2016-2017 Course Descriptions & Evaluations

Please refer to the Faculty of Law website for registration updates throughout the registration cycle. INFORMATION IS SUBJECT TO CHANGE.

ABORIGINAL LAW IN SOCIETY  (08-98-923-1)  Fall 2016
Arlene Dodge
3 credits – Perspectives

Evaluation Methodology:
20% - Participation
20% - Newspaper Research
30% - Seminar Presentation
30% - Final Paper

Course Description:
The course involves a theoretical and systematic approach to the study of and/or functioning of Aboriginal law which will be examined from a contemporary legal/sociological/economic/political, and traditional perspective.

ADVANCED BUSINESS LAW SEMINAR  (08-98-880-1)  Winter 2017
Professor George Stewart
4 credits

Evaluation Methodology
Some units require students to complete assignments some of which are graded by a practitioner/instructor on a pass/fail basis.

In 1999, James C. Johnson, class of ’87, made a substantial gift to the University of Windsor. This generous gift allows the law school to offer a four credit seminar course in Advanced Business Law. The purpose of Advanced Business Law Seminar is to enhance the corporate/commercial education offered by the University’s Faculty of Law by offering third year law students an opportunity to study and analyze sophisticated corporate commercial transactions. The purpose is to give students an advantageous head start during the articling year and the first year of commercial practice. The course is taught by practitioners specializing in the area of law being studied and provides the students with a practical reference point for their academic education.

Eligibility
Enrolment is limited to sixteen third year students who have successfully completed at least four of the following courses: Advanced Taxation, Business Agreements, past or current participation in the CC/SL Moot Competition, Commercial Law - Sales, Commercial Law - Secured Transactions, Contract Drafting, Corporate Finance, Franchise Law, Income Taxation, Insolvency and Restructuring, Securities Regulation. Although Securities Regulation is, like the others, a permissible prerequisite, it has proven to be a very desirable prerequisite in light of the assignment required following the McCarthy sessions. In the event that the seminar is oversubscribed, selection will be in accordance with cumulative ranking at the end of second year. Except for current participation in the CC/SL Moot Competition, selection will be done according the number of prerequisites that will have been completed by the end of the Fall term. Accordingly, students with a greater number of completed prerequisites will be enrolled before students with fewer completed prerequisites.

As between students with the same number of prerequisites, selection will be in accordance with ranking at the end of 2nd year.)

Course Description
The course is divided into three units: mergers and acquisitions, advanced securities, and secured transactions and insolvency.
Unit 1. Mergers and Acquisitions (4 sessions)
Three sessions deal with acquisitions by focusing on the distinction between the purchase of shares and the purchase of assets with particular attention to representations, warranties, indemnities, letters of intent, due diligence, closing agendas and escrow closings. Three sessions are taught by videoconference by Mike Pickersgill (class of ’97) of Torys and Adam Segal (class of 2000) of Sherritt International. One session is taught by Tom Timmins of Gowling and deals with shareholder agreements in the context of acquisitions and management.

Unit 2. Advanced Securities (4 sessions)
This unit deals with securities regulation in Canada and includes registration requirements, continuous disclosure requirements, multi-jurisdictional securities transactions, bids and related party transactions, statutory liability and due diligence, securities industry regulation, enforcement mechanisms and takeover bids. The sessions for this unit take place in Toronto at McCarthy’s over a two-day period. Travel and accommodation expenses are arranged and funded by the Faculty of Law through the Advanced Business Law Seminar Endowment.

Unit 3. Secured Transactions (2 sessions) and Insolvency (2 sessions)
Secured transactions: Two sessions taught by Nora Osbaldeston (Class of ’88) and Dave Reynolds of Miller Thomson deal with the granting of credit on the basis of security in real and personal property and other methods of minimizing the risk of non-payment; form of standard credit agreement; criteria used to analyze risk; purpose, components and the drafting of a financing commitment letter; representations, warranties and events of default; integrating subordinate debt with senior debt. These two sessions will likely take place in Toronto over a period of one day at the offices of Miller Thomson. Travel and accommodation expenses are arranged and funded by the Faculty of Law through the Advanced Business Law Seminar Endowment.

Advanced Personal Property Law: This session of unit 3 is taught by David Denomme of BMO Financial and Paula Rietta (Class of ’94) of Ford Credit and includes forms of security and essential elements, reviewing and evaluating PPSA registrations and searches.

Insolvency: The two insolvency sessions deal with strategies in light of a financially distressed corporation and includes attention to: dealing with creditors, clients, employees and other stakeholders prior to and during a restructuring; purpose, structure and components of a business plan and forbearance agreement; assessing liquidation, enforcement and restructuring options; restructuring under the CCAA, BIA, OBCA and Winding Up Act. This section takes place at Blakes in Toronto on a Monday near the end of term. Travel and accommodation expenses are arranged and funded by the Faculty of Law through the Advanced Business Law Seminar Endowment.

The usual course registration procedures do not apply to the Advanced Business Seminar. Interested students must email their intent to apply by email to the Academic Coordinator (lawac@uwindsor.ca) by 12:00 noon on Friday, September 16, 2016. Students will be notified of the results of their application in November 2016 when registration for Winter 2017 reopens.

ADVANCED CRIMINAL LAW: CRIMINAL MOTIONS (08-98-896-1) Winter 2017
Jill Makepeace
3 Credits

Evaluation Methodology:
55% - Written Motion Materials (Notice of Application/Response, Affidavit in support, Factum)
25% - Oral Argument of Motion
20% - Class Participation

Course Description: This is a practical advocacy-based course geared towards students who are interested in pursuing a career in criminal law. In the first month, classroom sessions will focus on the process involved in preparing for, and responding to, various criminal motions. Issues of professional responsibility, ethics, as well as principles of written and oral advocacy, will be covered. At an early stage in the semester, each student will be assigned a motion and the role of either the prosecutor or defense counsel for their assigned case. Each student will be responsible for preparing written materials in
support of their position as either the applicant or the respondent. The latter portion of the course will involve the preparation and presentation of oral argument of their motion in front of guest judges.

Enrolment will be limited to no more than 20 students. Evidence and the Legal Profession are pre- or co-requisites. For students who do not have these requisites but who are highly motivated to take the course may apply to the office of the Associate Dean for permission to do so. Preference will be given to Law III students.

ADVANCED FAMILY LAW (08-98-844-1) Winter 2017
Cynthia Nantais
3 credits – Paper course

Evaluation Methodology:
Research Paper – 55%
Seminar Presentation – 20%
Class participation – 20%
Lead Discussant Assignment – 5%

Course Description:
The course will be an opportunity to examine in detail current issues and concepts in family law as well as areas of possible reform. Topics covered may include non-adversarial dispute resolution, spousal support, child support, parentage issues, child custody, the rights of children in family processes, property for both married and unmarried cohabitants and international implications and obligations. (Pre-requisite: Family Law)

ADVANCED LEGAL RESEARCH (08-98-891-1) Winter 2017
Annette Demers, Associate Dean, Law Library and Legal Research Services
3 credits

Evaluation Methodology:
Assessment is done primarily on the basis of assignments. Full details will be announced in the first class.

Course Description:
Advanced Legal Research is an opportunity for upper-year law students and transfer students to refresh their legal research skills prior to entering the practice of law. This course will provide a refresher of basics learned in first year of law school, plus more details, more depth and more opportunities to practice. In particular, the course will focus on developing research skills in the area of federal and provincial legislation and regulations; court and tribunal decisions; and other topics which may include secondary sources, forms and precedents, public records and more. The emphasis is mostly on online sources which will be used in practice. This course will combine online videos to replace lecture time as well as mandatory in-class time for 1.5 hours once per week.

ADVANCED SEMINAR IN THE THEORY AND PRACTICE OF SOCIAL WORK AND LAW (08-98-931-1) Winter 2017
Adam Vasey
4 credits – Paper course

Evaluation Methodology:
60% - Paper
40% - Presentation

Course Description:
This seminar focuses on the intersection of law and social work in theory and practice. It will prepare students to think critically about the interrelationship between law and social work, both as disciplines and
professions, and to identify and analyze theoretical and substantive areas of compatibility and tension. The challenges of interdisciplinary practice will be considered, with a particular emphasis on ethical norms and the advancement of social justice. (Open to MSW/JD students only except with permission from the instructor, the School of Social Work and the Faculty of Law).

Classes: This class will be taught on a schedule coordinated directly with registered students.

**ADVANCED TAXATION** (08-98-834-1) Winter 2017
Marcela Aroca
3 credits –

Evaluation Methodology:
20% - Drafting (Written Advocacy)
20% - Examination for Discovery (Oral Advocacy Exercise)
10% - Participation in Lectures
50% - Tax Plan Assignment comprised of three parts: (1) a self-designed tax plan involving concepts taught in class; (2) a critique of a tax structure as presented in the assignment; and (3) a brief case commentary

Course Description:
A seminar which will focus on:
i. Canadian Corporate Taxation
ii. International Taxation
iii. Tax litigation

Corporate taxation includes a study of the taxation of corporate income, corporate residency, distributions, an overview of the tax consequences of transfers to corporations, simple corporate reorganizations and the GAAR. International taxation focuses on the importance and application of international tax treaties, and the concepts of treaty shopping and transfer pricing. Both corporate taxation and international taxation are designed to teach the student how to use corporate vehicles in a tax efficient manner.

Tax litigation includes a study of the litigation process in the Tax Court of Canada culminating with an in-course mock examination for discovery.

Student participation is critical and is required. All required readings must be completed prior to the class. *(Pre-requisites: Income Taxation and Business Associations)*

**AUTOMOBILE INSURANCE LAW** (08-98-913-1) Winter 2017
Jennifer Bezaire
3 credits

Evaluation Methodology:
100% Final Examination – Open book

Course Description:
This course will focus on motor vehicle accident tort law and no-fault (statutory accident benefit) insurance, as well as the interplay between the two. Students will learn the evolution of and basic tenets of Ontario’s motor vehicle insurance law, including basic and optional insurance coverage, statutory deductibles, threshold, uninsured and underinsured motorist protection, fault determination rules, A.D.R. at the Financial Services Commission, and Special Awards. The current political climate and efficacy of the automobile insurance system and the tension between the insurance industry and victim rights advocates will also be discussed. While not a prerequisite, it is recommended that students take Insurance Law.
BANKING & NEGOTIABLE INSTRUMENTS (08-98-971-53) Winter 2017
Special Topics in Law
Professor Muharem Kianieff
3 credits

Evaluation Methodology:
100% open book final examination with paper option worth 50%

Course Description:
“Negotiable instruments” are commonly used as credit and payment instruments in consumer, commercial and financial transactions. They are widely used in connection with sales, guarantees and loans as well as most sophisticated money and financial market contracts. Some of their aspects are closely linked to the banker-customer relationship and must be studied in conjunction with the fundamentals underlying banking and the financial industry. Hence, the course deals with the law applicable to these instruments in the context of “banking” and further provides an overview of the financial system. By the end of the course students will have an understanding of the operation of various payment mechanisms including bills of exchange, cheques, wire transfers and credit cards. Moreover, students will also gain some familiarity and be in a position to critically evaluate many of the policy debates that are prevalent in commercial law.

BUSINESS AGREEMENTS – COMMERCIAL LAW (08-98-971-62) Fall 2016
Special Topics in Law
Werner Keller, (Professor, Odette School of Business)
3 credits

Selection of law students: The usual course registration procedures do not apply to the Business Agreements Seminar course. Enrollment is limited to ten (10) law students. First priority registration is given to students in the MBA JD program. In the event that this course is oversubscribed, preference will be given to students based upon an evaluation of their statement of interest/intent and their cumulative law school GPA. To apply, interested law students must email a ONE (1) page statement of interest/intent (max 500 words) to the Academic Coordinator (lawac@uwindsor.ca) by 12:00 noon on July 20, 2016. Students will be notified before registration for Fall 2016 opens.

For more information, please contact Werner Keller, Instructor at: whk@uwindsor.ca (http://www1.uwindsor.ca/odette/werner-keller)

Evaluation Methodology:
Assignments (12 assignments each 5%) = 60%
Participation in class discussions: 20% (up to 1 mark per class)
Course paper 20%

Course Description:
This intensive seminar course integrates students registered in the final module of UWindsor’s MBA program at the Odette business school with upper year students from UWindsor law in classes regarding business agreements to provide them with learning experiences at the intersection of law and business. Through readings, mini lectures, and analysis of business agreements, students prepare for participation in class discussions to engage in active and collaborative learning. Discussions focus on real business agreements, used as case studies to enhance experiential learning, where the diversity of the course learning community provides multiple perspectives regarding different agreements. Students prepare for these interactive discussions by completing and submitting various written assignments before classes on which they receive formative feedback. Towards the end of the semester, students apply the skills they learned throughout the course to analyze a real-world agreement for their final paper and orally present their analysis to the class. Students have the option to choose an agreement of interest to them to make the learning more relevant to them. Business agreements are used in the course as case studies to create memorable, thought-provoking examples for study to help develop students’ skills and understanding of the structure and content of typical business contracts. Students gain “literacy” with business agreements by experiencing certain processes.
In their final 20% paper presented to the class, students will demonstrate what they have learned by doing the following:

- choose and define legal/business objectives;
- collect information to be used in the process of analyzing their chosen agreement;
- identify options including negotiation positions; and
- justify their proposals for negotiating changes.

The course is designed to align learning outcomes and activities with assessments and adopts the views of Noam Chomsky (prof at MIT) who said during a speech in 2014: “[His preferred education model is]...for the student to acquire the capacity to inquire, to create, to innovate, to challenge—that’s education... You gain the capacity and the self-confidence for that matter to challenge and create and innovate, and that way you learn; that way you’ve internalized the material and you can go on. It’s not a matter of accumulating some fixed array of facts which then you can write down on a test and forget about tomorrow.

**Students gain skills by experiencing typical processes**

- Identify legal issues (contract structure and deal points sufficient to inform analysis);
- Review various business agreements including their structure, terminology and usual practices;
- Gather information and formulate alternatives and priorities (synthesize);
- Identify possible proposals for contract terms and rank/rate alternatives with reasons;
- Communicate effective critiques, justifications, plans, assessments and decisions in oral and written form;
- Justify, defend and modify the negotiation positions in appropriate civil and persuasive ways;
- Produce and communicate a report that analyzes, justifies and proposes alternatives.

**Students will study both transactional and relational agreements like:**

- General Security Agreement
- Guarantee and Postponement of Claim
- Letter of Intent
- Settlement Agreement and Mutual Release
- Shareholder Agreement & Franchise Agreement

**My Teaching Philosophy - Lifelong Learning and Skill Development**

*University should prepare students for lifelong learning through development of critical thinking skills. I aim to pass on my knowledge, experience and attitudes to students. I align learning outcomes with learning activities and learning assessment and setting expectations*

**Student Feedback VIDEO & Reviews**

Some students who finished this course Fall 2015 semester recorded this video >>

> https://ctl2.uwindsor.ca/vidlinks/301F66AC2E0B221.html <<< VIDEO

See also anonymous reviews of the following:

1. Fall 2015 MBA & law students at [http://www.ratemyprofessors.com/ShowRatings.jsp?tid=2066792](http://www.ratemyprofessors.com/ShowRatings.jsp?tid=2066792);
2. The earlier B.Comm version 1.0 (course 75 491) at [http://www.ratemyprofessors.com/ShowRatings.jsp?tid=29617](http://www.ratemyprofessors.com/ShowRatings.jsp?tid=29617) and 3. Student Evaluation of Teaching: ‘SET’ results posted on UWindsor’s Student Information System ‘SIS’ for law course 08 98 971 62 Fall 2015 & MBA SET Evaluation Results for: 04 75 692 sec 02 in 2015 Fall.

**Textbook (for a few selected background readings)** Smyth, Soberman, Easson, The Law and Business Administration in Canada, 14th Edition. (Note: This is same text as currently required for 75 397) Thus, you should be able to buy a used book at a good price.
BUSINESS ASSOCIATIONS (08-98-877-1) Fall 2016
Professor Muharem Kianieff
4 credits

Evaluation Methodology:
100% open book final examination with paper option worth 50%

Course Description:
This course provides the essential legal background to the major forms of business association. It will include a functional and theoretical analysis of sole proprietorships, partnerships and corporations. Attention will also be paid to the purpose and function of corporations in society, as well as basic principles of agency law and their application to these forms. The course is designed as a foundation course in the law of business association and as a pre-requisite for more intensive study in selected topics and current problems in corporate law, corporate finance, advanced taxation, securities regulation and other subjects required by the student intending to enter the corporate/commercial field as a preferred area of practice.

BUSINESS ASSOCIATIONS (08-98-877-2) Fall 2016
Brian Chillman
4 credits

Evaluation Methodology:
TBA

Course Description:
This course provides an introduction to major types of businesses and business combinations. It includes a functional and theoretical analysis of the common law and legislation applicable to sole proprietorships, partnerships, joint ventures, business trusts and the various types of corporations. Attention will be paid to legal personality, principal-agency, fiduciary and liability law principles, and professional conduct matters, and their application to these forms. It is a foundation course and pre-requisite for more intensive study in selected topics and current problems in corporate law, corporate finance, advanced taxation, securities regulation and other subjects required by the student interested in business and corporate/commercial law fields as a career.

BUSINESS ASSOCIATIONS (08-98-877-1) Winter 2017
Professor John Weir
4 credits

Evaluation Methodology:
TBA but may be a 100% final exam

Course Description:
This course provides an introduction to major types of businesses and business combinations. It includes a functional and theoretical analysis of the common law and legislation applicable to sole proprietorships, partnerships, joint ventures, business trusts and the various types of corporations. Attention will be paid to legal personality, principal-agency, fiduciary and liability law principles, and professional conduct matters, and their application to these forms. It is a foundation course and pre-requisite for more intensive study in selected topics and current problems in corporate law, corporate finance, advanced taxation, securities regulation and other subjects required by the student interested in business and corporate/commercial law fields as a career.
BUSINESS ASSOCIATIONS  (08-98-877-2)  Winter 2017
Diana Buttu
4 credits

Evaluation Methodology:
TBA

Course Description:
This course provides an introduction to major types of businesses and business combinations. It includes a functional and theoretical analysis of the common law and legislation applicable to sole proprietorships, partnerships, joint ventures, business trusts and the various types of corporations. Attention will be paid to legal personality, principal-agency, fiduciary and liability law principles, and professional conduct matters, and their application to these forms. It is a foundation course and pre-requisite for more intensive study in selected topics and current problems in corporate law, corporate finance, advanced taxation, securities regulation and other subjects required by the student interested in business and corporate/commercial law fields as a career.

CANADA/U.S. ISSUES  (08-98-861-1)  Winter 2017
Professor Maureen Irish
3 credits – Transnational Course

Evaluation Methodology:
100% Research Paper, participation and presentation

Course Description:
This course will focus on a variety of issues in Canada/US relations. It is anticipated that the primary emphasis will be on international trade and environmental concerns but other topics may be discussed as well. Due to the nature of the course, it may be taught in conjunction with a professor from U.S. Law Schools.

In 2016-2017, the course will deal with NAFTA and other regional trade agreements, border security and regulatory cooperation, bilateral investment treaties, investor-state dispute settlement, and the Canadian Agreement on Internal Trade.

CANADIAN CIVIL PROCEDURE  (08-98-825-1)  Fall 2016
(Compulsory in Law II for all Dual JD’s)
Jeffrey J. Hewitt
4 credits

Evaluation Methodology:
100% - Final examination – open book – 3 hours

Course Description:
A study of the procedure in a civil action in Ontario including: historical background, organization and jurisdiction of courts; commencement of proceedings; pleadings; discover; parties; disposition without trial; motions; setting down for trial; and overview of the conduct of a trial. The distinction between the general litigation proceeding as compared to the Simplified Procedure will be examined. The course has a strong practical focus and there is an optional drafting component to assist in the understanding of the application of the Rules of Civil Procedure.
Special Topics in Law
Thomas J. Timmins
3 credits

Evaluation Methodology:
15% Class Participation
15% Text Content Review Test (4th Class)
70% Essay on a single topic relating to large scale infrastructure law or project finance.

Course Description:
This course will examine the law of large scale infrastructure project development and project finance. Historic and emerging legal issues arising out of major private sector, public sector and public-private partnership (‘P3’) projects will be examined using case-specific examples. The course will also examine the role of key project development stakeholders including: sponsors, financiers, government policy makers, RFP issuers, constructors, community stakeholders, equipment manufacturers and service providers.

Civil Procedure (Compulsory in Law II) (08-98-826-01) Fall 2016
Justice Mary Jo Nolan
4 credits

Evaluation Methodology:
50% in-term assignment
50% final examination

Course Description:
Civil procedure shall examine the process for advancing claims in the civil law context. It is essentially a course that will provide you with the framework for commencing a proceeding the civil court and/or responding to a claim that has been advanced. We will focus on examining the Rules of Civil Procedure and the Courts of Justice Act, which will be augmented with a discussion of case law and how the rules have been interpreted.

Civil Procedure (Compulsory in Law II) (08-98-826-01) Winter 2017
Professor Noel Semple
4 credits

Evaluation Methodology:
65% Final exam (open book)
20% Participation via TopHat
15% Quizzes

Course Description:
"Civil procedure" means the rules, principles, and practices by which civil disputes are resolved according to the law. While most law school courses are about what resolutions the law provides, this course is about how civil legal disputes are resolved. We will study civil procedure by reading cases from a wide variety of legal contexts, including human rights, commercial litigation, and constitutional law. Part I of the course follows a conventional civil action conducted under Ontario’s Rules of Civil Procedure. Part II of the course explores alternative routes to justice within and outside the courts, in light of the limitations of the conventional civil action. Civil procedure is meant to create access to justice. Throughout the course we will think critically about whether it is doing so, and about how it might better do so.
CIVIL PROCEDURE (08-98-826-02) Winter 2017
David McNevin
4 credits

Evaluation Methodology:
50% in-term assignment
50% final examination

Course Description:
Civil procedure shall examine the process for advancing claims in the civil law context. It is essentially a course that will provide you with the framework for commencing a proceeding the civil court and/or responding to a claim that has been advanced. We will focus on examining the Rules of Civil Procedure and the Courts of Justice Act, which will be augmented with a discussion of case law and how the rules have been interpreted.

CIVIL TRIAL ADVOCACY (08-98-907-1, 08-98-907-3, OR 08-98-907-4) Winter 2017
Justice Douglas W. Phillips et al.
4 credits
Pre-requisite: Evidence

There are only 48 spots available for students within this program.

This program is not for the faint of heart. Students resistant to compliance with course rules and practices need not apply (and will find no tolerance for non-compliance). Students who rely upon excuses (for failing to comply with course requirements) will find that same fall on deaf ears.

Hard work, punctuality, attention to detail and appreciation of "limitation periods" (and the consequences of failing to meet same) are basic for every single student applying for one of the forty-eight spots open in this course.

If a student lacks any of the foregoing, the student is best to pass on this program and make the space available for another student (given the limited number of spots).

Evaluation Methodology:
70% - In-Class Assessments & Participation
20% - Final Trial Performance
5% - Settlement Conference Brief
5% - Court and Demonstration Observations

The Class participation portion of the final grade will include the weekly evaluations received from the instructor. The evaluation at the student’s final trial will be provided by the assigned instructor. The final grade will be determined by the instruction team at the end of the term.

Additionally, students will be required to attend and observe a civil or family law trial and submit a one-page written synopsis of the skills observed and the student’s evaluation of those skills. The synopsis shall contain the name of the case, the name of the court, the names of counsel, the name of the judge presiding, and the date of attendance. The court observation shall be graded pass/fail and is to be handed into the General Office, no later than 4:00 p.m. Wednesday, March 1, 2017 (tentative – please check your syllabus).

As well, prior to the conclusion of each weekly class, during which there is a demonstration, students shall provide a one-page survey of the demonstration. The survey shall include the skill demonstrated, the problem demonstrated, the names of the demonstrators, and the date of the demonstration. The survey should include a comment in relation to the skill demonstrated.

Note: Failure to provide a one-page court observation synopsis will result in a complete loss of 5%; and a failure to provide (at the end of any class with a demonstration) the survey (subject to the exception of a
legitimate excuse approved by Justice Phillips) will result in a deduction of 2% for each instance of any single class survey missed.

Course Description:
The purpose of the course is to assist the student in developing the basic skills of trial advocacy. The goal of the course will be for the student to be able to conduct a civil trial from beginning to end with a reasonable level of competence. The techniques employed will be: (a) demonstration by experienced counsel; (b) student performance; and, (c) critique. (Pre-requisite: Evidence; Anti-requisite: Criminal Advocacy)

NOTE: Attendance at all (including the first) Civil Trial Advocacy Program classes (each Wednesday from 6:00-9:00 p.m.) is mandatory, subject to absence in consequence of:

1. serious personal illness (documented by a medical note);
2. attendance as a participant at a Law School sanctioned Mooting competition;
3. a death in the family; or
4. any “compassionate leave” circumstance approved in advance by the Associate Dean of Law.

Absence for any of the following is NOT a sanctioned absence: Law Games; the Law School Prom; an Awards Banquet; a student’s vacation (pre-paid or otherwise); attendance at important family functions e.g. a wedding (excluding funerals of immediate family). None of the foregoing are valid excuses. If any of the foregoing are likely, do not subscribe to this course and let other students apply for the limited number of spaces available in the program.

Any student who is absent in consequence of an approved circumstance (see above) is still required to complete a make-up evaluation exercise.

The first class will be January 11, 2017 (attendance compulsory).

Any student with a valid reason for absence from class (see above), shall complete a make-up demonstration with the assigned Instructor. Any make-up evaluation shall be completed no later than 10 days prior to the Final Trial Weekend. Participation in the Final Trial Weekend is mandatory.

Students subscribing to the course shall and must be available on both days Saturday, April 1, and Sunday, April 2, 2017 from 9:00 a.m. to 2:30 p.m. (i.e. the Final Trial Weekend).

CLASS ACTIONS (08-98-908-01) Fall 2016
Professor Jasminka Kalajdzic 3 credits, Transnational course

Evaluation Methodology:
60% final exam or paper
25% assignment
15% class participation

Course Description: The course will critically and comparatively examine a range of contemporary issues surrounding class actions in Canada and elsewhere. The course is mainly devoted to understanding Ontario class action practice and procedure, with assistance from guest practitioners. To expand our understanding of collective litigation in a global setting, five sessions will be offered simultaneously with the faculties of law at Stanford Law School (USA), Tilburg University (Netherlands) and Leuphana University (Germany). Using video-conferencing, taped lectures and online discussion
forums, we will explore and compare the collective litigation mechanisms in the four jurisdictions. Students will have the opportunity to interact with law students and professors at these other law schools in a truly collaborative learning environment.

Community Legal Aid Clinic Practice Program

Course Description:
The Community Legal Aid Clinic Practice Program at Community Legal Aid (CLA) is a limited enrolment program in which students are placed at CLA for either one full term or two terms, part time. Students may take 8, 9 or 11 credits divided between two terms or complete all credits in a single, full-time term. Students may not enroll for fewer than 4 credits per term. Students must complete three hours of in-clinic work per academic credit.

Students must also enroll in the Clinic Seminar Course for three credits in a term whether they are in the part-time or full-time program.

The CLA Clinic Practice Program brings students into supervised contact with practical legal problems outside the classroom to learn legal skills, professional responsibility, and deepen their knowledge of social and legal problems and institutions. On-site Review Counsel, and the Executive Clinic Director complete student evaluations.

Students will be instructed in clinical law practices in an intensive orientation program and on-going case conferencing sessions. Review Counsel will be present for court appearances in the Ontario Court of Justice. Practice will be restricted to summary conviction offences, provincial offences, small claims court and academic integrity matters. A social worker and Masters of Social Work (MSW) student are part of the Clinic Practice team to offer clients and students the opportunity to participate in a multi-disciplinary service setting.

Learning Outcomes

At the end of this program the successful student will be able to:

1) apply both legal and non-legal knowledge that is relevant to meeting client needs in a clinical law setting,

2) apply this knowledge in an ethical way to advance individual and societal goals in the pursuit and justice and the rule of law (in part by recognizing the ways in which power relations can be replicated or, alternatively, undone through law),

3) draw from their own observations, research and experience to,
   a. critically analyze problems and issues in clinical law,
   b. provide constructive solutions consistent with standards of ethical behavior and the advancement of justice, and,
   c. recognize the limits of the law in problem-solving, and seek alternate strategies in order to meet client needs (particularly through Social Work).

4) identify and response to ethical obligations (including but not limited to those derived from rules of professional conduct), including
   a. demonstrating civility as expected of a legal professional;
   b. demonstrating cultural competency and critical witnessing,
   c. articulating and applying the ethical obligations owed to clients, the legal system, the profession and the general public, and adapting practice accordingly.

5) engage appropriately with the law school community, clients, other legal professionals and the public by:
   a. communicating effectively, orally and in writing, to a variety of audiences in both formal and informal contests, and,
   b. effectively representing the interests of clients through a variety of approaches (notably advocacy in all its contexts, as well as client counseling, negotiation and mediation).
6) evaluate and contribute to effective group processes, including
   a. assuming various roles in teams to achieve defined outcome in various legal projects, and,
   b. displaying personal leadership through advocacy for clients as well as in broader legal or policy issues as they arise.

7) demonstrate a creative approach to solving legal problems through
   a. applying existing law to real and complex legal problems to provide potential solutions;
   b. recognizing, describing and creating elegant solutions to complex legal problems, including the ability to apply learning to solve new or unfamiliar problems.

8) recognizing and describing the dynamic nature of law as a body of knowledge, and articulating the subsequent need for continuous learning to maintain and enhance professional competence. Students will demonstrate this outcome by recognizing and seeking available learning opportunities to maintain and enhance professional competence.

Evaluation Methodology:
Pass/Fail – Clinic Work
Clinic work is assessed through three evaluations: an Initial Evaluation, Mid-Term Evaluation, and End-of-Term Evaluation. The Initial Evaluation and Mid-Term Evaluations are completed by the student, reviewed in person with the Executive Director and Review Counsel. The End-of-Term Evaluation is completed first by the Review Counsel, reviewed by the Executive Director, then discussed with the student. Students are given two opportunities to amend the first two evaluations, but not the final evaluation.

For information please contact the Academic Advisor Julie Ghag at ghagjcla@uwindsor.ca

Executive Director Marion Overholt
08-98-926-2 8 credits
08-98-926-3 9 credits
08-98-926-4 11 credits
08-98-926-6 4 credits
08-98-926-7 5 credits
08-98-926-8 6 credits

Credits can either be divided per term or per academic year. The full-time option is 8 to 11 credits per single term. The part-time option must be a minimum of 4 credits per term for a total of between 8 and 11 credits per academic year.

Evaluation Methodology:
Pass/Fail – Clinic Work
Pass/Fail – Education Plan, Mid-Term Evaluation, End-of-Term Evaluation

Course Description:
The Legal Assistance of Windsor (LAW) Clinic Practice Program is a limited enrolment program in which students are placed at LAW for either one full term or two terms, part time. Students may take 8, 9 or 11 credits divided between two terms or complete all credits in a single, full-time term. Students may not enroll for fewer than 4 credits per term. Each credit hour requires students do be at the clinic for 3 hours (a 4 credit placement equals 12 in-clinic hours, a 5 credit placement equals 15 in-clinic hours, and so on). Students must also enroll in the Clinic Seminar Course for 3 credits whether they are in the part-time or full-time program.

The LAW practice program brings students into supervised contact with practical legal problems outside the classroom to learn legal skills, professional responsibility, and deepen their knowledge of social and
legal problems and institutions. On-site Staff Lawyers, the Executive Director and the Academic Clinic Director complete student evaluations.

Please note that enrolment is limited to 10 full-time students or 20 part-time students per term.

(Required: Clinic Seminar Course simultaneously)

For more information about the program, please contact the Academic Advisor Anna Colombo at colomboa@lao.on.ca

CLINICAL LAW PLACEMENT – CHATHAM-KENT LEGAL CLINIC (08-98-926)
Fall 2016 or Winter 2017
Executive Director Marion Overholt and Chatham Clinic Staff Lawyer
08-98-926-11 8 credits
08-98-926-12 9 credits
08-98-926-13 10 credits
08-98-926-10 11 credits

Evaluation Methodology:
Clinic work: Pass/Fail
Three evaluations: Pass/Fail
Education Plan
Mid-Term Evaluation
Final Evaluation

Course Description:
One student is invited to work for 8 - 11 credits for one term at the Chatham-Kent Legal Clinic in Chatham, Ontario (http://www.cklc.ca/). CKLS is a community legal clinic which serves clients with low income with a variety of poverty law matters including Tenant Rights, Income Maintenance, EI, CPP-D, Criminal Injuries Compensation and Wills and Powers of Attorney. The clinic is located at: 6 Harvey Street, Chatham, Ontario, N7M 1L6.

Students are expected to provide their own transportation to and from the clinic. The Clinic seeks a student who will work under the supervision of a clinic lawyer for 8-11 credits, with each credit requiring 3 hours of work. Students will participate in the same clinic training as students at Legal Assistance of Windsor (LAW) for the first two weeks of the placement.

Students enrolled in this clinic placement must also take the Clinic Seminar course. The Clinic Seminar is a 3 credit course offered to LAW and CLA students. Registration must be made through the Academic Advisor. Interested students should contact Anna Colombo at colomboa@lao.on.ca for more information and a resume and cover letter indicating why they are interested in LAW to the Academic Coordinator. Registration will be made through the Academic Coordinator following selection.

CLINICAL LAW PLACEMENT – COMMUNITY LEGAL ASSISTANCE SARNIA (08-98-926)
Fall 2016 or Winter 2017
Executive Director Marion Overholt and Sarnia Clinic Staff Lawyer
08-98-926-14 8 credits
08-98-926-15 9 credits
08-98-926-17 10 credits
08-98-926-16 11 credits

Evaluation Methodology:
Clinic work: Pass/Fail
Three evaluations: Pass/Fail
Education Plan
Mid-Term Evaluation
Final Evaluation

Course Description:
A maximum of two students are invited to work for 8 or more credits for one term at Community Legal Assistance Sarnia (CLAS) in Sarnia, Ontario (http://sarnialegalclinic.com/index.html). CLAS is a community legal clinic which serves clients with low income with a variety of poverty law matters including Human Rights, Income Maintenance, ODSP, CPP-D, Criminal Injuries Compensation, Housing Law and Aboriginal Justice. The clinic is located at: 201 Front Street N., Suite 407, Sarnia, ON N7T 7T9.

Students are expected to provide their own transportation to and from the clinic.

The Clinic seeks students who will work under the supervision of a clinic lawyer for 8-11 credits, with each credit requiring 3 hours of work. Students will participate in the same clinic training as students at Legal Assistance of Windsor (LAW) for the first two weeks of the placement.

Students enrolled in this clinic placement must also take the Clinic Seminar course. The Clinic Seminar is a 3 credit course offered to LAW and CLA students. Registration must be made through the Academic Advisor Anna Colombo at colomboa@lao.on.ca

Interested students should contact Anna Colombo for more information and a resume and cover letter indicating why they are interested in LAW to the Academic Advisor Registration will be made through the Academic Advisor following selection.

CLINIC SEMINAR (08-98-926-1) Fall 2016
Marion Overholt
3 credits - Perspectives course

Evaluation Methodology:
20% - Class Participation
20% - Community Project / Law reform presentation
60% - Critical Reflections

Course Description:
This course integrates reading, reflection, case rounds and guided classroom discussion on the lawyer’s role in providing legal services to clients living in poverty and community groups with the student’s own lawyering experience at either CLA or LAW. We will examine the capacities and limitations of lawyers and legal systems in a poverty law context; ethical and professional responsibility issues in a clinical context; critical views of practice in a poverty context, and the social justice mission of law. Students are required to complete several written assignments in which they reflect upon assigned readings and practical clinical experience with clients, colleagues, supervisors and other third parties. Students are also required to choose a policy issue or community project affecting their clients and draft recommendations to address one or more systemic issues. This course is open to students simultaneously registered in the Clinic Practice Program at LAW or the Clinic Practice Program at CLA. CLA Group Leaders and students who have volunteered for 2 or more terms may enroll in the course so long as they are simultaneously working or volunteering at the clinic. Registration must be made through the Academic Coordinator (lawac@uwindsor.ca). For information regarding the clinical experience please contact Executive Director Marion Overholt.

CLINIC SEMINAR (08-98-926-1) Winter 2017
Julie Ghag and Johanna Dennie
3 credits - Perspectives course

Evaluation Methodology:
20% - Class Participation
20% - Community Project / Law reform presentation
60% - Critical Reflections
Course Description:
This course integrates reading, reflection, case rounds and guided classroom discussion on the lawyer’s role in providing legal services to clients living in poverty and community groups with the student’s own lawyering experience at either CLA or LAW. We will examine the capacities and limitations of lawyers and legal systems in a poverty law context; ethical and professional responsibility issues in a clinical context; critical views of practice in a poverty context, and the social justice mission of law. Students are required to complete several written assignments in which they reflect upon assigned readings and practical clinical experience with clients, colleagues, supervisors and other third parties. Students are also required to choose a policy issue or community project affecting their clients and draft recommendations to address one or more systemic issues. This course is open to students simultaneously registered in the Clinic Practice Program at LAW or the Clinic Practice Program at CLA. CLA Group Leaders and students who have volunteered for 2 or more terms may enroll in the course so long as they are simultaneously working or volunteering at the clinic. Registration must be made through the Academic Coordinator (lawac@uwindsor.ca). For information regarding the clinical experience please contact Executive Director Marion Overholt.

COMMERCIAL LAW – SALES (08-98-872-1) Fall 2016
Professor Muharem Kianieff
3 credits

Evaluation Methodology:
100% open book final examination with paper option worth 50%

Course Description:
The purpose of the class is to familiarize you with some of the various doctrines and principles that apply to the law of the sale of goods. The course will acquaint you with such topics as the substantive requirements of contracts for sale, the conditions surrounding their formation, the obligations of the seller, product liability, and obligations of the buyer.

The subject matter of the course will be comparative with an emphasis on the Ontario Sale of Goods Act, Consumer Protection Act, the UN Convention of Contracts for the International Sale of Goods, and reference to the US Uniform Commercial Code, Article 2.

COMMERCIAL LAW - SECURED TRANSACTIONS (08-98-874-1) Winter 2017
Ian Katchin
3 credits

Evaluation Methodology:
100% - Closed book final examination.

Course Description:
This course will examine the law of secured transactions in personal property and suretyships, and will be primarily based upon an analysis of the Ontario Personal Property Security Act (PPSA) and the caselaw relating thereto. Topics that will be covered include the following:

• nature and function of security;
• scope and application of the PPSA;
• creation of security interests;
• validity of security agreements;
• rights of secured parties between themselves and against third parties;
• priority rules; and
• remedies in the enforcement of security interests.
CONSTITUTIONAL LITIGATION (08-98-936-1) Fall 2016
Michael Dunn et al
3 credits

Evaluation Methodology:
Note: First four assignments will be based on a hypothetical case to be handed out at the beginning of the term. The expert affidavit and factum assignments are team assignments; each member of the team is expected to contribute equally to both assignments and will receive the same grade.

10% - Draft a notice of application
30% - Draft an expert affidavit (teams of two)
30% - Draft a factum (teams of two)
20% - Moot on hypothetical case
10% - Class participation

Course Description:
The objective of this advanced constitutional law course is to examine certain aspects of the Charter of Rights and Freedoms from a practical, litigation-oriented perspective. This course will look at the procedural, evidentiary and practical background of the cases to understand how those considerations influence constitutional principles and constitutional decision-making by the courts. The seminar will look at issues such as standing, facts, social and economic evidence, the respective roles of the complainant, government and intervener in court, litigation strategy and remedies. Students will examine not only the cases, but also background material such as affidavits, cross-examinations and factums.

COPYRIGHT (08-98-915-01) Winter 2017
Professor Pascale Chapdelaine
3 credits

Evaluation Methodology:
65 % final three-hour open-book exam
10 % class participation
25 % short (individual or team) assignment and class presentation

Course Description:
This course explores the main components of Canadian copyright law in an international context. As a statutory grant by the State, what is the purpose of copyright and how does it relate to property, contracts, and other forms of intellectual property? What subject matter (e.g., books, musical recordings, paintings, films, computer programs) does it protect and why? How does copyright law protect, promote, mediate between the interests of authors, copyright holders, users, intermediaries, and the public? How is copyright law adapting to the digital revolution and an ever changing technological environment? These are the main questions that students will explore throughout this course. This course is particularly suited for students interested in intellectual property and technology law and theory, entertainment law and commercial law.

Topics to be covered will include:
1. Subject-Matter of protection (original literary, dramatic, musical and artistic work)
2. Requirements of authorship
3. Scope of copyright protection and of neighbouring rights
4. Moral rights
5. Infringement of copyright and enforcement
6. Exceptions to copyright infringement (users’ rights)
7. Main copyright international conventions
8. Copyright in the digital age
By the end of this course, students will be able to:

1. Distinguish copyright from other forms of intellectual property (e.g., patents, trademarks, industrial designs, trade secrets)
2. Understand and critically assess relevant Canadian copyright law principles in light of both the Copyright Act and the jurisprudence that interprets it
3. Identify the key international copyright norms and conventions and their impact on Canadian copyright law
4. Understand and critically assess the ongoing challenges of copyright law and policy in the digital age and in an ever changing technological environment

CORPORATE FINANCE (08-98-879-1) Fall 2016
Geoff Clarke et. al., 3 credits

Evaluation Methodology:
100% Final Examination - closed book

Course Description:
This course is intended to provide an understanding of key legal and financial concepts relevant to business financing, mergers and acquisitions, investment banking and capital market activities. Topics discussed include accounting concepts, financial theory, debt vs. equity financing, various financing alternatives and selected issues relating to mergers and acquisitions. In addition, the role of various capital market participants will be examined, including directors and management, shareholders, creditors, securities dealers, legal counsel, regulators and stock exchanges. The course provides a mix of theory and case studies, including case studies that illustrate the manner in which the law is influenced by real world events. The course aims to provide students with both knowledge and practical skills that they will find useful as a business lawyer, litigator, business executive or investor. The course is taught by a team of Toronto-based lawyers. (Pre-requisite: Business Associations; Recommended: Income Taxation, Commercial Law and Securities Regulation)

CRIMINAL LAW & THE CHARTER (08-98-971-39) Winter 2017
Special Topics in Law
Madam Justice Renee M. Pomerance 3 credits

Evaluation Methodology:
60% Research Paper
30% Oral Presentation of Seminar Topic
10% Class Participation

Course Description:
Constitutional issues routinely arise in the context of criminal trials. An understanding of the Charter, and the procedure for litigating constitutional claims, is essential for those seeking a career in criminal law. This is a fluid and dynamic area of the law, with many changes on the horizon. The goal of the course will be to familiarize students with constitutional theory, the operation of specific Charter provisions, and practical litigation skills including Charter advocacy.

The subject matter of the course falls into three categories: 1) the investigative process (ss.8,9, and 10 of the Charter); 2) the adjudicative process (s.7, s.11, s.12 of the Charter); and 3) remedies (ss.24(1) and 24(2) of the Charter, s.52 of the Constitution Act, 1982).

Classes: This course will be taught intensively. Proposed dates and times will be posted when available.
CRIMINAL PROCEDURE (08-98-883-1) Fall 2016
Patrick Ducharme
3 credits

Evaluation Methodology:
100% Final Examination - open book

Course Description:
A study of advanced problems in that part of the law of procedure relating to trial and appeal of criminal actions as well as a study of those institutions which bear directly upon the trial of criminal cases.

CRIMINAL TRIAL ADVOCACY (08-98-909-1) Winter 2017
Patrick Ducharme
4 credits

Evaluation Methodology:
25% Critical Analysis (10 pages or less)
25% Major Paper (12-20 pages)
50% In-Class Assessments & Participation

The mark in this course will be comprised of three separate marks assigned to three separate aspects of the course as follows:

1. One (1) typewritten paper of 10 pages or less, detailing a critical analysis of a criminal trial or part of a criminal trial attended by the student while in this course. The trial critique will require that the student critically analyze the work of the defense lawyer, the crown attorney, and the handling of a criminal trial. The trial may be one that is conducted in the Ontario Court (Provincial Division) or the Superior Court of Justice. It must be a trial and not an appeal. The critiques should include comments by the student as to what was done effectively by counsel and what was done ineffectively. In those instances where counsel operated ineffectively, the student should advise as to how this ineffectiveness or inefficiency could have been rectified by a different course of conduct. The paper need not deal heavily with the factual elements of the case, they should only provide enough detail of the facts so that the critical commentary can be understood by the reader. (25%)

2. The second part of this course will require that the student prepare a 12 - 20 page paper on an area of advocacy. (25%)  

3. The last and perhaps most important, aspect of this course will be class participation. Attendance is mandatory. Any absences should be explained in advance to the instructor. Unexplained or unreasonable absences will be held against the student. The value of this course is in the "doing" and one cannot "do" unless one is there to participate. Notes from another student will not help you in this course. From time to time, students will be called upon to play the role of the Crown counsel or defense counsel, Judge or witness. Every student should be thought of as "interchangeable" at any given moment. Therefore, even if a student is not specifically assigned to a role for a demonstration, that student should not think that they will not be called upon spontaneously to take over the role of one of the "participating" students. I hope to have every student play at least one significant part in a trial demonstration this year. For that reason we have tried to keep the numbers of students down in this course. As much as we would like to accommodate all of the students who would like to take this course, a group larger than thirty (30) tends to prevent the likelihood of each student being given an opportunity to perform. (50%).

(Co-requisite: Evidence. Anti-requisite: Civil Trial Advocacy).
DISPUTE RESOLUTION: THEORY, CONTEXT & PRACTICE (08-98-827-1) Fall 2016
Professor Julie Macfarlane
3 credits – Perspectives, Paper Course

Evaluation Methodology:
75% - Research Paper
25% - In Class Assignments, Simulations and Discussions

Teaching Methodology:
Through a combination of assigned readings, lectures, class discussions, simulations, role plays, and group work, students will link theory with practice in dispute resolution. Active participation and engagement in practical exercises and discussions is very important. Some of this class will be taught in an intensive format to expand the time available for extended roleplays and exercises.

Course Description:
This course is an introduction to dispute resolution processes, which aim to build consensus and in particular negotiation, mediation, and other collaborative problem-solving processes. Included are examples of the use of these processes in the justice system such as court-connected mediation, restorative justice and diversion programs, judicial settlement conferencing - and by lawyers in private practice using negotiation, mediation, and collaborative law. The foundation of these practical skills is an introduction to conflict theory and an understanding of a spectrum of dispute resolution choices available to clients. We shall spend a significant amount of time in this class talking about how lawyers can offer choices to clients and assist them in decision-making. Both the analytical and practical skills acquired in this course are of critical importance to law students in their role as advocates assisting clients to resolve disputes, and are equally transferable to any professional context.

This course encourages students to think in practical and realistic terms about what clients want and how to best meet their needs. It also encourages critical thinking about the potential of conflict resolution processes to enable access to justice; to meet individual client needs; to address systemic issues such as discrimination and entrenched power; and to enhance power-sharing between lawyer and clients. This discussion will be set against the background of the explosion of self-represented litigants in our justice system who cannot afford access to legal representation, and many who feel dissatisfied with the traditional model of legal services delivery.

ENVIRONMENTAL LAW (08-98-920-01) Fall 2016
Professor Marcia Valiante
3 credits

Evaluation Methodology:
TBA

Course Description:
This course surveys major issues in Canadian environmental law and policy, with an emphasis on Ontario. Topics include the division of powers between federal and provincial governments, environmental assessment, environmental litigation, regulation of polluters, prosecution and sentencing for environmental offences, waste management and protection of biodiversity. Class work highlights policy underpinning the legal framework and the role of the public in protecting the environment.

ENVIRONMENTAL LAW CLINIC (08-98-974-1) Fall 2016 or Winter 2017
Special Topics in Law
Professor Marcia Valiante
3 credits

Evaluation Methodology & Course Description:
The purpose of this course is to provide an opportunity to work for credit on real-world problems confronting environmental decision-makers within a local, regional and national setting. Students will work in parallel or on a team with U.S. law students who are enrolled in the Wayne State University Law
School’s Environmental Law Clinic course, in conjunction with the Great Lakes Environmental Law Center. This experience will provide students the unique opportunity to refine their understanding of environmental law and network with decision-makers in both the United States and Canada. The course will include both a classroom component and a project component. The classroom component will consist of one 2-hour session per week, with some of the sessions held at Wayne State and the remainder at Windsor Law. In addition to the class, students will be assigned projects that come from requests for assistance made by community or public interest groups to the Great Lakes Environmental Law Center or from emerging environmental issues identified by the instructors. The primary focus will be on Great Lakes regional issues. Students will not engage in legal practice but will be required to research and develop strategies and advocacy materials to affect policy in all three branches of government, and at the local, provincial, federal or binational level. Each project will require the production of one or more written documents – such as a memorandum, report, or brief. Students will be assessed primarily on the basis of this written material.

The course is for 3 credits and will be evaluated on a Pass/Fail basis.

To be eligible for the clinic, students must have successfully completed the Environmental Law course (98-920), International Environmental Law (98-921), or have permission of the instructor.

Students are able to take the clinic a maximum of two times, for a total of 6 credits, with permission of the instructor. For students taking the course a second time, the class work will be modified.

ESTATE PLANNING AND ADMINISTRATION (08-98-841-1) Winter 2017
John Clark
3 credits

Evaluation Methodology:
Evaluation will be on the basis of pass/fail. Two assignments will be issued, the first in week 6 of the semester, returnable in week 9. It will relate to the creation of a law firm composed of two or more students in the class, the contractual relationship between the members, succession planning within the partnership, and the preparation of the necessary testamentary and other documents required to give effect to the agreement between them.

The second assignment will be made in week 11, returnable during the final examination period on a date to be determined. It will involve the rendering of an opinion and a memorandum to the senior partner of the law firm, outlining a proposal for action to deal with issues arising out of a hypothetical situation. Each assignment will be of equal value.

Course Description:
Instruction in the law and practice of Estate Planning and Administration including:

Part A: developing and implementing the estate plan including consideration of such influential factors as the nature of family and other obligations and the choice of law rules; succession planning for business; powers of attorney for persons and property; appointment of guardians and custodians; life insurance and business evaluations; and applications for the appointment of an estate trustee.

Part B: an examination of issues relating to taxation at death and personal tax planning; contentious proceedings and practising defensively; the impact of Family Law Act upon estate planning; applications for dependants’ support; and claims by common law spouses and same sex partners.

Part C: an analysis of the administration of an estate, the nature of trusts and trustees obligations; trustee actions; the application to testamentary trust; liability of trustees; administration of estates and the realization of assets including those in foreign states, payment of debts, testamentary expenses, taxes, and so forth; distribution and duty to account; and the role in contentious proceedings and need for even handedness.

Instruction Methodology: The students will be divided into distinct “law partnerships”. Fact situations and issues relating to the curriculum will be presented. Some will be dealt with in lecture format; in other cases, the fact situations and issues arising will be presented for analysis by the entire class, and in others, (with the assistance of guest participants comprised of current estate planning professionals, the substantial
issues of law and also particular solicitor-client issues will be reviewed by the law partnerships pursuant to
their legal retainers by the “clients” presented in the fact situations.

(Pre-requisite: Registration will be limited to those who have taken Wills and Succession, and preference
will be given to students who have completed Business Associations, Insurance Law, Trusts, Taxation, and
Family Law.) In the event the course is over-subscribed, preference will be based on cumulative GPA.

Interested students must contact the Academic Coordinator (lawac@uwindsor.ca) by September 16, 2016.
Selection will be made in November prior to the re-opening of Winter registration.

EVIDENCE (08-98-850-1) Fall 2016
Professor David Tanovich
4 credits

Evaluation Methodology:
30% - Quizzes
20% - Op-ed assignment
50% - Final exam (hypothetical style questions)

Course Description:
The law of evidence is procedural in nature. It is aimed at control and regulation in an effort to fairly
promote the search for truth. Those it controls through rules of admissibility and proof include the judge,
the fact-finder, the lawyers and witnesses. The law of evidence consists of many rules and exceptions to
the rules. As a result, the general guiding principles often get lost in a mass of cases and statutory
provisions. In an effort to promote learning, the course has been revised with a greater focus on the
general principles and on experiential learning.

The goal of the course is to briefly summarize the leading principles in lectures (supplemented with the
readings and my detailed lecture notes in the form of power points) and then to explore the principles in
context through case studies, problems and other class exercises. The course is organized into three
sections.

The first section will introduce the student to some of the foundational elements of evidence including
relevance, inductive reasoning, authentication, exclusionary discretion, limiting instructions, sufficiency
and proof. The second section will examine exclusionary rules involving bad character of the accused,
hearsay, confessions, expert opinion evidence and oath-helping. The third section will explore the basic
rules governing competence and compellability, questioning and impeachment of witnesses.

EVIDENCE (08-98-850-1) Winter 2017
Peter Hrastovec
4 credits

Evaluation Methodology:
30% - Quizzes
70% - Final Exam

Course Description:
This course provides an introduction to the law of evidence. In the first part of the course we will look at
the purpose of the law of evidence and fundamental principles of relevance, prejudicial effect and
burdens of proof. In the second part of the course, we look at the rules governing the admissibility of
various types of evidence, including witnesses, documentary evidence and judicial notice. In the third part
of the course we examine exclusionary rules, principally hearsay and privilege. Throughout, we will
identify the ways in which evidentiary rules affect both civil and criminal proceedings, and consider
questions of ethical conduct.
FAMILY LAW (08-98-843-1) Fall 2016 or Winter 2017
Professor Cynthia Nantais
4 credits

Evaluation Methodology:
80% Final Exam
20% Assignments

Course Description:
An introduction to the legislation and case law arising in the area of family law, including cohabitation and marriage, divorce, custody and access, child and spousal support and property division.

FRANCHISE LAW (08-98-971-50) Fall 2016
Special Topics in Law
Michael Robinson
3 credits

Evaluation Methodology:
80% - Final Examination
20% - Class participation

Course Description:
Franchising is now the preferred method of business establishment in North America, with one of every five consumer dollars spent at a franchised business. The law regarding franchising and trademarks is rapidly evolving in Canada and throughout the world, and this course will cover the importance of trademarks and franchise legislation and caselaw in this growing business segment.

FREEDOM OF RELIGION (08-98-938-1) Fall 2016
Professor Richard Moon
3 credits – Perspectives, Paper Course

Evaluation Methodology:
85% - Research Paper
20% - Class participation & presentation

Course Description:
The course will examine the constitutional protection of freedom of religion. It will focus on Canadian cases and issues, but will also look at cases and materials from other jurisdictions. The course will consider the freedom’s theoretical basis as well as a variety of current issues including state support for religious practices, the funding of religious schools, the accommodation of religious practices, the autonomy of religious communities, and blasphemy and religious criticism. The central theme of the course will be the re-conception of religious freedom in the contemporary Western context of greater religious diversity and agnosticism.

FUNDAMENTALS OF IP STRATEGY AND IP MANAGEMENT (08-98-971–54) Winter 2017
Special Topics in Law
Professor Myra
3 credits – Transnational Course

Evaluation Methodology:
30% On-line Quizzes
20% Attendance & Participation
50% Take-home Exam
Course Description:
This is an innovative and exciting new experiential course developed through the Centre for International Governance Innovation (CIGI) and the Faculty of Law. It is designed to enhance the skills and expertise of those interested in aspects of intellectual property law and practice from both business and legal perspectives. It will help prepare you to become an IP strategist as well as an IP or business lawyer – skills that are increasingly necessary for lawyers in the knowledge-economy.
Pre-requisites: At least one intellectual property law course (Patent, Trademark, Copyright, or LTEC) OR background experience (whether professional or educational) with intellectual property or business upon application to Professor Tawfik.

HEALTH LAW IN PRACTICE (08-98-848-01) Winter 2017
Carole Jenkins
3 credits

Evaluation Methodology:
60% take home exam
25% presentation
15% participation

Course Description: The course will provide students with insight into the practice of health law, and the issues that arise in the provision of legal advice and representation to a variety of health care institutions and professionals. The course will cover the legal and policy dimensions of the following areas of law and regulation: medical malpractice litigation, privacy law as it relates to health information, consent to treatment, regulation of health professionals, physician credentialing, and risk management.

HUMAN DIGNITY (08-98-971-20) Winter 2017
Special Topics in Law
Professor Reem Bahdi
3 credits – Perspectives, Transnational Course & Paper course

Evaluation Methodology:
TBA

Course Description: This interdisciplinary course examines the role of dignity as a concept that can drive social change and the pursuit of justice. It is designed for students who are interested in cause lawyering and/or international development. This course aims to give participants – students and instructors – the space to explore the meaning of dignity and its relationship to social change, the tools to advance dignity in their professional lives, and the opportunity to engage in interdisciplinary rather than multi-disciplinary learning. Students will examine the meaning of dignity, the sources of dignity in international and comparative law, and develop the interdisciplinary tools to promote dignity as cause lawyers and/or international development experts.

IMMIGRATION LAW (08-98-957-1) Fall 2016
Clifford Luyt
3 credits – Transnational, Paper course

Evaluation Methodology:
100% - Research Paper

Course Description: Canadian Immigration and Refugee law has changed continually since its inception. It is most likely that this phenomenon will continue as immigration plays a very important role in our increasingly global society and in Canada’s labour market and society generally. The world situation regarding refugees has
also changed during the last few decades as asylum seekers are fleeing not only from persecution but also from natural disasters, civil war or other forms of unrest in their national states. Students in this course will analyze the current laws and procedures of the Canadian immigration and refugee systems in their social and political context and debate the various legal and policy alternatives available to Canada.

INCOME TAXATION  
Professor John Weir  
4 credits

Evaluation Methodology:
TBA but may be a 100% final exam

Course Description:
This course is designed to provide an introduction to understanding the fundamental legislative structure and components, and the administration and enforcement of Canadian income tax law, including Court and Canada Revenue Agency (CRA) procedures and practices. It will canvas the status and taxation of individuals, corporations and trusts; various source categorization and taxable income determination; civil and criminal aspects of taxation, as well as professional conduct matters. It is a foundation and pre-requisite course upon which other focused and specialized courses will be based for those students with an interest in taxation as part of their law careers.

INDIGENOUS LEGAL TRADITIONS  
Special Topics in Law  
Professor Valarie Waboose  
3 credits – Perspectives & Transnational Course

Evaluation Methodology:
20% Participation  
20% Bi-weekly Reflection Papers and Questions  
30% Seminar Presentation and Paper  
30% Final Research Paper

Course Description:
This seminar course will examine the developing area of Indigenous Legal Traditions in Canada, and the goal of Aboriginal people to identify solutions to the enduring challenges inflicted upon them by the implementation of colonial rule, policies and goals over centuries of interaction with European nations. The course will examine the historic evolution of the relationship between Aboriginal people and the Euro-Canadian state. Additionally, it will look at the application of colonial law and policy and how it gave little respect for the existence of Canadian Aboriginal people and their legal traditions. Finally, and for the most part it will examine the contemporary view of Canadian Aboriginal people to re-assert and implement their legal traditions within their own communities. The course will focus largely on the writings of legal scholars and their descriptions of Indigenous legal traditions. The course will also have a less extensive look at the limited jurisprudence that has given consideration to the laws of Aboriginal people.

In this course time will be given to an examination of specific Indigenous legal traditions, from which the students will be required to critically analyze these theories in a practical manner with a view to giving special attention to oral histories and traditions of passing down values and principles, and establishing social control. Furthermore, the students will be required to consider the reasoning behind the Indigenous order.

*This class will be taught on January 13, 27, February 10, March 3, 17, and 31, 2017. This class will travel to Walpole Island to provide students with a genuine opportunity to explore and learn first hand about an Aboriginal worldview.
INSOLVENCY & RESTRUCTURING  (08-98-988-1)  Winter 2017
Ryan Jacobs
3 credits

Evaluation Methodology:
100% Final Exam

Eligibility: Enrollment is limited to twenty students. Registration will be done by selection. Please email the Academic Coordinator (lawac@uwindsor.ca) to indicate your interest in this course by September 19, 2015. In the event that this seminar is oversubscribed, preference will be given to students in Law 3 based on their cumulative GPA.

Course Description:
This course will offer students an insight into the fascinating world of Insolvency and Restructuring Law. Companies experiencing financial difficulty often turn to their lawyer for counsel and advice. The stakes are high: there are often hundreds of jobs at jeopardy and millions of dollars of debt. Students will learn the principles of restructuring law and the rights and remedies available to stakeholders using real world examples from recent and high-profile bankruptcy cases in Canada.

INSURANCE LAW  (08-98-912-1)  Fall 2016
Dina Mejalli
3 credits

Evaluation Methodology:
100% - Final Examination – open book

Course Description:
A general introduction to the principles of the law of insurance. The course includes examination of agency, duty of disclosure, formation and construction of the contract, insurable interest, waiver and estoppel, valuation, subrogation, and the making and settlement of claims.

INTERNATIONAL BUSINESS TRANSACTIONS  (08-98-859-1)  Winter 2017
Professor Maureen Irish
3 credits – Transnational Course

Evaluation Methodology:
100% - Final Examination – open book
OR
100% - Research Paper plus presentation and participation

Course Description:
This seminar studies private law aspects of international economic transactions and government regulation affecting Canadian businesses, including small and medium-sized firms as well as large companies. Topics include international sales contracts, payment mechanisms, f.o.b. and c.i.f. trade terms, transportation law, border security, Canadian customs and anti-dumping law, international investment law, Canadian foreign investment review, international arbitration, government procurement review, and Canadian and international controls on corrupt practices.
INTERNATIONAL CRIMINAL LAW (08-98-971-52) Winter 2017
Special Topics in Law
Professor Sujith Xavier
3 credits – Perspectives and Transnational course (paper??)

INTERNATIONAL DISPUTE RESOLUTION (08-98-806-1) Fall 2016
Professor Maureen Irish
3 credits – Transnational, Paper Course

Evaluation Methodology:
100% Research Paper, presentation and participation

Course Description:
This course examines the legal framework for resolving international and transnational disputes. Students will be exposed to: 1) international dispute resolution processes (negotiation, fact-finding, mediation, conciliation, arbitration and adjudication); 2) "public" dispute resolution between sovereign states and/or international institutions; 3) "mixed" dispute resolution between sovereign states and private parties pursuant to NAFTA Chapter 11 and Bilateral Investment Treaties; 4) transnational justice between private parties, with a focus on international commercial arbitration, including arbitration agreements, arbitral proceedings, and the recognition and enforcement of arbitral awards; and 5) the rules and practice CITRAL, the ICC’s International Court of Arbitration and London Court of International Arbitration. Students will also learn about the Law Merchant (lex mercatoria), state responsibility and sovereign immunity.

INTERNATIONAL ECONOMIC LAW (08-98-862-1) Fall 2016
Professor Maureen Irish
3 credits – Transnational, Paper Course

Evaluation Methodology:
Research paper, presentation and participation

Course Description:
This course studies the public side of international economic law, including the law of the World Trade Organization, international development, international financial law (IMF and World Bank), international investment law, and aspects of international commercial arbitration.

INTERNATIONAL ENVIRONMENTAL LAW (08-98-921-1) Winter 2017
Professor Marcia Valiante
3 credits – Transnational Course

Evaluation Methodology:
TBA

Course Description:
This course reviews the development of general principles of international environmental law and their application in specific issues and disputes. Topics include environment and development, Canada-U.S. environmental relations, trade and the environment, atmospheric pollution (including climate change), toxics and hazardous waste, biodiversity, waters and oceans.
Evaluation Methodology:
16.7%: Class participation (including class preparation and active participation in class discussion)
16.7%: In-class role-plays and exercises
33.3%: Final simulation (oral proceedings)
33.3%: Final simulation (written submission)

Course Description:
This course will trace the legal and political development of international human rights law. It will begin by exploring the philosophical bases of this body of law in the context of the positivist legal tradition of the 19th and early 20th centuries. It will examine the nature and substantive standards of modern human rights law, and will analyze the application of those standards in the context of case studies encompassing issues of hate speech, extraterritorial application of human rights law, and discrimination on the basis of sex and sexual orientation. It will also survey the extensive array of human rights mechanisms created under the auspices of the UN and regional intergovernmental organizations. In addition, the course will provide a brief introduction to related areas of international law, including the international law of armed conflict (also known as international humanitarian law) and international criminal law in the strict sense.

INTERNATIONAL LAW OF REFUGEES AND FORCED MIGRATION (08-98-971-29)
Fall 2016
Special Topics in Law
Professor Anneke Smit
3 credits – Transnational

Evaluation Methodology:
TBA

Course Description:
As of June 2016, the world is experiencing the largest refugee crisis in modern history. The international legal regulation of forced migration has been pushed almost to breaking point by the political and logistical pressures on receiving states around the world. While the individual claimant-focused 1951 Refugee Convention continues to play an important role, most forced migration today is en masse and the result of armed conflict (and increasingly also economic development or environmental disasters). It also occurs both across and within internationally-recognized borders. Responses to the displacement crisis by potential host states have varied, from acceptance of refugee flows arriving at borders, to closing those borders and sending refugees back towards their home countries, to resettling refugees in third countries such as Canada.

Between December 2015 and April 2016, the Canadian government and Canadian private sponsors resettled more than 25,000 Syrian refugees in Canada. More continue to be brought in, in particular as privately sponsored refugees. The Refugee Sponsorship Support Program (Refugee SSP) was created in the fall of 2015 in order to provide needed pro bono legal supports to private refugee sponsor groups across Canada as they prepare sponsorship applications. The Windsor chapter of this organization, the Windsor Refugee SSP, was created in January 2016 and is based at Windsor Law.

This course will offer an intensive learning experience in the area of refugee law and policy, combining traditional seminar-style class sessions and an opportunity to gain hands-on experience in the area of refugee law and policy (and specifically refugee resettlement).

The first part of the course will be the seminar portion. The starting point of the seminars will be the international legal framework to address forced displacements. It will proceed to cover topics such as the management of mass refugee flows (including recent international, regional and domestic responses to mass migratory flows); law and justice in refugee camps and settlements; the durable solutions to
displacement (return, local integration and resettlement); post-conflict justice; and environmental and development-induced displacement. The seminar portion of this course will be offered on an intensive basis during the first weeks of the fall term. Students will select a topic from among those covered in the seminar to form the basis of their research paper and end-of-term presentation.

Upon completion of the seminar portion of the course, students will engage in an experiential learning experience in the area of refugee resettlement for the remainder of the course, under the umbrella of the Windsor Refugee SSP. The tasks undertaken by students will vary depending on interest and demand but may include: assisting pro bono lawyers working with private refugee sponsorship groups in Windsor-Essex; planning and hosting (an) training and networking event(s) for sponsor groups and potential sponsors; liaising with the national Refugee SSP office and chapter offices across Canada; undertaking research (for example country-of-origin research) on behalf of the national Refugee SSP office; managing press communication and social media on behalf of the Windsor SSP; and other tasks relevant to refugee resettlement policy in Canada and the work of the SSP. Classes during this part of term will take place approximately once per week for 60-90 minutes (more as needed and agreed upon) and will largely take the form of coordination meetings.

The application deadline is Friday August 5, 2016. Interested students are asked to submit an email of their intent to apply to the Academic Coordinator, Paula Pavan, (lawac@uwindsor.ca) and include a brief cover letter highlighting the reason for their interest in the course and any relevant experience/coursework in refugee/immigration law or related areas as well as background in community engagement and/or clinical work. A CV is also required.

JEWISH LAW (08-98-971-25) Fall 2016
Professor Thomas Kuttner 3 credits

Evaluation Methodology:
10% - Classroom discussion
45% - 3 Reflective essays (15% each)
45% - Seminar presentation

Course Description:
This is a specialized comparative law seminar. Following an overview of the basic characteristics and institutions of Jewish Law and its development over the past 2000 years, a broad range of civil, criminal, public law and human rights issues and their treatment historically at Jewish Law and contemporaneously in the State of Israel, will be reviewed. Materials drawn upon include classical Jewish legal sources [Bible, Talmud, Rabbinical Responsa], Israeli cases and statutes, as well as American and Canadian legal materials. There will be some cross-reference to cognate religious legal systems: Islamic Law and Canon law. No previous knowledge of Judaism nor of Jewish Law is required or expected; nor is facility in Hebrew or Aramaic, as all source materials have been translated into English.

Except tangentially, this course does not address the 20th century Israel/Palestine dispute nor the legal issues arising therefrom.
JUDICIAL INTERNSHIP – CRIMINAL LAW – PROVINCIAL COURT - WINDSOR  
(08-98-966-01)  
Fall 2016 or Winter 2017

JUDICIAL INTERNSHIP – FAMILY LAW – PROVINCIAL COURT WINDSOR  
(08-98-965-01)  
Fall 2016 or Winter 2017

JUDICIAL INTERNSHIP – PROVINCIAL COURT – NEWMARKET  
(08-98-967-01)  
Fall 2016 or Winter 2017

Supervising Professor – Associate Dean Jasminka Kalajdzic  
3 credits

Evaluation Methodology:  
Pass/Fail based on professionalism and contributions to the work of the Court (preparation of research memoranda, etc.).

Course Objective:  
This course will expose students to the experience of interning with an Ontario court and the benefits of interaction with judges. Students will have the opportunity to do legal research in relation to specific, practical legal problems, which judges must address in their day-to-day work.

CRIMINAL LAW – PROVINCIAL COURT – WINDSOR  
The successful applicants must be available for one day per week (Thursday or Friday). Please note that both interns must available on the same day. The successful applicant must have completed Civil Procedure and Evidence.

FAMILY LAW – PROVINCIAL COURT – WINDSOR  
The successful applicants must be available all day on Tuesday and have completed Civil Procedure, Evidence and Family Law.

PROVINCIAL COURT – NEWMARKET  
The successful applicants must be available all day on Friday and have completed Civil Procedure and Evidence.

Evaluation Methodology:  
Pass/Fail based on professionalism and contributions to the work of the Court (preparation of research memoranda, etc.).

Course Objective:  
This course will expose students to the experience of interning with an Ontario court and the benefits of interaction with judges. Students will have the opportunity to do legal research in relation to specific, practical legal problems, which judges must address in their day-to-day work.

Course Description:  
Students in the course are required to spend one day per week at the court house working on their assignments. Some flexibility may be possible in arranging for two mornings or two afternoons per week instead of a full-day or in completing assignments at the law school library. However; any such alternative arrangements must be approved by the Court. It is expected that the student will spend approximately eight hours per week at the Court House.

Students are given the title of Intern to the Regional Senior Judge of the Provincial Court. Students report to the Supervising Judge when they attend at the Court House and receive all of their assignments from him/her. However, when working on assignments from other judges, they discuss the matter directly with the judge for whom the work ultimately is being done. The Supervising Judge is the students’ point of contact with the Court. When the Supervising Judge is not available, interns are expected to show initiative and seek out assignments from other judges who are in the office.
The Associate Dean, or another faculty member assigned to the course, will oversee the internship course and liaise with the Court on matters relating to the operation of the course and the students’ performance. The Supervising Judge will meet with the student interns at the beginning of each term to acquaint them with the Court and to outline their duties. Throughout the term, the Supervising Judge will monitor the students’ work to ensure that they are engaged in research activities that advance their knowledge of the law and the work of the Court. In addition, the Supervising Judge will ensure that the students’ workload is appropriate for the one-day a week commitment required for the clerkship. Students will be expected to keep a log of their work for review by the Supervising Judge and the Associate Dean or other faculty member assigned to the course.

The evaluation of the students will be based upon the assessment of the student’s professionalism and contributions to the work of the Court, including in the form of preparing research memoranda. Assessment will be made by the Associate Dean, or other faculty member assigned, in consultation with the Supervising Judge. Performance will be graded on a Pass/Fail basis.

Selection of Students
Students may apply by submitting a letter of application to the Academic Coordinator, setting out their reasons for seeking an internship and the qualities and experience they possess that make them suited for the position. A resume and transcript must also be provided (a Faculty of Law unofficial transcript obtained from the Academic Coordinator will suffice).

Please indicate the location of your choice and, if Windsor, the stream of your choice (criminal or family) in your letter of application.

The applications will be assessed in consultation with the Supervising Judges. Applications must be submitted to the Academic Coordinator by 12:00 noon on September 1, 2016 for the Fall 2016 term and by 12:00 noon on January 4, 2017 for the Winter 2017 term. Students who were unsuccessful in the Fall term are encouraged to apply again for the Winter term.

JUDICIAL REVIEW OF ADMINISTRATIVE ACTION (08-98-852-1)  Fall 2016
Professor Laverne Jacobs
4 credits

Evaluation Methodology:
10% - Participation
90% - Final Exam – on the date scheduled during the regular exam period.

Course Description:
Administrative law and government accountability are pervasive legal concepts in today’s society. This course examines both the concept of administrative action and the underlying tensions involved in holding governmental administrative actors accountable through the courts. Students will develop an understanding of how administrative tribunals and agencies function ‘on the ground’ through an examination of select statutory regimes. We will also reflect on traditional common law approaches to judicial review (e.g. prerogative writs, jurisdictional error, abuse of discretion, rules of natural justice, bias, errors of fact and law etc.), the standard of review analysis, as well as the growing interaction between the rights of indigenous peoples, the Charter of Rights and Freedoms and judicial review in contemporary Canadian administrative law. Students will be given the opportunity to consider the idea of government accountability more broadly, by reflecting on actions against the Crown and Global Administrative Law. By the end of the course, students will have knowledge of the practical tools used in administrative law (including enabling legislation, the Statutory Powers and Procedure Act, the Judicial Review Procedure Act and the Federal Courts Act), and will have had a chance to understand and critique judicial review as a form of government accountability. This course is recommended for students interested in participating in the Laskin Moot. (Recommended: Canadian Constitutional Law)
JUDICIAL REVIEW OF ADMINISTRATIVE ACTION  (08-98-852-1)  Winter 2017

Professor Sujith Xavier
4 credits – Transnational Course

Evaluation Methodology:
60% - Take Home Exam (72 hours)
30% - Short Reflection Papers
10% - Participation

Course Description:
Administrative agencies are an essential ingredient of the modern welfare state. These agencies moreover operate within a global context where they are part of a larger transnational apparatus. They play a pivotal role in the regulation of our everyday lives including our human rights, ranging from regulating the content on the radio, monitoring the movement of goods and people across borders to the provision of health care services. This course will examine the different mechanisms available to domestic courts to control the behavior of administrative agencies. For example are deportation orders by the Canadian Border Services Agency justiciable or is a Minister's interference in funding decisions in a Federal Funding Program reviewable? The course will be organized around three pillars: procedural fairness (for example when and to whom does an administrative agency owe a duty of procedural fairness?); judicial review (for example when should courts intervene and on what grounds?); and remedies (for example when can courts quash a decision of an administrative agency?). As an ancillary concern, these three pillars will be studied using a transnational comparative lens, where attention will be paid to other jurisdictions (both from the global North and the global South) and their approaches to judicial control of administrative agencies. The central animating objective is to provide students with a nuanced understanding of judicial review within the Canadian context. Simultaneously, students will be exposed to the transnational nature of public administration.

JUDICIAL REVIEW OF ADMINISTRATIVE ACTION  (08-98-852-2 & 3)  Winter 2017

Bryce Chandler
4 credits

Evaluation Methodology:
25% midterm exam in February 2017, prior to reading week
75% final exam

Course Description:
This course will examine the powers and procedures of administrative agencies principally through a review of the various controls – legislative, executive and judicial – placed on statutory decision-makers. In particular the Judicial Review Procedure Act and the Federal Court Act will be analyzed. Various grounds of judicial review, including jurisdictional errors, errors of law and fact and abuses of discretionary power, will be studied. Finally, the course will examine the rules of natural justice and the Statutory Powers Procedure Act as well as the Charter of Rights and Freedoms.

LABOUR ARBITRATION  (08-09-868-1)  Winter 2017

Professor Thomas Kuttner
3 credits

Evaluation Methodology:
50% - Final Examination - open book
50% - Written Argument or Research Paper
Mock Arbitration - Credit/No Credit

Students will be required to participate in a mock arbitration exercise on a credit/no credit basis, unless numbers and budget resources do not allow us to do them.
Course Description:
This limited enrolment course will focus upon the process of dispute settlement under collective agreements via grievance and arbitration procedures. The nature and scope of the collective bargaining agreement will be examined and consideration will be given to the respective roles of the arbitrator and the court in the development of a problem-solving jurisprudence for disputes arising out of the interpretation and application of collective agreements. Pre-arbitration procedures, arbitrability, resources for arbitral decision-making, arbitration procedure, arbitral remedies, judicial review of arbitration awards, post-arbitration procedures and selected issues in grievance determination, such as discipline, discharge, appointment, seniority, promotion, work assignment, sub-contracting, technological change and management rights will be among topics studied. Mock arbitrations will be conducted in which students will act as counsel. (Pre-requisite: Labour Law; Recommended: Judicial Review)

LABOUR LAW (08-98-867-1) Fall 2016
David McNevin and Kyla Fair
3 credits

Evaluation Methodology:
100% final exam.

Course Description:
This class examines the legal regulation of unionized workplaces. In a unionized workplace, employees elect a union to collectively represent them in bargaining with their employer.

There are three objectives for this course. The first is to develop students' knowledge of the substantive legal principles regulating the following topics: unionization and establishing a collective bargaining relationship, the rights and requirements for collective bargaining, industrial disputes and the use of economic weapons (strikes, lockouts, picketing, injunctions, etc.), unions' representational responsibilities towards their members, public sector labour laws and essential services systems, and the expanding zone of associational rights protected by the Charter of Rights and Freedoms.

The second objective is to link the operation of the substantive legal principles with changing patterns of work (decline in manufacturing, growth in service sector, expanding use of information technologies, the issue of outsourcing and offshoring, etc.), and the declining power of trade unions in Canada.

The third is to provide a practical perspective to practicing in this area of the law noting some of the realities that develop in terms of client expectations and the notion of partisanship that can infuse this practice area at times.

LABOUR LAW (08-98-867-1) Winter 2017
Professor Claire Mumme
3 credits

Evaluation Methodology:
The precise evaluation methods have not yet been finalized but the course will NOT be graded solely on the basis of a 100% final exam.

Course Description:
This class is an introduction to the creation of unionized relationships in the workplace. Unlike most other upper year law courses, this course focuses on the system statutorily created to equalize bargaining power between employers and employees. This course, and knowledge of the overall system of unionization, is a prerequisite for advanced study of the specific content of collective bargaining agreements, which is taught in Labour Arbitration.

There are three objectives for this course. The first is to develop students' knowledge of the substantive legal principles regulating the following topics: unionization and establishing a collective bargaining relationship, the rights and requirements for collective bargaining, industrial disputes and the use of
economic weapons (strikes, lockouts, picketing, injunctions, etc.), unions’ representational responsibilities towards their members, public sector labour laws and essential services systems, and the expanding zone of associational rights protected by the Charter of Rights and Freedoms. Where possible we’ll draw from issues in the news to bring legal principles to life.

The second objective is to link the operation of the substantive legal principles with changing patterns of work (decline in manufacturing, growth in service sector, expanding use of information technologies, the issue of outsourcing and offshoring, etc), and the declining power of trade unions in Canada.

Finally, the third objective is to introduce students to the practical strategies, values and assumptions that guide the content and interpretation of labour laws.

Please note, this course does not cover the legal regulation of non-unionized employees, which is taught in Personal Employment Law (common law, Employment Standards Act and Human Rights Code regulation of the employment contract). As mentioned, other than a brief introduction, it also does not examine the content of collective bargaining agreements and processes for their interpretation, which is taught in Labour Arbitration.

**LAND USE PLANNING**

Professor Marcia Valiante
3 credits

Evaluation Methodology: TBA

Course Description:
This course considers the legal context for the control of land use in Ontario. The focus is on legal and administrative requirements of the Planning Act (with respect to official plans, zoning, subdivisions, development control and building permits) and on local and provincial decision-making structures. Other topics may include heritage protection, environmental issues, expropriation and reform.

**THE LAWYER AS CONFLICT RESOLVER**

3 credits – Perspectives, Paper course
Kadey Schultz

Evaluation Methodology: 75% - Research Paper 15% - Participation in skills-based exercises 10% - Interview with Practitioner and 3 page reflection

Course Description:
This course will examine the changing role of the lawyer as an agent of conflict resolution, and in particular the move away from a traditional adversarial/positional advocacy role. Lawyers are increasingly finding themselves participating in processes which require new and often unfamiliar skills and strategic concepts - including mediation, collaborative family lawyering, and co-operative negotiation. The course will first examine the traditional 'dominant' notion of advocacy for lawyers, its origins and rationale, and the debates and their implications for practice that exist within this traditional framework (the lawyer as hired gun, the lawyer as wise counsellor and so on). The course will then explore the foundational principles of a model for legal advocacy as a conflict resolution role, considering case studies in a variety of fields including family law, employment law and criminal law. Questions which arise include: Can a lawyer be effective in representing a vulnerable client in mediation? Is strong advocacy and an orientation towards consensus-building compatible? Is there a case to be made for a two-track profession - one that conducts litigation and the other which works collaboratively on behalf of clients? How do lawyers provide the conflict resolution services that clients want and need in the 21st century?
This discussion will be grounded in empirical research and skills-based practice exercises. We shall aim to develop both practice and theory models for effective legal representation in consensus-building processes.

Classes: This course is taught intensively on the following dates: January 7, 8, February 11, 12, March 4, 5, April 8 and 9. Because of the intensive nature of this course, registration will be closed on January 4, 2017.

(THE) LAWYERING PROCESS  (08-98-906-1)  Winter 2017
Jeffrey J. Hewitt
3 credits

Evaluation Methodology:
50% - Paper
50% - tba

Course Description:
Students will be asked to consider critical perspectives on the processes of becoming a lawyer and values and attitudes that may be embraced, consciously or otherwise, in the process. Consideration will be given to the essential lawyering skills of interviewing, counselling, and negotiation. A new approach is taken to the lawyer/client relationship. The potential impact on the performance of these lawyering tasks, in a manner which best serves the interests of the client, will be examined and will form a theme in the course. (Anti-requisite: Clinic Seminar)

(THE) LEGAL PROFESSION  (08-98-939-1)  Fall 2016 or Winter 2017
Professor Noel Semple
3 credits

Evaluation Methodology:
65% Final exam (open book)
10% Participation via TopHat
15% Quizzes
10% Short Written Assignment

Course Description:
This course is about the practice of law: as it actually is, and as it should be. The first half of the course explores lawyers' duties to clients. The second half is about lawyers' duties beyond clients, including duties to the public at large and to the law itself. Throughout the term, we will also discuss different approaches to encouraging good lawyering, such as regulation, legal ethics, and the ideal of professionalism. We will draw on speakers and stories from real law practice, as well as applicable statutes and rules, reported cases, social science and philosophy.

(THE) LEGAL PROFESSION  (08-98-939-2)  Fall 2016
Jacqueline Horvat
3 credits

Evaluation Methodology:
20% - Class Participation
80% - Take Home Exam

Course Description:
This course will introduce students to ethical and professional conduct issues that lawyers face in their everyday practice. We will focus on the practical issues faced by lawyers from the perspective of the plaintiff’s lawyer, the defendant’s lawyer both in civil and criminal proceedings, and representation of classes under the Class Proceedings Act, 2002, including a lawyer’s duties to their client, to the court and to other lawyers. The broader ethical and conduct issues looming over the legal profession will also be
explored. Classes will combine lectures with case studies, problem-based learning and class discussions. The materials will include the Rules of Professional Conduct, relevant legislation and jurisprudence. Please come to class prepared to participate.

**(THE) LEGAL PROFESSION**  (08-98-939-3)  Fall 2016
Steven Yoker
3 credits

**Evaluation Methodology:**
80% - Final Exam (closed book)
20% - Class Participation

**Course Description:**
This course will introduce students to ethical and professional conduct issues that lawyers face in their everyday practice. We will focus on the practical issues faced by lawyers from the perspective of the plaintiff’s lawyer, the defendant’s lawyer both in civil and criminal proceedings, and representation of classes under the *Class Proceedings Act, 2002*, including a lawyer’s duties to their client, to the court and to other lawyers. The broader ethical and conduct issues looming over the legal profession will also be explored. Classes will combine lectures with case studies, and class discussions. The materials will include the Rules of Professional Conduct, relevant legislation and jurisprudence. Please come to class prepared to participate.

**MENTAL HEALTH AND THE LAW**  (08-98-849 -1)  Fall 2016
Ryan Fritsch
3 credits – Perspectives & Paper Course

**Evaluation Methodology:**
50% - Research Paper
10% - Reflective Piece
30% - Mock judgment of the CCB
10% - Participation

**Course Description:**
Mental Health and the Law explores the legal frameworks and broader policy considerations linking law and mental health in the civil, criminal and human rights contexts. This course will be beneficial to students interested in criminal law, elder law and guardianship, human rights, healthcare law, poverty law, social work or policy development.

The first portion of the course focuses on civil commitment, reviewing the law of involuntary detention, consent and capacity to make treatment decisions, guardianship and substitute decision making, the use of restraints, forced medication, and administrative review proceedings before the Consent and Capacity Board.

The second portion of the course examines the mental disorder provisions of the *Criminal Code*, including fitness and risk assessments, findings of "not criminally responsible", diversion to and from specialized Mental Health Courts, the implications of Bill C-14, and proceedings before the Ontario Review Board and Court of Appeal.

The third portion of the course focuses on patient advocacy, reviewing the important relationship between legal rights, patient empowerment and personal recovery. This portion of the course looks at recent developments in human rights and international law, coroner’s inquests, and privacy law. Each seminar throughout the course will tease out common themes and controversies including: professional ethical obligations in assessing client capacity and representing the mentally ill; continuity of care across fragmented health and social services; therapeutic jurisprudence; criminalization of the mentally ill and policing; tensions between individual rights and family involvement; and the expansion of “patient tethering” through community treatment orders and conditional discharges.
This course will be taught on the following dates: September 8, 9, 22, 23, 29, 30, October 13, 14, 27, 28, November 24, 25, December 1 and 2, 2016.

MOOT COURT COMPETITIONS (08-98-892-tba)

Students selected to represent the Faculty of Law on competitive moot teams can apply to the Academic Program Committee to receive credits for such activity. An application for supervised research must be completed jointly by the student and the faculty member supervising the moot team.

The deadline for submission will be made available during the Fall semester via the Announcements, which may be found on the monitors and also on the Law School’s website. Credits are recorded in the Winter semester although many moots start in the Fall term.

The following is a list of moots that have been offered in the past. Please note that moots will vary year to year and not all moots will be offered each academic year.

- Arnup Cup 4 credits
- Bertha Wilson Moot 4 credits
- Canadian Mediation 4 credits
- Client Counseling 4 credits
- Diversity 4 credits
- Donald G. Bowman National Tax Moot 4 credits
- Gale Moot 4 credits
- Great Lakes Mediation 4 credits
- Harold G. Fox Moot 4 credits
- International Criminal Law 4 credits
- International Mediation Moot 4 credits
- Jessup International Moot 6 credits (3 fall/3 winter)
- Kawaskimhon Aboriginal 4 credits
- Laskin Moot 4 credits
- Niagara International Moot 4 credits

MUNICIPAL LAW (08-98-904-1) Winter 2017
Professor Marcia Valiante 3 credits

Evaluation Methodology: TBA

Course Description:
This course provides an introduction to the history, organizational structure, functions and powers of local government in Ontario. An examination of some of the legal challenges of modern municipal government, such as the amalgamation, the election and legal position of council members, municipal financing, assessment and taxation; the creation and enforcement of by-laws; the municipal licensing power and its administration; the provision of public services, municipal liability and accountability and integrity measures.

NORTHWEST TERRITORIES CLERKSHIP PROGRAM (08-98-982-2&4&5) Fall 2017 or Winter 2018
Supervising Professor – TBA 15 credits

This program enables students to serve as a clerk for the Supreme Court of the Northwest Territories as a research project for credit towards their JD. As a clerk you will be based in Yellowknife, N.W.T. and travel occasionally to outlying regions with the Supreme Court of the N.W.T. The program is carried out in both the Fall and Winter semesters.
Admission Criteria: Students who wish to apply for this program must have successfully completed Law I. The Supreme Court of the N.W.T. suggests that students complete Evidence before participating in the program. Students must submit a letter of application detailing the reasons for their application together with any statement of special interest or background relating to the program. Also, students are invited to submit copies of written research work. All applications should be submitted to the Student Services Office by noon on Monday, March 20, 2017 for clerkship opportunities in the 2017-2018 academic year.

Tuition and Financial Assistance: Regular tuition applies for the clerkship. Funds have been allocated to cover some expenses that will be incurred (e.g. airfare, cost of housing in excess of average Windsor prices). Some travel and accommodation expenses while the court is travelling will be reimbursed by the Court.

Selection of Candidates: Selection of the clerks is done by the Court in consultation with the Assistant Dean (Student Services). Normally, preference in the Winter semester is given to Law II students and in the Fall semester to Law III students. Three main criteria apply:

1. General academic performance in law,
2. Legal research and writing skills, and
3. Special interest and background relating to the clerkship program.

Responsibilities: as a clerk you will be responsible to the Supreme Court of the Northwest Territories. You will be expected to prepare and submit a diary of daily work as well as a monthly and a final report to the Court. Also, research undertaken for the Court including all memoranda will be submitted to the Court. You will also be responsible to the Faculty Supervisor who will be appointed to supervise the program and grade your research paper. You must submit your research paper to the Faculty Supervisor no later than the last day of final examinations of the relevant academic term. A copy of the Clerk’s diary should be made available to the Assistant Dean (Student Services).

Academic Credits: 15 credits will be divided as follows: 9 credits on a pass/fail basis, 2 credits on the basis of selected research done by the student for the court, and 4 credits on a research paper. The following are the expectations regarding each of the portions of the grade:

- The nine (9) credit pass/fail portion will be based upon the reports of the Clerk for the Courts, the daily diary, and the memoranda and other research performed by the student;
- Two (2) credits for selected research done by the student for the Courts. The Court assigns the final grade. Subject to matters of a confidential nature, copies of all memoranda and other research submitted by the student shall be subject to review by the Faculty Supervisor. The Faculty Supervisor shall have the discretion to select any or all memoranda and other research material for review and grading, and the Clerk has the right to insist on the inclusion of any memoranda or other research work, which may be in addition to those selected by the Faculty Supervisor;
- Four (4) credits for the Research Paper - It is expected that the research paper shall be of a publishable quality and of a minimum length of 40-45 pages. It is further expected that a draft of the paper shall be submitted to the Faculty Supervisor some time during the middle of the academic term. The Faculty Supervisor as well as the Supreme Court Justice will be expected to provide the Clerk with feedback on the first draft of the paper. It is hoped that a paper topic and tentative outline shall be agreed to and submitted for approval by the Academic Program Committee prior to the student arriving in Yellowknife or at the very least in the first week or two in the term. The paper shall be not simply impressionistic or descriptive in nature. It is expected that it will reflect significant research and analysis.
PATENT LAW  
Jenna Wilson  
3 credits – Transnational Course

Evaluation Methodology:
10% class participation  
90% take-home assignments (10%, 30%, 50%)

Course Description:
Patent protection is a cornerstone of our country’s innovation policy, and impacts many aspects of our
day-to-day lives from the price of drugs to software updates. In this course, we will cover the essentials of
Canadian patent law, including infringement and remedies, validity, patentable subject matter, and the
patent application process; we will also discuss alternative forms of protection for technology, know-how,
and information products. You will also have the opportunity to explore how patent law responds to
evolving and emerging technologies, how domestic patent policy is shaped by international trade, and the
role of non-practicing patent enforcement entities (aka trolls).

While this course will emphasize Canadian law, we will look at foreign legal perspectives where
applicable.

PERSONAL EMPLOYMENT  
Professor Claire Mumme  
3 credits

Evaluation Methodology:
10% Class participation  
25% Critical case comment due during the semester  
65% Open book same-day take-home exam

Course Description:
This course focuses on the legal regulation of non-unionized workers in Canada, which currently
represents approximately 65 - 70% of the population.

In this course we study legal regimes that directly affect the terms and conditions of the employment
relationship, focusing particularly on the common law of employment contracts, the Employment
Standards Act and the Human Rights Code. Study of these regimes provokes questions that are
currently in the news and the subject of popular debate. Amongst topical questions we’ll examine are: in
what circumstances can employees be dismissed? Ought employees to have any procedural rights prior
dismissal? Should they be entitled to some form of job security, or should the law permit employers
flexibility to meet changing demand? Should employers be able to dismiss for employee behaviour
outside of work, and in what circumstances? Should workers be dismissed for their social media
commentaries? Are unpaid internships illegal, and should they be? What types of obligations should
employers hold regarding human rights and the duty to accommodate?

To contextualize the doctrinal rules we study, students will also be introduced to the historical evolution,
theoretical assumptions and ideological preferences reflected in the regimes and cases under study. In
doing so, the following course themes will be investigated: law’s adjustment to changing forms of work;
law’s role in mediating the power differential between employers and employees; the impact of each
regimes’ substantive entitlements and procedural requirements on parties’ ability to access and enforce
their legal rights; and the procedural and substantive relationship between the different regimes under
study.
PRIVACY LAW IN CANADA  (08-98-971-65)  Fall 2016
Samara Starkman
3 credits

Evaluation Methodology:
60% Research/Policy Paper
20% Presentation
20% Participation

Course Description:
An introductory course exploring the intersection of individual privacy rights, public and commercial interest, this course will consider how the definition of “privacy” influences public discourse, and how our laws and regulations are impacted by, and themselves impact, technical innovation. Topics include: a survey of the privacy legal regime in Canada and abroad, constitutional protections of privacy, privacy and technology, workplace privacy, government surveillance, and health privacy.

PUBLIC INTERNATIONAL LAW  (08-98-857-1)  Fall 2016
Professor Sujith Xavier
3 Credits – Perspectives, Transnational Course

Evaluation Methodology:
60% - Final 48 Hour Take Home Exam (administered during the exam period)
20% - Presentation
20% - Participation

Course Description:
Contemporary international law is a complex web of treaty-based rules, customary international law, and soft law norms. During the early phase of international law (or laws of nations), these various forms of regulation emanated solely from nation states. Nation states, international institutions, and other non-state actors now generate, interpret and adjudicate international law. The onset of globalisation(s) has further solidified, and often complicated, the multiple interconnections between/amongst nation states and non-state actors through the use of international law. This course will expose students to the history of international law and its contemporary features. Students will examine traditional international law using various theoretical perspectives while simultaneously interrogating the embedded biases. Specific topics to be examined include the Law of Treaties, sources of international law, the United Nations, responsibility to protect, and other subject areas.

REAL ESTATE TRANSACTIONS (Transfer of Land)  (08-98-845-1)  Fall 2016 or Winter 2017
Christine Riley
3 credits

Evaluation Methodology:
100% Final Examination - open book

Course Description:
A basic course in the law applying to the purchase, sale and mortgaging of residential real property in Ontario.

REAL ESTATE TRANSACTIONS (Transfer of Land)  (08-98-845-2)  Fall 2016
Wayne Patterson
3 credits

Evaluation Methodology:
100% Final Examination - open book
Course Description:
A basic course in the law applying to the purchase, sale and mortgaging of residential real property in Ontario.

RECONCILIATION & THE SCHOOL LEGACY  (08-98-971-56) Fall 2016
Special Topics in Law
Professor Valarie Waboose
3 credits

Evaluation Methodology:
20% Class participation
10% Reflection papers
10% Newspaper articles
30% Seminar presentation
30% Take home examination

Course Description:
The course focuses on the Residential School Legacy providing students with a comprehensive understanding of the Federal Indian Education policy and other federal government responses that led to the signing of the Indian Residential School Settlement Agreement in 2005. The course will also explore the impacts the residential school system had upon survivors and their intergenerational family members then move onto an examination of the healing movement that emerged across Canada in the 1980s. To conclude the course the class will look at reconciliation and efforts to move the Residential School Legacy forward.

REMEDIES  (08-98-889-1) Fall 2016
Drew Sinclair
3 credits

Evaluation Methodology:
100% - Final Examination – open book

Course Description:
A study of the major legal and equitable means of enforcing rights and relieving wrongs including compensation for personal injuries, contract damages, tortious damages, specific performance, and injunctions (both interlocutory and permanent). At least half of this course will focus on quantifying damages in personal injury cases as such claims dominate the civil dockets in most courtrooms across the country. Consideration will be given to the methodologies, practical realities, and strategies used by the plaintiff and insurance defence bars. Discussion on combining good oral and written advocacy with these legal and equitable tools will be central to all topics.

SECURITIES REGULATION  (08-98-959-1) Winter 2017
John Mountain and Frederick Gerra
3 credits

Evaluation Methodology:
10% - Class Participation
20% - In-Class Group Work
70% - Open Book Final Examination

Course Description:
This intensive workshop-style course is designed to provide students with a general understanding of the legal framework and operation of Ontario securities law, with an in-class emphasis on the practical application of securities regulatory principles. *This course will be taught intensively on the following days: January 13, 14, February 10, 11, March 17, 18, and 31, 2017.*
**SENTENCING**  (08-98-895-1)  Winter 2017  
Brian Manarin  
3 credits

**Evaluation Methodology:**
60% Final Examination – closed book  
40% Court Attendance and Report

**Course Description:**
This is a seminar course focusing on sentencing and the sentencing system. Topics include the judicial aims and the legislated context, sentencing options, the sentencing hearing, victim participation in sentencing, Aboriginal offenders, youth criminal justice and restorative justice.

**TRADEMARKS AND UNFAIR COMPETITION**  (08-98-914-1)  Fall 2016  
Professor Myra Tawfik  
3 credits

**Evaluation Methodology:**
100% - Final Examination – open book

**Course Description:**
The purpose of this course is to examine and assess some of the legal doctrines commonly referred to as trademarks and unfair competition law. We will study the body of Canadian jurisprudence which establishes and defines the legal doctrines by which a trader's business reputation is established and protected - both at common law and by statute. We shall attempt assessment in light of the trade mark owners' interest in the commercial value of the trade mark and goodwill, the public interest in informative, honest trading and the consumer interest in the availability of quality goods from numerous sources at lower prices.

Please note: This is a course that is fairly conceptually complex and, as a result, benefits from student engagement and class discussion. Students will be expected to come to class prepared and to refrain from using Wi-Fi in class for non-class related activities.

Paul Martin Sr.  Professor Janelle Diller  
3 credits – Perspectives, Transnational, Paper Course

**Evaluation Methodology:**
75% - Research Paper  
15% - In-class presentations on students’ paper topics  
10% - Class Participation

**Course Description:**
The purpose of this seminar is to introduce students to the debate concerning the means of improving the accountability of transnational corporations. At the international level, the last decade was characterized by a new strategy in the protection of international human rights: a shift in attention from the abuses committed by governments to a close scrutiny of the activities of transnational corporations. Indeed, it has now become trite to say that particular corporations have been complicit in violations of human rights. This complicity takes place within the context of globalization, deregulation and the emergence of transnational business enterprises as the “linchpins of the contemporary world economy”.

In order to address the fundamental question of whether corporations should in fact be socially responsible, the seminar will begin with an introduction to corporate law theory and the conflicting theoretical models of the corporation. Students will then explore some of the key issues in the debate. Namely, whether transnational corporations can properly be included under the international law of state responsibility; mechanisms for self-regulation (e.g. voluntary corporate codes of conduct); the utility of the U.S. Alien Tort Claims Act; the advantages and disadvantages of United Nations initiatives (e.g. the
Global Compact and the U.N. Norms on the Responsibilities of Transnational Corporations); and the relevance of domestic corporate law mechanisms (e.g. shareholder proposals).

Students will also examine the potential conflicts between attempts to link business with human rights and corporate business objectives. Drawing upon particular case studies, the class will analyze the appropriate limits of restrictions on overseas corporate practices and will consider the argument that socially responsible behaviour may in fact enhance long-term economic performance.

The materials for the course will be drawn from a number of sources, including law reviews, articles in the popular and business press, reports by human rights monitoring groups, petitions filed before courts or administrative agencies, materials submitted to the United Nations and other international organizations, the governing documents for voluntary initiatives and internal company documents. (Recommended: Business Associations, Public International Law or International Human Rights Law).

**WILLS AND SUCCESSION (08-98-840-1)**

Justin Walsh

3 credits

**Fall 2016**

Evaluation Methodology: 100% - Final Examination

Course Description:
This course will provide an introductory review of the administration of estates and will examine the law of intestate and testate succession including capacity, undue influence, execution and attestation, revocation, lapse, construction, spousal rights, and dependents’ relief legislation. It will consider, in detail, current choice of law rules as they relate to succession matters in Ontario.