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C – Compulsory Req **P** – Practice Skills Req **A** – Advocacy Skills Req **S** – Substantial Term Paper Req

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PROCEDURAL/RESEARCH

LAW 225 Civil Procedure **C**

4 Credits, Lecture, Fall or Winter

Instructor: Freedman (fall); King (winter)

Pre-Requisite for: Law 590AB Clinical Litigation Practice, Law 360 Trial Advocacy, Law 365 Advocacy on Motions, Law 645 Estate Litigation, Law 362 Trial Advocacy (Civil), Law 363 Trial Advocacy,

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.

LAW 320 Evidence

4 Credits, Fall or Winter

Instructors: Kelly (fall), Weisbord (winter)

Pre-Requisite for: Law 590AB Clinical Litigation Practice, Law 360 Trial Advocacy, Law 365 Advocacy on Motions, Law 364 Personal Injury Advocacy, Law 361 Trial Advocacy (Criminal), Law 320 Trial Advocacy (Civil)

This course will examine the rules and principles of Canadian evidence law, focusing both on the practical application of evidence rules at trial as well as the questions of policy, epistemology, and institutional design that govern them. We will begin by analyzing the threshold requirements of relevance and materiality. We will then cover topics including hearsay and its exceptions, character and propensity evidence, lay and expert opinion, scientific proof, direct and cross examination of witnesses, competence, impeachment, and some of the constitutional questions that arise in connection to evidence. Throughout the course, we will trace the modern trajectory away from formal categories of admission and exclusion toward more flexible and principled approaches. We will consider the social and legal influences that have fueled these changes, including feminist and children's rights advocacy in the area of sexual assault and abuse. Because rules of evidence are most vigorously applied and developed in the criminal law context, this course will focus primarily but not exclusively on criminal law. We will also consider specific evidentiary issues in family law and in civil litigation.

LAW 321 Advanced Legal Research **P**

3 Credits, Lecture, Fall or Winter

Instructor: Bracci (Fall and Winter)

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.

LAW 334 Legal Ethics & Professionalism C

3 Credits, Lecture, Fall or Winter
 Instructor: Cockfield (Fall); Imseis (Winter)

This course deals with the wide variety of ethical issues that confront those engaged in the profession and practice of law [i.e. the spectrum of both litigious and non-litigious contexts.] Areas covered will include relevant legislation, caselaw, and rules of professional conduct including the range of legal responses to unethical and unprofessional conduct; the nature and scope of lawyers' duties to their clients, the court, other legal professionals, the law society, and the public; the various roles of lawyers in society and the legal system and in particular their role in securing access to justice. Specific subject matter covered will include the circumstances giving rise to ethical problems; the fiduciary relationship between lawyer and client; conflicts of interest; the administration of justice; lawyers' duties relating to confidentiality, privilege, and disclosure; professionalism and civility; the importance of diversity; and the public interest in the administration of justice.

LAW 427 Administrative Law

4 Credits, Lecture, Fall or Winter
 Instructor: Weinrib (fall), Aiken (winter)

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.

LAW 474-490 Individual Supervised Project S

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.

C – Compulsory Req P – Practice Skills Req A – Advocacy Skills Req S – Substantial Term Paper Req

LAW 496 Public Service: Individual Study **S**

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 550 Conflict of Laws

3 Credits, Lecture, Winter
Instructor: Bailey

Every civil litigator and private law solicitor should take this theoretically rich and practically useful course. Conflicts arise in every case that involves more than one province or more than one state. This course addresses: 1) whether a court has jurisdiction to decide a dispute; 2) when a court should decline to exercise jurisdiction; 3) what law applies to a dispute; and 4) whether a foreign judgment will be recognized and enforced. Examples may be drawn from all areas of private law, including torts, contracts, property, succession, and family law.

LAW 633 Legal Writing and Written Advocacy

1 Credit, Lecture, Fall
Instructor: Justice Stratas

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.

CORPORATE/COMMERCIAL

LAW 252 Construction Law

1 Credit, Seminar, Winter
Instructor: Lee/Goode

The construction industry is one of the largest industries in Canada which is expanding and undergoing significant changes due to new project delivery methods, globalization of markets, and the increase of development and infrastructure. As a result, construction law, which involves the application of contract, tort and property law principles, is a rapidly growing field. In response to issues raised by industry stakeholders, Ontario's *Construction Lien Amendment Act, 2017* was proposed and received Royal Assent in December 2017. Key amendments related to prompt payment and adjudication are set to come into effect in October 2019. This is an exciting time of change, and other provinces and the federal government are following in Ontario's footsteps with reviews of their own legislation and consultations with the industry. This course will examine the parties to construction and professional services contracts, procurement models, building and professional design contracts, statutory rights and remedies, bonds, bidding and tendering, litigating claims, adjudication and alternative dispute resolution.

LAW 264 Insolvency Restructuring

2 Credits, Seminar, Winter
Instructors: Haak/Shea

PRE-REQUISITE: Law 440 Bus Association

This is a course about insolvency and restructuring in Canada. It examines a number of important themes that are engaged in the restructuring of an insolvent business in Canada. This seminar course will provide students with advanced knowledge of the legal and practical issues involved in restructuring an insolvent business. The course will include an introduction to and analysis of theory underlying the restructuring of an insolvent business as well as experience in putting that theory into practice through a negotiation exercise. This course engages both legal and business concepts which are important in the effective use and implementation of a restructuring.

LAW 280 Contested Transactions

3 Credits, Lecture, Winter
Instructor: Davis

PRE-REQUISITES: Law 440 Business Associations AND Law 448 Securities Regulation

This course will examine and analyze the legal and tactical issues involving Canadian contested change of control transactions primarily from the perspective of a target company. The course will focus on corporate and securities law issues relating to hostile take-over bids and proxy contests, including issues being currently debated and that are critical to a firm understanding of the topic. It is intended that students will develop practical skills that are critical for a successful practice as a business lawyer. Seminars include classroom lectures, guest lectures and problem-solving exercises.

LAW 294 Private Equity

2 Credits, Seminar, Fall
Instructor: Whitcombe

PRE-REQUISITES: Law 440 Business Associations

This course will concern itself with the central legal issues related to private equity investing, being a major asset class within the Canadian economy. The primary pedagogical objective is to have students learn the legal and transaction skills and tools used in the private equity arena. Topics to be covered include the history of private equity in the US and Canada, the globalization of the private equity industry, fund structure and formation, advanced and best practices in private equity including use of representation and warranty insurance in transactions, management incentive programs and overall value creation by private equity funds post-acquisition.

LAW 328 Law and Economics S

3 Credits, Seminar, Fall
Instructor: Metcalf

Law and Economics has become a highly influential perspective for assessing how law functions and thinking about better ways to design laws to achieve their social objectives. This course will introduce students to the central tools and concepts of law and economics, including some basic introduction to the use of empirical methods. We will begin with a brief introduction to some basic economic theory, including both neo-classical and behavioural approaches.

C – Compulsory Req **P** – Practice Skills Req **A** – Advocacy Skills Req **S** – Substantial Term Paper Req

We will then move on to study the application of law and economics analysis in a variety of legal contexts. Applications in the area of property, tort, criminal, corporate law, operation of the legal system, environmental law, and discrimination will be considered, among other possible topics. Throughout the course, we will discuss both the strengths and limitations of law and economics. Students will research, apply and critique law and economics analysis relevant to a legal issue of their choice as the major assessment for the course. No prior knowledge of economics or empirical methods is needed.

LAW 440 Business Associations **C**

4 Credits, Lecture, Fall or Winter

Instructors: Yalden (fall); Flanagan, (winter)

Pre-Requisite for: Law 608 Advanced Corporate, Law 280 Contested Transactions, Law 512 Corporate Finance, Law 294 Private Equity. **Pre- or co-requisite for:** Law 602 Corporate Governance, Law 438AB Queen’s Business Law Clinic, Law 448 Securities Regulation.

This introductory survey course explores the law of business associations primarily from a doctrinal perspective but with some elementary discussion of theoretical scholarship, as well. The topics to be canvassed in the course will include a brief history of the business corporation, theories of the firm, the foundational characteristics of the modern Canadian business corporation, disregard of the corporate entity, the capitalization of corporations, corporate governance, shareholder “voice” and directors’ and officers’ duties, and shareholders’ (and others’) remedies. During the initial portion of the course, students will examine alternatives to the corporate form of business association including sole proprietorships, (general) partnerships, limited partnerships, and unlimited companies. The principle goal of the course is to help students develop a basic framework within which to understand and analyze legal issues as they are encountered by lawyers, regulators, and policy makers. In addition, the course should provide the necessary groundwork for more specialized study in corporate finance, securities regulation, mergers & acquisitions, and so on.

LAW 441 Commercial Law

3 Credits, Lecture, Fall

Instructor: Horst

This course covers domestic and international commercial sales transactions and the taking of security in personal property. It considers in detail the law applicable to domestic sales of goods (in particular the Ontario Sale of Goods Act) and the international instruments that govern cross-border commercial transactions. The course then reviews the taking of security in personal property (in particular pursuant to the Personal Property Security Act of Ontario). It also provides an introduction to related issues, including the delivery of goods, passage of risk, and insolvency and restructuring.

LAW 443 Insurance

3 Credits, Lecture, Winter

Instructor: Knutsen

This course examines some of the most important insurance concepts relevant to today’s lawyers. The course aims to provide you with a working knowledge of the terminology and doctrine in a variety of insurance law spheres: property, liability, auto, life, health and disability insurance. Particular emphasis is placed on issues in insurance policy interpretation and coverage disputes. The course will also cover important issues in the fundamental concepts behind the workings of insurance, broker and agent liability, the duty to defend, subrogation, insurance causation, and overlapping coverage issues. Through frequent in-class exercises and opportunities for in-class participation, the course aims to explore how to effectively address disputes among insurers, policyholders and accident victims.

LAW 446 Competition Law

3 Credits, Seminar, Winter
Instructor: Clarke

This course will provide students with an overview of Canadian competition law – a body of law that has as its focus the creation and maintenance of competitive markets. Beginning with a discussion of what competition law is and a survey of its common law origins, students will then be provided with a background into the basic economic principles underlying competition law before turning to review the main statutory source of competition law – the federal Competition Act. In the context of reviewing the Act, students will learn not only what types of conduct the Act proscribes but also how to use basic economic principles and business insights to analyze complex legal problems involving mergers, conspiracies, monopolistic practices, and deceptive marketing practices. This course is not meant to be an exercise in statutory memorization or abstract theory. To this end, we will be focusing on practical real-world application of the Act. On completion of this course, students should be familiar with key provisions of the Act and have a general sense of how to identify and analyze some of the more prominent competition law issues that arise in day-to-day business activity.

LAW 447 Patent Law

3 Credits, Lecture, Fall
Instructor: Tape, Hackett

This course will provide an overview of the Canadian law of patents for invention. We will review the historical development of patents for invention, explore the basic principles of the patent system in Canada, namely patentable subject matter, novelty, inventive step, utility and sufficiency of the patent specification and study the enforcement of one's rights, whether by action for infringement, by licence and assignment or by the Notice of Compliance regime in place for pharmaceutical products.

LAW 448 Securities Regulation

3 Credits, Lecture, Winter
Instructor: Henderson

Pre-Requisite for: Law 280 Contested Transactions, Law 512 Corporate Finance, Law 294 Private Equity.

PRE- REQUISITE: Law 440 Business Associations

This course provides an introduction to the regulation of the Canadian capital markets. We will cover a number of basic topic areas, including the scope of securities regulation (i.e., what is a “security?”), the prospectus process, continuous disclosure obligations, the exempt market, registration, takeover bids, civil liability and enforcement. Most of these topics focus on the relationship between the investor and the issuer. Within these topics, we will discuss emerging issues in securities regulation, such as crowd-funding and whistleblower awards. A main objective of the course is to analyze the legislation, regulations, policy instruments and relevant cases with a view to developing an understanding of the underlying policy considerations that animate securities regulation. Throughout the course, there will be opportunities to discuss and debate the policy choices reflected in the current rules. Although this is a lecture course, active participation and discussion in class is expected.

LAW 449 Structuring Business Transactions

3 Credits, Lecture, Winter
Instructor: Yalden

Pre-Requisite: Law 440 Business Associations

For many organizations the acquisition or sale of a business, or indeed a merger with another organization, can prove a transformative event in the life of that organization. A transaction of this kind can have dramatic consequences for many stakeholders: notably for employees, customers and investors, but frequently also for suppliers, communities and other constituencies connected to or affected by the businesses involved in the transaction. Lawyers play a central role in evaluating, structuring and implementing these kinds of transactions. This is in part because “getting deals done” frequently requires the ability to navigate many different areas of law that inevitably overlap in this context. But it is also because the experienced deal lawyer is able to anticipate challenging issues that parties to the transaction will have to confront, and then to come up with creative strategies for resolving those challenges. The focus of this course will be on providing students with an understanding of how deal lawyers approach different stages in the life of a transaction and the kinds of legal issues that emerge in each of these stages. In addition to developing an enhanced understanding of the issues at play, the course will ensure that students spend substantial time reviewing, analyzing and drafting a range of deal documents.

LAW 451 Trademarks and Unfair Competition **S**

3 Credits, Lecture, Winter
Instructor: Amani

Trade-mark law protects ‘trade identity’ by providing private remedies for the unauthorized use of trademarks and other distinctive indicia. Owners of trade-marks have the exclusive right, under the Trade-marks Act, and substantially in common law, to use a mark to indicate the source of a product or service and to protect related intangibles of commercial value. While various torts of unfair competition will be discussed, the focus is on the federal Trade-marks Act and its impact on private rights to regulate the use of trademarks, trade names and unfair competitive practices. Students will learn how the common law regulation of unfair competition (with our focus on the tort of passing off) complements the statutory protections afforded for brands and logos that now dominate modern consumer culture. Attention is given to theoretical justifications and normative frameworks for trade-mark protection; underlying public policy objectives; the basis for making a trade-mark application and grounds for opposition, claims to title; the grounds for attacking validity of a mark; the forms of infringement; 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 the Paris Convention and Trade Related Aspects of Intellectual Property Agreement. Recent law reform efforts in Canada, if given effect, will significantly expand the definition of a trade-mark and promise to shift the law towards greater protection for unconventional marks. The reforms will also usher in other significant changes that we will examine for their potential impact on commercial speech. Students learn how the interests of stakeholders, from the desire to prevent free-riding to the promotion of free and fair competition, to the consumer and public interest in protecting the integrity of trade in the market of goods and services from consumer confusion while also protecting freedom of expression, have played out under Canadian law and how they may best be served.

LAW 458 Advanced Issues in Contract Law

3 Credits, Lecture, Fall
Instructor: Pratt

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

C – Compulsory Req **P** – Practice Skills Req **A** – Advocacy Skills Req **S** – Substantial Term Paper Req

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

This course is NOT open to students who completed Law 314: Remedies during the 2017-18 academic year. Among the topics to be covered in Law 458 in 2018-19 are some aspects of the law of damages for breach of contract that also formed part of that Law 314 syllabus.

LAW 468 Copyright Law **S**

3 Credits, Lecture, Fall

Instructor: Amani

Why should you care about Copyright law? Copyright law touches on most if not all aspects of our lives, our culture, and communication. Copyright affects how we as a society relate, educate, learn, create, earn a living, or simply participate in meaning making through expressive freedom. The shows we watch, the books we read, the music we listen to and create, the letters we write, the buildings we build, how we deal with our own property, and our use of the internet, all engage with copyright and have the potential to raise significant copyright issues that would impact the interests of owners, users, and the public. The year 2012 was a turning point in Canadian copyright law with significant legislative reforms and five Supreme Court of Canada decisions (the “pentology”) that will shape the trajectory of Canadian law for years to come. The Copyright Act extends a limited term of protection to original literary, dramatic, musical and artistic works as well as neighbouring rights in a performer’s performance, a maker’s sound recording, and a broadcaster’s communication signal. This course provides a brief introduction to the field of intellectual property in order to situate copyright in the policy framework of industrial and cultural property. The theoretical rationales for and judicial understanding of the role and function of copyright are explored as a means for examining the continued debates about the appropriate scope of rights, the need for limits, and the goal of “balance” to be given effect by copyright law and policy. The course is focused on two main issues: copyright subsistence and infringement, taking into consideration the difference between authorship and ownership, moral rights and economic rights, the nature and extent of rights and the kinds of works to which they attach, the kinds of infringement provided against under the federal legislation, including the new legal characterization of tampering with digital locks and technological protection measures as infringement, allowable exceptions, defences, and remedies (criminal and civil). How should copyright law evolve in the face of major technological shifts that disturb traditional business models? In reviewing the case law and statute, we will also consider some of the legal means by which copyright is made to expand or contract in accordance with policy, through the use of internal doctrinal mechanisms such as the idea/expression dichotomy, the merger of expression with ideas, the allowable use of stock devices, the concept of a “work”, the freedom of users to deal fairly with copyrighted works, provision for personal uses and non-commercial user generated content, and other exceptions under the federal legislation. Such mechanisms may be used, more or less, to give effect to the public interest in expressive freedom and a vibrant public domain. Copyright theory will be tested against its application; students are encouraged to think critically about the law’s inclusions and exclusions. Why is art protected but not craft? Ought food or yoga sequences be protected? Why or why not? The big questions we seek to answer in all instances are: Is copyright more about rights or about utility? Whose rights? What utility? And, have we got the “balance” right?

LAW 508 Taxation **S (W only)**

4 Credits, Lecture, Fall or Winter

Instructors: Cockfield (fall), Lahey (winter)

Pre-Requisite for: Law 506 International Taxation, Law 511 Corporate 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.

LAW 509 Taxation of Trusts and Estates

3 credits, Seminar, Fall

Instructor: Doobay

PRE- OR CO-REQUISITE: Law 508 Taxation

In Taxation of Trusts and Estates, students will learn how to help clients pass on assets and income to their beneficiaries in a tax effective manner, including through estate tax freezes, gifts and charitable contributions. The course reviews how tax affects estate planning and how to manage the consequences of these tax measures.

LAW 511 Corporate Taxation

3 credits, seminar, Winter

Instructor: Sorensen

PRE-REQUISITE: Law 508 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.

LAW 512 Corporate Finance

3 Credits, Lecture, Winter

Instructor: Yalden

PRE-REQUISITES: Law 440 Business Association

This course will examine fundamental legal and regulatory issues relating to corporate finance in Canada. This will include a focus on the ways in which enterprises raise money to finance existing or proposed activities, the lawyer's role in assisting the enterprise through that process, and public interest issues relating to how that process unfolds. Topics will include such matters as: (i) the strengths and weaknesses of different legal entities that may be used to carry on the enterprise and raise financing, as well as factors relevant to decisions about which kind of vehicle makes sense for a given venture; (ii) different sources of financing, including the types of capital providers that are available at different stages in the life-cycle of an enterprise and their different approaches to investing (e.g. venture capital, private equity, mutual funds, pension funds, other financial institutions); (iii) the manner in which investments may be structured and the range of financial instruments that enterprises and investors rely on; (iv) public interest issues that are relevant to corporate finance in Canada; and (v) strengths and weaknesses of the regulatory framework that governs corporate finance in Canada. These issues will be analyzed through lectures and seminar presentations.

LAW 552 Fiduciary Obligation

3 Credits, Lecture, Fall
 Instructor: Ellis

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.

LAW 564 Pensions and the Law

3 Credits, Seminar, Winter
 Instructor: Boctor/Macintosh

Pension plans are dynamic in Canadian society. They are a source of income in retirement to individuals, compensation tools for employers, social planning tools for government, sophisticated multi-billion dollar financial institutions, and can be the largest liability on a corporate balance sheet, and the largest asset on the family balance sheet. Pension law is equally dynamic. As a practice, it intersects with corporate, labour and employment, human rights, trusts, tax, contract, tort, agency, insolvency, insurance, family, administrative and regulatory law, among others. Moreover, now is an exciting time to practice and study pension law. Governments across Canada are enacting sweeping reforms to the system in an effort to strike a better balance among the interests of pension stakeholders, pension policy continues to make headlines in corporate insolvencies, and reform continues in the public sector pension system. The purpose of this course is to introduce students to the various legal issues relating to the design and operation of Canadian pension plans and the place they occupy in Canadian society. Given the multi-disciplinary nature of pension law, the course is ideal for students interested in a variety of areas of future practice.

LAW 602 Corporate Governance **S**

3 Credits, Seminar, Fall
 Instructor: Henderson

PRE-REQUISITE: Law 440 Business Associations

This seminar will examine current issues in the corporate governance of public companies. Topics will include sexual harassment and #metoo, gender diversity in management, engaging with Indigenous communities, cybersecurity and hostile takeovers. The format of the class is primarily discussion in small groups and as a class. For most classes, each group will represent a different key player in corporate governance - the board of directors, the senior officers, large institutional investors, activist shareholders and the regulator/public interest. For these classes, you will be assigned a short general background reading on the topic, but then you will be required to find material on your own, setting out the position on that topic of your assigned key player, and bring this article with you to class. Because of the group format, attendance and active engagement every class is essential. You also may have the opportunity, as part of your participation grade, to present to a mock board of directors, made up of lawyers and business experts, advising the board on a particular corporate governance issue.

LAW 608 Advanced Corporate Law

3 Credits, Seminar, Winter
Instructors: Nicholls, Seifred, Greenspoon

PRE-REQUISITE: LAW 440 Business Associations

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.

PROPERTY/REAL ESTATE

LAW 460 Land Transactions

3 Credits, Lecture, Fall
Instructor: Speers

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, when is it enforceable, what should be in it, how it should be drafted and why, when to use conditions, promises or representations, how it is completed and what remedies are available for its breach. Other issues which will be examined include the land registration system, real estate agents duties, mortgages and other security, mortgage remedies, easements, title insurance, Planning Act, fraud and solicitor's opinions. Relevant case law will be reviewed.

LAW 462 Wills & Estates

3 Credits, Lecture, Winter
Instructor: Freedman

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.

LAW 463 Trusts & Equity

3 Credits, Lecture, Fall
Instructor: Freedman

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.

LAW 645 Estate Litigation **A**

3 Credits, Seminar, Winter
Instructor: Freedman

PRE-REQUISITES: Law 225 Civil Procedure, Law 426 Wills & Estates and Law 463 Trusts & Equity are recommended but not required

This seminar will explore the assets of estate litigation including will challenges, claims against an Estate, and applications in relation to the administration of an Estate. Students will be expected to participate in roleplaying exercises in class and a culminating advocacy exercise at the end of the course.

SPECIAL INTEREST

LAW 272 Aboriginal Child Welfare

1 Credit, Seminar, Fall
Instructor: Clarke, S.

Indigenous children are overrepresented in the foster care system in Ontario and throughout Canada as a result of historic and ongoing political, social and economic policies. The new Child, Youth and Family Services Act was recently amended in an attempt to redress these discriminatory policies. This course examines both the historic and current state of Indigenous child welfare in Ontario and will provide students with a toolkit for further exploring the practice of child protection.

LAW 257 First Nations Negotiations

1 Credit, Seminar, Winter
Instructor: Sharpe

The Duty to Consult and Accommodate has been clearly outlined by the Supreme Court of Canada. What are the realities of this in practice when negotiating from a corporate, First Nations and government perspective? The course will introduce students to some of the legal and practical issues involved in First Nations negotiations and the skills needed to negotiate effectively.

LAW 301 Medical Malpractice

3 credits, seminar, Winter
 Instructor: Cruz/Sutton

This seminar examines the law as it relates to medical malpractice: how an injured patient in the healthcare system may claim compensation against healthcare professionals and organizations. Topics to be studied will include: issues in negligence law (standard of care and causation) as they relate to modern healthcare delivery; the law of informed consent, theories of liability (vicarious liability, enterprise liability); compensation for medical harm; and the place of medical malpractice in a state-controlled national medicare system. The course may also incorporate a number of additional legal and policy topics, including: the relationship between experts, science and the law; the relationship between medical malpractice and patient safety; medical error, disclosure, and apology; inquiries and inquests as agents of change; and comparative analysis of alternative models to address the harms resulting from medical malpractice.

LAW 304 Public Health Law

3 Credits, Seminar, Fall
 Instructor: Houston

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.

LAW 307 Health Law S

3 Credits, Seminar, Fall
 Instructor: Hanson

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.

LAW 308 Law and Neuroscience S

3 Credits, Seminar, Fall
 Instructor: Bailey

“Scientists studying the inner workings of the human organism have found no soul there. They increasingly argue that human behaviour is determined by hormones, genes and synapses, rather than by free will - the same forces that determine the behaviour of chimpanzees, wolves, and ants. Our judicial and political systems largely try to sweep

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such inconvenient discoveries under the carpet. But in all frankness, how long can we maintain the wall separating the department of biology from the departments of law and political science?" Yuval Noah Harari

Contemporary neuroscientists look at how human behaviour arises from brain activity. Their findings have increasingly been used to address many legal questions.

In this seminar, students will learn about: a) brain scanning technologies and the extent to which conclusions about human behaviour can be drawn from studies using these technologies; b) how to assess and use neuroscience evidence; c) how neuroscience evidence has been used to address particular legal issues, including: whether a party had mental capacity to enter into a contract, make a will, or get married; the mental state of an accused at the time of an alleged crime; how the state of a minor's brain development affects cognitive capacity; the accuracy of eye-witness testimony; and how particular brain injuries affect mental functioning.

LAW 354 Food Law and Governance **S**

3 credits, Seminar, Winter
Instructor: Amani

For the first time ever in Canadian history, Canada has committed itself to developing a national food policy. This aspiration is long overdue but raises important questions relating to what the policy ought to cover and why. This course seeks to examine how law, policies, and governance mechanisms fundamentally shape consumer food choices. Food is at once an intimate personal consumer good and a public good that helps to promote health and wellbeing for all Canadians. The rights to food and to be free from hunger are human rights. Yet, hunger persists amidst obesity epidemics. Food safety and security are fundamental concerns for all peoples. Food is culturally significant. There are gendered and racialized dynamics to food production and marketing. This course will examine legal, societal, and cultural aspects to food and food regulation. We will consider the relationship between food production and the regulatory mechanisms that determine food choices. In addition to forming an appreciation and understanding of the complexity of food governance in regulatory mechanisms, additional topics for potential exploration may include novel food regulations; intellectual property rights affecting food innovations, production and consumption; the treatment of animals; emerging technologies (the IoTs as applied to food, synthetic food); food programs, and the normativity (and harms) of institutionalized food in state facilities (such as residential schools and prisons). We will consider the push and pull of corporate food, the proliferated reliance on food banks, the deskilling of populations, and impacts for access to culturally significant foods and sustainable practices. We are concerned with the implication of such issues for the acquisition of good nourishment and wellbeing, for maintaining an environment conducive to food growth, and for determining the direction of the current food economy, as well as its distributional consequences.

LAW 381 Communications Law

3 credits, Seminar, Winter
Instructor: Sheskay

This course will provide an overview of key areas which are relevant to communications law in Canada with a focus on the regulatory framework relating to telecommunications carriers, broadcasters, the internet and other related businesses. The role of the Government, the CRTC, the Courts and international bodies in shaping that framework will be examined. Later in the course, we will cover particular recurring topics such as the attempts to regulate markets, anti-spam legislation, privacy, cybersecurity, law enforcement. In addition we will look at how regulators might respond to challenges emerging from new issues such as the internet of things, big data, fake news and the role of social media platforms. Aside from media and communications, this course will touch on issues in administrative law, constitutional law, licensing, competition law, consumer protection, freedom of expression and privacy law, so this course may be of interest to a wide range of students. The course will look historically at how the law in this area

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has developed, but because the field is continually evolving, there will also be current issues at the time of the course which we will attempt to put in the wider context of the development of the law.

LAW 403 Mental Health Law **S**

3 Credits, Seminar, Winter
Instructor: Hanson

The aim of this course is to explore the various facets of mental health law in the criminal and civil contexts, focusing on particular areas of concern as reflected in the case law. Mental illness poses unique difficulties for a legal system that is premised on self-determination and the rights of the individual, as the courts struggle to find a balance between the recognition of those rights and the necessity for assessment or intervention where decision-making capacity is imperiled. Those who suffer from mental illness also often face unique obstacles, as their illness frequently goes unrecognized, and may give rise to stigma and discrimination.

Like many course designations, mental health law actually covers a broad range of legal categories and the cases are quite diverse. Throughout the course, a recurrent theme will be the protection of the rights of those who suffer from a mental illness, and the need to balance those rights against competing concerns about the need for treatment, public safety and other social interests. We review topics such as the civil committal process, capacity assessments, addictions, NCR findings, review board decisions, confidentiality, and the duty to warn.

LAW 514 Mining Law and Policy

3 Credits, Seminar, Fall
Instructor: Connidis/Pederson

Canada has been a leader in mineral exploration and mine development and finance for many decades. However, to prosper today many practices which are a carry-over from the 19th and 20th centuries must change. Failure to do so will adversely affect the long-term sustainability of the Canadian industry and the professionals who service it. Using film, small group discussion, role plays and lectures this course will provide an overview of the process by which minerals and gems are extracted, develop an understanding of how the national and international mining industry is structured and financed, and analyse the effects on the economy, environment, culture, and society. Students will critically evaluate existing and proposed laws and regulations in Ontario and Canada for mining, mineral processing, mine financing and corporate decision making having regard to the experience of communities, Aboriginal peoples and the mining industry in Canada and abroad.

LAW 517 Environmental Protection Law **S**

3 Credits, Seminar, Winter
Instructor: Pardy

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This seminar course will focus on the conceptual foundations of environmental protection law, and on the writing of a research paper. We will examine and challenge the principles that underpin environmental legislation and policy, and explore how to think about, research, and write about environmental law. Topics such as environmental regulation, ecosystem management, and liability for environmental harm will be considered. The emphasis will be on critical analysis of environmental law and policy.

LAW 532 Aboriginal Law

3 Credits, Seminar, Winter
Instructor: Choquette

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.

CONSTITUTIONAL

LAW 221 Comparative Constitutional

3 Credits, Seminar, Fall
Instructor: Newman

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?

LAW 471 Immigration Law

3 Credits, Lecture, Fall
Instructor: Aiken

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

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across the full range of immigrant and refugee categories. Key jurisprudence as well as critical and comparative perspectives will be considered throughout the course.

LAW 529 Advanced Constitutional **S**

3 Credits, Seminar, Winter
Instructor: Webber

This course will offer an in-depth analysis of select topics in constitutional law. We will focus mostly on the Canadian Charter of Rights and Freedoms but may also discuss matters pertaining to other parts of the Constitution of Canada. The course will be advanced, as compared to the basic first year constitutional law, in two ways. First, it will provide students with an opportunity to learn about constitutional issues not addressed in first year. Second, it will interrogate constitutional issues in a sustained and reflective manner. Topics for discussion may include: proportionality analysis under the Oakes test; the constitutional dialogue between the branches of governments; the role of precedent in Charter cases; and an in-depth study of some of the significant Supreme Court decisions of late (e.g. on medical assistance in dying; prostitution/sex work; Senate reform).

CRIMINAL LAW

LAW 276 Bias and Criminal Justice System Outcomes

1 Credit, Seminar, Winter
Instructor: Enejor

This course examines the ways in which our criminal justice system acknowledges, ignores, confronts and responds to the growing body of evidence which shows us that factors such as race, gender, sexual orientation— as well as the intersection of these factors— impact justice system outcomes. This course will introduce students to various theories of implicit and systemic bias in criminal justice. It will then invite students to explore bias in the Canadian justice system by critically examining legislation, cases, commissions and inquiries. All seminars will be interactive and participatory. Students are expected to have completed their assigned readings ahead of class.

LAW 404 Criminal Procedure

4 Credits, Lecture, Fall
Instructor: Stuart

Pre-Requisite for: Law 590AB Clinical Litigation Practice, Law 411 Advanced Criminal Law, Law 361 Trial Advocacy (Criminal)

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.

LAW 407 Criminal Law Theory **S**

3 credits, Seminar, Winter
Instructor: Ewing

Criminal law is among the most theoretically rich areas of law. It raises fundamental questions about human agency, moral responsibility, the rule of law, and the limits of legitimate state coercion. In this course we will study the theoretical underpinnings-conceptual, moral, and political-of both the institution of criminal justice as a whole and various criminal offences and defences. Potential topics include (but are not limited to): the justifying aims and moral limits of punishment; the criminal law's conception of moral responsibility; the limits of legitimate criminalization; punishment versus alternative modes of behavioural regulation; the theory of possessory offences, attempts, and hate crimes; the foundations of justification and excuse in general; and the structure of specific defences such as self-defence, provocation, duress, and entrapment.

LAW 416 Sentencing and Imprisonment **S**

3 Credits, Lecture, Fall
Instructor: Kerr

This course will study the legal doctrine that governs the sentencing and imprisonment phases of the criminal justice system. We will look primarily at three aspects of "Sentencing and Imprisonment": (1) The Philosophical Principles of Sentencing; (2) The Law of Sentencing; and (3) Judicial Remedies for Convicted Persons: Constitutional and Administrative. We will pay special attention to the situation of Indigenous peoples in the criminal justice system. We will think comparatively and critically about the Canadian prison system and will consider strategic litigation possibilities with respect to both sentencing and imprisonment. The course will include attention to current issues on the docket at the Supreme Court of Canada, and will follow a lecture/discussion format.

ADVOCACY/MOOTING/NEGOTIATIONS

LAW 335 Negotiation **P**

3 Credits, Seminar, Fall or Winter
Instructor: 335 Fall – Dubey, 335 Winter –Ball

NOTE: Students cannot enroll in more than one of Law 341-345 Alternative Dispute Resolution or Law 335/336/338 Negotiations

The purpose of this seminar is to gain theoretical as well as practical knowledge of and perspectives related to negotiation. The seminar will focus on building and improving participants' negotiating skills through analysing conflict, understanding the process of negotiation, and engaging in a series of simulated negotiations with coaching and de-briefing. Topics to be covered will include general and specific negotiation themes including understanding the nature of conflict, analyzing problems, understanding negotiation styles and approaches, defining and uncovering interests, developing options, brainstorming, joint problem-solving, dealing with process challenges ("hard bargainers" and other obstructive behaviours, overcoming impasse, etc.), ethics in negotiation, and negotiation in a variety of contexts (including collaborative negotiations, facilitated negotiations). Role-plays will include direct and multi-party negotiations in a variety of practice areas

LAW 338 Negotiation **P**

3 credits, Seminar, Winter
 Instructor: Dahan

NOTE: Students cannot enroll in more than one of Law 341-345 Alternative Dispute Resolution or Law 335/336/338 Negotiations

This highly interactive semester-length seminar explores how people negotiate to create value and resolve disputes. Students will engage in a series of hands-on simulations set in domestic and international contexts, building from simple two-party encounters to complex multi-party scenarios. Topics will include understanding the nature of conflict, defining and uncovering interests, and dealing with process challenges such as "hard bargainers" and deadlocks. Role-playing exercises will cover direct and multi-party negotiations in practice areas such as international negotiations, financial aid, labour, and regulatory and public dispute negotiations. This seminar will make use of new technologies designed to monitor negotiation performance in the classroom. Finally, students will be exposed to recent technological developments in negotiation such as predictive justice, legal analytics, and the application of artificial intelligence and machine learning to dispute resolution.

LAW 341-344 Alternative Dispute Resolution **P**

3 Credits, Seminar, Fall or Winter
 Instructor: Fall (341-Gauci, 342-Maur, 344-Whiteknight) Winter (341-Gauci)

NOTE: Students cannot enroll in more than one of Law 341-345 Alternative Dispute Resolution or Law 335/336/338 Negotiations

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.

LAW 345 Alternative Dispute Resolution **P S**

3 credits, Seminar, Fall
 Instructor: Dahan

NOTE: Students cannot enroll in more than one of Law 341-345 Alternative Dispute Resolution or Law 335/336/338 Negotiations

Alternative Dispute Resolution is the resolution of disputes by means of negotiation, mediation, or arbitration, rather than by trial before a judge. This course is designed to raise your awareness of your own approach to conflict, and introduce a range of theories about mediation and arbitration processes. 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 ADR. The course will cover mediation styles; diagnosing conversation; ethical dilemmas; dealing with difficult behavior; mediation in litigation contexts; managing conflict in the workplace; and mediating and arbitrating complex public policy disputes. The primary focus will be on the use of ADR in a variety of practice areas, including international conflict, labour mediation, financial aid, and commercial and regulatory disputes. The goal of the course is to develop settlement skills and gain a critical understanding of ADR methods. This seminar will introduce students to the theory and promise of Dispute Systems Design with the aim of training students to play a new and more creative professional role. Finally, students will be exposed to recent technological developments in negotiation such as predictive justice, legal analytics, and the application of artificial intelligence and machine learning to dispute resolution.

C – Compulsory Req **P** – Practice Skills Req **A** – Advocacy Skills Req **S** – Substantial Term Paper Req

In consultation with the instructor, the paper for this course can be increased to meet the Substantial Term Paper degree requirement.

LAW 350 Appellate Advocacy **A**

3 Credits, Seminar, Fall
Instructor: Osanic

Students in this course are given a carefully selected actual case which has received Leave to Appeal from the Supreme Court of Canada. Along with instruction and practice presentations during the term, students will be formed into groups of Appellants and Respondents to prepare and argue this case. Factums are drafted, filed and served amongst the opposing student teams. At the end of the term the case is argued by the student teams at the Frontenac County Court House. Case selection is made with timing in mind so that the actual case will then be argued before the Supreme Court of Canada sometime shortly after the end of the course. 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.

LAW 360 Trial Advocacy (Civil) **A**

3 Credits, Seminar, Fall
Instructor: Cruz, Sutton, Graham, Kalamut

PRE/CO-REQUISITES: Law 225 Civil Procedure and Law 320 Evidence strongly encouraged but not mandatory
Learning and developing skills and techniques relating to advocacy in a trial setting, including opening and closing statements, examination-in-chief, cross-examination, introduction of documentary, real and demonstrative evidence, as well as oral and written submissions. Students will participate in the preparation of materials and hands-on exercises each week. Where possible and desirable, videotape will be used to aid in the evaluation and critique of students' performances.

LAW 361 Trial Advocacy (Criminal) **A**

3 Credits, Seminar, Winter
Instructor: Paciocco/Snow/Guertin

PRE/CO-REQUISITES: Law 320 Evidence and Law 404 Criminal Procedure

Using a practical approach and a criminal jury trial as the context, students will be taught the core elements of criminal trial advocacy: developing a theory about the case; examining witnesses; using exhibits; and, addressing a jury. Throughout the term, the instructors will deliver short lectures on the fundamental aspects of criminal trial advocacy and perform short demonstrations to help students understand those elements of criminal trial advocacy that are difficult to learn from a book. The majority of the time, students will prepare and perform short forensic exercises in front of the instructors and one or more visiting Crown counsel and/or defence counsel, who will provide feedback about each performance. In addition to the fact patterns on which the forensic exercises will be based, students will be expected to read excerpts from various sources, all of which will be supplied by the instructors. On Saturday, April 8, 2017, students will participate in a half-day trial at the Kingston court-house before an actual judge and a mock jury comprised of the students' friends and relatives. Students will be graded on a pass/fail basis. Due to the manner in which the course is taught, attendance is mandatory (including at the first class on January 9, 2017) and access to the internet during class is prohibited. **Should you be unable or unwilling to commit to attending every class AND not accessing the internet during class, this course is not for you.**

LAW 362 Trial Advocacy (Civil) **A**

3 Credits, Seminar, Winter
Instructor: Kamin

PRE/CO-REQUISITES: Law 225 Civil Procedure. Law 320 Evidence is recommended

This course is designed to help acquire basic skills in trial advocacy. It is applicable to various areas of litigation including criminal, family and civil. Students will participate in examinations for discovery, opening statements, examinations in chief, cross examinations, closings, and pre-trial motions (time permitting). The work load is substantial, but we strive to make the learning experience fun. Civil Procedures is a prerequisite to taking this course; Evidence would be helpful.

LAW 362 Trial Advocacy (Civil) **A**

3 Credits, Seminar, Fall
Instructor: Ellis

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.

LAW 363 Trial Advocacy **A**

3 Credits, Seminar, Winter
Instructor: McLeod

PRE-REQUISITE: Law 225 Civil Procedure

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.

LAW 365 Advocacy on Motions **A**

3 Credits, Seminar, Winter
Instructor: Muszynski

Completion of Law 225 Civil Procedure strongly recommended

The purpose of this course is to familiarize students with the rules and advocacy techniques associated with bringing motions and applications before the Superior Court of Justice. Students will follow a moot fact scenario through the procedural steps associated with motions and applications, including the drafting of a Notice of Application and/or Notice of Motion, the drafting of a supporting Affidavit, the conduct of cross examinations on Affidavits, the drafting of a factum and, ultimately, the presentation of arguments in a moot hearing.

LAW 435 Tribunal Advocacy **A**

3 credits, Seminar, Fall
Instructors: Seal/Fowler

This course will focus on the elements of advocacy before administrative tribunals and other administrative decision-makers. Students will examine the manner in which core administrative law principles are utilized by administrative decision-makers on a practical level. Specifically, the concepts of procedural fairness and admissibility of evidence will be emphasized, and students will learn to apply these concepts to shape their arguments when advocating before administrative decision-makers. Skill-building exercises will be conducted in class so that students can see how evidence and argument can be used effectively in administrative proceedings. The various types of hearing and decision-making procedures will be reviewed and compared, and students will learn about the process of judicial review.

LAW 473 Competitive Moot Court – Oralist **A**

3 Credits, Fall, Winter or Fall/Winter

Upper-year J.D. or combined J.D. degree program students selected as an oralist for an approved moot team will be enrolled in LAW-473 Competitive Moot Court – Oralist for three upper-year 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 of open enrolment at the beginning of the fall term for a fall term moot or at the beginning of the winter term for a winter term moot. If the selection is made after expiry of the open enrolment period for the relevant term, permission for late enrollment must be sought from the Assistant Dean of Students on behalf of the Academic Standing and Policies Committee.

LAW 477A/B Competitive Moot Oralist **A**

6 Credits, Full year

Upper-year J.D. or J.D. combined degree program students selected as an oralist for a designated** moot team will be enrolled in LAW-477AB in the fall and winter terms for six upper-year credit units. This course is to be graded on a letter grade basis by the faculty supervisor upon completion of the moot. The letter grade will entered in the winter term. LAW477AB must be added during the period for open enrolment period at the beginning of the fall term. If the selection is made after expiry of the open enrolment period for the fall term, permission for late enrollment must be sought from the Assistant Dean of Students on behalf of the Academic Standing and Policies Committee.

**Designation of a moot for Law 477A/B registration will be made by the Moot Court Committee. Currently, for oralists of ELSA, Jessup and VIS Moots only.

LAW 489, 488, 480, 481 and 484AB Competitive Moot Coach/Researcher

Upper-year J.D. or J.D. combined degree program students selected as a Competitive Coach/Researcher will be enrolled in:

- LAW-489: 3 credits, Graded (additional written work req'd) – fall, winter or fall/winter
- LAW-488: 3 credits, Pass/Fail (no additional written work req'd) – fall, winter or fall/winter
- LAW-480: 3 credits, Graded (additional written work req'd) – Paired with Law 481 for year-long registration. Fall or winter.
- LAW-481: 3 credits, Pass/Fail (no additional written work req'd) – Paired with Law 480 for year-long registration. Fall or winter.
- Law 484AB: 6 credits, Graded (additional written work req'd). For coach/researcher of ELSA, Jessup and VIS moots only.)

C – Compulsory Req **P** – Practice Skills Req **A** – Advocacy Skills Req **S** – Substantial Term Paper Req

The Faculty Moot Supervisor will conduct the selection process and will give preference to the selection of students with a demonstrated proficiency in the subject matter of the moot, strong grades in completed coursework relevant to the moot subject matter, demonstrated proficiency from prior experience in drafting facta and/or prior experience in appellate advocacy, trial advocacy or skills in alternative dispute resolution or client counselling as would be relevant to the moot. A coach/researcher will be expected to conduct research and formulate legal arguments, assist with drafting and editing facta, crafting oral arguments, assessing the strength of oral arguments and will offer strategies to improve the quality or delivery of the legal arguments. Coach/researchers may also be called upon to fulfill administrative tasks associated with the logistics of the moot. The Faculty Supervisor will confirm the appropriate credit unit registration at the time of selection and will assign a grade for the course on a letter grade basis (or assign Pass/Fail if student selected that option) at the end of the moot. The grade will be associated with the term registration.

LAW 495 Competitive Moot II Oralist A

3 Credits, Fall, Winter or Fall/Winter

Upper-year J.D. or combined J.D. student selected as an oralist for an approved moot held in the fall or winter term and who has a previous registration in LAW-473, will be registered in LAW-495 for three upperyear credit units to be graded on a letter grade basis by the faculty supervisor upon completion of the moot. Law-495 must be added during the period for open enrolment at the beginning of the fall term or at the beginning of the winter term for a winter term moot. If the selection is made after expiry of the open enrolment period for the relevant term, permission for late enrollment must be sought from the Assistant Dean of Students on behalf of the Academic Standing and Policies Committee.

TORT LAW

LAW 339 Advanced Torts S

3 Credits, Lecture, Fall
Instructor: Hanson

This seminar will provide students with the opportunity to explore tort law in greater depth. There will be inclass discussion on timely public issues, and we will examine the new conceptions of duty and causation that are currently emerging from decisions of the Supreme Court of Canada. Standard areas covered are defamation, class actions, vicarious liability, ex turpi causa, liability of public authorities, and the use of negligence as a mechanism for political change. We will also consider emerging actions in tort law relating to privacy and freedom of speech, along with novel duties in negligence such as negligent investigation and the duty to control the conduct of others.

LAW 364 Personal Injury Advocacy **A**

3 Credits, Seminar, Winter
Instructor: Cameron

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.

CLINICAL/EXPERIENTIAL

LAW 418A/B Prison Law Clinic **P A*** (if instructor certifies)

8 Credits, Fall and Winter
Instructor: Ferreira

RECOMMENDED: Law 320 Evidence and Law 404 Criminal Procedure

The Prison Law Clinic is a specialized legal clinic that provides legal advice, assistance and representation to prisoners in the seven penitentiaries in the Kingston area. This clinical course provides 2nd and 3rd year students with the opportunity to develop essential lawyering skills by becoming involved in the legal practice carried on by the Prison Law Clinic. Students will interview prisoner clients and represent them at trials in Penitentiary Disciplinary Courts and at Hearings before the Parole Board of Canada. 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 Clinic's legal practice, including its litigation, students will have many opportunities to develop skills in advocacy, interviewing clients, legal analysis and managing effective solicitor/client relationships. Students will work extensively with the time and case management system that the Queen's Law Clinics (QLC) uses. Instruction is provided through lectures, written materials and through individual supervision of student casework by the Clinic lawyers.

The class will meet for 2 hours each week on a date and time to be set and students will attend at the QLC, 5th Floor, LaSalle Mews, 303 Bagot Street, Kingston regularly and as required to meet with clinic lawyers and complete casework. Students will also attend at one or more penitentiary regularly and as required in the course of their work.

Grading will be based on an evaluation of the casework completed by the student throughout the year and other possible assignments. Participation in class discussions is encouraged. A maximum of 18 students will be admitted to this course. Students will be selected by the Clinic Director based on a written application process.

LAW 419A/B Advanced Prison Law Clinic **P A*** (if instructor certifies)

8 credits, Fall and Winter
 Instructor: Ferreira

PREREQUISITE: LAW 418 or Summer Employment with QPLC

RECOMMENDED: Administrative Law, Human Rights, Advanced Constitutional Law

The Prison Law Clinic is a specialized legal clinic that provides legal advice, assistance and representation to prisoners in the seven penitentiaries in the Kingston area. This new clinical course provides 2nd and 3rd year students, who have had prior experience with the Prison Law Clinic (either through LAW 418 or through summer employment), with the opportunity to develop advanced advocacy and litigation skills by having carriage of more complex prison law files intensive involvement in the test-case litigation practice carried on by the Prison Law Clinic. Students will interview potential test-case litigants, represent prisoner clients at trials in Penitentiary Disciplinary Courts and at Hearings before the Parole Board of Canada and prepare formal grievances and human rights complaints for selected files where the Clinic intends to create a record for a potential test-case. Students will attend at the QLC, 5th Floor, LaSalle Mews, 303 Bagot Street, Kingston regularly and as required to meet with Clinic lawyers and complete casework. Students will also attend at multiple Kingston-area penitentiaries as required in the course of their work. A driver's licence is required.

Students will pursue multiple targeted research projects in support of current and anticipated prisoner-rights litigation, assist counsel in preparing materials for court in ongoing litigation matters, and observe court hearings. Students are expected to become familiar with the principles of administrative law and the procedures of judicial review and appellate practice. Grading will be based on an evaluation of the casework completed by the student throughout the year. Anticipated enrollment for this course is 1-3 students. Students will be selected by the Clinic Director based on a written application process.

LAW 438A/B Queen's Business Law Clinic **P**

8 Credits, Fall and Winter
 Instructor: Jarvis

PRE/CO-REQUISITE: Law 440 Business Associations

This course provides 2nd and 3rd year students with the opportunity to provide supervised legal services to start-up and small businesses, and not for profit and charitable 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 basic intellectual property courses 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 and intellectual property law matters such as:

- Incorporation and organization of business and not-for profit organizations
 - Shareholder and partnership agreements
 - Business name and trademark work (including applications for registration)
 - Copyright advice and registration
 - General government regulatory compliance issues relevant to start-ups, not-for-profits and charities
 - Drafting and review of contracts covering a range of subject matter, from website or mobile app terms of use and privacy policies, through intellectual property licensing, various service agreements, employment contracts, to simple commercial leases, and subject to review counsel expertise and student interest, sports and entertainment law.
- Students will also be actively involved in the operation of the Clinic, learning and developing skills in practice administration and management, client development, Law Society regulation, the use of retainer agreements and the use of time and case management software.

The course will run from September until April (i.e. two terms). Clinic members will meet as a class for 2-3 hours most weeks, and students will be required to attend office hours and meet with the Clinic Director on a weekly basis. Grading will be based on an evaluation of the casework completed by the student throughout the year and the

C – Compulsory Req **P** – Practice Skills Req **A** – Advocacy Skills Req **S** – Substantial Term Paper Req

completion of course-related assignments.

A maximum of 24 students will be admitted to this course. Student caseworkers will be selected by the Clinic Director based on a written application process.

LAW 527A/B Queen's Family Law Clinic **P**

8 Credits, Fall and Winter

Instructor: McGrath

PRE/CO-REQUISITE: Law 520 Family

RECOMMENDED: Law 320 Evidence and Law 225 Civil Procedure

This course provides 2nd and 3rd year students with the opportunity to work at the Queen's Family Law Clinic (QFLC) which is a specialized clinic that provides legal advice, assistance and information to low-income individuals in Kingston and the surrounding area. Through involvement in the QFLC, students will have opportunities to develop skills in interviewing clients, preparing documents for court, carrying out legal analysis and managing effective relationships with clients. Instruction is provided through lectures, a course manual and class discussion as well as through individual supervision of student casework by the Director and the Review Counsel. In addition to clinic experience, student caseworkers will have opportunities to attend Family Court to observe and interact with clients and family justice professionals. Under the supervision of the clinic lawyers, students can expect to work directly with clinic clients, plan litigation strategy, prepare pleadings, issue, serve and file court documents, learn the basics and many intricacies of the Family Law Rules and work with a variety of family justice agencies in efforts to assist qualifying self-representing litigants navigate the complexities of Family Court litigation. Students will also be actively involved in the operation of the Clinic, learning and developing skills in practice administration and management, client development, Law Society regulation, the use of retainer agreements and the use of time and case management software.

The course will run from September until April (i.e. two terms) and takes place at the downtown offices of the Queen's Law Clinics (QLC), 5th Floor, LaSalle Mews, 303 Bagot Street, Kingston. Student caseworkers will meet as a class for three hours each week on a date and at a time to be set and, in addition, will attend at the QLC regularly and as required to meet with clinic lawyers and complete casework. Student will also be required to attend at other locations in the course of their work including the Kingston Family Court at 469 Montreal Street, Kingston.

Grading will be based on an evaluation of the casework completed by the student throughout the year, participation in class discussions and the completion of course-related assignments.

A maximum of 12 students will be admitted to this course. Student caseworkers will be selected by the Clinic Director based on a written application process.

LAW 581A/B; 582 A/B Canadian Labour and Employment Law Journal P

4 Credits, Full Year

The Canadian Labour and Employment Law Journal (CLELJ) is Canada's only scholarly refereed law review in its field, and is a collaborative publication of Lancaster House and the Queen's Centre for Law in the Contemporary Workplace. The Editor-in-Chief is Professor Kevin Banks. The student editorial group consists of a maximum of six Student Editors (Law-581AB) and a maximum of two Senior Student Editors (Law-582AB) who have previously served as Student Editors on the CLELJ or the Queen's Law Journal. Law-582AB and Law-581AB each carry four credits, normally divided equally between the fall and winter terms. Duties of the Senior Student Editors and Student Editors will include the following: doing initial reviews of articles submitted to the journal, deciding which submissions to accept and on what conditions; assessing revisions made by the authors; doing substantive editing of the accepted papers; supervising citation checking by volunteer student editorial assistants; and helping to plan future issues. The student editorial group is selected in the spring for the following academic year, on the basis of written applications, a short editing test and an interview.

LAW 587, 588, 589 Queen's Law Journal P

4-6 Credits

Faculty Advisors: Thomas/Webber

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.

LAW 590A/B Clinical Litigation Practice **P A*** (if instructor certifies)

4 Credits per term, Full year
Instructors: Charlesworth, Mills

RECOMMENDED: Law 225 Civil Procedure; Law 404 Criminal Procedure; Law 320 Evidence

This course provides 2nd and 3rd year students with the opportunity to work in Queen's Legal Aid, a poverty law clinic which serves low-income area residents as well as students at Queen's University and St. Lawrence College. Queen's Legal Aid typically assists with criminal and quasi-criminal offences, landlord/tenant disputes, creditor/debtor matters, employment claims, human rights and criminal injuries applications and appeals to obtain income support for persons with disabilities. The students obtain litigation experience before various decision-makers, helping them develop skill and confidence as legal professionals. Under the supervision of experienced lawyers, students will interview clients and potential witnesses, research legal issues, draft legal memoranda, provide draft legal opinions, prepare pleadings or applications, negotiate settlements and participate in trials before criminal and civil courts, as well as hearings before administrative tribunals (e.g. Landlord and Tenant Board, Social Benefits Tribunal, Criminal Injuries Compensation Board, Human Rights Tribunal.) Students will also be actively involved in the operation of the Clinic, learning and developing skills in practice administration and management, advocacy, client development, Law Society regulation, the use of retainer agreements and the use of time and case management software.

The course will run from September until April (i.e. two terms) and takes place at the downtown offices of the Queen's Law Clinics (QLC), 5th Floor, LaSalle Mews, 303 Bagot Street, Kingston. Student caseworkers will meet as a class for up to three hours each week on a date and time to be set and, in addition, will attend at the QLC regularly and as required to meet with clinic lawyers and clients, fulfill clinic duties and complete casework. Student will also be required to attend at other locations in the course of their work including court and tribunal locations in Kingston and Napanee. QLA has a vehicle for transportation; a driver's licence is an asset but is not required.

Grading will be based on an evaluation of the casework completed by the student throughout the year, involvement in the effective and efficient operation of the clinic, and participation in course-related activities.

A maximum of 24 students will be admitted to this course. Student caseworkers will be selected by Clinic lawyers based on a written application process.

LAW 591, 592 Queen's Legal Aid Student Leadership

2 Credits, Fall and/or Winter
Instructors: Charlesworth, Mills

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.

C – Compulsory Req **P** – Practice Skills Req **A** – Advocacy Skills Req **S** – Substantial Term Paper Req

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.

LAW 593, 593AB Queen's Legal Aid Student Leadership

3 Credits, Seminar, Fall and/or Winter
Instructors: Charlesworth, Mills

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 ninety 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.

To obtain the credits in Law-593 or 593AB the students must effectively lead a group of QLA members during the academic year through appropriate mentoring, supervision and training in administrative requirements; show excellent professional conduct; and develop and produce a small-group presentation on a topic useful to our members or clients. 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.

To obtain the credits in Law-593 or 593AB the students must effectively lead a group of QLA members during the academic year through appropriate mentoring, supervision and training in administrative requirements; show excellent professional conduct; and develop and produce a small-group presentation on a topic useful to our members or clients.

Eligible students in the upper-years of the JD degree program may register for a single term or in both the fall and winter terms for a total of three credits. 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.

LAW 692, 693 Feminist Legal Studies Workshop **S**

1 Credit, Fall or Winter
Instructor: Lahey/Amani

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. The ISP must be term specific.

LAW 695AB Elder Law Clinic **P**

8 Credits, Fall & Winter
Instructor: Hicks

RECOMMENDED: Law 225 Civil Procedure

This course provides 2nd and 3rd year students with the opportunity to work at the Queen's Elder Law Clinic (QELC) which is a specialized clinic that provides legal advice, services, assistance and information to low-income seniors.

C – Compulsory Req **P** – Practice Skills Req **A** – Advocacy Skills Req **S** – Substantial Term Paper Req

Through involvement in the QELC, students will have opportunities to develop skills in interviewing clients, managing client files, preparing and advising on simple wills, powers of attorney for personal care, powers of attorney for property, responding to general estate inquires, and preparing applications for Certificates of Appointment of Estate Trustee (With and Without a Will).

Students will also assist elderly and vulnerable clients with a variety of age-related issues such as capacity, substitute decision making, understanding rights under current legislation, how to effectively communicate with third parties, and identifying and addressing misuse or abuse of authority by grantees. Students will also carry out legal analysis, manage effective relationships with clients, and become familiar with best practices for assisting elderly, disabled, or vulnerable clients. Lastly, students will also research legal issues related to aging and substitute decision making, and then present seminars and written material on topics to both the course, and to interested community groups (public legal education).

Instruction is provided through lectures and class discussion, as well as through individual student casework supervised by the Director and Review Counsel.

Students will also be actively involved in the operation of the Clinic, learning and developing skills in practice administration and management, client development, Law Society regulations, the use of retainer agreements and the use of time and case management software.

The course will run from September until April (i.e. two terms) and take place at the downtown offices of the Queen's Law Clinics (QLC), 5th Floor, LaSalle Mews, 303 Bagot Street, Kingston. Student caseworkers will meet as a class for three hours each week on a date and time to be set and, in addition, will attend at the QLC regularly and as required to meet with the clinic Director and Review Counsel, and to complete casework. Students will normally be required to attend at other locations in the course of their work including Kingston General Hospital, Providence Care Hospital, local penitentiaries, and local retirement homes or long term care facilities.

Grading will be based on an evaluation of the casework completed by the student throughout the year, participation in class discussions, professionalism, and the completion of course-related assignments such as presentations and public legal education.

A maximum of 8 students will be admitted to this course. Student caseworkers will be selected by the Clinic Director based on a written application process.

LAW 696 Experiential Learning Internship/Placement

2-8 Credits, fall, fall/winter or winter

In Experiential Learning, students will undertake an intensive, work-based internship or placement at an office providing legal or law-related services. Placements may include NGOs, law firms, government agencies, judicial offices, and other non-profit organizations. Placements may be inside or outside of Canada. Placements must be at least 50 hours and no more than 480 hours. Depending on volume and intensity of work, a minimum of 2 credits and a maximum of 8 credits may be awarded over one or two terms. No remuneration will be provided. Supervision will be provided on-site by a designated contact for the organization who is familiar with the experience and any work of the student, and who will provide a report on the student. There will also be supervision and grading by a full time Faculty member or the Assistant Dean of Students (instructors can also opt for 'pass/fail' evaluation). Students will be required to provide a log documenting time spent and activities undertaken, and write a reflective piece to explain how the experience has contributed to their legal education.

Note: This course does NOT meet the practice skills degree requirement.

LAW 698AB Clinical Externship (Community Legal Advocacy Centre, Belleville or Cobourg Community Legal Centre) **P A*** (if instructor certifies)

3 Credits per term, full year

A placement with a community legal clinic affiliated with and funded by Legal Aid Ontario which provides legal assistance to low-income area residents. The placement provides clinical legal experience to law students, helping them develop skill and confidence as legal professionals. 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 hearings before administrative tribunals on poverty law issues such as landlord/tenant disputes, creditor/debtor matters, employment claims and income maintenance problems. Students will be required to maintain a journal, engage in weekly supervision sessions and participate in assignments reflecting on issues of access to justice, legal ethics and professional responsibility, review articles and reports relevant to the practicum experience, poverty law and reflective practice. Students will be expected to develop and implement one special project, to be negotiated with the legal and reflective practice supervisor, to create a public legal education document, internal reference resource, organize an outreach event or engage in a community development or law reform project. A short summary report reflecting on the value of the practicum to the student's legal education must be filed with the Associate Dean, Academic at the end of the term. Students will be expected to work one day a week on site at the clinic, a minimum of seven hours on that day, for a minimum of 84 to a maximum of 100 hours each term. Registration will be for the both the fall and winter terms. Permission may be sought to register for a single term from the Assistant Dean of Students. Selections are made pursuant to a manual application process by the Assistant Dean of Students and the Executive Director of the clinic.

LAW 699 Federal Government Internship **P**

3 Credits, Fall or Winter

Manual application and selection process administered by the Director of Career Development with the Assistant Dean of Students. A research intensive, work-based internship at an office providing legal services within the federal government. Interns must work on site one day a week, at least seven hours a day, throughout 12 weeks of a term under the supervision of a legal officer in that unit. At least 80 to 100 hours should be spent on site over the term. Most participating offices are within the jurisdiction of the Department of Justice, but internships with the Department of Foreign Affairs and International Trade or the Canada Revenue Agency, Legal Services, may be offered. Participating offices vary from term to term. The internship would develop skills in legal research, communication skills, orally and in writing, through work such as preparation and presentation of legal opinions, briefing notes, policy memoranda or litigation reports. Students must provide their own transportation and will be required to sign a WSIB form and OCASP documentation. A condition of registration will be success in obtaining the required security clearance prior to the start date of the internship.

Evaluation: Pass/Fail, Evaluation form completed by the supervising lawyer at government office and student intern completes a brief report to explain how the experience contributed to his or her legal education.

LABOUR/EMPLOYMENT

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

4 Credits, Lecture, Fall

Instructor: Banks

Pre-Requisite for: Law 562 Collective Agreement and Arbitration

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.

LAW 562 Collective Agreement & Arbitration **P A*** (if instructor certifies)

3 Credits, Seminar, Fall (2x/week for 6 weeks)

Instructor: Carter

PRE-REQUISITE: Law 560 Labour or permission of instructor

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.

LAW 567 Employment Law

3 Credits, Lecture, Winter

Instructor: Dahan

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.

LAW 568 Workplace Equality and Theory **S**

3 Credits, Seminar, Fall
 Instructor: Tsuruda

Many of us will spend most of our adult lives in workplaces. Our employment opportunities and workplace relationships shape our access to wealth and positions of power, our self-esteem and social status, and the nature of our cultural contributions. The workplace thus has the potential to be an arena for mutual support and human flourishing, but has also historically been a locus of racial and gender subordination, economic exploitation, and other forms of social inequality. This course investigates the role of the law in fostering workplace equality. While we will focus primarily on employment discrimination and human rights law, we will also inquire how minimum wage law, labour rights, and immigration law can support (or compromise) workplace equality. In order to facilitate critical evaluation of these legal regimes, this course will additionally expose students to theories of fair equality of opportunity, anti-subordination theory, critical race theory, the philosophy of race and racism, feminism, and egalitarian theory.

FAMILY LAW

LAW 274 Fertility and Assisted Reproduction Law in Canada

1 Credit, Seminar, Winter
 Instructors: Jordan/Levitan

This intensive seminar course will provide with you with an overview of this fascinating, emerging and burgeoning area of the law. The course, being taught by two prominent practitioners, includes a review of the related legislative and case law history, legal parentage across the provinces, and practical tips in dealing with the various players in a fertility case. Drafting guidance will be presented, as well as a discussion of factual scenarios and how to resolve the related issues. As an area of the law that includes aspects of family law, wills and estates, constitutional law, international law, medical malpractice and ethics, Fertility Law is in constant motion and increasingly attracting worldwide attention as it touches many at their core: family creation.

LAW 519 Children’s Law

3 Credits, Lecture, Winter
 Instructor: McGrath

Pre-Requisite for: Law 521 Family and Children’s Law Placements (some placements).

PRE/CO-REQUISITE: Law 520 Family or permission of instructor

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. The major topics in the course are: (1) child welfare, including child abuse and neglect, focussing primarily on child protection proceedings and (2) youth criminal 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, the particular impact of these matters on aboriginal

C – Compulsory Req **P** – Practice Skills Req **A** – Advocacy Skills Req **S** – Substantial Term Paper Req

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

LAW 520 Family Law

4 Credits, Lecture, Fall or Winter

Instructors: Bala (fall), Maur (winter)

Pre- or co-requisite for: Law 521 Family and Children’s Law Placements, Law 527AB Queen’s Family Law Clinic, Law 519 Children’s 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.

LAW 521 Family and Children’s Law Placements **P**

3 Credits, Fall or Winter

Instructor: Bala

PRE- OR CO-REQUISITE: Law 520 Family; Law 519 Children’s Law suggested for some placements

Students in this course are placed with a professional or agency in the family and children’s law field. Some of the placements will require the students to do some research, document drafting or client interviewing, but the primary focus is on learning from observation, review of files, reflection with the placement supervision, and class discussion. There is no scheduled class time, but there will be several class meetings 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 Judges, Victim Witness Program and Family Law Lawyers (6).

INTERNATIONAL LAW

LAW 279 Introduction to International Sports Law

1 Credit, Seminar, Winter

Instructor: Mews

International sports law has been described as a dynamic, although still incomplete process to avoid, manage and resolve disputes among athletes, national sports bodies, international sports organizations and governments. The course will be delivered through four three-hour evening seminars. Topics to be covered will include the governance and regulation of sport and sports organizations; dispute resolution in sport (including the role of specialist sport tribunals); the legal regulation of drugs in sport; the rights of participants in sport (including selection and human rights issues); and civil and criminal liability issues in sport.

LAW 375 International Refugee Law S

3 Credits, Lecture, Winter
Instructor: Aiken

This seminar examines the legal framework for refugee protection including a comprehensive analysis of the elements of the refugee definition in international law as well as refugee status determination procedures. Drawing on comparative jurisprudence of leading asylum countries, the course situates Canadian refugee law in its global context and encourages a critical appraisal of both state practice and international efforts to regulate and control asylum flows. Our classroom will provide many opportunities to engage with international refugee law problems through case studies, role plays and simulation exercises. We will be discussing these cases and exercises in class in plenary sessions, in small groups and with partners. The activities are designed to promote analytical and synthetic thinking as well as advocacy skills.

LAW 410 International Criminal Law S

3 credits, Seminar, Winter
Instructor: Robinson

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, exercises and simulations.

LAW 437 International Investment Law

3 credits, Lecture, Fall
Instructor: Luz/Douglas

The course introduces students to the international law governing foreign direct investment, as well as the domestic legal framework for foreign direct investment in Canada provided by the Investment Canada Act. International investment law regulates what states can do to restrict a channel the flow of investment into their markets, and it imposes standards for the treatment of foreign investors and investments once the investment has occurred. The course provides an in-depth discussion of the core obligations established by international investment law, in particular the disciplines relating to expropriation, the minimum standard of treatment, and non-discrimination. The course will also expose students to the debates that have engulfed international investment law in recent years because of a perception that it unduly constrains governments' ability to safeguard the environment and pursue other public interests. The unique dispute settlement system established by many international investment treaties, whereby an investor can directly sue a host state for compensation in binding international arbitration, has attracted particular scrutiny. Canada has been a focal point of these debates. As a party to NAFTA, it has been a frequent respondent in disputes brought by US investors, and it has recently led the way, along with the European Union, in proposing a fundamental reform of the system of international investment arbitration through the establishment of a multilateral investment court.

LAW 457 International Trade Law Clinic Practicum P

3 Credits, Seminar, Winter
Instructor: Lamp/Hughes

PRE-REQUISITE: Either Law 454 International Economic Law, Law 456 International Trade, Investment and Business Law or Law 455 International Trade Law

In this project-based course, which is as much a law clinic as it is a course, students will work on actual trade law problems for real “client” beneficiaries under the supervision of their professors. The practicum offers a unique opportunity for students to gain practical experience in international trade law, while at the same time enhancing their substantive legal knowledge through participation in weekly seminars. The practicum will enable students to work on a specific legal project, such as researching and preparing a legal opinion on the WTO consistency of proposed legislation, or drafting a submission in a WTO dispute for a beneficiary, such as a small business, an NGO, a union or a government. Moreover, the practicum is designed to build students’ professional skills by providing training in how to interact with beneficiaries, how to work in groups with other lawyers, how to present their work effectively, and how to communicate complex legal issues to diverse audiences. The practicum also hopes to introduce students to career opportunities in international trade law by allowing them to interact with beneficiaries and mentors working in the trade law field and exposing them first-hand to the practice of international trade law in Canada and beyond.

Students will work in small groups (“project teams”) under the close supervision of their professors and outside experts (“mentors”) on specific legal problems proposed by beneficiaries. Professors and mentors will provide substantive background instruction on the respective topics. The students will also benefit from instruction on improving their legal research and writing skills. At the end of the term, each team will present their projects to the class as well as to the beneficiary. We are currently seeking to identify possible beneficiaries as well as to obtain funding to allow students to travel (for example to Ottawa, Toronto or Montreal) to meet their beneficiaries and mentors.

The practicum is part of a joint University of Ottawa-Queen’s Trade and Investment Law Clinic under the umbrella of the TradeLab network. To get an idea of the types of projects done in previous years by other clinics in the network, please consult www.tradelab.org.

LAW 472 Oceans Law S

3 Credits, Seminar, Winter
Instructor: Adsett

Canada borders on three oceans and has the world's largest coastline. It possesses a continental shelf equivalent to 40% of its land mass. Its maritime resources are huge and of fundamental importance to its future development. In addition, Canada is a trading nation and relies on maritime transport for the import and export trade. Its environmental security is dependent on the proper management of its coastal areas. The course will address these issues mainly from the perspective of international law, and will cover the principles and practice of the law of the sea, its history and institutions, territorial sovereignty (including boundary definition), shipping, military uses of the sea, the regulation of the Polar Areas, international straits, piracy and the continental shelf.

LAW 506 International Taxation

3 Credits, Seminar, Winter
Instructor: Cockfield

PRE/CO-REQUISITE: Law 508 Taxation

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

LAW 536 Advanced Issues in International Law S

3 credits, Seminar, Fall
Instructor: Adsett

The seminar will offer an opportunity for students to explore, in detail, both the theoretical and practical application of international law. Students will prepare a major paper, for 80 percent of the class mark, and participate actively in class discussions, for 20 percent. The relationship between domestic and international law; the relationship between foreign policy and international law; and the role of international legal institutions and other actors, including non-State actors, in the development of international law will form a recurring theme throughout the course.

LAW 538 International Environmental & Resource Law

3 credits, Lecture, Fall
Instructor: Adsett

International environmental and resource governance present some of our most pressing current policy issues. This course will examine potential frameworks for resolution of international environmental and resource problems and the role for law and legal institutions. We will examine a variety of legal approaches, including treaty-based international law, customary international law, and rights-based environmental claims. We will also consider how international environmental and resource law intersect with other international legal regimes, including trade and human rights, the role of private actors and the legal rules that apply.

LAW 540 Public International Law

3 Credits, Lecture, Fall
Instructor: Imseis

This course will provide students with an introduction to Public International law. We will discuss the role of states as the primary authors and subjects of international legal norms and obligations; the application of international law by international and national decision-makers; and the status and increasing significance of non-state actors such as intergovernmental organization (notably the United Nations), non-governmental organizations, multinational corporations, peoples, and individuals in the international legal system. In addition, the course will provide coverage of substantive law in various areas, including state jurisdiction over territory and persons, dispute settlement, state responsibility, the law on the use of force, the law of the sea, and sovereign and diplomatic immunities.

LAW 542 International Human Rights Law

3 Credits, Lecture, Winter
Instructor: Robinson

This course provides an overview of the international system for the protection of human rights. We will examine the evolution of human rights law and major critiques of human rights approach. We will learn about the main enforcement mechanisms, such as 'treaty bodies', the Human Rights Council and regional courts. We will then explore current issues, which may include topics such as: discrimination against women, economic rights, torture, terrorism, detainee treatment, emergencies, humanitarian law, and corporate responsibility. 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".

LAW 549 International Humanitarian Law **S**

3 Credits, Seminar, Fall
Instructor: Imseis

International humanitarian law (IHL; also known as the 'law of war' or the 'law of armed conflict') is a set of rules which seek to limit the effects of armed conflict. Its object and purpose is protect persons who are not or are no longer participating in hostilities, and it restricts the means and methods of warfare that belligerents may use. The topics that may be covered include: historical development; contemporary sources; types of armed conflict; individual status in IHL; protection of wounded, sick and shipwrecked; the law of belligerent occupation; means and methods of warfare; implementation, enforcement and accountability; relationship to other bodies of PIL, most especially international human rights law, international criminal law, and the law governing the use of force.

LAW 559 International Labour Law **S**

3 Credits, Seminar, Winter
Instructor: Banks

New methods of international and transnational labour regulation are emerging as economic globalization renders domestic systems impotent. This course will introduce students to the main legal and policy issues surrounding labour law in the international context. Topics will include: free trade and economic integration; international labour standards and the International Labor Organization (ILO); labour rights, human rights and social justice; regional systems of worker protection (the European Union, the NAFTA); the relationship between labour standards and international trade law; problems posed by labour migration; and corporate social responsibility and codes of conduct. Students will emerge from this course with an understanding of the challenges of regulating work in the global marketplace and an appreciation of the promise of emerging methods of international and transnational labour regulation.

LEGAL THEORY

LAW 240 Legal and Political Philosophy **S**

3 Credits, Seminar, Fall
Instructor: Thomas/Webber

NOTE: Manual application process will apply

This Colloquium course explores new work in legal and political philosophy. Once every two weeks, a legal, moral, or political philosopher will present a paper falling within the general boundaries of the Colloquium's ambit. In alternate weeks, students will meet with the Colloquium convenors to prepare for the forthcoming session, examining the paper in depth. Student evaluation will be a combination of participation (40%), six short reaction pieces (30%), and a term paper (30%). Participation will be evaluated by contributions during the seminar discussion in advance of the session with the author as well as engagement with the author during the session in which the author presents his or her paper.

LAW 263 Jurisprudence **S**

2 Credits, Seminar, Winter
Instructor: Green

This seminar provides a critical introduction to central issues in general jurisprudence, that is, the theory of law in general. The problems we explore will include: the relation between law and power; the functions and types of laws; legal rights and obligations; the idea of a legal system; uncertainty and disagreement in law; legal reasoning and argument; the connections between law and morality; and the nature of justice. The approach is philosophical, but no prior background or training in philosophy is necessary.

LAW 640 Oppression and the Ethics of Resistance **S**

3 Credits, Seminar, Winter
Instructor: Vasanthakumar

This course explores the relationship between law and injustice. The law is often taken to go hand in hand with morality and justice, and upholding the 'rule of law' is associated with democracy, individual liberty, and justice. The law is also an instrument of injustice and oppression. This is vividly the case in colonial rule, apartheid and racial segregation, and slavery. But even just laws can be infected with structural injustice such that the enforcement of otherwise benign laws colludes with oppression.

By engaging with classical arguments in political and legal philosophy, historical and contemporary case studies, and the political writings of activists, we will consider the following questions: What is the normative status of an unjust law? When can an entire legal order be deemed unjust and what is its authority, if any? What are the duties of citizens—victims and bystanders—inhabiting such an order, including for example, duties of civil disobedience and resistance? And what are the opportunities within the law to remedy or resist injustice?

Indicative Topics: structural injustice; historical injustice; civil disobedience; political violence; anger; revolution.

Indicative Authors: J. Locke, K. Brownlee, J. Baldwin; M.L. King; I.M. Young; T. Shelby; H. Arendt; M. Nussbaum.