



## 2021-2022 Course Descriptions & Evaluation Methodology

*Current to Sept 7, 2021, Subject to Change*

The course descriptions set out herein are provided by your instructors to aid your course selection. This information represents a more detailed course description than available on [UWinside Student](#) or in the [Official Calendar](#). You are encouraged to consult and rely on this Course Descriptions and Evaluation Methodology document rather than the summary description available on elsewhere. Updated information will be posted on [Law 2 and 3 Registration](#).

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**ABORIGINAL LAW IN SOCIETY: LAWG 5931-1**

Arlene Dodge (3 credits)

Fall 2021

**Evaluation Methodology:**

- 10% Class Participation
- 20% Reflection Papers (2)
- 30% Group Presentations
- 40% Final Research Paper

**Course Description:** This course will examine Canadian law that applies to Aboriginal Peoples (ie. First Nations, Inuit and Metis) from contact to current date. The course will include topics such as the Royal Proclamation, Pre- & Post- Confederation Treaties, Aboriginal and Treaty



Rights (S. 35 of *Constitution Act, 1982*), Self-Government, *Indian Act*, Land Claims, Criminal Legal System and Matrimonial Real Property.

## ADMINISTRATIVE LAW: LAWG 5852-1

Teddy Kwan (4 credits)  
Fall 2021

### Evaluation Methodology:

40% mid term  
60% final exam

**Course Description:** Administrative law prescribes the rules that statutory decision-makers should follow, and, when violated, provides the redress procedure and remedies. 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. We will analyze the Judicial Review Procedure Act and the Federal Court Act. Various judicial review grounds, 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, the Statutory Powers Procedure Act, and the Charter of Rights and Freedoms.

## ADMINISTRATIVE LAW: LAWG 5852-2

John Rokakis (4 credits)  
Fall 2021 and Winter 2022

**NOTE:** *For Fall 2021, 3L Dual JD's have priority for this section, available Hyflex/Livestream, integrating face to face students with those participating remotely; Dual JD students: when registering, select either "A" for face to face or "O" remote, as follows:*

- *LAWG-5852-2A - face to face*
- *LAWG-5852-2O - remote*

*2L Dual JD, JD, MSW/JD and MBA/JD can take this section remotely. You can use the Waitlist/Swap function for any available spots in either the face to face or remote sections that become available. Be sure to select the section that you want to be waitlisted for and set up a proper swap.*

### Evaluation Methodology:

55% Final Exam



30% Two Quizzes  
15% Participation

**Course Description:** Administrative law prescribes the rules by which statutory decision-makers are expected to comply with and, when these rules are violated, provides the redress procedure and remedies. 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 by examining the caselaw, the principles of natural justice and the rule of law, the *Statutory Powers Procedure Act*, the *Charter of Rights and Freedoms*, the *Judicial Review Procedure Act*, and the *Federal Courts Act*. Various grounds of judicial review, including procedural fairness, jurisdictional errors, errors of law and fact and abuses of discretionary power, will be studied. Finally, the course will examine the evolution of the standard of review analysis, culminating in the new approach set out by the Supreme Court of Canada in its historic decision *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65. The course will be taught using a case analysis approach and by referencing the instructor's experiences before the Immigration and Refugee Board of Canada, and the Federal Court of Canada.

## **ADMINISTRATIVE LAW: LAWG 5852-1**

Professor Sujith Xavier (4 credits)  
Winter 2022

### **Evaluation Methodology:**

60% Take Home Exam (24 hours)  
30% Four (4) in class Quizzes  
10% Participation

**Course Description:** Administrative agencies are an essential feature of the modern welfare state in Canada. 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 ranging from managing 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. This course is organized around the following pillars through the lens of settler colonialism, colonialism & imperialism: history of Canadian administrative law and globalisation(s); judicial review of procedural fairness of hearings (e.g. when and to whom does an administrative agency owe a duty of fairness?); judicial review of substantive decisions by tribunals (e.g. when should courts intervene and on what grounds?); Indigenous Peoples and



administrative law (e.g. what is the relationship between administrative agencies and Indigenous Peoples?); and remedies available on judicial review (i.e. when can courts quash a decision of an administrative agency?).

The central animating objective is to provide students with a nuanced understanding of administrative law in Canada (to prepare for legal practice). Simultaneously, students will be exposed to the transnational nature of public administration.

## ADVANCED BUSINESS LAW SEMINAR: LAWG-5880-1

Lama Sabbagh

4 credits

Winter 2022

*\*By application only*

**Evaluation Methodology:** Some units require students to complete assignments that may be graded by a practitioner/instructor on a pass/non pass basis. Beyond that, and subject to compulsory attendance, the course is graded on a pass/non pass 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 this 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. Offers are made first to students who have completed, or will have completed by the end of the fall term, the following Windsor prerequisites: Corporate Finance, Securities Regulation, Commercial Law - Secured Transactions, Insolvency and Restructuring. In the case of Dual JD students, the following UDM courses may be substituted for the comparable aforementioned Windsor prerequisites: Law 2500 – Secured Transactions, Law 3130 - Bankruptcy, Law 3700 – US Securities Regulation, Law 7400 – Business Planning. Should the class not fill with students who have completed courses as indicated above, offers will be made to students who have completed fewer of the prerequisite courses. 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 made in accordance with ranking at the end of



second year.

**Application Process:** to express your interest in this course, you must complete this [form](#) by October 1, 2021.

Attendance in Toronto is **absolutely compulsory** on five occasions in order to meet with and learn from leading business law professionals (if in person attendance is permissible by UW administration and public health authorities). The specific dates of the Toronto sessions will not usually be established until October and it's certain that the compulsory attendance will require some students in the Advanced Business Law course to absent themselves from other classes in which they may be enrolled in the Winter term. Therefore, students must make arrangements with fellow students and/or faculty to obtain notes, tapes, etc. of material covered in the missed class. This is particularly important for Dual JD Program students due to DML's compulsory attendance policy. Dual JD students are encouraged to speak with their Detroit Mercy Law professors as early as possible to obtain discretionary accommodation from the Detroit Mercy Law attendance policy. Travel and accommodation expenses to and from Toronto are arranged and funded by Windsor Law through the *Advanced Business Law Endowment*.

**Course Description:** The course is divided into an introductory session with Jamie Johnson and four units: mergers and acquisitions, advanced securities regulation, secured transactions and insolvency.

### **Introductory Sessions**

One day of sessions introducing the common fact situation concerning a gold drilling enterprise that proceeds through various stages involving mergers, acquisitions, financing and insolvency. These sessions take place with Jamie Johnson at the offices of Signal Hill in Toronto.

#### **Unit 1. Mergers and Acquisitions**

Two days of sessions in Toronto dealing with mergers and acquisitions by focusing on the distinction between the purchase of shares and the purchase of assets with procedures and practices including attention to representations, warranties, indemnities, letters of intent, due diligence, closing agendas, escrow closings and shareholder agreements. These sessions take place at the Toronto offices of Borden Ladner Gervais.

#### **Unit 2. Advanced Securities Regulation**

Two days of sessions in Toronto dealing 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. These sessions take place at the Toronto offices of McCarthy Tetrault.





### **Unit 3. Secured Transactions**

Two days of sessions dealing 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 and advanced personal property security law and practice. These sessions take place at the Toronto offices of Miller Thomson.

### **Unit 4. Insolvency**

One day of sessions dealing 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*. These sessions take place at the Toronto offices of Blake, Cassels and Graydon.

## **ADVANCED FAMILY LAW: LAWG-5884-1**

Cynthia Nantais (3 credits)

Winter 2022

### **Evaluation Methodology:**

TBD but will include a paper worth at least 50%

**Course Description:** The course is an opportunity to develop a deeper understanding of family law. Students will critically explore selected topics in family law. Topics covered may include non-adversarial dispute resolution, spousal support, child support, parentage issues, parentage and parenting arrangements, 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: LAWG 5891-1**

Annette Demers, Law Librarian (3 credits)

Fall 2021 & Winter 2022

**Evaluation Methodology:** Assessment is done primarily on the basis of weekly assignments and quizzes. This course is assessed on a Pass/NonPass basis.

**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 locating annual and consolidated federal and provincial legislation and regulations; noting up legislation; locating and tracking the entry into force of legislative amendments; locating, updating and noting up court and tribunal decisions; and other topics which may include secondary sources, forms and precedents, and more. The emphasis is mostly on online sources which will be used in practice.

## **ADVANCED SEMINAR IN THE THEORY & PRACTICE OF SOCIAL WORK AND LAW: LAWG-5931-1**

Alexis Chernish (4 credits)  
Fall 2021

### **Evaluation Methodology:**

60% Final Paper  
40% Final 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. This course is open to MSW/JD students only, except with permission from the instructor, the School of Social Work and the Faculty of Law).

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

## **ADVANCED TAXATION: LAWG-5834-1**

Marcela Aroca (3 credits)  
Winter 2022

### **Evaluation Methodology:**

20% Drafting (Written Advocacy)  
20% Presentation (Oral Advocacy Exercise or Presentation)  
60% Written assignments and/or in-class quizzes

**Course Description:** A seminar which will focus on the elements of corporate taxation and tax



controversy and dispute resolution. 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. The corporate taxation portion is designed to teach the student how to use corporate vehicles in a tax efficient manner. Time permitting, there may be an introduction to international taxation, particularly on the application of international tax treaties and the concept of treaty shopping and transfer pricing. The tax controversy/litigation component includes a study of the litigation process in the Tax Court of Canada and possibilities for dispute resolution. (**Pre-requisites:** Income Taxation and Business Associations).

**Format of lectures:** 10 out of the 12 lectures are given synchronously through Blackboard virtual classroom or via Microsoft Teams, all of which will be recorded, with some instruction provided from senior Toronto tax practitioners. If University administration permits two tax controversy/litigation lectures are given in-person.

## **ADVOCACY BEFORE ADMINISTRATIVE TRIBUNALS: LAWG-5925-1**

Sarah Jacobs (3 credits)

Fall 2021

### **Evaluation Methodology:**

50% Two Written Assignments

35% Hearing Simulations

15% Participation

**Course Description:** This course provides students with the legal principles, practical litigation strategies, and preparation/presentation skills required for successful virtual and in-person advocacy before administrative tribunals and agencies. Administrative tribunals throughout Canada have shifted to virtual hearings; the course will prepare students for virtual advocacy by exploring protocols and best practices for remote hearings and by conducting hearing simulations on the platforms administrative tribunals frequently use.

Using a combination of synchronous and asynchronous delivery, the course format includes lectures, seminar presentations by experienced practitioners regarding practice before select administrative bodies, and hearing simulations. Select tribunals will be explored through lectures, seminars, and simulations to demonstrate a methodology to be generally employed in the field of administrative advocacy. While discussing how advocacy approaches differ among tribunals, students will also consider how these approaches differ from traditional courtroom advocacy. Students will be expected to engage in class discussion and, using



hypothetical case scenarios, demonstrate written advocacy skills (through two practical assignments) and oral advocacy skills (through virtual hearing simulations).

## ADVOCACY PROGRAM - MOOT COURT COMPETITONS: LAWG-5892

Professor Jasminka Kalajdzic, Mooting and Advocacy Program Director

*\*By application only*

Students must follow the application process outlined on the Faculty of Law's Advocacy and Mooting Program website: <http://www.uwindsor.ca/law/1288/moots>. The deadline for online applications will be posted once available.

Students selected to represent the Faculty of Law on competitive moot teams will be enrolled in their respective mooting course sections. In planning a timetable, you should note that there is no guarantee that you will be selected for a moot competition. Therefore, you should register in a full slate of courses, one of which may be dropped, with the assistance of the Academic Coordinator's Office, if you are selected for a moot team. For most moots, the credits earned are recorded in the Winter semester although the work on most Moots starts in the Fall term.

The following is a list of moots that have been offered in the past for academic credit. The list of Moots we participate in will vary year to year and not all moots will be offered each academic year.

Arnup Cup	4 credits
Wilson Moot	4 credits
Canadian Client Consultation Competition	4 credits
Canadian National Negotiation Competition	4 credits
Julius Alexander Isaac Moot	4 credits
Donald G.H. Bowman National Tax Moot	4 credits
Gale Cup	4 credits
Harold G. Fox Moot	4 credits
International Criminal Law	6 credits (3 fall/3 winter)
OTLA Cup	4 credits
Oxford International IP Law Moot	6 credits (3 fall/3 winter)
Jessup International Moot	6 credits (3 fall/3 winter)
Mathews Dinsdale Labour Arbitration	3 credits
Kawaskimhon Moot	4 credits
Laskin Moot	4 credits
Walsh Family Law Moot	4 credits
Walsh Negotiation Moot	4 credits
Winkler Class Actions Moot	4 credits
Wilms & Shier Environmental Law Moot	4 credits
WTO Moot	4 credits



## ANISHINAAABE STUDENT CAMP: LAWG-5995-1

Professor Valarie Waboose (3 credits)

Winter 2022

*\*By application only*

### **Evaluation Methodology:**

Journals – Students will be required to submit four reflection papers (1-2 pages) daily while at the Anishinabe Camp. Students will reflect on what they learned and how the information is impacting their thoughts in relation to self, family, community, universe and the practice of law on each day of the camp. Students may also write about what they learned and/or experienced during the team building and individual exercises. Students will also be asked to submit at least one (1) question in their reflection paper about what they had about the information provided or what they'd like to know more about.

Camp Presentation - Each student will be required to make a 15-minute presentation on their understanding of Indigenous Legal Traditions on Saturday evening. Students may use their reflection papers to guide their presentation or they may present on a particular aspect of the teachings that they learned. The presentation must be about 1 of the 5 areas of Indigenous Legal Traditions outlined in the Borrows text.

Final Paper - Students will be required to write a ten to twelve-page final research paper about how ILT can be utilized within the practice of law. The final paper must be a well-researched and analytical representation of the student's understanding of the topic selected while at the same provide a critical analysis of the topic.

**Course Description:** The Pii ki giigidod, N bizendaami: When the Earth Speaks, We Listen Anishinaabe Camp is offered as a four-day Intensive Learning on the Land course. The course will be conducted on Walpole Island First Nation, a First Nation community approximately 1.5 hours from Windsor. This on the land course is designed to assist students in understanding how Indigenous Law is found in many different aspects of the natural and living world. Students will have an opportunity to learn from Indigenous Knowledge keepers through song, dance, ceremony, storytelling and sharing circles. Students will learn firsthand how laws are formulated within an Indigenous context.

The class will take place over a four-day intensive period; Thursday, March 10 through Sunday, March 13, 2022. The 4-day Anishinaabe Camp will be held on Walpole Island First Nation. During this 4-day camp, 2L and 3L students will learn how Anishinaabe law operates and how it can be found in traditional stories, the environment, treaties, declarations, customs,



etc. The camp is outdoors, on land and water, and in a First Nation community territory which is conducive to learning about Indigenous laws.

The Anishinabe Law Camp will be delivered via a hands-on experiential learning methodology. Students will learn and explore the laws of the natural world by listening to teachings from Indigenous traditional people and Elders, participating in Indigenous cultural practices and learning from the land.

Registration for this course will be made by application due December 1, 2021.

*NOTE: You CANNOT register in courses that overlap or conflict on the course timetable. The Associate Dean (Academic) will consider exceptions where the overlap or conflict results from a course taught intensively, like this course. To request an exception, please write to our Associate Dean (Academic) at: [lawassociatedean@uwindsor.ca](mailto:lawassociatedean@uwindsor.ca). In your request, please identify the courses that conflict, the dates involved and set out your plan to resolve the conflict. You should seek permission before the close of the course change period so that you can adjust your schedule if necessary. This must be done after you are selected for the course and before the course starts.*

## **AUTOMOBILE INSURANCE LAW: LAWG 5913-1**

Jennifer Bezaire (3 credits)

Winter 2022

### **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 License Appeal Tribunal, 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: LAWG-5948-1**

Professor Muharem Kianieff (3 credits)

Winter 2022

### **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.

*\*Students are strongly encouraged to complete Business Associations before or during their enrollment in this course.*

## **BLOCKCHAIN TECHNOLOGY & COMMERCIAL LAW: LAWG-5968-1**

Professor Muharem Kianieff (3 credits)

Winter 2022

### **Evaluation Methodology:**

70% research paper

20% presentation (30 minutes)

10% participation

**Course Description:** The course will serve as an introduction to Distributed Ledger Technology (Blockchain) and outline the challenges that Blockchain-based technologies will pose to existing commercial law doctrines. In particular, the course will focus on the legal aspects surrounding the development of crypto currencies, smart – contracts and Blockchain Based Software applications. Topics to be considered include the law of payment mechanisms, consumer protection, and Privacy Laws and Regulations.

*\*Commercial Law – Sales, or Banking and Negotiable Instruments are recommended.*



## **BUSINESS AGREEMENTS: LAWG-5993-1**

Werner Keller (3 credits)

Winter 2022

*\*By application only*

### **Evaluation Methodology:**

60% Assignments (12 assignments each 5%)

20% Participation

20% Course paper

**Course Description:** This seminar course integrates senior students registered in UWindsor's Odette School of Business with upper year students from Windsor 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 including:**

- 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 in Fall 2015 semester recorded this [video feedback](#).

**Enrollment Limit:** ten (10) law students. Selection will be based on cumulative GPA and a statement of interest.

**Application Process:** to express your interest in this course, you must complete this [form](#) by October 1, 2021.



## **BUSINESS ASSOCIATIONS: LAWG-5877-1**

Professor Muharem Kianieff (4 credits)

Fall 2021

### **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: LAWG-5877-1**

Professor Shanthi Senthe (4 credits)

Winter 2022

### **Evaluation Methodology:**

80% Final Examination

20% Presentation

**Course Description:** The aim of this course is to provide students with a basic understanding of the legal regulation of business enterprises. The goal at the end of the class is to have a solid understanding of the legal principles that govern business enterprises within the Canadian legal and regulatory framework. These principles include fiduciary concepts in commercial relationships.

Further, the objective of this course is not only to familiarize students with various forms of business organization, such as partnerships and corporations, but also the legal relationships embedded therein. The emphasis is on promoting a basic understanding of foundational business concepts and business-related challenges often faced by lawyers. The ultimate aim of the course is to provide students with a broad overview of the most legal issues within business associations with a focus on transactional and experiential experiences.



## **CANADIAN CIVIL PROCEDURE: LAWG-5825-1**

*(Compulsory for all 2L Dual JDs; JD, MBA/JD and MSW/JD see LAWG-5826)*

Jeffrey J. Hewitt (4 credits)

Fall 2021

**NOTE:** *This course is available for 2L Dual JDs as Hyflex/Livestream, integrating face to face students with those participating remotely; when registering, select “A” for face to face or “O” for remote, as follows:*

- *LAWG-58251A – face to face*
- *LAWG-5825-10- remote*

### **Evaluation Methodology:**

100% Final examination – open book

**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; discovery; 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.

## **CANADIAN IMMIGRATION AND REFUGEE LAW: LAWG-5957-1**

Professor Vasanthi Venkatesh (3 credits)

Winter 2022

### **Evaluation Methodology:**

40% Final Exam

20% Class Participation and Reflection Papers

40% Paper

\*there may be an option for a 50% research paper, reducing the Exam Weight

**Course Description:** This course provides an overview of Canadian immigration and refugee law exploring all categories of immigration law including permanent and temporary immigration, refugee system, citizenship laws, and enforcement and removals. The law will be critically analyzed in their social and political context with an aim to reveal the theoretical, historical, transnational, and constitutional underpinnings of Canadian immigration and refugee law. Comparisons will be made with immigration and refugee laws in other countries.



## CHILD PROTECTION: LAWG 5971-17

Xx (3 credits)

Winter 2022

### Evaluation Methodology:

TBA

**Course Description:** This course is designed to provide students with the opportunity to learn and understand the complexities of child welfare law in Canada. Students will engage in a substantive review of child protection law and jurisprudence; including commencement of proceedings, grounds for intervention, rights of children in care, evidence, placement Orders, review proceedings, access, openness, adoption and Charter issues.

Students will be exposed to how child protection law effects parents and children through a review of how child protection law intersects with abuse/ trauma, poverty, “generational clients” and issues unique to Indigenous families.

Students will also learn about dispute resolution options set out in the Act. Additionally, this course will focus on the role of the Children’s Aid Society, Society lawyers, the role of parents counsel and the Office of the Children’s Lawyer, through discussions of professional and ethical issues which include civility and professionalism.

## CIVIL PROCEDURE: LAWG-5826-1

*(compulsory for all 2L JD, MSW/JD and MBA/JD students)*

Noel Semple (4 credits)

Fall 2021

### Evaluation Methodology:

15% Participation

15% Quizzes or Mid-Term Test

70% Open-book Exam

13% Optional Pleading Exercise (if you choose to complete this AND it would help your final grade)

**Course Description:** “Civil procedure” means the rules, principles, and practices by which civil (non-criminal) 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 supposed 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. This course will be delivered online.

### **CIVIL PROCEDURE: LAWG-5826-1**

*(Compulsory for all 2L JD, MSW/JD and MBA/JD students)*

Jeff Hewitt (4 credits)

Winter 2022

#### **Evaluation Methodology:**

100% final examination – open book

**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 in civil court and/or responding to a claim that has been advanced as well as addressing interim matters within a proceeding. 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: LAWG-5907**

Edward J. Posliff (4 credits)

Winter 2022

#### **Evaluation Methodology:**

70% weekly in class assignments

30% Final Trial Performance

Attendance is mandatory. Failure to complete any assignment without an excused absence will result in a zero mark for the assignment. Any missed assignment resulting from an excused absence must be made up before the next scheduled class. Excused absences shall be sought from the instructor prior to the date of the absence, except in the case of personal illness documented by a medical note. The final trials will be conducted on Wednesday, March 16, 2022 and Wednesday, March 23, 2022 during regularly scheduled class time at the Superior Court of Justice, 245 Windsor, Avenue, Windsor, Ontario. Attendance on both dates is mandatory, assuming approved under current public health conditions.



There are only 48 spots available for students within this program. Please do not apply to this course if you are uncertain of your ability to commit to the fulfillment of its requirements.

**Course Description:** The purpose of the course is to assist the student in developing the basic skills of trial advocacy in the context of a civil jury trial. The techniques employed will be: (a) student performance; (b) instructor critique; and (c) observations of demonstrations by experienced counsel. The course emphasizes experiential learning. There will be little time devoted to lectures or the review of assigned readings.

*(Pre or Co-requisite: Civil Procedure. Anti-requisite: Criminal Trial Advocacy).*

### **CLASS ACTIONS: LAWG-5908-1**

Professor Jasminka Kalajdzic (3 credits)

Fall 2021

#### **Evaluation Methodology:**

60% Factum or Research Paper

30% Group Presentation

10% Quiz

**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, four 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.

### **CLASS ACTIONS CLINIC: LAWG-5707-1**

Professor Jasminka Kalajdzic (4 credits)

Fall 2021 & Winter 2022

*\*by application only*

#### **Evaluation Methodology:**

60% Clinic file work

15% Legal research



15% Reflective paper  
10% Blogs and social media posts

**Course Description:** The Class Action Clinic is the first student legal clinic in North America focused on the needs of class members. There is vast unmet need for legal support and information in the class action sphere. The Clinic provides a range of services, from summary advice, public education and policy analysis, to assistance with filing settlement claims and legal representation in court hearings. Students provide direct client services under the supervision of Staff Lawyer, Andrew Eckart. Students also have weekly meetings with Professor Kalajdzic to discuss readings and engage in self-reflection.

*Students must apply as spaces are limited.* Applications for the fall semester are due in late June, and for the winter semester in November. Application information is available on the Clinical and Experiential Learning [website](#).

**Co-Requisite/Pre-Requisite:** Class Actions LAWG-5908-1.

## **CLIENTS: LAWG-5944 -1**

Krystyn Ordyniec (3 credits)  
Fall 2021

### **Evaluation Methodology:**

80% Final paper  
20% Participation

**Course Description:** This class focuses on a group often neglected as a subject of study and discussion in law school – clients. The class is built around five core client skills which are common to all types of legal practice. These are empathy; problem-solving; advocacy and commitment; counselling; and client collaboration. We shall be concerned with how legal practice is changing, in some ways dramatically, to adjust to the needs of a 21<sup>st</sup> consumer who is a very different client that 20 or 30 years ago. Course themes include client stereotypes, changes in consumer attitudes towards expertise, the impact of the Internet, the emotional dynamics of client service, and the affordability crisis in legal services.

We shall also be looking in detail – using guest instructors and clients themselves in some cases – at the particular needs and expectations of selected client groups. The five client “groups” selected reflect my own interests and experience, as well as focusing on some of the most vulnerable clients. They include: clients with addictions, Canadian Muslim clients; First Nations



clients; clients with limited resources who are primarily self-representing; and victims of sexual violence.

This course will also enable students to explore concretely their own interest in working with particular groups of clients, and what it would require to establish a practice that reached out to these clients.

### **CLINIC PRACTICE PROGRAM: LAWG-5926**

Jeff Carolin (Fall) Professor Jillian Rogin (Winter) (4 - 11 credits)

Fall 2021 & Winter 2022

**Evaluation Methodology:** Pass/NonPass – Clinic Work. The student work is evaluated as follows: requisite number of hours are completed, self-evaluations (start of term, mid-term, and final) reviewed with the Clinic Professor, and self-reflection exercises. Feedback and evaluation will be provided to the student by the Clinic Professor in consultation with Review Counsel/Staff Lawyers, Staff, and the Executive Director.

**Course Description:** The Clinic Practice Program is a limited enrolment program in which students are placed at one of four poverty law clinics in the South-west region; Community Legal Aid (CLA), Legal Assistance of Windsor (LAW), Chatham-Kent Legal Clinic (CKLC), or Community Legal Aid Sarnia (CLAS).

Students enrol for *either* one full term (8-11 credits) or part time (4-7 credits per term), for two consecutive semesters. Students must complete three hours of in-clinic work per academic credit. Students must also enroll in the Clinic Seminar Course for three credits whether they are in the part-time or full-time program.

The Clinic Practice Program brings students into supervised contact with clients and students will learn legal skills, professional responsibility, and will deepen their awareness of systemic barriers facing marginalized clients. Students enrolled in this program will take on client files and are responsible for the file including representing clients at court appearances/hearings. All work is supervised by a staff lawyer/review counsel.

### **CLINIC SEMINAR: LAWG-5927-1**

Lilian Baghat & Harpreet Burmy (Fall) Professor Jillian Rogin (Winter) (3 credits)

Fall 2021 & Winter 2022

*\*for students in the Clinic Practice Program*





**Evaluation Methodology:**

20% Class Participation  
20% Community Project /Law reform presentation  
60% Critical Reflections

**Course Description:** This course integrates reading, reflection, and guided classroom discussion on the lawyer's role in providing legal services to clients living in poverty. 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 including critical race, feminist, and post-colonial analyses, 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. As a final project, students are required to choose a policy or law reform issue, a systemic advocacy intervention, or community project, relating to issues impacting their clients and to create a presentation outlining their intervention. This course is open to students simultaneously registered in the Clinic Practice Program at LAW or the Clinic Practice Program at CLA.

**COMMERCIAL LAW – SALES: LAWG-5872-1**

Professor Muharem Kianieff (3 credits)

Fall 2021

**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.

*\*Students are strongly encouraged to complete Business Associations before or during their enrollment in this course.*



## COMMERCIAL LAW - SECURED TRANSACTIONS: LAWG-5874-1

Ian Katchin (3 credits)

Winter 2022

### Evaluation Methodology:

100% final examination

**Course Description:** This course will examine the law of secured transactions in personal property and suretyships, as well as the scope and application of the Ontario *Sale of Goods Act* as it relates to secured transactions. An analysis of applicable statutes will be covered, including the Ontario *Personal Property Security Act*, *Sale of Goods Act*, *Consumer Protection Act* and the *Securities Transfer Act*, as well as caselaw relating thereto. Topics that will be covered include the following:

- transfer of title of personal property;
- 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.

## CONFLICT COACHING FOR SRLs (Self Represented Litigants): LAWG-5971-67

Georgette Makhoul (3 credits)

Winter 2022

### Evaluation Methodology:

70% Final Paper

30% Participation

**Course Description:** This course will provide students with an experiential learning opportunity that reflects Windsor Law's commitment to Access to Justice. Topics covered include learning about the reasons for the rise in self-represented litigants (SRLs) and consequent implications for the practice of law, understanding the scope and limitations of a "legal coaching" model (including "conflict" coaching and preparation for settlement discussions), recognizing the difference between providing legal information as a coach and legal advice, and applying the tools of legal coaching through direct exposure to SRLs. Students will work with local SRLs in



family or civil court to assist them as coaches at various stages of their case, including form completion, preparation for hearings, and with potential or actual negotiation/mediation activities and judicial settlement conferences. A high level of professional self-reflection and eagerness to explore a new phenomenon will be required. Students will not provide any legal advice.

## **CONFLICT OF LAWS: LAWG 5860**

Professor Maureen Irish (4 Credits)  
Winter 2022

### **Evaluation Methodology:**

30% midterm  
70% final exam or research paper

**Course Description:** This course studies the legal treatment of facts that cross international or provincial boundaries. It examines jurisdiction of courts, recognition and enforcement of out-of-province judgments, and the application of foreign substantive law pursuant to choice of law rules. The course deals with the law relating to geographic diversity of facts in all areas of private law, including torts, contracts, property, family, estates and succession.

## **CONSTITUTIONAL LITIGATION: LAWG 5936**

Michael Dunn (3 Credits)  
Fall 2021

### **Evaluation Methodology:**

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

*Note: the 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.*

**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.

## CONSTRUCTION LAW: LAWG-5821-1

Chuck Andary (3 credits)  
Winter 2022

### Evaluation Methodology:

10% interactive contract negotiation - Students will be expected to both participate and provide a 1-2 page assessment on both the challenges associated with the negotiation and the aspects that were easier to negotiate.

20% participation, include posting on the Blackboard discussion site and general participation during lectures

70% final examination - open book consisting of multiple choice and short answer questions

**Course Description:** The construction industry employs roughly 1.3 million Canadians and contributes over 6% of Canada's GDP. Various stakeholders, including owners, general contractors, subcontractors, and insurers and sureties have legal rights and responsibilities that arise at every phase of a construction project. This course will give students an introduction to those rights and responsibilities, with an emphasis on the recent overhaul to construction legislation in Ontario.

This course is taught primarily in lecture format with some problem-based learning. Students are expected to come to class having read the assigned materials. Class lectures are not a substitute for assigned readings.

## CONTRACT DRAFTING, NEGOTIATION, AND INTERPRETATION: LAWG 5992-1

Paul Layfield (3 Credits)  
Fall 2021 & Winter 2022

**Evaluation Methodology:** The Course evaluation will be based upon a Pass/NonPass basis. The course involves much interaction between Students and with the Instructor. In order for all Students to receive the benefits of the Course, **Students are required to be in attendance for all Classes and missing even one Class will be considered a Fail** (subject to pre-arranged accommodation for special circumstances and recognizing course changes made by students



during the first two weeks of class). Students are also required to prepare for Class, complete the required assignments for each Class and participate during Class time.

**Course Description:** This Course will introduce students to the basics of drafting and negotiating of a contract. The Course will be taught through readings, mini lectures and engaging in activities by using a purchase and sale of a business as an example for collaborative and active learning. Students are also exposed to the basics of negotiation theory, and participate in various negotiation exercises. In order to simulate a typical commercial lawyer's activities, Students will be assigned to another Student to act in the capacity of a partnership and together you will represent an interest by way of a basic commercial transaction simulation (either as a representative of a purchaser or of a vendor) and then interact with Students representing the other side. Students will gain experience through an understanding of the purpose and importance of various transactional related documents that the Students will be expected to negotiate and prepare. Students will be required to identify relevant legal issues, negotiate with their counterparts and prepare draft agreements. Students will learn by choosing and defining legal objectives, and by identifying options, strategies, outcomes and negotiation positions to achieve their client's intended goals.

## **COPYRIGHT: LAWG-5915-1**

Professor Pascale Chapdelaine (3 credits)

Winter 2022

### **Evaluation Methodology:**

15% Research paper outline

10% Class participation

25% Class presentation

50% Research paper

**Course Description:** This course explores the main components of Canadian copyright law in an international and transnational 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, indigenous traditional cultural expressions) does it protect and why? How does copyright law directly impact the Internet of Things (IoT) and the right of repair? How does copyright law mediate between the interests of authors, copyright holders, users, intermediaries, and the public? How is copyright law adapting to the digital age, artificial intelligence, 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.

## **CORPORATE FINANCE: LAWG-5879-1**

Geoff Clarke (3 credits)

Fall 2021

### **Evaluation Methodology:**

100% - Final Examination - open 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 including corporate finance and capital market scandals. 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: LAWG-5971-39**

Madame Justice Renee M. Pomerance (3 credits)

Winter 2022

### **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).

This course will be taught intensively with two evening classes in January, one week in March and one evening in late March or early April. The exact dates will be posted as an update once available.

*NOTE: You CANNOT register in courses that overlap or conflict on the course timetable. The Associate Dean (Academic) will consider exceptions where the overlap or conflict results from a course taught intensively, like this course. To request an exception, please write to our Associate Dean (Academic) at: [lawassociatedean@uwindsor.ca](mailto:lawassociatedean@uwindsor.ca). In your request, please identify the courses that conflict, the dates involved and set out your plan to resolve the conflict. You should seek permission before the close of the course change period so that you can adjust your schedule if necessary. This must be done after you are selected for the course and before the course starts.*

## **CRIMINAL PROCEDURE: LAWG-5883-1**

Brian Manarin (3 credits)

Fall 2021

### **Evaluation Methodology:**

100% final exam -open book

**Course Description:** Criminal Procedure is the gateway through which allegations of criminal misconduct are resolved. While primarily contained in the Criminal Code of Canada, numerous other sources of procedure are integral to a uniform and comprehensive process of adjudication. Indeed, the common law, other statutory regimes and the Canadian Charter of Rights and Freedoms all contribute to the overall working of what is a complex, but nonetheless intuitively sound processing system.

This course will critically discuss the following core concepts: detention and arrest; search and seizure; questioning; intake procedures and bail; disclosure and the prosecutorial function; elections; preliminary inquiries and preferring the indictment; remedies including temporal limitations; informations, indictments and territorial limitations; and, trial procedures

## **CRIMINAL TRIAL ADVOCACY: LAWG-5909-1**

TBA (4 credits)

Winter 2022



**Evaluation Methodology:**

40% In-Class Assignments

60% Final Examination – Closed Book

**Course Description:** Black's Law Dictionary defines an advocate as "one who assists, defends, or pleads for another." While advocacy is not restricted to any particular forum, it is nonetheless fair to say that the primary focus of the criminal justice system is on what ultimately occurs in the courtroom. Indeed, Clarence Darrow once remarked that "the only real lawyers are trial lawyers."

Criminal trial advocacy, distilled to its most fundamental qualities, involves the elicitation of evidence which is then coupled to persuasive legal argument. Hanging in the balance is the vindication of the accused person or consequences that can be dire when guilt is proven beyond a reasonable doubt, including the loss of liberty. The stakes are truly high.

In this course, the student will come to understand the importance of skillful advocacy, from both a theoretical and practical perspective. A combination of lectures, open discussions, demonstrations and student exercises will be showcased over the semester. Topics of discussion will include: advocacy roles; disclosure and witness preparation; the examination of witnesses; prior inconsistent statements, adverse and hostile witnesses, and the application of the *Canada Evidence Act*; the judicial interim release hearing; the preliminary inquiry; standard motions and objections at trial; admissions, judicial notice and the introduction of exhibits; the *voir dire* and its application to the statements of accused persons and the qualification of expert witnesses; reasonable apprehension of bias and judicial recusal, the withdrawal of counsel and contempt of court; opening statements and closing addresses, applying to re-open the case and the doctrine of *functus officio*; and, plea negotiations.

(Pre or Co-requisite: Evidence. Anti-requisite: Civil Trial Advocacy).

**DISPUTE RESOLUTION: THEORY, CONTEXT & PRACTICE: LAWG-5827-1**

Professor Gemma Smyth (3 credits)

Fall 2021

**Evaluation Methodology:**

60% Research Paper

10% Paper Proposal

10% Paper Presentation

20% Pre- and Post-Simulation Assessments





**Teaching Methodology:**

Through a combination of assigned readings, lectures, 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 essential. Students are expected to write a research paper on a critical issue in dispute resolution.

**Course Description:** This course is an introduction to dispute resolution processes in various legal contexts. Students will be introduced to basic theory and practice in negotiation, mediation, collaborative family law, group conferencing, and so on. Students are also introduced to court-connected mediation, transformative justice, restorative justice, online dispute resolution and judicial dispute resolution. The foundation of these practices is an introduction to conflict theory and an understanding of a spectrum of a spectrum of dispute resolution choices available to clients. 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 many professional contexts.

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 and transformation of legal systems to meet individual client needs alongside addressing systemic issues such as discrimination and entrenched power. Students will be expected to participate in approximately five in-class simulations in order to practice key dispute resolution skills. While this course takes an introductory and survey approach to dispute resolution, students will examine one concept in-depth through a research paper. In-class participation, reflective practice, and commitment to skill building is essential.

**EMPLOYMENT LAW: LAWG-5869-1**

Joanna Noronha (3 credits)

Fall 2021 & Winter 2022

**Evaluation Methodology:**

40% Mid term examination

60% Final examination

**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, students will 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*, the *Workplace Safety and Insurance Act*, and the *Human Rights*



*Code.* Study of these regimes provokes questions that are currently in the news and the subject of popular debate.

Some of the topical questions students will examine include:

- What are some of the employment law issues arising out of the Covid-19 pandemic?
- In what circumstances can an employee be terminated?
- Do employees have any procedural rights prior to dismissal?
- Should employers be able to dismiss an employee for behaviour outside of work, and in what circumstances?
- Should employees be dismissed for their social media commentaries?
- What rights and obligations do employers and employees have when an employee claims a work-related injury or disease?
- What types of obligations do employers have regarding human rights and the duty to accommodate?
- What are the impacts of legalization of marijuana in the workplace?
- How has the law evolved regarding Post-Traumatic Stress Disorder (PTSD) and chronic mental stress in the workplace?

Students will examine these questions and more, by studying sections of the legislation noted above and relevant case law. Students will review and discuss hypothetical case studies in order to learn how to apply common law doctrine and/or regulatory rules. Students will discuss how employers and employees can access and enforce their legal rights under the various regimes studied in this course. Last, students will examine how these legal regimes co-exist in the realm of personal employment law.

## **Entrepreneurship and Law: The EPICentre Practicum (formerly called FUNDAMENTALS OF IP STRATEGY): LAWG -5969-1**

Professor Myra Tawfik (3 credits)

Fall 2021 & Winter 2022

Limited enrolment: maximum 10 students per semester

*\*By application only*

### **Evaluation Methodology:**

This course has generally involved a mix of methods including attendance and participation, client projects, completion of online course modules and final IP strategy assignment.

**Course Description:** Offered each term, this is an innovative experiential course in IP law and business law developed in collaboration with EPICentre, the on-campus entrepreneurship and innovation centre. The course is designed to enhance the practical skills and expertise of those



interested in the strategic aspects of intellectual property law and practice from both business and legal perspectives. Students will work with start-up clients (either live or simulated) and will be assigned projects relevant to the course subject-matter. It is anticipated that students will prepare and deliver law-related workshops and will provide legal triage services for the innovation community in Windsor-Essex County. Given the participatory and experiential nature of the course, students are expected to actively engage with the material and their assigned projects and to come prepared for class. Students must also be willing to meet with clients or attend events outside of class time.

*Pre-requisites: At least one intellectual property law course (Patent, Trademark, Copyright, or International IP Law Clinic). Those without prior IP coursework can be admitted at the discretion of the Professor. Expressions of interest to participate in this course should be directed to Professor Tawfik ([mjt@uwindsor.ca](mailto:mjt@uwindsor.ca)). Students can only take this course once.*

## ENVIRONMENTAL LAW: LAWG 5920-1

Professor Patricia Galvao Ferreira (3 credits)

Fall 2021

### Evaluation Methodology:

40% participation/discussion board postings/reflections: consisting of evidence that the student is doing the readings and engaging with the material of the course throughout the term and is able to follow the main legal issues in its socio-political and economic context. As part of this assessment students are expected to do the following:

- A) elaborate questions and/or comments related to the readings for that week, or previous readings and discussions, that the student will post in the discussion board or verbalize during class. Questions and comments should seek to clarify some aspect of the readings that was obscure, or was left uncovered, or to critically examine the case law, statutory law, or the legal or policy issue at hand. Each student is expected to submit (via a post in the discussion board or verbally) at least two sets of questions or comments; and
- B) B) two short (up to five pages) **informal** written reaction/reflection notes. Reaction/Reflection notes shall express the student's views on a topic or topics related to the first part of the course (foundations of environmental law: legal principles, common law, constitutional law, enforcement and compliance, judicial review) that they have particular interest. Students can react to or reflect on assigned readings, on issues addressed in class lectures and discussions or on any topic addressed during the course or related to environmental law and policy. Students are encouraged to react or reflect on environmental law topics that have been the object of recent court decisions, that are undergoing legal or policy reform, or that are currently experiencing public discussion.



One question/comment and one reaction/reflection note should be submitted at any time during the first part of the course (where we will address foundational issues related to environmental law and policy). The second question/comment and reaction/reflection (and subsequent ones that students may wish to send in addition to mandatory ones) can be sent until the last day of classes (before exam period). Students are encouraged to continue to pose questions and communicate their views on environmental law and policy throughout the term, beyond these outcomes.

60% term paper - each student will write a 15 to 20-page paper on a specific environmental law topic of their choosing. A list of options will include climate change, food systems, environmental justice, biodiversity, sustainability, energy, etc. The paper may concentrate on the analysis of a seminal court decision, on the critical examination of an environmental law statute, in a proposal for policy or legal reform, or on legal theory related to the environmental challenge. Students will receive detailed guidelines for the preparation of the term paper (which will include submitting a topic proposal for approval and an outline for review), as well as the criteria that will be used for assessment and grading, at the third week of the course.

**Course Description:** Why take this course? Environmental law is one of the most dynamic and socially relevant areas of legal studies and practice. Much beyond protecting the polar bear, Canadian environmental law plays a pivotal role in protecting the health and welfare of current and future generations of Canadians; guiding sustainable and responsible socio-economic development; and ensuring equitable access to ecosystem services and to a healthy environment - independent of race, gender, sexual orientation and income levels. This course employs a combination of tools – e.g. texts from the Coursebook *Tilleman, Lucas, Bagg & Galvao-Ferreira, "Environmental Law and Policy" (Emond, 2020)* and complementary readings; synchronous and recorded lectures; guest lectures; films; class exercises and board discussions - to examine how law is used to address key contemporary environmental challenges including climate change, air, land & water pollution; food systems regulations; biodiversity & endangered species protection; and promotion of sustainability or sustainable development. We will set up a weekly schedule for the meetings, which will involve sections of 20 min lectures followed by guided discussions and other learning activities.

The course will analyse the tensions between economic growth and job creation versus environmental protection, the intersection between environmental law and Indigenous rights (e.g. the judicial decisions related to the building of oil and gas pipelines through Indigenous territories) and will examine the role of environmental law in ensuring that racialized minorities or low-income communities have the same access to environmental benefits as other Canadians and are not disproportionately affected by adverse environmental impacts of mainstream socio-economic activities (environmental justice). We will also discuss Canadian climate laws and policies in the context of global efforts to combat climate change.



The objective of this course is to leave students with a critical understanding of the history, current context and possible future scenarios for Canadian environmental law and policy. Students should be able to develop their own reasoned positions on the potential and the limitations of existing environmental laws and legal strategies to protect nature and the Earth system for present and future generations of Canadians.

Learning objectives: By the end of this course students will be able to describe and discuss, *inter alia*:

- a) The major federal environmental statutes (e.g. 1999 Canadian Environmental Protection Act/CEPA; 2003 Species at Risk Act/SARA; 2008 Federal Sustainable Development Act; the 2019 Impact Assessment Act).
- b) Key federal environmental policies including the 2016 “Pan Canadian Framework on Clean Growth and Climate Change” and the 2019 “A Food Policy for Canada,” and associated Acts and regulations.
- c) The common law (nuisance, negligence, trespass), the constitutional law and the administrative law (judicial review of environmental decision-making) relevant to environmental protection in Canada.
- d) Systems for compliance and enforcement of environmental regulations.
- e) The principles that guide environmental lawmaking and court decisions (e.g. precautionary principle, polluter pays principle, principle of sustainable development).
- f) The ethical and equity dimensions of environmental legal protection.
- g) The effectiveness and shortcomings of conventional legal and regulatory mechanisms versus new strategies such as market incentives and other economic tools as well as environmental rights (e.g. access to environmental information, participation in environmental decision-making, right to a healthy environment).

## **(TRANSNATIONAL) ENVIRONMENTAL LAW CLINIC: LAWG-5974-1**

Professor Patricia Galvao Ferreira (3 credits)

Fall 2021 & Winter 2022

*\*by application only*

**Evaluation Methodology:** *The grade is pass/fail.* Students are assessed on the basis of participation in the academic component and virtual project meetings, self-reflection exercises, and project memos/legal briefings.

Criteria to assess performance include:

- (1) attendance at clinical meetings and preparation for and participation in the meetings and project presentations;
- (2) timely submission of research memos and case work and billing/time;



- (3) a final reflection and summary of the learning experience;
- (4) a 4,000 to 8,000-word research memorandum;
- (5) demonstration of lawyering skills including legal research skills, legal analysis, case development and strategy, legal writing and oral communication, reflection, ability to recognize ethical issues, client interviewing and counseling (if applicable), and communication with co-counsel (when applicable).

**Course Description:** TELP's Fall 2020/Winter 2021 Special Climate Litigation & Policy clinical project is designed as an opportunity for students to creatively and critically examine the theory as well as the evolving practice of public interest climate litigation in various countries such as Canada, the US and Australia, and in regions including South America, Europe and Asia. Climate change has already caused significant loss of life, homes, food resources and other severe human rights deprivations – and these are expected to increase in frequency and severity unless greenhouse gas (GHGs) emissions are quickly limited. Climate impacts are often greatest for vulnerable communities, including Indigenous peoples, who contributed least to GHG emissions. Recently citizen-initiated climate lawsuits have resulted in several court decisions ordering governments to limit GHG emissions, to establish measures to better protect citizens from climate harms (adaptation), and in some cases preventing the start-up or expansion of private sector coal mines, power plants and carbon emitting facilities including airports.

However, for most domestic judges, proceedings in their courts questioning national or sub-national government inaction to address GHGs emissions are largely uncharted waters. Too often governments have urged judges to find procedural, evidentiary and other issues that would prevent them from granting effective relief in climate cases. Governments often argue that judges should not entertain such claims because, e.g., these matters are “not justiciable,” because a particular country’s emissions on a global scale are small, or because one country’s action alone cannot offer remedy to climate impacts. Thus, despite a history of some successes to date, the particular nature of both the causes and effects of climate change signify that climate change litigants face unique and significant barriers to their claims in national courts.

This clinical project will provide a supervised space for students to analyse and discuss why some climate claims have been remarkably successful when others failed, and to consider the hurdles that continue to frustrate effective assertion of these rights. Students will then use their appreciation of these factors in helping to identify and to articulate new policy approaches and arguments, as well as legal and procedural reforms required to lower barriers and to provide access to climate justice.

Students will work under the co-supervision of TELP’s director Professor Galvao Ferreira and David Estrin, a senior Environmental Law Specialist recognized as a trailblazer in Canadian environmental law, litigation and policy, and in international climate justice (former Chair of



the International Bar Association Environment Committee; Co-Chair of the IBA Task Force on Climate Change Justice and Human Rights, and a co-author of the 2020 ground-breaking IBA Model Statute for Proceedings Challenging Government Failure to Act on Climate Change).

The clinical project includes both a theoretical component and a practical component.

*Theory and Critical Analysis component:*

From the beginning of the academic year in September 2020 to early October (4 to 5 sessions), clinic members will be assigned readings, including recent leading climate lawsuit pleadings and decisions, in preparation for participation in a series of virtual classes designed to facilitate understanding and critical analysis of the foundational aspects of climate litigation, including science-policy interface, causes of action including not only common law but those that can be derived from constitutional, environmental and international human rights principles, the substance of key arguments made by plaintiffs and defendants in recent climate cases, obstacles to successful pro-climate litigation and the most critical law and policy reforms required and techniques for implementing such reforms. Guest speakers during this part of the course will include, subject to availability, counsel for leading climate litigation cases in Canada and abroad and experts on human rights and the environment.

*Practical component:*

During the rest of the term, equipped with the information and understandings from the theory and critical analysis component, clinic students will be involved in current or emerging climate litigation projects/issues/initiatives as approved by the instructors. Some examples of practical issues students will work on are: a) disseminating knowledge and advocating for the implementation of reforms identified in the International Bar Association/IBA Climate Change Model Statute, so that ENGOs, the private bar, Bar Associations, governments and the Judiciary appreciate the hurdles to climate cases being initiated or moving past the court house door, why it would be appropriate to lower or eliminate these hurdles, how the Model Statute could explain and illustrate the reforms required, and the urgent need for this to occur; b) Carrying out focused research, the preparation of memos, as well as organizing and arranging a virtual workshop to consider the implications of the ground-breaking 2019 Supreme Court of Canada *Nevsun Resources* decision for a new human rights cause of action by citizens in domestic courts regarding threats or actual harm to human rights associated with GHG emissions; c) Contributing to a global database of Climate Laws organized by the London School of Economics/LSE Grantham Institute and the Columbia University Sabin Center for Climate Law, by identifying and producing comparative analyzes of Canadian climate laws at the sub-national level (mainly provinces at a first stage; d) depending on need and timing, assisting counsel in on-going Canadian or US public interest climate litigation cases.





## ESTATE PLANNING AND ADMINISTRATION: LAWG-5841-1

John Clark (3 credits)

Winter 2022

*\*By application only*

**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 personal care and property; wills, *inter vivos* trusts, appointment of guardians and custodians; and life insurance and business evaluations.

**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** applications for the appointment of estate trustees, 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; the role of the estate trustee and the lawyer in contentious proceedings and need for even handedness.

**Instruction Methodology:** The students will be divided into distinct "law partnerships". Fact situations will be utilized from time to time to present substantial issues of law and particular solicitor-client issues. Some of the curriculum will be presented in lecture format; other parts will be presented and considered in interactive sessions by the entire class or by the law partnerships pursuant to legal retainers from the "clients" in fact situations. In some cases,





particularly in the second half of the semester, the lectures or interactive sessions will be conducted with the assistance of estate planning and administration professionals. Synchronous lectures and interactive class and partnership sessions may be presented in real time during scheduled lecture times, in person, or by way of video technology. In limited cases, asynchronous lectures will be presented by way of video technology.

***Pre-requisite** The usual course registration procedures do not apply to this course. Registration will be limited to those who have taken Wills and Succession, and preference will be given to students who have completed Business Associations, Trusts, Taxation, and Family Law. In the event the course is over-subscribed, preference will be based on cumulative GPA.*

**Application Process:** to express your interest in this course, you must complete this [form](#) by October 1, 2021.

## **EVIDENCE: LAWG-5850-1**

Professor David Tanovich (4 credits)  
Fall 2021

### **Evaluation Methodology:**

20% class participation & presentation (10% each)  
20% quizzes  
15% case note  
45% final exam

**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. A feminist and critical race lens will be used to assess the fairness and efficacy of the rules. 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 prior sexual history, 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: LAWG-5850-1**

Professor Jasminka Kalajdzic (4 credits)  
Winter 2022

#### **Evaluation Methodology:**

Exam and short paper

**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.

### **EXTERNSHIP PLACEMENT: LAWG-5933-1**

Professor Gemma Smyth, Supervising Professor – Externship Program Director and Placement Supervisor (4 credits)  
Fall 2021 & Winter 2022  
*\*By application only*

**Evaluation Methodology:** The Placement portion of the Externship Program is assessed on a pass/fail basis. Students must complete a Learning Agreement, Mid-Term Evaluation and Final Evaluation. Both the Externship Professor and Placement Supervisor will assess these assignments. Feedback will primarily come from the Placement Supervisor based on the work conducted by the student over the term.

**Course Objectives:** The placement course exposes students to real-world legal work in which they develop lawyering competencies and adapt to the various roles of a lawyer. Students work under the close supervision of an on-site lawyer, receiving frequent feedback on assignments that increase in responsibility over time. Students will be given exposure to access to justice in practice and reflect on the nature and availability of justice in their specific placement context.



**Course Description:**

Students enroll in the Externship Placement as part of Windsor Law's Externship Program, simultaneously with the "Learning in Place" seminar. Placements occur in a wide variety of law-related settings and will expose students to a range of competencies important for legal work. Placements vary from term to term and are governed by a set of learning outcomes. Placements share an overarching commitment to, and analysis of, the operation of access to justice. Student-specific competencies aligned with the learning outcomes are developed by the student, Placement Supervisor, and Externship Director. Students are expected to develop a Learning Agreement describing these competencies and plan to meet them over the term. In addition, students complete a midterm and end-of-term evaluation. A list of placements are updated regularly on the [Windsor Law Externship site](#).

**Selection of Students:**

Applications are collected in July for the Fall term, and again in October for any placements in the Winter term. Students may apply by submitting an online [Externship Program Application Form](#). Required documents for an application include a cover letter, resume, and transcript (an unofficial transcript will suffice). Students are not guaranteed any particular placement but can rank placements in order of preference during the application process. Applications will be assessed in consultation with the Placement Supervisors.

**FAMILY LAW: LAWG-5843-1**

Cynthia Nantais (4 credits)  
Fall 2021 & Winter 2022

**Evaluation Methodology:**

Midterm(s) and Final Exam – weighting TBD

**Course Description:** An introduction to family law, including cohabitation and marriage, divorce, parentage and parenting arrangements, child and spousal support, and property division. Students will study significant legislation, cases, policies and issues affecting individuals and families on relationship formation and breakdown.

**FEMINIST LEGAL THEORY: LAWG-5961-1**

Fathima Cader (3 credits)  
Winter 2022

**Evaluation Methodology:** Class participation, presentations/facilitation, and reflection and/or research papers.



**Course Description:** This interdisciplinary seminar will use feminist legal theory to consider the interplay between gender, labour, race, and state power. With calls for police and prison abolition on the rise, the legal profession must grapple squarely with questions of violence, safety, and accountability. From the gendered impact of colonisation to carceral responses to sexual violence, we will consider what projects the law has pursued in the name of gender equality, and the extent to which those interventions have been helpful, and for whom. Students should be comfortable with or have some exposure to basic ideas of feminism and/or critical race theory, but prior formal education in these fields is not required.

## **FIRST NATIONS WOMEN & THE LAW: LAWG-5823-1**

Professor Sylvia McAdam (3 credits)

Winter 2022

### **Evaluation Methodology:**

20% course participation

20% in-class presentation

10% research paper outline

50% research paper

**Course Description:** First Nations Women & the Law will introduce students to Indigenous legal orders that recognize the inherent laws identifying the leadership strengths and responsibilities of Indigenous women in particular nêhiyaw (Cree) & Anishnaabe women. This course will also introduce the imposition of colonial law that has had an impact upon Indigenous lives, in particular Indigenous women's lives. Canada has defined Aboriginal Peoples in the Constitution Act, 1982, s. 35 (1) as "Indians, Metis and Inuit" peoples. "Indians" have been renamed as "First Nations". The focus of the second part of this course is to also understand how Canadian laws have impacted the lives of Indigenous women aka "First Nations" women through the implementation of the Doctrine of Discovery. The focus of the third section of the course is to understand the impact of policing and regulating women's clothing as well as their bodies.

## **INCOME TAXATION: LAWG-5832-1**

TBA (4 credits)

Fall 2021 & Winter 2022

### **Evaluation Methodology:**

100% Final Exam



**Course Description:** This course is designed to provide an introduction to Canadian Personal and Corporate Income Tax Law. It is a foundation course upon which other focused and specialized courses will be based for those students intending to give emphasis to taxation in their law careers.

## **INDIGENOUS CHILD WELFARE: LAWG-5831-1**

Arlene Dodge (3 credits)  
Winter 2022

### **Evaluation Methodology:**

TBA

**Course Description:** TBA

## **INSOLVENCY AND RESTRUCTURING (BANKRUPTCY): LAWG-5988-1**

Vern DaRe (3 credits)  
Fall 2021

### **Evaluation Methodology:**

100% final exam. The final exam will be open book and will be based on the material taught from the lectures including any articles and handouts provided.

**Course Description:** This course provides an introduction to Canadian bankruptcy and insolvency law. It combines theory with practice, and examines the underlying principles and policies of the Bankruptcy and Insolvency Act (the "BIA") and the Companies' Creditors Arrangement Act (the "CCAA") as interpreted by the courts in the relevant case law and applied in real life examples.

The course will be taught by a combination of lectures and class discussion. Readings will be assigned for class discussion. Questions are welcomed and encouraged. Students are asked to bring to class the relevant text. There will be guest speakers, who kindly agreed to share their expertise in the subject.

## **INSURANCE LAW: LAWG-5912-1**

Dina Mejalli (3 credits)  
Fall 2021

### **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: LAWG-5859-1**

Professor Maureen Irish (3 credits)

Fall 2021

### **Evaluation Methodology:**

30% midterm

70% final exam or research paper

**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 COMMERCIAL ARBITRATION: LAWG-5994-1**

Professor Paul Ocheje (3 credits)

Fall 2021

### **Evaluation Methodology:**

100% Final Exam

**Course Description:** This course will focus on the alternative means of resolving disputes arising under international commercial contracts. International commercial arbitration will be studied as an alternative to litigation, which is controlled primarily by the terms previously agreed upon by the contracting parties, rather than by national legislation or procedural rules. Most modern commercial contracts contain a dispute resolution clause which specifies arbitration, rather than litigation, as a means of resolving any dispute arising from the contract. The contract may also specify the forum, procedural rules, and governing law of the contract.

International commercial arbitration commands attention, not only because of its presumed advantages over litigation, but because of the issues of equity and social justice to which it



gives rise. Most investor-state contracts or contracts for resource extraction between multinational investors and the third world host states often specify arbitration as the most desired mechanism for dispute resolution.

The course will discuss this mechanism in detail, identifying such issues as choice of law, types of arbitration, arbitral institutions, arbitral awards and their enforcement, and so on. In particular, the course will examine questions of compensation and restitution.

## **INTERNATIONAL CRIMINAL LAW: LAWG 5946-1**

Professor Sara Wharton (3 credits)

Fall 2021

### **Evaluation Methodology:**

20% Class Participation

10% Research Paper Proposal

10% Presentation of Research Paper

60% Research Paper

**Course Description:** In the past two and a half decades, we have witnessed a rebirth of the international criminal justice project and the proliferation of institutions seeking to end impunity for the perpetration of atrocities around the globe. These institutions, their objectives as well as their limitations, are regularly in the news in the context of many of the conflicts around the world today.

This course will examine a number of criminal justice issues facing the international community on which new international standards are emerging. The course will study the evolution of international crimes and international tribunals, from the military tribunals established after WW II to the establishment of *ad hoc* International Criminal Tribunals for the former Yugoslavia and Rwanda and the permanent International Criminal Court. It will also highlight some of the challenges and controversies that arise in the field of international criminal law.

The course will investigate different types of international, internationalized, and hybrid criminal justice. It will also give consideration to key issues relating to the International Criminal Court including the Court's jurisdiction, relationship with the UN Security Council, complementarity, victim participation, and practical challenges facing the Court.

This course will also examine the development of and emerging case law on the crimes within the subject matter jurisdiction of these international criminal courts and tribunals including genocide, crimes against humanity, war crimes, and aggression.



There are no prerequisites for this course. However, students are strongly encouraged to take Public International Law prior to taking this course.

## **INTERNATIONAL ECONOMIC LAW: LAWG-5862-1**

Professor Manoj Mate (3 credits)

Fall 2021

### **Evaluation Methodology:**

Research paper, presentation and participation

**Course Description:** This course studies public international economic law with a focus on the legal framework, policies, and jurisprudence of the World Trade Organization (WTO) and major multilateral agreements. The course will explore basic principles governing trade in goods, services, and intellectual property, technical standards, agriculture, food safety, and the environment. Topics covered will include the nature of political economy underlying the WTO framework, the relationship between international and domestic law and impact of trade law on domestic regulation, current challenges facing the WTO dispute resolution system, trade and development, tensions between major trading powers and emerging powers, trade disputes between China, the U.S., and Canada, and the implementation of the Canada-US-Mexico Free Trade Agreement.

## **INTERNATIONAL ENVIRONMENTAL LAW: LAWG-5921-1**

Professor Patricia Galvao Ferreira (3 credits)

Winter 2022

### **Evaluation Methodology:**

30% Participation: Participation will be assessed by engagement in class discussions and with the course materials, as well as by three short reflection papers which will be marked as a whole, including:

- a) Two (2) substantive reflection papers, two to three pages, relatively informal. These reflection papers will be based on guiding questions related to substantive IEL topics discussed in our scheduled classes. You can choose which two topics to write on. For these reflection papers you can relate the course content to your interests, background and experiences.
- b) One (1) reflexive paper on simulated negotiation. This reflexive assignment is due in the last day of exams and should be in the format of a two- to five-page essay where you share your thoughts on the experience of engaging in the simulation of an international environmental law negotiation. Despite this assignment being due in the





last day of the exam period, you will need to rely on notes you take during the course of the sessions, preparation and negotiations.

70% Simulated Negotiation including 35% position paper and 35% negotiation: Simulated negotiation of an international environmental law agreement (likely the legally binding instrument under the United Nations Convention on the Law of the Sea being negotiated to promote the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ). For this simulation, each student will be assigned a particular country to represent in the negotiations of a legally binding instrument (which is being negotiated in real life). Students will research the positions their country has with respect to these negotiations (and use available information to assume some of the positions that are not stated). Students should determine which other countries may be allies in these negotiations, and which countries might have interests that are in conflict with theirs.

- a) Position paper (35%): Each student will complete a 7-10 page paper that includes the following components:
  - I. Your country's national concerns, interests and positions regarding the relevant provisions of the international environmental agreement under negotiation (student will receive list of relevant provisions).
  - II. Your country's specific proposals—at least two - regarding the final wording of the relevant provisions, and how you plan to defend these proposals.
- b) Negotiation (35%) Students (as country delegates) will participate in a United Nations style negotiation of a legally binding agreement on March 29th. Delegates will bring outlines of their position papers, and all supporting evidence and data they deem important for the negotiations. Based on the compilation of position papers, the Chair (professor) will present specific draft texts of the relevant provisions for discussion. Delegates will present a one-minute summary of their nation's position regarding each relevant provision. Other delegates will signal their desire to comment on the proposal under consideration by raising their country placards (& zoom raise hand tool). After the formal debate, the group will break into more informal style negotiations called caucusing. Through careful debate, caucusing, and rhetoric, delegates will exchange their opinions, possibly develop alliances and voting blocs on certain provisions and propose resolutions to the issues. Consensus must be reached amongst the country delegates on either approval or modification of a draft text proposal for each provision. If such consensus is not reached (i.e. even one country delegate disagrees), the proposal is rejected.

Note: In case you are interested in taking this course, but need to have a research paper credit, there is a possibility of submitting a 60% final research paper related to the negotiation of an international environmental law agreement, and 40% of participation grade, with students



required to play a supporting role in the simulation of the UN negotiation as part of their participation.

**Course Description:** We live in a geological age in which human activity has been the dominant influence on our climate and our environment: the Anthropocene. While States use domestic law to address local environmental problems, we are increasingly confronted with complex environmental challenges - like the loss of biodiversity, growing marine or air pollution, space debris, the threat of climate change - which are transboundary or global in nature, and are deeply intertwined with global and national development models. This course is designed to provide students with a broad understanding of the most important issues of international law related to environmental protection in the Anthropocene. The arduous process of negotiating international agreements to address environmental challenges in an asymmetrical world - where some countries contribute significantly more than others to global environmental problems, and where less developed countries that are most vulnerable to environmental challenges tend to have less financial and technological capacity to cope – has required a lot of innovation in the legal design of international environmental law treaties. This course surveys the ways in which the international community has managed to negotiate from early bilateral treaties to address transboundary pollution to more recent regional and international agreements to address the most complex global environmental challenges like climate change and marine biodiversity in areas beyond national jurisdiction.

The foundational part of the course examines the emergence and development of IEL, the main features of international legal regimes to protect the environment, principles of IEL and techniques used to promote and to enforce implementation and compliance. A second part will address the intersection of international environmental law with other regimes like international human rights and international trade and investment. The final part of the course offers a more detailed examination of specific international regimes to address atmospheric challenges like climate change (including the 1992 UNFCCC and the 2015 Paris Climate Agreement), to protect biodiversity (including the Convention on Biological Diversity/CBD and its Nagoya Protocol) and to protect the seas and the marine environment (including the Law of the Seas and the Draft treaty on Marine Biodiversity of Areas Beyond National Jurisdiction/BBNJ). Like many other branches of international law, international environmental law is interdisciplinary, therefore the course will touch on discussions related to ethics, political economy and sociology. Students will examine how States reconcile their own sovereignty and economic interests with the need to place limits on how other states carry out activities in their territories that have transboundary or global environmental impacts, the politics of the North-South divide (distinct interests and priorities of developed countries X developing countries) and other equity considerations, and whose values and voices are reflected in IEL agreements. During the course students will be invited to discuss the critiques of contemporary IEL that see this body of law as reactive, accommodating,



fragmented, exclusionary, and ineffective. Students will be able to assess and form their own opinion on existing proposals to rethink the fundamentals of IEL in light of the various environmental crisis we face in the Anthropocene.

The course will be based on required text – International Environmental Law, by Pierre-Marie Dupuy and Jorge E. Viñuales, 2nd edition (Cambridge University Press 2018), with additional readings and material uploaded on blackboard.

#### General Learning Objectives

- To identify and to critically discuss the principles, the history, the main actors and the institutional framework of international environmental law regimes in key areas
- To evaluate the strengths and weaknesses of current environmental law regimes, and proposed amendments or expansions, in selected areas such as climate change, marine environment and biological diversity
- To explain the challenges and opportunities of designing international legal regimes to protect the environment
- To contextualize the legal, policy and institutional responses to enduring international environmental problems
- To examine the intersections between international environmental law and other key areas of international law, particularly international human rights law, international indigenous rights and international economic law.

## INTERNATIONAL HUMAN RIGHTS LAW: LAWG 5851-1

Professor Manoj Mate (3 credits)

Winter 2022

#### Evaluation Methodology:

15% Class participation

15% One Seminar Presentation

10% Research Paper Outline

60% Final Research Paper

**Method of Teaching:** This is a seminar. Students will read and engage with assigned readings and materials ahead of each session, and the instructor and students participate in discussing legal principles, issues, and critiques based on the reading materials.

**Course Description:** This course provides an overview and introduction to international human rights law with a focus on law and legal institutions, theory, and practice. The course will



critically examine the relationship between international human rights law and domestic legal systems.

The course will examine the historical background and development of international human rights law and recent developments. It will then examine the key sources of international human rights law, including custom and treaties, peremptory norms, and legal principles and domestic laws. We will explore key issues and topics in the field including economic, social and cultural rights, civil and political rights, indigenous rights, universalism v. relativism, the impact of corporations and non-state actors on human rights, and international trade law and development. In addition, we will also consider broader conceptual and theoretical debates, including examining the legitimacy, compliance, and efficacy of international law, and we will also consider a variety of critical perspectives in the course including TWAIL (Third World Approaches to International Law), critical race and feminist approaches, and the perspectives of advocates for rights of LGBTI and other communities.

## **INTERNATIONAL HUMANITARIAN LAW: LAWG 5853-1**

Chile Eboe-Osuji (3 credits)

Fall 2021

### **Evaluation Methodology:**

65% Research Paper

15% Presentation

20% Participation

**Course Description:** International Humanitarian Law or the Law of Armed Conflict regulates how wars are fought: in order to protect persons, places and objects that must be spared the prohibited or unnecessary brunt of armed conflict and its ill-effects. The course will examine principles derived from the relevant treaties and customary international law, as well as decisions of international courts and tribunals, amongst other sources. In addition to examining the more classic challenges, the course will also examine the new challenges posed by technological advances.

## **INTRODUCTION TO ISLAMIC LAW: LAWG 5705-1**

Yousef Wahb Aly (3 credits)

Fall 2021

### **Evaluation Methodology:**

10% Participation

50% Paper & Outline (Comparative Essay -OR- Book Review)



40% Final Exam

**Course Description:** This comparative law course introduces students to one of the principal legal systems in the world today observed by over one million Canadians: Islamic Law (*sharia*). It will introduce students to Islamic legal theory and its development in modern legal systems across the world, in contrast to the Canadian legal system.

The course will equip students with tools to research Islamic law and access its primary sources (such as Quran, Sunnah, and Legal Analogy) and secondary sources (such as Public Interest and Custom). Course materials also draw upon classic and modern legal opinions (*fatwās*) and judicial decisions (*qaḍā*). Through examining case studies and contemporary legal scholarship, students will investigate Islamic law modern applications to minority communities living under non-Islamic rule of law.

The course will contrast remedies afforded under Islamic and Canadian substantive law across the fields of: family law, tort law, criminal law, wills, estates, and more. The course provides students with both knowledge and practical skills needed for serving religiously and ethnically diverse clients in the legal field. It will explore access to justice issues for Canadian Muslims and familiarize future lawyers with the normative laws governing private affairs of Muslim clients.

**Teaching Method:** This is a seminar course with a combination of lectures, open discussions, and exercises. It will be taught primarily in synchronous and interactive class sessions. Students are expected to read the assigned readings and materials and engage with the in-class discussions on legal principles and issues.

No prior knowledge of Islam or of Islamic law is required, nor is facility in Arabic. All source materials studied will be in English. Students will receive detailed guidelines and criteria for assessment for the paper assignment as well as feedback on a submitted outline.

## JUDICIAL INTERNSHIP – CRIMINAL LAW – PROVINCIAL COURT - WINDSOR

### LAWG-5966-01

Professor Gemma Smyth, Supervising Professor – Externship Director (3 credits)

Fall 2021 & Winter 2022

*\*By application only*

The successful applicants must have completed Evidence. Criminal Procedure is not a prerequisite but would be an asset. More information will be available on the [Windsor Law Judicial Internship site](#) in June, 2021.



## JUDICIAL INTERNSHIP – FAMILY LAW – PROVINCIAL COURT WINDSOR LAWG-5965-01

Professor Gemma Smyth, Supervising Professor – Externship Director (3 credits)

Fall 2021 & Winter 2022

*\*By application only*

The successful applicants must have completed Civil Procedure, Evidence, and Family Law. More information will be available on the [Windsor Law Judicial Internship site](#) in June, 2021.

## JUDICIAL INTERNSHIP – CRIMINAL AND FAMILY LAW – PROVINCIAL COURT NEWMARKET LAWG-5967-01

Professor Gemma Smyth, Supervising Professor – Externship Director (3 credits)

Fall 2021 & Winter 2022

*\*By application only*

Applicants must have completed Civil Procedure and Evidence. More information will be available on the [Windsor Law Judicial Internship site](#) in June, 2021.

Please note that additional Judicial Internships may be available, depending on whether and how courts are permitted to accept students.

### **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 the equivalent of one day per week at the court house working on their assignments. Covid-19 has impacted how placements unfold. All arrangements must be approved by the Court. It is expected that the student will spend approximately eight hours per week on their work.



Students report to the Supervising Judge and receive all of their assignments from the Judge. 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 student's 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.

The Externship Director, or another faculty member assigned to the course, will oversee the internship 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 Externship Director or other faculty member assigned to the course.

**Selection of Students:** Applications are collected in June. Students may apply by submitting an online [Judicial Internship Application Form](#) (available in June). Required documents include cover letter setting out the student's reasons for seeking an internship and the qualities and experience the student possesses that make them suited for the position. A resume and transcript must also be provided (an unofficial transcript will suffice). Students will apply for their preferred Judicial Internship placement and have the opportunity to provide any further information that supports their application. The applications will be assessed in consultation with the Supervising Judges. Students who were unsuccessful in the Fall term are encouraged to apply again for any vacancies in the Winter term.

## **JURISPRUDENCE: LAWG-5847-1**

Joshua Shaw (3 credits)

Winter 2022

### **Evaluation Methodology:**

25% for an academic book review (1400 – 2000 words) on a monograph selected from a list prepared by the instructor)

65% on a major research paper (5000-6000 words)

10% class participation

**Course Description:** This course will focus on critical perspectives, largely in place of—although at times posed against—the canon of general jurisprudence, the latter of which often



stages the study of legal theory as an unending debate between natural and positive legal traditions (which elides so much of how law actually matters). Critical perspectives should introduce the student to contemporary analyses of law's form (e.g., law and the body, legal materialism, legal geography, law and literature, critical race theory, earth jurisprudence). By law's form, I mean the specific operations that make up law that, if understood and conceptualised, can explain what law does and how law does it distinctly from other phenomena. Turning to law's form should provoke students to reconceptualise the materiality (and immateriality) of law in a manner that counters law's enclosure as doctrine or its reduction to mere instrument. It should enable the study of what is special about law, without losing sight of what and how law connects in experience or, to put it differently, how law contributes to broader socio-material formations. Such an inquiry is thoroughly social, in that it necessitates a study of law in context. This movement risks the collapse of jurisprudence as a mode of inquiry, but it also potentiates its renewal and transformation. I hope that by engaging students in a critical jurisprudence of form, students will consider law imaginatively and critically, searching through its myriad forms, making sense of its myriad effects and reaching toward its myriad futures. In the renewal and transformation of jurisprudence, I hope students will see the ongoing value of theoretical inquiry in the practice and experience of law and the role of critical jurists in shaping legal communities.

The seminar will be set up in a manner that uses case law among other instruments, artefacts or media as *case studies* through which we will explore the legal theory that we read. Case studies are different from case law; as sociolegal scholar Lisa Miller notes, '[c]ase studies can identify and draw together pieces of evidence that may not seem related at the macro level but, when decomposed under intensive scrutiny, add considerably to descriptions of a given legal phenomena.' Case studies are 'goal-oriented tools of social research, drawn to troubling the extant and mediating new understandings, in accordance with the social researcher's chosen and received methodologies.'

There are no prerequisites for this seminar. One does not need a background in sociology, philosophy or anthropology, even if our readings engage with these disciplines and more. The seminar is set up to enable students to lead with and stumble through their curiosity irrespective of formal background.

## **JUSTICE REFORM AND CANADIAN CRIMINAL JURY TRIALS: LAWG-5700-1**

Brian Manarin (3 credits)

Winter 2022

### **Evaluation Methodology:**

25% Mid-Term Examination – Open Book





75% Research Paper

**Course Description:** Trial by jury in matters criminal has a long and revered pedigree in Canada, as it does in other common law jurisdictions. Indeed, except where otherwise expressly provided for by law, s. 471 of the *Criminal Code* mandates that every accused person charged with an indictable offence will be tried by a court composed of a judge and jury. Furthermore, s. 11(f) of the *Canadian Charter of Rights and Freedoms* guarantees an accused person the benefit of a jury trial where the maximum punishment for the offence being prosecuted is imprisonment for five years or a more severe punishment. Public sentiment is such that Canadians are generally opposed to any restriction or abolition of the jury trial. Yet for some time, the mistreatment of Black, Indigenous and people of colour during jury empanelment has occurred, which has slowly resulted in common law and statutory changes. The impetus for this metamorphosis can be traced to, *inter alia*, the questionable motives of certain lawyers in their selection practices and the unfortunate inaction of some judges in addressing selection abuses that play out before them. This course will examine the history of, processes relevant to, and criticisms currently levelled at the construction of the fact-finding body known as the criminal jury.

Students can expect to gain a realistic understanding of the various procedures that are associated with criminal jury selection in Canada and will also be able to juxtapose them with those of the USA and England. In becoming conversant with the policies and goals that underpin jury selection, the student will be able to identify the strengths and weaknesses of the past and present approaches to adjudication by communal body as compared to trial by individual jurist. Understanding how socio-legal developments have and should continue to influence modern jury selection will be fully discussed during class. By equipping students with both practical and philosophical knowledge, they will be well-positioned to make informed recommendations as to how juries can become more inclusive and reflective of Canadian society in the future.

## LABOUR LAW: LAWG-5867-1

Joanna Noronha (3 credits)

Winter 2022

### **Evaluation Methodology:**

TBD

**Course Description and Pedagogical Goals:** This course focuses on labour relations subject to collective bargaining. Such relationships are generally governed in Ontario by the *Labour Relations Act 1995* as well as subsequent constitutional decisions. We will examine the historical development of unionized labour relationships in Canada, its statutory and



constitutional context, as well as the appropriate socio-economic background, culminating with the current system. The establishment of collective bargaining and the rights and responsibilities of all members in the labour relationship will be examined, as well as legal remedies for breaches and the regulation of economic pressure tactics (e.g., strikes, picketing, etc).

It is important to note two points: (i) this course *does not* cover the individual employment contracts of non-unionized employees, which is instead taught in the Personal Employment Law course, and (ii) it *does not* examine the specific contents of collective bargaining agreements, which are taught in the Labour Arbitration course (note also: Labour Law is a prerequisite for the latter).

Case law, statutory rules, and secondary literature will be analyzed. At the end of the course, students will gain a general understanding of the core legal principles that govern labour law. In addition, students will hone a variety of practical legal skills, including the ability to analyze a concrete situation and find the relevant legal norms and contextual information, and then produce novel legal arguments clearly, concisely, and convincingly.

## LAND USE PLANNING: LAWG-5903-1

Sarah Jacobs (3 credits )  
Winter 2022

### Evaluation Methodology:

50% Research Paper  
35% Hearing Simulation  
15% Participation

**Course Description:** Land use planning is the management of land and resources that defines our built environment. The planning process requires careful balancing of the interests of private landowners with a broader public interest, which consists of a wide range of economic, social, and environmental concerns. This course explores the legal and policy framework for land use planning and development in Canada, with an emphasis on Ontario.

The course will provide students with the legal and policy foundations for land use planning at the provincial and municipal levels by taking an in-depth look at decision making at the local level, as well as appeals of those decisions to the Ontario Land Tribunal (the “Tribunal”) and the courts. To prepare for the practice of land use planning law, students will apply the legal and policy concepts learned in the course by participating in a Tribunal hearing simulation.



## MIGRANT WORKERS CLINIC: LAW OF MIGRANT WORK LAWG-5989-1

Professor Vasanthi Venkatesh (4 credits)

Fall 2021

*\*By application only*

### Evaluation Methodology

40% Migrant Farmworker Project

30% Group Community Project (or optional Final Paper)

10% Participation and Attendance

20% Reflection Papers

**Course Description:** Migrant farm workers, as a racialized and marginalized group in precarious status, face numerous forms of exclusion and discrimination. The legal regime that affects migrant workers functions at the complex intersection of immigration law, international bilateral agreements, employment law, workers compensation law, human rights law, health law, food law, law and political economy of agriculture, among others. Students will learn how different areas of law intersect to produce legal marginalization and racial discrimination, the policy and social environment around agricultural labour and immigration, strategies on representing migrant farm workers and similarly disadvantaged persons and advocating for systemic change.

The Clinic is based on a "law and organising" framework that centres organising activity, peoples' empowerment, and systemic change in the practise of law. For students, it is an important and novel avenue to get a holistic understanding of access to justice organizing, community engagement, systemic advocacy, and legal representation.

The course contains two components:

a) The **seminar** component: The synchronous seminar will be conducted 2-3 hours every week on Friday and will cover the basics of different areas of law that affect migrant farmworkers and insights into the advocacy and organizing for migrant rights. Students will be expected to have done the readings and be prepared for class discussion and prepare reflection papers on specified weeks. Students will be expected to keep abreast of the news affecting migrant workers and advocacy done by Justicia for Migrant Workers. The seminars will *not* be recorded in order to protect the confidentiality and privacy of clients and migrant workers. The "Community Project" component will require students to work creatively, collectively, and collaboratively (among themselves and with workers and activists) and organize a community project of their groups' choice, e.g. a panel or film or a campaign/petition or even a creative Arts project.



b) The **experiential** component: Students will have the opportunity to assist in employment, immigration, discrimination, and other cases (depending on the load) with lawyers and advocates, prepare legal reports on specific areas of law, prepare materials for any Charter challenges or impact litigations that *may* arise, provide support for legal education and organising migrant farmworkers in the region. Please note that the experiential component *may* require an average of 7-10 hours per week. You will be expected to be responsive to the lawyers and legal advocates that you may be assisting, and you may have to work in cases with immediate deadlines and hearings.

**Delivery:** Online with optional in-person components

**Note:** There is an application process for the course. The application process and changes to the process will be announced by the Clinical and Experiential Programs Coordinator, Stacey Marion, [smarion@uwindsor.ca](mailto:smarion@uwindsor.ca).

## LEARNING IN PLACE: LAWG-5932-1

Professor Gemma Smyth (2 credits)

Fall 2021 & Winter 2022

\*for students completing externships only

### **Evaluation Methodology:**

10% Attendance & Participation

70% Assignments

20% Final Presentation

**Course Description:** Windsor Law's Externship Program incorporates work-integrated and skills-based learning alongside critical reflection, self-directed personal and career planning, focus on ethical and professional practice, and engagement with access to justice in theory and practice. The Learning in Place seminar - together with the Placement - makes up Windsor Law's Externship Program. The Seminar portion consists of three elements. First, students learn together in an introductory class that will prepare them for work in their placements. Students then meet once every week over the term. The course culminates in an intensive large group meeting where students reflect upon and share their learning, discuss challenges and successes, and showcase work outcomes to their colleagues (subject to ethical considerations). Students engage in discussions about access to justice, theories of lawyering, and the connection between law and social change with a focus on the experiences that students have at the Externship Placement.] This Seminar is designed as an opportunity for students to critically reflect upon their externship experiences, the law, the legal system, and their roles and identities as legal advocates. It requires students to integrate reading, reflection, practice, and classroom discussion about the process of lawyering and the role of the advocate in a community. Students will have the opportunity to articulate, reflect on, and



synthesize their learning experiences. By the end of the Seminar, students will have developed their lawyering skills as well as their critical analysis of access to justice in practice.

## **(THE) LEGAL PROFESSION: LAWG-5939-1**

Marion Overholt (3 credits)

Fall 2021

**NOTE:** *For 3L students in JD, MSW/JD and MBA/JD, this course is available as Hyflex/Livestream, integrating face to face students with those participating remotely; when registering, select “A” for face to face or “O” for remote, as follows:*

- *LAWG-5939-1A – face to face*
- *LAWG-5939-1O- remote*

*2L JD, MSW/JD and MBA/JD can use the Waitlist/Swap function for any spots that become available. Be sure to select the section that you want to be waitlisted for and set up a proper swap.*

### **Evaluation Methodology:**

70% Final exam (open book)

15% Participation

15% reflection piece – (5 pages)

**Course Description:** This course will provide students with an introduction to various ethical and professional conduct issues related to the practice of law. The course will offer a critical examination and consideration of issues including lawyers' duties to their clients, to the court, to other lawyers, the public at large and to the law itself. We will also discuss the development of professional identity and lawyers' abilities to practice effective self-care. Classes will combine lectures, case studies, problem-based learning, guest speakers and class discussions.

## **(THE) LEGAL PROFESSION: LAWG-5939-2**

Sandy DiMartino (3 credits)

Fall 2021

### **Evaluation Methodology:**

20% Short Written Assignment (5 pages)

80% Final Exam (Open Book)

### **Course Description:**



The legal profession is self-governing. Lawyers are in a fiduciary relationship with the public, in particular their clients. The underlying assumptions are that lawyers are of good character and that the public can be protected by a legal profession which governs itself. The concept of self government will be examined. Legal ethics and professional responsibility will be examined with an emphasis on the individual rules in the *Law Society of Ontario Rules of Professional Conduct*. In addition, the application of those rules, including the conflicts between ethical obligations, will be discussed. The text for the course will be Woodley et al. *Lawyer's Ethics and Professional Regulation*, (3<sup>rd</sup> ed.).

### **(THE) LEGAL PROFESSION: LAWG-5939-1**

Professor David Tanovich (3 credits)

Winter 2022

#### **Evaluation Methodology:**

20% class participation (10% participation/attendance & 10% presentation)

15% op-ed

20% quizzes

45% final exam

**Course Description:** This course will provide students with an introductory basis to various ethical and professional conduct issues related to the practice of law. The course will primarily focus on various practical issues including lawyers' duties to their clients, to the court, and to other lawyers. The broader ethical and professional conduct issues in the context of the legal profession will also be explored with an emphasis to encourage good lawyering. Classes will combine lectures, case studies, problem-based learning, and class discussions. The materials will include the *Rules of Professional Conduct*, relevant legislation and jurisprudence.

### **(THE) LEGAL PROFESSION: LAWG-5939-2**

Brian Manarin (3 credits)

Winter 2022

#### **Evaluation Methodology**

25% Case Comment

75% Final Examination – Open Book

**Course Description:** Without ethics at its foundation, the law as it is written and practiced would be nothing more than an empty vessel. During the semester, various issues will be discussed with particular focus on the following: the legal profession and lawyer regulation; the lawyer-client relationship; duties towards client confidences and client loyalty; ethics in



advocacy, including the practice of criminal law; expectations when counseling and during negotiation; the particular obligations of corporate and government counsel; the lawyer-judge dynamic; and, understanding and challenging access to justice barriers.

## **MENTAL HEALTH AND THE LAW: LAWG-5849-1**

Professor Tess Sheldon and Alex Procope (3 credits)

Fall 2021

### **Evaluation Methodology:**

15% Participation (including discussion questions/reflections)

30% Mock Judgment of the Consent and Capacity Board

50% Research Paper on an approved topic

**Course Description:** Mental Health and the Law explores the legal construction of mental health in Ontario's civil and criminal mental health systems. The first major portion of the course focuses on civil commitment, reviewing the law of involuntary detention, consent and capacity to make treatment decisions, community treatment orders, substitute decision-making, the use of restraints and forced medication, the youth mental health system, and dispute resolution before the Consent and Capacity Board. The second major 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 operation of forensic hospitals, and proceedings before the Ontario Review Board. We will also cover legal ethics, guardianship and mental-health related inquests. Additional themes are emphasized throughout the course, anti-Black sanism, traumatizing impacts of colonization, international law, social determinants of mental health, human rights and legal ethics. The curriculum is designed so students learn the basis for and how to participate in the justice system with a client-centred or rights-based approach to advocacy.

## **MUNICIPAL LAW: LAWG-5904-1**

Professor Anneke Smit (3 credits)

Fall 2021

### **Evaluation Methodology:**

20% class participation

10% midterm

20% in class presentation

50% Paper



**Course Description:** The importance of city-level governance is on the rise. From COVID-19 to climate change to affordable housing, municipalities are at the centre of governmental responses to some of the most critical issues of our time. Understanding how municipal government functions has never been more important. 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 election, legal position and ethics oversight of council members, the creation and enforcement of by-laws; the interaction of municipal and provincial government powers; the municipal licensing power and its administration; the provision of public services; municipal liability, accountability and integrity measures land use planning, public participation and advocacy in municipal decision-making, municipal financing, assessment and taxation. The research paper will allow students a deeper examination of one issue relating to cities' governance and areas of responsibility.

## **PATENT LAW: LAWG-5918-1**

Professor Wissam Aoun (3 credits)  
Winter 2022

### **Evaluation Methodology:**

45% quizzes (three quizzes, each worth 15%)  
55% final examination

**Course Description:** Patent law and policy impacts practically all aspects of our day-to-day lives, from the price of drugs to social media. In this course, we will cover the essentials of Canadian patent law, including a consideration of what constitutes an invention, how inventions are represented in law, patent application processes, patentable subject matter, patent validity, infringement and remedies, validity. You will also have the opportunity to explore how patent law responds to evolving and emerging technologies and how domestic patent policy is shaped by international trade and treaties. While this course will certainly emphasize Canadian law, this course will employ a substantial comparative perspective, including foreign legislation, case law and philosophies.

## **PRIVACY LAW: LAWG-5837-1**

Professor Pascale Chapdelaine (3 credits)  
Fall 2021

### **Evaluation Methods:**

15% Research Paper Outline  
10% Class Participation





25% Class Presentation  
50% Research Paper

**Course Description:** Privacy is emerging as one of the central issues of our times, both in how citizens interact with various levels of state powers and governments, consumers with firms, and in how technological developments are built upon various assumptions about the collection and use of personal data. This course will explore the legislative instruments, key doctrines and frameworks shaping privacy law, as well as different policy perspectives informing it. Students will explore the challenges privacy law poses in various areas including law enforcement, “smart cities” and urban space, employment, and e-commerce.

This course will begin with an exploration of various conceptions and levels of protection of privacy as human right or statutory right, and the changing social norms that may impact its scope. It will highlight how the interpretation of privacy defines the way in which legislation addresses privacy rights in various sectors. Moreover, this course will challenge students to consider how the definition of “privacy” influences public discourse, commercial practices, technical innovation, and their regulation, and under what circumstances the public interest outweighs an individual’s privacy rights.

## PROJECT BASED EXTERNAL PLACEMENT – CITIES AND CLIMATE EMERGENCY DECLARATION: LAWG-5958-2

Professor Anneke Smit (3 credits)

Winter 2022

*\*By application only*

### **Evaluation Methodology:**

20% Participation  
50% Portfolio of work  
30% reflective paper

**Course Description:** Upwards of 60% of Greenhouse Gas (GhG) emissions are committed and/or regulated by municipalities. Cities must therefore be part of the solution to the climate crisis. The legal and policy frameworks under which municipalities address the crisis are in many cases outdated and in need of restructuring. Further, while community engagement is key to the success of climate action, community familiarity with municipal government systems is often low, making meaningful collaboration challenging. The Cities & Climate Action Forum policy clinic is an interactive platform that seeks to empower youth, other community builders, and municipal governments to work for institutional climate mitigation action at the local level.



CCAF's mission is three-fold:

1. To increase public engagement on climate change and the need for municipalities to act;
2. To build community capacity for collaborative and coordinated climate mitigation action among at the local level; and
3. To provide research and other tools to support municipalities and other local institutions in their development of climate mitigation policy.

CCAF is open to 2L and 3L Windsor Law students. Students selected for the course will undertake a programme of research and community engagement which may include:

1. Organizing and/or leading in-person or online workshops on topics related to municipal-level governance and climate action;
2. Undertaking research on the legislative and policy tools of climate change mitigation to support municipalities, other local institutions and/or community organisations;
3. Oral and/or written advocacy before municipal and possibly provincial and/or federal bodies on issues related to climate mitigation;
4. Preparing materials such as blogs or research briefs to be available through open access on the Cities and Climate Action Forum website;
5. Preparing social media posts on topics related to municipal-level climate action;
6. Other related duties as assigned/agreed.

Actual schedule of activities will be confirmed with input from accepted students and is subject to change based on municipalities' needs and items coming before council/requiring input. During 2021-22, CCAF will be offered in Winter term only.

Watch for application details.

To view past activities of the Cities and Climate Action Forum, see:  
[www.windsorlawcities.ca/climate](http://www.windsorlawcities.ca/climate)

## **PUBLIC HEALTH LAW IN CANADA: LAWG-5986-1**

Professor Tess Sheldon (3 credits)

Fall 2021

### **Evaluation Methodology:**

20% Presentation

10% 500 word paper outline

70% Final paper on the topic set out in the paper outline



**Course Description:** Society has an interest in assuring the conditions in which people can be well. How can the law support this aim? Public health law is built around this question and many others. What are the legal powers of the state and state actors in implementing public health measures? We begin by canvassing the fundamental principles of public health law, by reviewing various legal instruments that illustrate the state's public health powers and duties. In particular, this course draws on the twin fields of human rights law and public health. To what extent can the state legitimately impinge on individual rights in its efforts to promote or protect the public's health? Those advocating for a broadened role for public health focus on improving the population's health, the effectiveness of deterrence and the importance of promoting social justice. Critics instead point to the importance of individual liberties and self-reliance, the problem of paternalism and the slippery slope of government intervention. This course explores the application of these conflicting views to examples of public health measures. How does the language of law ("rights," "duties" and "justice") animate current debates about public health? Selected topics in public health law illustrate the relationship between human rights and state's duty to protect public health: mandatory vaccination, responses to pandemics and communicable diseases, criminalization of HIV non-disclosure, proposals for a "fat tax" and GMO labeling.

## **PUBLIC INTERNATIONAL LAW: LAWG-5857-1**

Professor Sujith Xavier (3 Credits)

Fall 2021

### **Evaluation Methodology:**

60% Research Paper & Outline

20% Presentation

20% Participation

**Course Description:** Contemporary international law norms are a complex web of treaty-based rules, customary international law, and soft law norms. Nation states, international institutions, and other non-state actors now generate, interpret, and adjudicate international law. The complexity of international law is exemplified by for example the crisis in the Middle East (especially Palestine and Syria), mounting tensions between Russia and the West, and other disputes around the world.

This course will expose students to the history of international law and its contemporary features. Students will examine traditional international law using various perspectives while simultaneously interrogating embedded biases. Specific topics to be examined include sovereignty, immunities of heads of states, international criminal law and transitional justice, international economic law, and domestic application of international law for example.



## **RACE AND THE LAW: LAWG-5956-1**

Professor Sujith Xavier (3 credits)

Winter 2022

### **Evaluation Method:**

55% Research Paper or Critical Race Judgement

20% Participation

25% Group Presentation & Reflection

**Course Description:** We are constantly reminded of the importance of race as a social construct. The everyday lives of Black people, Indigenous Peoples, and racialized people are structured by a social construct that they did not create. More relevantly, race as a construct mediates the way in which governance structures (from administrative decisions makers, law enforcement officials to other public bodies) treat Black, Indigenous, and racialized peoples. Law moreover is heavily implicated in how Black, Indigenous, and racialized people are socialized and regulated.

This course then aims to trace the intricate, exploitative, and often violent relationship between race and the law. Students will be asked to study, understand, and reflect on the ways in which race as a social construct affects the lives of Black, Indigenous, and racialized people. We will study the effects of race while on the traditional territories of the Three Fires Confederacy of First Nations, comprised of the Ojibway, the Odawa, and the Pottawatomie. In thinking about race and law, we will explore the following three broad topics (with the help of guest speakers when possible): Indigenous Peoples, settler colonialism, and the law; anti-Black racism and the law; anti-"Brown" racism and the law.

## **REAL ESTATE TRANSACTIONS (Transfer of Land): LAWG-5845-1**

TBA (3 credits)

Fall 2021 & Winter 2022

### **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 RESIDENTIAL SCHOOL LEGACY: LAWG-5835-1**

Professor Valarie Waboose (3 credits)



Fall 2021

**Evaluation Methodology:**

10% Participation

30% Reflection Papers

30% Seminar Presentation

30% Take Home Exam

**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 include a review of the processes utilized to compensate survivors: litigation, Alternative Dispute Resolution, Independent Assessment Process and the Common Experience Payment. Other topics included in the course include the impacts the residential school system had upon survivors and their intergenerational family members then moves onto an examination of the healing movement that emerged across Canada in the 1980s. Added to the course this year will be the death of children at Indian Residential School in Canada. To conclude the course, the class will look at reconciliation and efforts to move the Residential School Legacy forward.

The course will be delivered by lecture, seminars, interactive discussions and video.

**REMEDIES: LAWG-5889-1**

Thomas Sutton (3 credits)

Winter 2022

**Evaluation Methodology:** TBA

**Course Description:** TBA

**SECURITIES REGULATION: LAWG-5959-1**

TBA (3 credits)

Winter 2022

**Evaluation Methodology:**

TBA



**Course Description:** This course is designed to provide students with a general introductory understanding of the legal framework and operation of Ontario securities law, with an in-class emphasis on the practical application of securities regulatory principles.

## **SENTENCING: LAWG-5895-1**

Brian Manarin (3 credits)

Fall 2021

### **Evaluation Methodology:**

100% Final Examination – Open Book

**Course Description:** This course adheres to a lecture format and will generally focus on the following topics: the concept of punishment; judicial methodology and the legislative context; aggravating and mitigating factors; victim participation; sources of information; discharges, probation, fines & imprisonment; ancillary orders; sentencing for murder; and, restorative justice & Indigenous offenders.

## **SPORTS LAW: LAWG-5833-1**

Professor Shanthi Senthe (3 credits)

Fall 2021

**NOTE:** *This course is available Hyflex/Livestream, integrating face to face students with those participating remotely; when registering, select “A” for face to face or “O” for remote, as follows:*

- *LAWG-5833-1A – face to face*
- *LAWG-5833-1O- remote*

*You can use the Waitlist/Swap function for any available spots in either the face to face or remote sections that become available. Be sure to select the section that you want to be waitlisted for and set up a proper swap.*

### **Evaluation Methodology:**

60% Research Paper

30% Individual Presentation

10% Participation

**Course Description:** This course examines the commercial dimension, regulation and governance of professional sports. Through a review of intersecting legal issues rooted in corporate-commercial law, contract law, intellectual property rights, employment law,



corporate finance, and race and gender components, this course will be 'issue oriented'. In addition, this course will be taught from a cross-border perspective with various international components.

## **TORTS: LAWG-5809-1**

Professor Lisa Trabucco (4 credits)

*(Compulsory for all 2L JD, MSW/JD and MBA/JD students)*

Fall 2021 and Winter 2022

*This course is available Hyflex/Livestream, integrating face to face students with those participating remotely; when registering, select "A" for face to face or "O" for remote, as follows:*

- *LAWG-5809-1A – face to face*
- *LAWG-5809-1O- remote*

*You can use the Waitlist/Swap function for any available spots in either the face to face or remote sections that become available. Be sure to select the section that you want to be waitlisted for and set up a proper swap.*

### **Evaluation Methodology:**

50% Mid-term exam

50% Research paper

**Course Description:** A tort is a species of civil injury or wrong. It is private law wrong: a breach of an obligation one person owes to another person or persons. "The law of torts hovers over virtually every activity of modern society as a sentinel of safety. The driver of every automobile on our highways, the pilot of every aeroplane in the sky, and captain of every ship plying our waters must abide by the standards of general behaviour mandated by tort law. The producers, distributors and repairers of every product, from food to machinery, must conform to tort law's counsel of caution. No profession is beyond its reach: a doctor cannot raise a scalpel, a lawyer cannot advise a client, nor can an architect design a building without being subject to potential tort liability." (Linden & Feldthusen, *Canadian Tort Law* 10<sup>th</sup> ed. (2015).

## **TORTS: LAWG-5809-1**

Asha James (4 credits)

*(Compulsory for all 2L JD, MSW/JD and MBA/JD students)*

Winter 2022

### **Evaluation Methodology:**



100% open-book exam

**Course Description:** Tort law regulates the relationship between individuals, and in some instances, between individuals and the state through the civil system. The classic definition of tort law is: as “a civil wrong, other than breach of contract, which the law will redress by an award of damages.”

This course will introduce the basic principles of tort law and will focus on the use of the various causes of action in a litigation practice.

By the end of this course, students will be able to:

1. Identify and critically evaluate the purposes and principles of tort law;
2. Identify the main elements of the tort actions covered;
3. Explain why a particular course of action is preferable over another;
4. Identify and critically analyze the leading cases discussed;
5. Apply the principles learned and cases discussed to new fact scenarios; and
6. Evaluate the success of a particular claim based on the principles learned and cases discussed.

## **TRADEMARKS AND UNFAIR COMPETITION: LAWG-5914-1**

Michael Kasprowiz (3 credits)

Fall 2021

### **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 trademark owners' interest in the commercial value of the trademark 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.

## **WILLS AND SUCCESSION: LAWG-5840-1**

Justin Walsh (3 credits)

Fall 2021





**Evaluation Methodology:**

100% Final Examination

**Course Description:** This course will provide an introductory review of the administration of estates in Ontario with some comparison to the laws of other provinces. It will examine the law of intestate succession; and testate succession including capacity, undue influence, execution and attestation, revocation, lapse, and construction; as well as family protection including spousal rights, and support of dependents. It will consider the current choice of law rules as they relate to succession matters in Ontario.