

## **Add – Drop Updates for the 2010-11 Academic Year**

**Dated: Aug. 27, 2010**

### **New Courses Added**

#### **Fall 2010**

##### **Law 689 Legality and the Rule of Law**

**Professor Leslie Green** of Oxford, one of the leading legal theorists in the English-speaking world, joins Queen's Law on a part-time appointment as Professor of Law and Distinguished University Fellow in the Philosophy of Law. He will maintain his ongoing appointment at Oxford, where he is Professor of the Philosophy of Law and a Fellow of Balliol College. Additional biographical information can be found at: <http://law.queensu.ca/news/newFaculty2010.html>

During September and October and for at least one shorter period each year, he will participate in the intellectual life of the Faculty while in residence at Queen's Law. He will teach a two-credit seminar course **Law 689 Legality and the Rule of Law** in the fall term and contribute to the graduate program, the establishment of further links with Oxford for students and faculty, and plan new programs at the Bader International Study Centre.

##### **Course Description: Law 689- Legality and the Rule of Law**

This two-credit seminar will explore the nature and value of the rule of law through a critical examination of the work of some contemporary legal philosophers. Among the problems we will consider are the following: What features in a legal system contribute to realizing the rule of law? What is "legality"? What is the relationship between the rule of law and the rule of good law? Is it always a virtue, other things being equal, to apply valid legal rules? How far is the rule of law consistent with the indeterminacy of law or with discretionary decision-making? Is the rule of law, as E.P. Thompson once suggested, an "unqualified human good"? Should the rule of law ever be sacrificed for sake of other goods?

**Course Scheduling:** Tuesdays, Sept. 14, 21, 28 and Oct. 5<sup>th</sup>; Thursdays, Sept. 16, 23, 30 and Oct. 7<sup>th</sup> – 6:00 – 9:00 pm – MAC 400

**Course Method of Evaluation:** 15-20 page paper including prior bibliographic note (4 pgs)

##### **Law 632 Social and Economic Rights in Canada**

This new, one-credit seminar will be offered by Professor Tsvi Kahana in the fall 2010 academic term.

**PLEASE NOTE: STUDENTS WHO HAVE TAKEN LAW 305 SOCIAL AND ECONOMIC RIGHTS ARE NOT PERMITTED TO TAKE THIS NEW ONE-CREDIT COURSE.**

**Course Description:** This course will introduce students to the matter of Social and Economic Rights, an emerging field of law which will soon become a prominent subject of litigation and discussion for both government and private sector lawyers. It therefore creates an exciting opportunity for students to engage in analytical creativity and innovation.

The central constitutional question the course explores is whether, and to what extent, the State has social and economic obligations to its citizen. Problems in this area of the law appear in many forms and contexts. The obvious context is welfare and healthcare, where courts are asked to rule on matters such as reimbursing a patient for an expensive organ transplant abroad, increasing welfare sums, or building low cost housing. But the problem also emerges in matters which initially seem to be pure economic policy. For example, in the past few years, many workers have lost their pensions once their employers went bankrupt because current bankruptcy legislation does not protect their interests in such circumstances. However, if the *Charter* provides for a right to basic security at old age, the state might have an obligation to change the legislation so that the pension plans of retiring employees enjoy a higher priority than other creditors.

Unlike in other areas of constitutional law, the jurisprudence on social and economic rights is only beginning to emerge. There are very few Supreme Court precedents on the subject, and they are not fully coherent or consistent. A major Supreme Court decision in this area is expected this summer or fall and, if it is rendered before the course begins, we will discuss it thoroughly. Several other cases are currently making their way through the court system and are very likely to arrive at the Supreme Court in the next few years. After the completion of the course, students will have a basic understanding of the precedents, doctrines, legal arguments, and policy considerations in this field.

The course will not take an ideological standpoint, and students with all types of backgrounds or political convictions are encouraged to join. Indeed, one of the questions we will discuss 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.

**Course Scheduling:** Tuesday, Oct. 26<sup>th</sup>, 2010 - 5:30-8:30 PM  
Thursday, October 28<sup>th</sup>, 2010 - 6:00-9:00 PM  
Friday, October 29<sup>th</sup>, 2010 - 12:30-3:30 PM  
Tuesday, November 2<sup>nd</sup>, 2010 - 5:30-8:30 PM

**Method of Evaluation:** 80%: Take home exam (with the choice of writing it either on Saturday, November 4<sup>th</sup>, or Sunday November 14<sup>th</sup>, 2010) or paper, due on December 23, 2010.  
20%: Class Participation. The participation mark is fail safe. If your exam or paper mark is higher than your participation mark, your exam mark will count for 100% of the course grade.

### **Note to Students: Substantial Paper Requirement**

Being a one credit course, this course does not count for the Substantial Paper Requirement. However, students may write an ISP under the instructor's supervision on a matter relating to the course (either concurrently or in the following term). There is no connection between writing the ISP and taking this course and papers written for this course will not counted as part of the ISP. That said, I encourage students to write an ISP on a topic relating to the course, so that ideas and background knowledge from the course, would contribute to the research and writing process of the ISP. Students interested in this option must discuss it with the instructor by September 14, 2010.

### **Winter 2011**

#### **Law 633 Legal Writing and Written Advocacy**

Justice David Stratas joins us in the winter term to teach this one-credit course. This will be a lecture course open to the first 100 upper year students who register for it. Justice Stratas will be joined by special guest instructors, including Justice Thomas Cromwell, for some of the classes.

**Course Description:** This is a one-credit intensive course in legal writing and written advocacy open to second and third year students. A more complete description of the materials covered in class can be found on the course website.

**Course Scheduling:** Tuesdays, Jan. 4<sup>th</sup> & 11<sup>th</sup>; Wednesdays, Jan. 5<sup>th</sup> & 12<sup>th</sup>; Thursdays, Jan. 6<sup>th</sup> & 13<sup>th</sup>  
From 6:00 – 9:00 pm in MAC 001

**Course Method of Evaluation:** Pass/fail. A take-home examination will be distributed on Jan. 14<sup>th</sup> to be completed and returned by Jan. 21, 2011 by 3:00 p.m.

#### **Class Policies:**

Students who register in this course ***must abide by the policies set out below.***

- There will be some classes where the students will work on writing exercises. There will be others where the classes will be in lecture format, but with strong interaction with the students. **Class participation at all times is necessary and strongly encouraged.**
- In order to pass this course, you **must attend every class**, for the whole class. Attendance will be taken and absences will be detected. Any absences must be explained with strong reasons offered.
- Course evaluation will be based on a "pass/fail" on a take-home examination.
- Precedents and materials will be available online and will be discussed in class. ***In order to participate, students must bring a laptop computer to class in order to access the materials wirelessly.***
- 

#### **Law 631 Comparative International Civil Procedure**

Prof. DeVos from the University of Cape Town joins us for two weeks in March to offer this one-credit seminar.

## **Course Description: LAW 631-Comparative International Civil Procedure**

The material for this course will cover three main themes: (1) The historical and comparative perspective, in which the historical development in the English and French procedural systems and modern trends within these respective spheres will be examined; (2) The fundamental guarantees of the parties in civil litigation in which the focus will be on the general principles underlying civil procedure in all developed legal systems. Attention will also be given to the recognition of these guarantees in international human rights instruments; and (3) The constitutionalization of civil procedure: A South African perspective, in which 2 themes will be addressed, namely; (a) The structure of the Constitution of 1996 and the judicial power; and (b) The constitutional recognition of civil procedural guarantees and the impact of that on civil procedural law in South Africa. Reference will also be made to the recognition of a class action within the framework of the Constitution.

**Course Scheduling:** Wednesdays, March 2<sup>nd</sup> and 9<sup>th</sup> from 6:00-9:00 pm in MAC 201 and Mondays, March 7<sup>th</sup> and 14<sup>th</sup> from 6:00-9:00 pm in MAC 400

**Course Method of Evaluation:** 10-12 page paper

## **Law 645 Estate Litigation**

Ms. Wendy Griesdorf will join us in the winter 2011 term to offer her advocacy course. This course will meet the advocacy degree requirement.

***How do I get into this course?*** Initially, this course will not be available through the regular add/drop process on QCARD. Students interested in this course will need to apply for consideration. Students should email Jane Emrich, Assistant Dean of Students, ([jane.emrich@queensu.ca](mailto:jane.emrich@queensu.ca)) [please copy [somersn@queensu.ca](mailto:somersn@queensu.ca)]. Requests will be collected and reviewed. Preference will be given to students who have not previously taken an advocacy course so that they can meet their degree requirement or to a student whose reasons for wanting the course have considerable merit. The deadline for email submissions to secure a spot in this course is: **Wednesday, September 8<sup>th</sup> at 3:00 pm**

**Course Description:** 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.

**Scheduling:** Winter 2011 Term – Fridays from 11:30 – 2:30 pm (MAC 003)

**Method of Evaluation:** Oral presentation (moot) 50%; written paper (factum) 50%

## **Change in Instructors/Scheduling**

**FALL 2010**

### **Law 341: ADR**

Ms. Linda Crush is unable to join us this coming fall to teach Law 341 Alternative Dispute Resolution. Ms. Maureen Gauci has graciously offered to teach this course for us. **PLEASE NOTE:** The time and location for this class has changed: Law 341 will be offered on Mondays in the Fall term **from 6:00 to 9 :00 pm in MAC 201.**

### **Law 342: ADR**

A small scheduling change has been made to this course. The class will now run on Mondays from 2:30 – 5:30 pm in MAC 100.

### **Law 360 Trial Advocacy**

Mr. Geoff Hall welcomes a new member to his family; but, unfortunately, the new duties this presents do not make it possible for him to travel to Kingston to teach this fall. Mr. Ben Mills, who assisted Mr. Hall last fall and who also taught Law 435 Public Law Advocacy in the winter term, will be the instructor for this course. A slight adjustment to the class time has been made – it will now be held 4:00 – 7:00 pm on Wednesdays in MAC 201.

## **Winter 2011**

### **Law 608 Advanced Corporate Law**

Mr. Brett Seifred of Davies, Ward, Phillips & Vineberg is a partner in the Corporate/Commercial, Corporate Finance & Securities, and Mergers & Acquisitions practices and he will join Don Belovich of Stikeman Elliott to teach this popular course.

### **Law 344 ADR**

Ms. Linda Ippolito of Sheridan, Ippolito & Associates is a civil litigation lawyer, with a practice now focused primarily in family and estates law. She is a certified collaborative family practitioner and mediator and she joins us to teach this section of ADR for us.

### **Law 310 Jurisprudence**

**Christopher Essert** joins Queen's Law as an assistant professor in July, while still a J.S.D. candidate at Yale Law School, where he formerly completed an LL.M. His thesis concerns the nature of legal obligations. He holds a B.A. from McGill University and was a Silver Medallist J.D. graduate from the University of Toronto. He was formerly a law clerk to Justice Michel Bastarache of the Supreme Court of Canada (SCC) and Visiting Doctoral Fellow at the University of Toronto Centre for Ethics. For further information on Prof. Essert, please see: <http://law.queensu.ca/news/newFaculty2010.html>

Prof. Essert will teach Property to first year students and Law 310 Jurisprudence in the winter 2011 term to upper year students.

### **Law 416 Sentencing and Imprisonment**

Ms. Priscilla Christie and Ms. Megan Williams, Queen's Law alumni, join us as the co-instructors for this course. While the course description and scheduling remains the same, the format of this course has been changed from 'lecture' to 'seminar'. As well, the course has a new method of evaluation (ie. paper, participation, mock hearings).

### **Law 440 Business Associations**

**Jennifer Quaid**, a Ph.D. candidate with an SSHRC doctoral scholarship in Law, has been appointed a Teaching Fellow in Business Law for 2010-11 and will teach Business Associations. Her thesis aims to develop a coherent theoretical rationale to underpin the assessment of corporate criminal liability on an organizational basis, taking into account how organizations operate and behave, rather than by reference to physical persons, as is the current approach in Canada.

She received three degrees from the University of Ottawa -- B.A. in Economics, LL.L in Civil Law, and LL.B. in Common Law -- and LL.M. degrees at both the University of Cambridge and Columbia University, the latter with an Associate-in-Law fellowship. A member of the Bars of Quebec, Ontario and New York, she has practised in the Competition Law Division of the Canadian Department of Justice and in the New York and Melbourne offices of Sullivan & Cromwell LLP. She has also served as law clerk to SCC Justice Frank Iacobucci and in a senior academic administration role at the University of Ottawa Faculty of Law.