fundamental legal issues in the field of health care. Beginning with the doctor-patient relationship, we will examine informed decision-making and the changing dynamics of medical practitioners and patients. This part of the course focuses on treatment decisions, substitute decision-making and medical malpractice. Following this we will explore questions in particular areas such as regulation of health professionals, construction of disease, reproduction and genetics, and confidentiality. In the course we will consider the extent to which core legal values are achieved in the health law area and analyze the impact on medical practice of legal practices and structures.

3 credits, seminar, fall term
Instructor: Peppin

LAW-522 Human Rights

Canada has ratified over thirty international instruments relating to human rights. This course will examine the nature and extent of domestic human rights protection with reference to these international commitments. This examination will be undertaken with reference to the full range of human rights as envisaged in the Universal Declaration of Human Rights and recently reaffirmed in the Vienna Declaration. The legal structure of Canadian human rights protection, its scope and its deficiencies, will be considered at the Constitutional and at the Federal and Provincial statutory levels. Among topics to be considered will be: the relation between the Charter of Rights and Freedoms and Canada's international human rights commitments; the relation between federal and provincial human rights statutes and Canada's international human rights commitments; the possible uses of these international instruments in domestic litigation; the role of these international instruments in judicial decision-making; the legal implications of these commitments for government decision-making; the issue of the domestic justiciability of human rights; and, access to international human rights adjudication.

3 credits, seminar, one term
Instructor: Corbett, winter term

LAW-570 Images of Doctors and Lawyers

This seminar, open to 12 law and 12 medical students, uses literature (novels, short stories, plays, memoirs) to explore how each of these professions thinks of itself: their conceptions of professionalism, of

professional ethics, of the skills required to practise law and medicine, as well as to explore how the two professions think of each other. The focus will be on doctors and lawyers, not on pathology.

3 credits, seminar, winter term
Instructor: Weisberg

LAW-474 to LAW-493

Individual Supervised Project

Under faculty supervision, a student may be permitted to undertake the following: several short writing assignments in a program of independent study, the nature of the work to be agreed upon between the faculty supervisor and the student; a significant written project which, if satisfactorily completed, may fulfil the Substantial Term Paper Requirement (NOTE that this option is made available primarily for those students who wish to do research in a subject area for which no course is available); or a program of individualized study, the nature of the work to be agreed upon between the faculty supervisor and the student which may involve the writing of a paper or any other work (such as clinical work or involvement in test case litigation) that the supervisor agrees is appropriate. Students require prior approval of the faculty member for any individual supervised project.

A student may enrol in one Individual Supervised Project per term, for a maximum of four over the course of upper year study. The student must submit to the Manager, Academic Programs, a completed Approval Form for Supervised Projects and Competitive Moot signed by both the student and faculty supervisor. This approval form is available from the Student Services Office and online at http://law.queensu.ca/students/LLB_Program/supervisedprojects&competitivemootsform.htm.

An Individual Supervised Project is normally weighted at 2 credits (or with permission of the instructor may be 3 to 6 credits and spread over one or two terms). Course numbers for Individual Supervised Projects vary with the number of credits assigned to the project and with the number of projects completed at the same credit level.

LAW-443 Insurance

The course prompts an examination of fundamental issues in insurance law in a prescriptive way, relevant to today's lawyers. Insurance law is really a melding of contract principles with tort claims and so necessarily draws on the analytical foundation from both major areas of law. Really, insurance law is often about seeking compensation for a person in the wrong place at the wrong time. This course aims to provide a working knowledge of the terminology and doctrine in a variety of insurance law spheres: automobile, liability, property, life, health and disability insurance. Particular emphasis is placed on controversial issues in insurance contract interpretation. Liability of brokers and agents will also be discussed. Special topics also covered include how natural disasters, terrorism, and the 9/11 World Trade Center disaster affect insurance law; problems with concurrent causation; and viatical settlements (selling life insurance to a third party).

3 credits, seminar, fall term
Instructor: Knutsen

LAW-410 International Criminal Law

This course explores the rapidly developing discipline of international criminal law (ICL), i.e. international efforts to prosecute individuals responsible for genocide, crimes against humanity and war crimes. We will examine: the major institutions, the politics that shaped them, and how they in turn shape politics; definitions of crimes; principles and defenses; issues of transitional justice, amnesties and truth and reconciliation; and

the major controversies and perspectives on ICL. The course supplements traditional instruction methods with considerable emphasis on active and interactive learning. Accordingly, seminars will include lecture, interactive discussion, videos, exercises and simulations.

3 credits, seminar, winter term
Instructor: Robinson

LAW-454 International Economic Law (formerly International Trade and Investment Law)

As globalization gathers momentum, international laws governing how nations trade and invest across borders are increasingly important. Such laws increasingly limit government actions and affect peoples daily lives (and provide work for lawyers!)

This course introduces international trade and investment laws. The course focuses on the World Trade Organization (WTO) laws on international trade, the application of those laws in Canadian law and the North American Free Trade Agreement (NAFTA) laws on foreign investment.

The course teaches the practical application of these laws through examining key cases. We will also examine the common principles underlying international trade and investment laws and criticism of those laws.

3 credits, lecture, fall term
Instructor: Gallus

LAW-538 International Environmental and Resource Law

International environmental and resource governance presents some of our most pressing current policy issues. This course will examine potential frameworks for resolution of international environmental and resource problems and the role for law and legal institutions. We will examine a variety of legal approaches, including treaty-based international law, customary international law, and rights-based environmental claims. We will also consider how international environmental and resource law intersect with other international legal regimes (GATT/WTO), the global activities of non-legal norm-setters, such as multinational enterprises, and consider how international and domestic law relate within this field.

3 credits, lecture, winter term
Instructor: Metcalf

LAW-559 International Labour Law

The course focuses on international labour law as a response to globalization. It will introduce students to the main legal and policy issues surrounding labour law in the international context. Topics will include the multilateral system of workers rights (the International Labour Organization and international human rights conventions), regional systems of worker rights (the European Union, the NAFTA), the relationship between labour standards and international trade law, and corporate social responsibility and codes of conduct as alternatives to international legal regulation of work.

3 credits, seminar, winter term
Instructor: Banks

LAW-540 International Law

This is an introductory course in which we will examine the expanding role of public international law in international and domestic affairs. We will discuss the foundations of international law, including the sources of international law, questions of jurisdiction over territory and persons, international organizations (the United Nations) and international courts. We will then examine selected topics such as state responsibility, immunities, international criminal law, human rights and restraints on the use of military force. The course examines not just the relevant rules but how to analyze problems and to construct successful legal arguments using international legal tools, in a milieu where power, politics and principles are in constant interplay.

3 credits, lecture, winter term
Instructor: Robinson

LAW-622 International Norms of Minority Rights

For much of the postwar period, international law contained few if any provisions specifically targeted at the protection of ethnocultural minorities. In recent years, however, particularly since 1990, there has been an explosion of interest in codifying minority rights, both within the United Nations and within regional bodies, such as the Council of Europe or the Organization of American States. This course will consider a number of issues by these developments, including (a) why minority rights emerged as a priority for the international community in the post-Cold War era; (b) the categories that are used to identify different types of minorities, such as 'indigenous peoples', 'national minorities', and 'migrant workers', and how these are viewed as raising different types of challenges; and (c) the consequences, both intended and unintended, of this process of codifying international minority rights norms on state-minority relations around the world. More generally, the course will attempt to identify the progressive potential in this process, but also some of the moral ambiguities and political complexities involved.

1 credit, seminar, fall term
Instructor: Kymlicka

LAW 506 - International Taxation

International Tax overviews the essential elements of the Canadian international income tax system, including tax issues surrounding investing in foreign countries and foreign investments into Canada. Tax planning for international e-commerce activities will comprise a significant element of the course.

3 credits, seminar, fall term
Instructor: Cockfield

Law 688 International Trade Litigation

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

2 credits, seminar, fall term
Instructor: Behboodi

LAW-310 Jurisprudence

This course will provide a historical over-view of some of the main currents in recent legal theory in the English-speaking world. We will begin with a very brief over-view of some of the best-known works on legal theory from centuries past (St. Thomas Aquinas and the natural law tradition, John Locke and "natural rights," Jeremy Bentham and utilitarianism, John Austin and legal positivism). We will then examine the writings of four of the best-known recent writers in Anglo-American jurisprudence: H.L.A. Hart, Lon L. Fuller, Ronald Dworkin and Joseph Raz. We will follow some of the most important debates between these writers such as (1) the nature of a legal system; (2) the authority of law; (3) adjudication; (4) legal and moral rights; and (5) the rule of law. Finally, we will examine some of the more important critiques made in recent years of existing legal systems: law and feminism, critical race theory and critical theory.

3 credits, lecture, winter term
Instructor: Thorburn

LAW-494 Labour: Individual Study

For MIR/J.D. combined degree students only - Individual Supervised Project to be undertaken and completed in the winter term of the graduating year involving a topic related to their cooperative work placement; minimum credit weight of 4 credits.

LAW-560 Labour Law

This course is a survey of the law of labour-management relations, with emphasis on collective bargaining in the private sector. It will first consider the purposes, regulatory strategies and functions of labour law as a form of regulated market ordering. It will then provide an overview of the legal background and context of collective bargaining, including constitutional divisions of powers, the common law contract of employment, and regulation of the individual employment relationship. It will review the key elements of the law of collective bargaining (acquiring and terminating bargaining rights, protection against unfair labour practices, duty to bargain, regulation of strikes, lockouts and other industrial disputes, arbitration of differences under collective agreements, protection of individual rights and interests), focusing on Ontario legislation and the freedom of association provisions of the Canadian Charter of Rights and Freedoms. Finally it will briefly survey how the new economy - including globalization and major changes in the Canadian economy and society - are reshaping labour law at the domestic and international levels today.

4 credits, lecture, fall term
Instructors: Banks

LAW-460 Land Transactions

In this course, we will study transactional problems relating to the sale and the development of commercial and residential land (e.g. defects in title, financing, tragedies of the anticommons), and the devices in law for overcoming some of these problems (including land registration and recording systems, the law of priorities, title insurance, the law of mortgages).

3 credits, lecture, fall term

Instructor: Katz

LAW-628 Law and Courts in South Africa

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.

1 credit, seminar, fall term

Instructor: Justice J. van der Westhuizen

LAW-302 Law and Development

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.

3 credits, seminar, winter term

Instructor: Katz

LAW-328 Law and Economics

The interaction between economics and law has provided a theoretical perspective that has significantly influenced the way that law is conceptualized and analyzed. The tools of economic analysis also provide one means of critically examining the way that law functions and thinking about how we might want to design laws to better achieve the social objectives that underpin them. This course will involve both study and critique of the law and economics approach.

The course will introduce students to the central tools and concepts of law and economics. We will begin with a brief introduction to some basic economic theory and move on to study the application of law and economics analysis to particular problems in a variety of substantive legal domains. Applications in the area of property, tort, criminal, environmental law and equality rights, among other substantive domains, will be considered.

3 credits, seminar, fall term

Instructor: Metcalf

LAW-516 Law and Sexuality

This interdisciplinary seminar is being offered to students from all faculties. The course will focus on the legal status and civil rights of lesbian women, gay men, and other sexual minorities in Canada and other countries. It will include a consideration of employment law, estate planning and property rights of lesbians and gays, domestic law relating to same-sex relationships and partnership benefits, violence against lesbians and gays, race, gender and discrimination/constitutional law. The emphasis in the seminar will be on the development of a multi- and interdisciplinary perspective on this area of study, and will employ traditional research resources as well as emerging computer resources in the collection of materials. The course will be suitable for non-law students who have an interest in the contemporary or historical status of lesbian women, gay men and other sexual minorities, and previous study of law will not be required for enrolment.

3 credits, seminar, fall term

Instructor: Lahey

LAW-533 Law, Gender, Equality

This interdisciplinary seminar seeks to engage the challenges of developing strategies for advancing the equality of women which are responsive to the ways that systems of oppression such as racism, capitalism, ableism, heterosexism and imperialism interact with gender oppression. From readings that analyze inequalities among different constituencies of women and that model alternatives to essentialist, exclusionary or privileged theorizing, we will explore three related issues: how to construct genuinely egalitarian theories, practices and coalitions; and whether and how law can or should be used to advance all women's equality. These three issues will be discussed in relation to one or more current feminist legislative or litigation initiatives.

3 credits, seminar, winter term

Instructor: Hanson

LAW-334 Legal Ethics

A course exploring how we might conceive the ethical obligations of a lawyer. Questions addressed include: what a lawyer should do; what a lawyer should be; whether it is possible to be a lawyer and a good person. The primary method of exploration will be through stories, not rules. Materials include 2 novels (To Kill a Mockingbird and The Remains of the Day), short stories, memoir, film, and some philosophically oriented readings. Classes will proceed by small and large group discussion, not lecture.

3 credits, lecture, winter term
Instructor: Weisberg

LAW-332 Legal Imagination

A writing course exploring what one can learn and say about the legal imagination; what it can mean to learn to think and speak like a lawyer. Text: James B. White, *The Legal Imagination*

3 credits, seminar, fall term
Instructor: Weisberg

LAW-222 Legislatures and Legislation

In the study of law, we spend much more time reading cases and seeking to understand judging than reading legislative debates and seeking to understand legislating. This course explores several topics concerning legislation, legislatures and legislators through the lens of the ideas of democracy, constitutionalism, deliberation, and interpretation. The course combines research on practical legal issues with a theoretical exploration of law making. The first part of the course involves lectures on the legislative process as well as the various concepts required for the study of legislatures. The second part includes presentations by students. Each student will choose an Act or a group of Acts and will examine legislators' understanding and treatment of legal issues in the process leading to enactment. Students will be evaluated on the basis of their final papers, worth 80 per cent of the course grade, and class participation and presentation, worth 20 per cent of the course grade.

3 credits, seminar, fall term
Instructor: Kahana

LAW-629 Markets, Morals and Methods

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.

1 credit, seminar, winter term
Instructor: Hockett (guest lecturer)

LAW-403 Mental Health Law

This course studies concepts and issues bearing upon health disciplines concerned with the management and treatment of psychiatric disorders, and provides a second-level offering in Criminal Law. Standard areas covered are: (1) a review of the major psychiatric disorders and the techniques of diagnosis; (2) conditions giving rise to claims for exemption or mitigation in criminal proceedings; (3) the uses and abuses of psychiatric and psychological evidence, and the cross-examination of expert witnesses in these disciplines; and (4) competency; civil commitment of the mentally ill, and related issues such as enforced treatment, the so-called 'right to treatment' and confidentiality.

3 credits, seminar, fall term
Instructor: Hanson

LAW-335 Negotiation

The purpose of this seminar is to improve the negotiating skills of participants by having them engage in a systematic analysis of the process of negotiation and by involving them in a series of actual negotiating situations with extensive coaching and de-briefing. Topics to be covered will include understanding one's own negotiation style, analyzing problems, defining and uncovering interests, developing options, brainstorming, joint problem-solving, using fair standards, dealing with "hard bargainers" and understanding the norms and ethics which are part of the negotiating process. Negotiation role-plays will be taken from all areas from the simple to the more complex.

3 credits, seminar, winter term
Instructor: Crush

Note: Students cannot enrol in more than one of either Alternative Dispute Resolution, Client Counselling and Dispute Resolution, or Negotiation as there are subject areas common to both.

LAW-681 Occupational Safety, Health and Workers' Compensation Law

Workplace health is a principal concern of industrial relations practice and generates considerable risk and liability for organizations. This course examines occupational safety and health (OSH) and workers' compensation law, policy, administration and compliance. With a focus on industrial relations practice, the course addresses the purpose, economic rationale, business value and human resource implications of how the state regulates health in the workplace. The course examines occupational safety and health and workers' compensation systems, addressing such issues as OSH standards, due diligence, prosecutions, workplace injury and disease (for example, cancers and SARS).

3 credits, seminar, winter term
Instructor: Law

Law-691 Osler Business Law Symposium

The course is an advanced business law seminar based on the Osler, Hoskin & Harcourt LLP Distinguished Lectures in Business Law. Students will study and discuss influential readings on the topics of the Distinguished Lectures as well as drafts of the lecture papers. The Distinguished Lectures are given on topics of great contemporary importance by leading business law scholars from around the world. Recently, these topics have included: shareholder primacy and the theory of the corporation; corporate governance reform in the wake of crisis; and comparative analysis of business trusts in the United States and Canada. Our Distinguished Lecturers have included Profs. William Bratton (Georgetown), Roberta Romano (Yale) and Robert Sitkoff (Harvard).

Pre-requisite: Law 440 - Business Associations (may be waived by letter of permission from the Instructor)

3 credits, seminar, winter term
Instructor: Miller

LAW-447 Patent Law

Patents are one of the most important assets of many modern businesses, and a policy tool to stimulate innovation. This course focuses on Canadian patent law and its interplay with international agreements and obligations. The legal basis for patent protection and the requisites to patentability - patentable subject matter, novelty, non-obviousness, and utility will be explored. The requirements of the patent specification, patent claims and the role of the patent office will be examined. The course will also consider issues surrounding the commercialization and enforcement of patent rights. Additionally, more specialized topics will be touched upon, including patented medicines and the procurement and enforcement of patent rights in other jurisdictions.

3 credits, seminar, fall term
Instructor: Zischka

Law 564 Pensions and the Law

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.

3 credits, seminar, fall term
Instructors: L. Mills/ R. Arbour

LAW-364 Personal Injury Advocacy

This course will focus on the various elements of advocacy involved in personal injury actions. Particular emphasis will be placed on practical application of trial techniques, strategies and key concepts for jury lawyers. Each week, students will develop their skills by applying these concepts to various cases in the instructor's law practice. Students will be active participants in the process throughout. At the conclusion of the course, students will be able to analyze any fact scenario and consider how to incorporate the key concepts into presenting an effective case before a jury. Students will learn how jurors make decisions and how that bears upon the preparation and presentation of evidence at trial. Personal injury litigation involves ingenuity, intelligence and instinct. It is not about learning the law. It is learning to be a lawyer.

3 credits, seminar, winter term
Instructor: Vigmond

Law-630 Personal Property Security Act

"When borrowing money, a lender often requires that the borrower (or debtor) to give them security over some form of personal property. After a borrower (or debtor) grants such a security interest, that property becomes collateral that the lender uses to secure repayment of the loan. This course is designed to familiarize the student with the practical application and basic concepts of taking security in personal

property. The focus will be on commercial loan transactions rather than on consumer loan transactions. The important features of the *Personal Property Security Act* (Ontario) will be examined, including the mechanics of the registration system; the creation of security interests; the perfection of security interests; priority between competing interests; the rights of the borrower (or debtor); and the remedies of the lender (or secured party). This course will be taught by sessional instructors Marlin Horst and Tilly Gray, and will include the participation of other lawyers from Cassels Brock & Blackwell as guest speakers."

1 credit, seminar, winter term
Instructor: T. Gray/M. Horst

LAW-304 Public Health Law

Public Health Law has emerged recently as a distinct field, as the threat of contagious diseases such as SARS has grown with globalization, and as tobacco, food and drug-related illnesses, and the environment have been recognized as significant factors affecting human health. This course examines the role of law in promoting public health and its core value of social justice. Collective protections such as those found in the revised International Health Regulations will be examined in relation to individual rights, including rights to the benefits of such health promotion activities. By analyzing such questions as mandatory immunization, advertising limitations, compulsory disclosure of personal information, quarantine and the use of emergency powers to counter biological warfare, the course explores the intersection of health, law and policy, provides a foundation of legal understanding of Canadian and global health law, and assesses the legal role in promoting the fair and equitable conditions necessary for public health.

3 credits, lecture, winter term
Instructor: Peppin

Law 435 Public Law Advocacy

This advocacy course covers advocacy before, and judicial review of, federal boards, commissions and other tribunals. While the course will include lectures on substantive issues such as the procedural process for judicial review and the remedies available on judicial review (such as certiorari and mandamus), the course will focus on learning by doing. Students will prepare documentation for motions and applications, including an application for judicial review.

Pre-requisite: Law 427 Administrative Law

3 credits, seminar, winter term
Instructor: B. Mills

LAW-496 Public Service: Individual Study

For MPA/J.D. combined degree students only – Individual Supervised Project to be undertaken and completed in the winter term of the graduating year involving a topic related to their cooperative work placement; minimum credit weight of 4 credits.

LAW-438 Queen's Business Law Clinic

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)

4 credits per term, fall/winter term
Instructor: Kissick

LAW-587, LAW-588 and LAW-589 Queen's Law Journal

The Queen's Law Journal is a refereed periodical devoted to the advancement of legal scholarship. Published twice annually, the Journal contains articles by academics, practitioners, judges, and some exceptionally high-quality student writing. The Journal offers training and experience in legal research, critical analysis, and precise writing.

The Journal is managed and edited by a board of student editors under the supervision of a faculty advisor. The editorial board is directed by six senior editors: the editor-in-chief, the managing editor, the planning editor, the production editor, the articles editor, and the submissions editor. Twelve additional students round out the editorial board. Editors are chosen for their academic excellence, relevant experience, and writing ability. The editor-in-chief receives 6 credits (LAW-589), the other senior editors receive 6 credits (LAW-588) and the associate editors receive 4 credits (LAW-587) upon successful performance of editorial and production duties. Editorial positions with academic credit are open only to second and third year J.D. students and to LL.M. students, but first year J.D. students are encouraged to become involved to familiarize themselves with the Journal.

Note: Students have been selected for 2009-10.

LAW-591 and LAW-592 Queen's Legal Aid Student Leadership

Queen's Legal Aid provides legal assistance to low-income area residents and to students at Queen's University. It also provides clinical legal experience to law students, helping them develop skill and confidence as legal professionals. Operating largely as a poverty law clinic, Queen's Legal Aid typically

assists with criminal and quasi-criminal offences, landlord/tenant disputes, creditor/debtor matters, employment claims and income maintenance problems.

Under close supervision by clinic lawyers, law students interview and counsel clients, research legal issues, draft legal memoranda, provide legal opinions, prepare pleadings, negotiate settlements and participate in trials before criminal and civil courts, as well as hearings before administrative tribunals. Approximately eighty students work on clients' files during the academic year. Up to twelve students are hired to take responsibility for the files from May through August. In the academic year following their summer employment, these students take on mentoring and administrative responsibilities and are eligible for academic credits as student leaders of Queen's Legal Aid.

Second year students can obtain credits by registering in LAW-591. Third year students can obtain credits by registering in LAW-592. These credits are optional. They can either be allocated to one term or divided between two terms. They can also be accumulated during both second and third year law.

Students interested in these credits should refer to information about the clinic in the Queen's Legal Aid chapter, and discuss any potential conflict of interest with the senior clinic lawyer.

2 credits, fall and/or winter term
Instructors: Bartley, Charlesworth

LAW-575 Racism and Canadian Legal Culture

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.

3 credits, seminar, fall term
Instructor: Kissoon

LAW-314 Remedies

This is a course on civil judicial remedies. The primary focus will be on current problems and issues in the law of damages, but equitable remedies will also be discussed. You have encountered judicial remedies in earlier courses, such as contract and tort, which treat the topic as an adjunct to the study of particular substantive causes of action. In this context remedial questions are usually overshadowed by the study of substantive primary rights. This is unfortunate since remedial problems are among the most interesting and practically relevant in the law. Through a close analysis of remedial principles this course will enrich your understanding of the basic areas of private law.

3 credits, lecture, winter term
Instructor: Pratt

LAW-448 Securities Regulation

This course examines the regulation of the Canadian capital markets. The course focuses on a number of specific issues such as disclosure obligations, the exempt market, public offerings, registration, self-regulatory organizations and enforcement issues. The course will examine the regulation pertaining to certain acquisition transactions such as take-over bids and going-private transactions. A main objective of the course will be to analyze the legislation and relevant case law with a view to developing an

understanding of the rationale underlying securities law. A further focus of the course will be to discuss the law from a critical perspective to discern areas in which the regulation may be improved.

PREREQUISITE OR COREQUISITE LAW-440 Business Associations.

3 credits, lecture, fall term
Instructor: Grant

LAW-416 Sentencing and Imprisonment

This course will look primarily at three aspects of “Sentencing and Imprisonment”: (1) The Principles of Sentencing: Philosophical and Empirical Perspectives; (2) The Law of Sentencing in Canada; and (3) Judicial Remedies for Convicted Persons. Time permitting, specific topics like Murder, Preventive Detention and Aboriginal Offenders will be looked at. The course will follow a lecture/discussion format and the (2008) Second Edition of “Sentencing and Penal Policy in Canada” will be used.

3 credits, lecture, fall term
Instructor: Manson

LAW-305 Social and Economic Rights

For many years, most constitutional case law and literature have discussed negative rights. That is, rights which citizens have against the state, the best example being freedom of expression.

In the past few decades, a new realm of constitutional rights has emerged, known as social and economic rights. Here the emphasis is not on what the state cannot do to a citizen, but what the state is obligated to do for a citizen. Does it owe her health? education? a job? housing? If so, how much of these? Must the state prevent poverty? If such duties exist, should they remain moral duties or should they be entrenched in the constitution and become constitutional duties? If they become constitutional duties, should they be self-enforced by the legislature or should they be enforced by courts? Are courts capable of enforcing such rights? Should they enforce such rights, which will involve regulating the economy?

This course will explore these questions mostly through studying case law. In Canada, we will look at several constitutional provisions, most prominently ss. 7 and 15 of the Charter. In addition, we will take a bit of a comparative journey, looking at cases from different countries (such as Germany, South Africa and Israel) dealing with matters such as providing housing for children, guaranteeing minimum income, litigation about the rights of prisoners not to be sent to a privatized jail, and litigation about providing very expensive medical treatment to people in need.

To the extent possible, the course will not take an ideological standpoint, and students with all types of political convictions are welcome to join us, including students whose hearts are on Bay Street, students who want to work for the United Nations, students who want to work on Bay Street and the United Nations, and students who are not sure what they want. Indeed, one of the questions we will discuss in this course is whether it is possible to think about these questions in a “legal” rather than “political” way and, if it is, what is the difference between the law and the politics of constitutional rights generally, and of social and economic rights specifically.

3 credits, lecture, winter term
Instructor: Kahana

LAW-508 Taxation

A comprehensive introduction to income taxation and the principles and operation of the Income Tax Act. Some of the topics included in the course are residence, the definition of income, deductions, capital cost allowance, capital gains and the taxation of corporations and their shareholders.

4 credits, lecture, one term

Instructors: Cockfield, fall term; Lahey, winter term

Law-509 Taxation of Trusts and Estates

The course will review the general concepts of how trusts are taxed in Canada, in addition to examining taxes at death and estate taxation. The course format relies on problems which require students to think like lawyers who are advising clients on business and succession planning involving closely held businesses, trusts, and estates. Topics will focus on select technical details of the trust and estate provisions of the *Income Tax Act (Canada)*, including certain corporate rules and attribution rules. The course will also examine related succession planning techniques. Grading is 15 percent class participation and 85 percent final exam. Students should either have taken Basic Tax, or be taking Basic Tax concurrently with this course.

Pre- or co-requisite: Law 508 Taxation

3 credits, seminar, winter term

Instructor: Kerzner

LAW-451 Trademarks and Unfair Competition

This course examines the law of private remedies for the protection of 'trade identity' and related intangibles of commercial value. The focus is the federal *Trademarks Act* and its impact on private rights to regulate the use of trademarks, tradenames and unfair competitive practices. The common law regulation of unfair competition and the law of tradenames under common law and federal and provincial incorporation statutes are also considered. The effect of the international regime on Canadian law, notably through the Paris Convention, and the international regime for protection under the protocol to the Madrid Agreement will be considered.

RECOMMENDED LAW-440 Business Associations.

3 credits, lecture, winter term

Instructor: Magnusson

LAW-360 Trial Advocacy

The learning of skills and techniques of advocacy in procedures such as pre-trial motions, examinations for discovery and examination and cross-examination of witnesses in civil matters. Students will participate in the preparation of materials and the presentation of arguments and examinations, and where possible and desirable, videotape will be used to aid in the evaluation and criticism of students' performances.

3 credits, seminar, fall term

Instructor: Hall

PRE- or CO-REQUISITES: None

LAW-360 Trial Advocacy

The learning of skills and techniques of advocacy in procedures such as pre-trial motions, examinations for discovery and examination and cross-examination of witnesses in civil matters although the skills acquired will be applicable to all types of proceedings, including criminal. Students will participate in the preparation of materials and the presentation of arguments and examinations, and where possible and desirable, videotape will be used to aid in the evaluation and criticism of students' performances.

3 credits, winter term

PRE-REQUISITE: Law-225: Civil Procedure

Instructor: Kamin

LAW-361 Trial Advocacy

This course teaches students all elements of advocacy in a criminal or quasi-criminal trial (developing a theory of the case, opening, examination-in-chief, cross-examination, dealing with exhibits and experts, objections, and closing to a jury) Each week every student will prepare and perform a short skill assignment culminating in a full day mock trial. Videotape will be used to aid in the evaluation and criticism of students' performances. At the conclusion of the course students should have the skills necessary to prepare and conduct a short criminal trial for the Crown or defence.

Pre- OR Co-Requisite: Law 320 Evidence and Law 404 Criminal Procedure recommended.

3 credits, seminar, winter term

Instructor: Hutchison, Burstein

LAW-463 Trusts

The institution of the trust, involving the separation of the control (in trustees) from the beneficial enjoyment of property, is of foundational importance in our law. Trusts concepts and devices are employed in a variety of modern contexts and are also increasingly used in commercial transactions. This course will cover basic doctrine and explore selected areas in further detail: for example, the nature of a trust; formal requirements of trusts; constitution of trusts; secret trusts; trusts, powers and purposes; certainties; property-holding by unincorporated associations; trusts for charitable purposes; some aspects of trustees' powers and duties; variation of trusts; resulting and constructive trusts.

3 credits, lecture, fall term

Instructor: Freedman

LAW-462 Wills and Estate Planning

An introduction to the basic tools of property disposition and management. The first part of the course will focus on the alternatives to testate succession such as gifting, inter-vivos trusts, life insurance, intestate succession, etc. The second part of the course will concentrate on testate succession and various doctrines applicable to wills. Topics such as testamentary capacity, due execution, revocation, various types of beneficiaries, etc. will be considered. The third part of the course will deal with administration of trusts and estates. Such topics as fiduciary duties, even-handedness between beneficiaries, accumulations, etc. will be considered. The course will also deal with taxation issues with respect to the various aspects of estate planning.

3 credits, lecture, winter term

Instructor: Freedman

