

Course Descriptions for the 2010-2011 Academic Year

(As of Sept. 2, 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, winter term
Instructor: Knutsen,

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, winter term
Instructor: Graben

LAW-427 Administrative Law

This course will provide an introductory overview of administrative law - which principally concerns the legal regulation and judicial supervision of the executive branch of government. The course will examine issues such as the content of procedural fairness, substantive compliance with statutory mandates, and the dilemmas associated with the judicial review of discretionary decision making, all in the context of a broad range of substantive areas of law including labour relations, municipal planning and zoning, constitutional, environmental, immigration, banking, and securities law, among others. The appropriate relationship between courts and administrative tribunals and officers is an overarching concern. Students will develop an understanding of the executive and administrative processes of government and will appreciate some of the design or structural problems in creating a system of public interest decision-making which is efficient and effective while recognizing valued individual interests and rights.

4 credits, lecture, one term
Instructor: Aiken, fall term

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: Corbett, winter term

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: Nicholls, Seifred

LAW-525 Advanced Family

The seminar will allow students to research a Family Law or Children's Law issue that is of particular interest to them. During the first few weeks, while students are conducting research for their presentations and

papers, the instructor will make presentations and lead discussion on international and transnational aspects of family law. Following this initial set of classes, students will present and discuss their research with the class.

PREREQUISITE LAW-520 Family Law

3 credits, seminar, winter term

Instructor: Bailey

LAW-469 Advanced Intellectual Property

This seminar will consider recent topics of controversy and political debate in the field of intellectual property and the protection of knowledge goods. The purpose of this course is to provide students with the opportunity to critically examine some of the normative and theoretical underpinnings for legally protecting intellectual contributions and to foster an understanding of how these rationales play out in terms of politics, policy development, and legal doctrine in specific substantive areas. These insights are relevant to the selected special topics that focus on the relationship of intellectual property protection with culture, communication, development, trade, human rights, and the tension between national objectives and international obligations. Students are expected to have some basic substantive knowledge in at least one area of intellectual property law and to be eager to critically engage with advanced “fringe” issues of IP. Topics vary from year to year but may include copyright protection for oral works and folklore, the use of intellectual property to protect traditional and indigenous knowledge, biodiversity, biopiracy, and biocolonialism, the politics of property in the human genome and the patenting of life, the growing anti-competitive uses of intellectual property and proliferation of “bad patents”, farmer’s rights to save seeds, the trade related aspects of intellectual property and implications of expanding IPRs, trademark protection for geographic appellations, the special status of famous marks, and the effects of property fundamentalism on the promotion of progress in science and the useful arts.

3 credits, seminar, winter term

Instructor: Amani

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,

Instructor: McCormack, fall term; Bracci, winter term

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-651 Advanced Topics in Insolvency and Business Restructuring

This seminar course will deal with the insolvency of the business enterprise and the tools available in Canada to restructure insolvent enterprises as going concerns. The proposal process under the *Bankruptcy and Insolvency Act* and the plan of arrangement process under the *Companies' Creditors Arrangement Act* will be examined in some detail. The distinctions between restructuring the entity and restructuring the enterprise in a different entity will be explored. The role and limits of judicial discretion in the development of this area of law will be examined critically. The limits on operational restructuring and the uses of alternative tools, such as a sale by a receiver or liquidations conducted under the CCAA without any plan of arrangement, will be explored. International and cross-border insolvency cases and European Union and United States approaches to these issues will also be considered. The course will include a major written requirement.

Prerequisite: Law 440 Business Associations AND Law 445 Creditors' Remedies: Enforcement. Permission of the instructor.

3 credits Winter Term
Instructor: Jones

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: Hanson

LAW-341, 342, 343, and 344 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 enrol in more than one of either LAW-341/342/343/344 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 Gauci
 Fall Term: LAW-342 Gauci
 Winter Term: LAW-343 Curtis
 Winter Term: LAW-344 Ippolito

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-351 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-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: Miller, fall term; Quaid, 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: Bala, 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. It considers in detail the law applicable to domestic sale of goods doctrines (in particular the Ontario Sale of Goods Act) and the international instruments that govern cross-border commercial transactions. It also provides an introduction to related issues, including the delivery of goods and payment systems.

3 credits, lecture, winter term

Instructor: Karton

LAW-221 Comparative Constitutional Law

The Constitution Act, 1867 declares the Constitution of Canada to be "similar in principle" to that of the United Kingdom. The guarantees of the Canadian Charter of Rights and Freedoms are subject to reasonable limits prescribed by law that can be justified in a "free and democratic society." These statements beg further normative questions about the nature of Canadian constitutionalism and political

culture. The objective of this seminar is to provide a broad understanding of constitutionalism in comparative perspective. Employing case law and commentary, we shall consider some of the major points of convergence and divergence in "written" and "unwritten" constitutional traditions, with reference to a variety of countries. We shall also examine the role of the courts in constitutional judicial review, and the extent to which fundamental principles such as the rule of law, the separation of powers, democracy, equality and the protection of minorities are implemented. Among the particular issues we shall address are the following: What texts, principles 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? Why and how do some jurisdictions structure themselves as federal states? How do institutional and cultural contexts shape the scope and content of rights?

3 credits, seminar, winter term
Instructor: Newman

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.

1 credit, seminar, winter term
Instructor: DeVos

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: Eatrdes 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-642 Complex Liability

This seminar explores areas of civil liability that create specific and unique complexities for lawyers and litigants alike. The course combines topics in tort, insurance, and civil litigation and concentrates on the intersections of these areas to synthesize both a coherent system of redress and a system for organizing social behaviour. The course deals with the tough cases and attempts to dissect what makes a tough case tough. Topics to be covered include causation and proof problems in negligence law, multi-party litigation and liability apportionment issues, insurance as a compensation web (liability, first party, and government insurance), fact-finding and evidentiary concerns including public inquiries and inquests, complex liability in human-made and natural disasters like 9/11 and hurricanes, mass transportation litigation (trains and planes), concurrent liability theories (i.e. tort and contract), and litigation settlement dynamics.

3 credits, seminar, winter term
Instructor: Knutsen

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

Copyright law affects almost every aspect of our lives, from the movies we watch, to the books we read, the music we listen to, and the houses we live in. The law of copyright extends a limited term of protection to artistic, musical, literary, dramatic and other works under the federal *Copyright Act*. This course provides a brief introduction to the field of intellectual property and Copyrights relationship to other specific forms of intellectual property governance, examining the requirements for copyright protection, the kind of works that qualify for protection, the scope and limits of the rights, and the distinction between authorship and ownership of a work. The extent and nature of protection including moral rights and neighbouring rights will also be examined as will be the historical and contemporary importance of the traditional forms of the protected works in the context of changing technology such as computers and internet technology. Specific

topics for exploration include the nature of the owners *right*, the expression/idea dichotomy, the freedom of users to deal fairly with copyrighted works, and the public interest in the public domain and commons. Copyright theory will be tested against its application with some attention being given to international aspects of protection, and current efforts in public policy and law reform.

3 credits, lecture, winter term
Instructor: Amani

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-REQUISITES: LAW-440 Business Associations AND LAW-448 Securities Regulation
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-445 Creditors' Remedies: Enforcement and Bankruptcy Law

This course examines the law dealing with the enforcement of debt in Canada, including the central role of monetary obligations, such as the award of damages or the imposition of fines, in the enforcement of most legal obligations. Remedies available to secured and unsecured creditors and the rights and obligations of creditors and debtors in those processes will be considered. The course focuses on the basic principles of personal and corporate bankruptcy, including the public policies advanced by the bankruptcy process, preferences and debtor rehabilitation. The course addresses priorities among creditors and restrictions on the discharge in bankruptcy of certain categories of debt. An introduction is included to restructuring insolvent businesses using proposals under the *Bankruptcy and Insolvency Act* or plans of arrangement under the *Companies Creditors Arrangement Act*.

3 credits Fall Term
Instructor: Jones

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 695 ISP – Elder Law Clinic

The Elder Law Clinic is a new clinical program at Queens Law. Students working in the clinic will assist in administration of the clinic, develop and present seminars on topics to interested community groups (public legal education), and work on clients matters under supervision. Typical legal issues would be health care decision-making, drafting or advising on powers of attorney and simple wills, capacity and substitute decision-making, and problems arising in respect to institutional residence. Students can apply for admission for either or both fall and winter terms.

4 credits, clinic, fall and/or winter terms
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, 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, fall 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-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: Manson, fall term; Stuart, 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 692 Feminist Legal Studies Workshop I (fall 2010) **Law 693 Feminist Legal Studies Workshop II (winter 2011)**

The Feminist Legal Studies Workshop is offered for one course credit per term to students who enroll in this

course. It is designed to enable students to work closely with faculty in analyzing and discussing with leading feminist theorists and scholars visiting Queens Faculty the topics of the speakers' papers. Students may enroll for one credit in the fall term [Law 692], or for one credit in the winter term [Law 693], or enroll in both [Law 692 + 693] for a total of two credits over two terms].

This course can also be combined with an ISP for students who may wish to carry out in-depth independent supervised work in relation to one or more of the areas discussed in this workshop.

1 credit per term, one and/or two terms
Instructors: Amani, Lahey

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 Expression

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

In recent years, the human rights landscape in Ontario has shifted. In 2008, the mandate of the Ontario Human Rights Commission was changed significantly and a new Legal Support Center for individuals filing claims of discrimination was created. The *Human Rights Code Amendment Act, 2006* established a new role for the Commission that focuses on preventing discrimination and promoting and advancing human rights in Ontario. At the same time debates continue about the interaction between Canada's international human rights obligations, rights under the Canadian Charter of Rights and Freedoms, and domestic statutory human rights. As well, new emerging grounds of discrimination are being considered here and in the United States, some of which challenge our understanding of both "discrimination" and "equality".

This course will examine the nature and extent of domestic human rights protection with reference to the more than thirty international instruments relating to human rights that have been ratified by Canada. This examination will be undertaken with reference to the full range of human rights as envisaged in the Universal Declaration of Human Rights and 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. In this course, we will consider topics including the following: the evolution of human rights law in Canada and Ontario; the relation between the Charter of Rights and Freedoms, Canada's international human rights commitments and statutory human rights protection; the meaning of discrimination and equality; the domestic justiciability of human rights; existing and emerging categories of human rights protection; conflicts between rights; and access to international human rights adjudication.

3 credits, seminar, one term
Instructor: McHenry, fall term

LAW-471 Immigration and Refugee Law

This course will provide an overview of the theoretical, historical, constitutional and policy underpinnings of Canadian immigration law. We will consider the legislative reforms implemented in the Immigration and Refugee Protection Act across the full range of immigrant and refugee categories. Key jurisprudence as well as critical and comparative perspectives will be considered throughout the course.

3 credits, lecture, winter term
Instructor: Aiken

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-617 Information Privacy

This seminar focuses on the challenges of protecting information privacy against the threat of emerging technologies (such as biotechnology, internet communication technologies, information tracking technologies, biometrics, and surveillance technologies to name a few). Information has been central to the form and function of the knowledge economy and plays a vital role as between individuals and in relationship with the state, raising issues pertaining to its control, access, aggregation, storage, retrieval, use and dissemination. The new technologies operationally interrogate existing dominant conceptions of *privacy* and introduce fresh areas of private contestation that question the need for a coherent theoretical framework. This course will survey the mixed regulatory mechanisms available for protecting information privacy in Canadian law, ranging from constitutional to statutory and common law protections, and will examine how normative conceptual understandings (and their tradeoffs) mediate new technologies, civil liberties, democratic values, public policy, law and reform efforts.

3 credits, seminar, fall term
Instructor: Amani

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

With the rise of globalization, international laws governing how nations trade and invest across borders are increasingly important. These laws limit government actions and affect the daily lives of people around the world.

This course introduces international trade and investment laws. The principal trade related areas examined in this course are the WTO and NAFTA. The principal investment related areas examined include the WTO investment provisions and Chapter 11 of the NAFTA.

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

3 credits, seminar, winter term

Instructor: Flanagan

LAW-542 International Human Rights Law

This seminar provides an overview of the international system for the protection of human rights. We will examine the history and sources of human rights law, critiques of the human rights approach, and enforcement mechanisms such as the 'treaty bodies', the Human Rights Council, regional courts, and national enforcement. We will then explore current controversies, which may include topics such as human rights and corporations, terrorism, detainees, and/or humanitarian law. Through case studies, we also focus on the realities of human rights *advocacy*: challenging power and tradition, uneven playing fields and the need for alternative strategies such as "guerrilla lawyering".

3 credits, seminar, winter

Instructor: Robinson

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 survey course, in which we will discuss the general foundations of international law. Accordingly, we will discuss the sources of international law and the relevant actors (such as States and "peoples") and forums (such as the United Nations and the International Court of Justice). We will also examine selected topics such as state responsibility, extraterritorial jurisdiction, immunities, the use of force, the responsibility to protect and human rights. The course focuses not only on the relevant rules but on how to analyze problems and 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-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 OR Law 454 or 456 – International Economic Law OR Law 613 International Commercial Arbitration

2 credits, seminar, fall term

Instructor: Behboodi

LAW-683 International Trade Remedies

The objective of this course is to provide students with a comprehensive understanding of the law and practice of domestic and international trade remedies. The course will provide necessary background, through readings and lectures, on major areas of practice in international trade remedies, including: safeguard measures, anti-dumping duties, countervailing duties, customs valuations and tariff classifications, government procurement challenges, judicial reviews, investor-state disputes, World Trade

Organization ("WTO") dispute procedures, and trade remedies and competition law. Students will also engage in problem-based studies.

2 credits, winter term
Instructor: Masse

LAW-310 Jurisprudence

This seminar will examine the central debates in general analytic jurisprudence, the study of the nature of law. We will discuss questions about the nature of legal obligation, the authority of the law, the relationship between law and morality, the nature of adjudication, and the overarching question: what is law? We'll read and discuss writing by authors including John Austin, H.L.A. Hart, Lon Fuller, Ronald Dworkin, Leslie Green, Joseph Raz, and Scott Shapiro.

3 credits, seminar, winter term
Instructor: Essert

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

Real estate represents the single greatest source of wealth for Canadians and Canadian businesses. It is complex with long standing historical roots. We will examine the agreement of purchase and sale which is the foundation of every real estate transaction, what should be in it, how it should be drafted and why, how it is completed and what remedies are available for its breach. Other issues which will be examined include the two systems of land registration, real estate agents duties, mortgages and other security, development related issues, leases, easements, title insurance, fraud and solicitor's opinions. Relevant caselaw will be reviewed.

3 credits, lecture, fall term
Instructor: C. Carter

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-334 Legal Ethics

The course will explore ethical approaches to the law and the professional responsibilities of individual actors within the justice system. The course will develop and enhance a critical appreciation of the structures, roles and responsibilities generally within the legal profession. It will address questions raised by substantive issues in the study of the subject and illustrate these issues by examining legal ethics and professional responsibility in the context of specific contemporary challenges in the area.

3 credits, lecture, fall term
Instructor: Harrison

LAW-633 Legal Writing and Written Advocacy

This is a one credit intensive course in legal writing and written advocacy. 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.

1 credit, lecture, winter term
Instructor: Stratas

Law 689- Legality and the Rule of Law

This 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?

2 credits, seminar, fall term
Instructor: Green

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: corporate criminal liability, shareholder activism and empowerment, and corporate social responsibility. Our Distinguished Lecturers have included Profs. William Bratton (Georgetown), Roberta Romano (Yale), Jennifer Arlen (NYU), Lisa Fairfax (George Washington), Bernard Black (Northwestern), and Ronald Gilson (Stanford and Columbia).

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

3 credits, seminar, fall 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 may 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, seminar, 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: 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 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 12 students will be admitted to this course in 2010-2011; students will be selected by the Clinic Director based on a written application process to be completed in late March. 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 2010-11.

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: Charlesworth, Mills

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, fall 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

The course will use seminar discussions and occasional guest speakers from the legal profession to focus on the following: 1) Introduction to Punishment: Philosophy and Objectives; 2) Judicial Methodology and the Legislative Context; 3) The Sentencing hearing: Aggravating and Mitigating Factors, Facts of the Offence for Sentencing; 4) Sentencing Options (Absolute and Conditional Discharges, Probation, Monetary Sanctions, Imprisonment, Conditional Sentence of Imprisonment); 5) Collateral Sentencing Orders; 6) Victim Participation in the Sentencing Process; 7) Specialized Courts and Sentencing Models (Domestic Violence Courts, Drug Courts, Mental Health Courts); and 8) Aboriginal Offenders.

3 credits, seminar, winter term
Instructors: Christie, Williams

Law 632 Social and Economic Rights in Canada

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.

1 credit, seminar, fall term
Instructor: Kahana

LAW-505 Tax Policy

The principal aim of this course is to give students the opportunity to undertake a substantial research project into some aspects of tax law or policy of the student's choice. In order to prepare students for this task, the introductory part of the course will examine basic, theoretical issues, such as the objectives of taxation, taxation as a redistributory mechanism, the effects of taxation upon consumption and work choices, upon economic growth and international competitiveness. The remainder of the course will concentrate on important current tax issues such as taxation of the family unit, corporate tax reform, harmful tax competition and the various proposals for a 'flat tax'.

3 credits, lecture, winter term
Instructor: Lahey

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' conferred by the exclusive right to use a mark to indicate the source of a product or service, as well as for related intangibles of commercial value. The focus is on the federal *Trademarks Act* and its impact on private rights to regulate the use of trademarks, tradenames and unfair competitive practices. Students will learn how the common law regulation of unfair competition (the tort of passing off) complements the statutory protections afforded for brands and logos that now dominate modern consumer culture. Some attention is given to theoretical justifications and normative frameworks for trade-mark protection; public policy objectives; the basis for

making a trademark application and grounds for opposition, distinctiveness and use; infringement; title; the relationship to the law of trade-names under common law and federal and provincial incorporation statutes; and international obligations to which Canadian law must conform, notably through the *Paris Convention and Trade Related Aspects of Intellectual Property Agreement*. Students learn how the interests of stakeholders, from the desire to prevent free-riding to the promotion of free competition and free expression to the consumer and public interest in protecting the integrity of trade in wares and services from confusion, have played out under Canadian law.

3 credits, lecture, fall term
Instructor: Amani

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: TBA
PRE- or CO-REQUISITES: None

LAW-362 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