

LAW 220.001**Taxation I** Term 1 Term 2

Duff

Course

3 CREDITS

The income tax is the largest single source of government revenue in Canada and an important instrument both for the expression of societal values and for the delivery of social and economic policies. This course examines the basis structure of the Canadian income tax through a careful reading of the Income Tax Act and Regulations, as well as relevant judicial and administrative interpretations. Initial lectures are devoted to the purposes of taxation, the role of the income tax, key structural features of the income tax (tax rates, tax base, accounting period, tax unit, and tax credits), the interpretation of tax statutes, and judicial and statutory responses to tax avoidance. The remainder of the course examines the various categories of income or loss identified in the Income Tax Act (income or loss from an office or employment, income or loss from a business or property, taxable capital gains and allowable capital losses, and income from other sources), and the computation of a taxpayer's aggregate net income. In addition to a basic understanding of the Canadian income tax, the course aims at an appreciation of the theory and practice of statutory interpretation. Teaching will combine lectures and class discussions.

Evaluation:
100% exam.

Required materials:

1. Duff, Alarie, Brooks, Philipps, Canadian Income Tax Law, 3rd ed.
2. Income Tax Act, latest edition

Professor David G. Duff is a full time member of the UBC Faculty of Law.

LAW 220.002 **Taxation I** Term 1 Term 2

Taylor, M.

Course

3 CREDITS

COURSE ADDED.**CHANGE: Course description.**

Income tax is the largest source of government revenue in Canada and is an important instrument for expressing social values and delivering social policies. In addition, income tax considerations arise in almost every area of legal practice. This course examines the structure and scheme of the Income Tax Act through a careful reading of statutory provisions and judicial decisions. Topics that will be covered include tax policy and structure; reading the Act; statutory interpretation; the various categories of income defined in the Act and the rules for computing income; administrative issues such as how and when to file tax returns; liability for interest, penalties and criminal prosecution; the powers and responsibilities of the Canada Revenue Agency; avenues for disputing or appealing a tax assessment; and the problem of tax avoidance and judicial and statutory responses to it.

Teaching will be primarily a lecture format with some class discussion.

Evaluation:

Evaluation will be by a 100% final exam. Not-for-credit review exercises will also be distributed periodically and will be discussed briefly in class.

Reading materials:

1. Canadian Income Tax, 4th edition. Duff, Alarie, Brooks, Loomer, Phillips
2. Income Tax Act, latest edition (to be distributed free of charge)
3. Additional materials to be distributed by the instructor or available for free online

Michael Taylor (B.A. Hons. (Alberta 1996), LL.B. (UBC 1999), LL.M. (UBC 2006)) is a Senior Counsel with the Tax Law Services Portfolio of the Department of Justice Canada in Vancouver. He was called to the Bar of Alberta in 2000 and the Bar of B.C. in 2002 and has practiced exclusively tax litigation since 2000. He represents the Canada Revenue Agency in income tax and GST appeals to the Tax Court of Canada, Federal Court of Appeal and Supreme Court of Canada, and in provincial tax appeals to the British Columbia Supreme Court. He has made numerous internal training presentations to the Department of Justice and Canada Revenue Agency and he appeared as a speaker at the B.C. Provincial Tax Conference in 2006 and 2007.

LAW 230A.001 **Business Organizations** Term 1 Term 2

Paterson

Course

3 CREDITS

This course provides an introduction to the law of corporations in British Columbia. Although reference will be made to laws in other jurisdictions, the emphasis will be on the B.C. Business Corporations Act and the surrounding common law. The course explains the nature of the corporation and its formation and management. The powers and duties of directors are discussed in detail and the rights of shareholders examined.

Required Materials:

1. Ziegel, Daniels, et al., Partnerships and Business Corporations (4th ed.)
2. Business Corporations Act S.B.C. 2002, c. 57

Evaluation:

There will be a 2 hour open-book final examination.

Previously Corporations I.

Professor Bob Paterson is a full time member of the UBC Faculty of Law.

LAW 250.001 Trusts Term 1 Term 2 Pavlich

Course 3 CREDITS

The course deals with Canadian principles and rules that regulate and enable management of social and business affairs through express, resulting and constructive trusts. The course aims to provide grounding in trust law by setting out its doctrinal foundations through the perspectives of history, policy, practice, case-precedent and statute. It reviews how various types of trusts are constituted and terminated. It covers the roles of the settlor, trustee and beneficiary and considers the major rights and obligations that characterize the relationships between them. Emphasis is placed on the trustee's rights and obligations in the proper administration of trusts. It also reviews selected remedies available to beneficiaries in circumstances of breach or interference with their rights.

Required: Casebook

Suggested Reading:

1. D. Waters, Law of Trusts in Canada, 3rd edition (2005)
2. E. Gillese and M Milczynski, Law of Trusts, 2nd edition (2005)

Evaluation:

100% Final Examination.

Professor Dennis Pavlich is a full time member of the UBC Faculty of Law and is Vice President, Legal and External Affairs of UBC.

LAW 250.002 Trusts Term 1 Term 2 Smith, J.

Course 3 CREDITS

CHANGE: Classroom change.

This course aims to provide a grounding in the operation of the Canadian law of trusts. We will begin with an introduction to express private trusts, covering their establishment, participants and operation. Duties and powers of trustees and breaches of trust duties and their consequences will be addressed in some detail. Purpose trusts (including charitable trusts) will then be addressed, followed by an overview of remedial (resulting and constructive) trusts and related concepts, including fiduciary relationships and unjust enrichment. If time permits we will review the functional operation of trust principles in relation to particular kinds of trusts, including pension trusts.

Evaluation:

Final open book examination 100%.

John Smith [M.A., B.C.L. (Oxford University)] is a senior partner with Lawson Lundell LLP where he has practised since 1981. Prior to 1981 he taught law (including trusts) for six years, which included two years at UBC from 1975-77. He has had very broad experience dealing with business law issues for 30 years in relation to many of British Columbia's leading enterprises, ranging from large corporations to family companies to fiduciaries, in many industries including mining, terminal operations and transportation, forestry, investment funds and consumer products. He is recognized in various directories including the Lexpert/ALM Guide to the Leading 500 Lawyers in Canada and in Woodward/White's The Best Lawyers in Canada. He was Lawson Lundell's managing partner from 2007 to 2009.

LAW 270B.002**Civil Procedure**

Term 1 Term 2 Goulden Berger Course 3 CREDITS

We will study the conduct of civil actions in the B.C. Supreme Court. Students will become acquainted with the Supreme Court Rules of Court and the common law governing procedure.

Various procedural problems will be examined from two points of view:

- (a) that of the practitioner who must understand the workings of the Rules and consider strategic and ethical issues in order to conduct a case effectively; and
- (b) that of the student of the law who should question the assumptions underlying procedural rules and postulate strategic solutions.

The emphasis will be upon the pre-trial stages of proceedings. Memorizing the Rules and procedure will not be necessary, but an understanding of the basic structure of a civil lawsuit and a recognition of procedural problems and related strategic and ethical issues will be expected.

Required Materials:

1. Bouck, Dillon and Turriff, British Columbia Annual Practice, current edition
2. Supplementary materials

Evaluation:

100% Final examination.

James Goulden (B.Com. (University of Calgary 1989), LL.B. (UBC 1992)) is a partner in the dispute resolution and litigation department with Bull Housser LLP in Vancouver. Mr. Goulden's practice is focused in the areas of commercial, land, administrative and local government litigation. Mr. Goulden has conducted a broad range of commercial cases at all levels of court in British Columbia, as well as the Federal Court of Canada and various administrative tribunals.

Ryan Berger (B.A. (Lee College 1994), LL.B. (UBC 1998)) is a partner in the dispute resolution and litigation department with Bull Housser LLP in Vancouver. Mr. Berger's litigation practice is focused in the areas of land, local government and employment. Mr. Berger also heads the firm's information and privacy practice. Mr. Berger has litigated at all levels of court in British Columbia, the Federal Court of Canada and various administrative tribunals.

LAW 270B.003**Civil Procedure** Term 1 Term 2

Nathanson

Crerar

Course

3 CREDITS

CHANGE: Course description.

This course has the following objectives:

1. Introduce the fundamentals of civil procedure and familiarize students with the progress of a civil action.
2. Provide a theoretical framework for the rules of procedure and identify the values and policies on which the rules are based.
3. Place these rules in a practical context to encourage future practitioners to wield them in a responsible, strategic, ethical, and cost-effective manner.

Required Materials:

1. David Crerar and Andrew Nathanson, Law 270 Civil Litigation Casebook, 2014 edition.
2. Janet Walker, et al. The Civil Litigation Process: Cases and Materials, 7th ed. (Toronto: Emond Montgomery Publications Ltd., 2010).
3. Dillon and Turriff, British Columbia Annual Practice 2014 (Canada Law Book) (the "White Book") (or alternatively, Seckel & MacInnis, British Columbia Supreme Court Rules 2014, (the "Black Book")) (the Rules are also available online: http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/168_2009_01).

Evaluation:

The evaluation method in this course will be by a 90% closed-book final examination set during the Faculty examination period. The remaining 10% will be based on the two brief and simple pass-fail assignments: a short pleadings drafting exercise and a short 1-page report of an independent visit to Supreme Court Civil Chambers. Additional marks may be given for class participation, at the discretion of the instructors.

Andrew Nathanson (B.A. (UBC, 1992), LL.B. (University of Toronto, 1995)) is a partner with Fasken Martineau DuMoulin LLP in Vancouver. He practices in the areas of commercial litigation and white-collar crime. He has appeared before the Supreme Court of Canada, the B.C. and Federal Courts of Appeal, the B.C. Supreme Court and the Supreme Court of the Yukon Territory. Mr. Nathanson's practice includes complex commercial disputes, often involving claims for interim relief; shareholders' disputes; and fraud and other white-collar crime. Mr. Nathanson also has an interest in constitutional law. His cases have involved the constitutionality of Insite, Vancouver's supervised injection site, the jury secrecy rules; federal election laws; and the right of accused persons to a state-funded defence. Mr. Nathanson has been a contributor to CLE and is an occasional guest instructor in Advanced Trial Advocacy.

David Crerar (B.A. Hons (University of Toronto 1991), LL.B (University of Toronto 1997)) is a partner in the Commercial Litigation Group of Borden Ladner Gervais LLP. He practices civil and commercial litigation, with a focus on business defamation, media law, internet law, banking, pension, and fraud. He has appeared before the Court of Appeal, Supreme Court, and Provincial Court of British Columbia, as well as the Federal Court and before various tribunals, mediations, and arbitrations. He has published in the areas of defamation, torts, injunctions, conflicts of law, civil procedure, banking and pensions law, and freedom of expression, and has contributed to many continuing legal education seminars as an author, lecturer, and chair.

LAW 306.001 **Corporate Social Responsibility and the Law** Term 1 Term 2

Richardson

Seminar

4 CREDITS

This course fulfills the Law & Society requirement for students admitted prior to 2012W and the Seminar requirement for all students.

The governance of business corporations is one of the most pressing challenges for all societies. Corporations are engines of economic development and prosperity, yet also are sometimes implicated in human rights, labour, environmental or other ethical problems. A global movement for corporate social responsibility (CSR) has emerged in recent decades, seeking to grapple with these challenges while harnessing the law in novel ways.

Focusing on relevant developments in Canada and some international examples, this small group seminar examines how CSR is shaped by business law, environmental regulation and human rights, as well as voluntary codes and other "soft law" standards. The seminar focuses on the legal mechanisms to promote corporate social and environmental accountability, as explored through topical case studies of sectors and issues including the food industry, the "beauty" industry, socially responsible investment and global extractive industries. With the class restricted to 20 students, this intimate seminar is conducted through a mix of lectures, class discussions, films, role-plays, problem exercises, and other participatory activities.

Evaluation:

The seminar is graded on a research paper of between 8,000 to 10,000 words (80% of the grade), and class participation (20%). Students select their own research paper, in consultation with the course instructor, by preparing a brief outline of their proposed topic.

Professor Benjamin Richardson is a full time member of the UBC Faculty of Law, and is Director of the Centre for Law and Environment, and holds the Canada Research Chair in Environmental Law and Sustainability.

LAW 307.001 **Women, Law and Social Change** Term 1 Term 2

Cochard

Course

3 CREDITS

Cross-listed with GRST 303.001. This course fulfills the Law & Society requirement for students admitted prior to 2012W.

This course examines the relationship between law and social change with a focus on the historical and current struggles to make the legal system more responsive to the lived realities of women, taking into account differences among women. Women have at one time or another been excluded from a wide range of legal rights and responsibilities including higher education, political office, voting and the professions. In Canada, the law has played an important role in the ongoing struggle for full equality and citizenship. Yet not everyone would agree that law has the potential to answer demands for fundamental change or to respond to women's diverse realities. We explore these themes and debates through a series of case studies informed by theoretical perspectives. Topics include legal education, legal personhood, legal language, judicial bias, myths and stereotypes about women and other groups, sexual assault, women's work, child custody, abortion and midwifery, aboriginal women and property, judicial decision-making, equality rights, and same sex marriage.

Evaluation:

Evaluation will be by way of a combination of in class assignments and a research paper.

Renee Cochard

LAW 310D.001 Economic Analysis of Law Term 1 Term 2 Cui*Seminar***4 CREDITS**

This course fulfills the Law & Society requirement for students admitted prior to 2012W and the Seminar requirement for all students.

This seminar offers a selective introduction to the economic analysis of the law. The law and economics movement has had a tremendous impact on both the study and the practice of law. We will examine some of the classic theorems and “results” of this influential research approach in the areas of property, contract, torts, and civil procedure. We then consider how the theories of law and economics in these areas differ from the theoretical frameworks adopted in certain other areas of legal studies, such as legislation, taxation, and corporate law, where the development and application of economic (and social scientific) research arguably predated the law and economics movement. Finally, we will consider some of the philosophical and methodological controversies surrounding the economic analysis of law.

Evaluation:

20% class participation, 40% for each of two short papers (not to exceed 3000 words each).

Professor Wei Cui is a full time member of the UBC Faculty of Law.

LAW 312B.001**Topics in Philosophy of Law & Theoretical Perspectives****Law, Culture, & Identity** Term 1 Term 2

Renteln

Seminar

2 CREDITS

This course fulfills the Law & Society requirement for students admitted prior to 2012W. This intensive seminar will meet Feb 3-7 & 11-14. Class will be held in room 114 Feb 3 and room 335 Feb 4-7 & 11-14. Registration time conflicts are allowed for this seminar.

SEMINAR ADDED.

How individuals and groups attempt to control symbolic representations of their identities through the law? In this course we will examine mechanisms designed to safeguard images and symbols associated with personal and collective identities in various fields of law including constitutional law, employment law, intellectual property law, and international human rights law.

Individuals challenge the use of their images or those of their relatives through “right of publicity” lawsuits. They also seek to control the choice of their surnames in court, as when countries require women to take the names of their husbands. Criminal statutes regulating identity theft serve as another illustration of the problematic nature of attempting to control the use of individual identities through law. With respect to maintenance of groups’ identities, we consider controversies over dress codes, monolingual policies, foodways, team mascots in sports, the cultural defense, landscape nomenclature, and sacred sites. Our analysis includes the role of law in influencing collective identities such as laws designed to prevent or discourage the existence of extremist groups. These include anti-masking laws intended to outlaw activities of radical ring wing organizations, anti-sect statutes designed to prohibit “cults” or “new era religions,” and hate speech regulations drafted to prevent the advocacy of race hatred. Among the more important debates we analyze is interethnic conflict in the global arena and international instruments. In the final part of the course we study the ability of international tribunals to safeguard cultural identity.

Readings for the course include theories of identity for individuals and groups, jurisprudential texts, analytic essays on various policy debates, and court cases.

Evaluation:

Seminar participants will write a 15-20 page research paper and make two class presentations on assigned readings.

Grading:

Honours/Pass/Fail

Alison Dundes Renteln (J.D. (University of Southern California Gould School of Law), Ph.D., Jurisprudence and Social Policy (University of California, Berkeley)) is a Professor of Political Science, Anthropology, Law, and Public Policy at the University of Southern California. She has worked with the United Nations on the Convention on the Rights of Persons with Disabilities, the American Bar Association rule of law programs, and several California Civil Rights Commissions. She currently serves on the California Judicial Council’s cultural competency working group. Professor Renteln is at UBC as a Walter S. Owen and Douglas McK. Brown Visiting Chair in Law.

LAW 312C.001**Topics in Philosophy of Law & Theoretical Perspectives****Natural Law in Theory & Practice** Term 1 Term 2

Trotter

Seminar

3 CREDITS

This course fulfills the Law & Society requirement for students admitted prior to 2012W.

Until the relatively recent ascendancy of positive law, the Western legal tradition, and particularly the common law, was understood from a Natural Law perspective – i.e. that the law exists somewhere beyond our charters, statutes, and legal textbooks, and that the job of practitioners and the courts is to discover and elucidate its principles in the context of particular cases.

To many practitioners and law students, there remains something relevant and compelling about such an understanding of the law. It promises to provide a robust and consistent framework by which to be able to evaluate whether a law is just or unjust, and how to approach the core Constitutional conundrum for the modern liberal state – the ‘balancing’ of ‘competing [positive] rights’. It also has the potential to better integrate with the philosophical or religious approaches by which many people live their lives.

This course will begin with a concentrated introduction to Natural Law Theory. Drawing upon authors as diverse as Blackstone and current University of Texas Austin professor J. Budziszewski, we will explore the core principles of the Natural Law perspective, both historically and contemporarily. Guest teachers will be used where possible, such as professors from UBC’s sister institution of Regent College. Students are encouraged to explore the intersection of their own philosophical or religious beliefs with Natural Law theory, both where they agree, and where they do not.

The course then shifts into applying the Natural Law perspective to contemporary Canadian legal problems seen through the lens of recent cases, and those now appearing on the horizon. Problems explored will include freedom of religion (e.g. TWU; Saskatchewan Marriage Commissioner Reference); free speech (e.g. Kempling; Pridgeon; Whatcott); school curriculum and governance issues (e.g. Commission scolaire des Chenes; Ontario Accepting Schools Act); public prohibitions and regulations based on Natural Law understandings of the role of the state in society (assisted suicide/Carter; prostitution/Bedford; drug policy/PCS); and other topics of interest to students in the class. Where possible, guests will include counsel in the cases we are considering. We will discuss breaking cases as they come to our attention through the news. The approach in this second portion of the course is a truly practical one – i.e. how can we, as lawyers, not only think through a Natural Law lens, but also ‘translate’ Natural Law concepts into contemporary legal language and principles so that they can be brought to bear in the courtroom?

Evaluation:

-Preparation for and active participation in weekly seminar: 25%. Depending on the size of the class, this component of the mark will likely include each student taking a turn leading a class discussion about one of the cases explored in the second portion of the course.

-a term paper devised in consultation with the instructor of no more than 25 pages: 75%. Students are encouraged to write their term papers with a view to submitting them for publication in a law journal after the course concludes, or in factum format as if filed in court, although this is not a requirement.

Geoffrey Trotter (B.A., J.D. (UBC)). While a student, one of his term papers was published in the Saskatchewan Law Review on the topic of religious freedom rights of marriage commissioners. He clerked with the BC Supreme Court, articulated at Bull Housser & Tupper LLP, and then practiced civil litigation and administrative law at the downtown Vancouver firm of Gudmundseth Mickelson LLP until early 2013. He currently runs his own civil litigation and mediation practice (www.gtlawcorp.com). Mr. Trotter has acted as lead or co-counsel in a number of cases dealing with freedom of religion, freedom of speech, and other issues where he brings natural law perspectives to bear in courtroom-appropriate ways, including his March 2013 representation of an intervener before the BC Court of Appeal in the Carter v. Canada physician-assisted suicide case. As this is the first time this course is being offered, students are welcome to contact Mr. Trotter at 604-678-9190 with any questions they may have prior to registering.

LAW 312D.001**Topics in Philosophy of Law & Theoretical Perspectives****Law and Literature** Term 1 Term 2

Liston

Seminar

4 CREDITS

This course fulfills the Law & Society requirement for students admitted prior to 2012W and the Seminar requirement for all students.

This seminar examines the relationship between law and literature in order to address the following questions:

- How are legal institutions, norms, and processes portrayed in literature?
- How has an author's legal education affected their writing?
- How is narrative used in legal writing, particularly in judicial opinions?
- What are "legal fictions"?
- What can we learn about legal interpretation from literary interpretation?

The seminar provides an opportunity to think about the law differently by critically examining and reflecting on works of fiction. We will also engage with problems in practical legal writing by considering how judges write, the skills of legal reasoning and persuasion, and different approaches to legal interpretation.

Representative texts include: Herman Melville's *Billy Budd*, Franz Kafka's *In The Penal Colony* as well as some of his legal briefs, Thomas King's *A Coyote Columbus Story*, Hilary Mantel's, *Bring up the Bodies*, William Shakespeare's *Measure for Measure*, Akira Kurosawa's film *Rashomon*; David Guterson's *Snow Falling on Cedars*; Julian Barnes' *Arthur and George*; and, Kazuo Ishiguro's *Remains of the Day*.

Representative cases include: *Lloyds Bank Ltd v Bundy* [1975] QB 326 [narrative techniques]; *R v Duncan*, 2013 ONCJ 160 [judicial creativity]; *Delgamuukw v British Columbia* [1997] 3 SCR 1010 [oral tradition]; *Cojocarú (Guardian Ad Litem) v British Columbia Women's Hospital and Health Center*, 2013 SCC 30 [judicial plagiarism].

Representative thinkers include: Robert Cover, Ronald Dworkin, William Eskridge, Stanley Fish, Lon Fuller, Martha Nussbaum, Richard Posner, and James Boyd White.

A background in literary studies is not required. Seminar participants are expected to read the texts closely and be actively engaged in seminar discussions.

Evaluation:

- 15% Active weekly seminar participation
- 15% Act as discussion leader for one seminar class
- 20% 2 short assignments
- 50% A 20-page research essay devised in consultation with the instructor

Mary Liston is a full time member of the UBC Faculty of Law.

LAW 312D.002 Topics in Philosophy of Law & Theoretical Perspectives Empirical Methods in Law
 Term 1 Term 2 Lin Seminar 4 CREDITS

This course fulfills the Law & Society requirement for students admitted prior to 2012W and the Seminar requirement for all students.

This course is to introduce students to a fast growing area of legal scholarship and practice—the use of empirical techniques. The goal of this course is to equip students with skills to critically evaluate empirical evidence that may be used in legal issues and public policy debates. The course will cover basic concepts and methodologies in doing empirical research, including the design and conducting of surveys and experiments, the collection and use of archival data, and the use of statistical techniques. Statistical software packages will be used to carry out assignments. No prior familiarity with statistics or empirical techniques is required.

Required Materials:

Robert Lawless et al., *Empirical Methods in Law*, Aspen (2010)

Evaluation:

Final paper 70%
 Homework/Assignments 15%
 Class participation 15%

Assistant Professor Li-Wen Lin is a full time member of the UBC Faculty of Law.

LAW 315D.001 Topics in Legal History
 Term 1 Term 2 Harris, D. Seminar 4 CREDITS

This course fulfills the Law & Society requirement for students admitted prior to 2012W and the Seminar requirement for all students.

This seminar will provide students with an opportunity to engage with the idea of property, through the study of property law in its social context and legal setting, and as it changes over time. The seminar will explore historical methods in relation to legal methods of research and writing, and will equip students to undertake a significant legal/historical research project.

The seminar will be built around assigned readings and classroom discussion. It will appeal to students interested in legal history, property law, legal theory, environmental and natural resource law, intellectual property, and Aboriginal peoples and the law, and to students interested in working across the disciplines of law, geography, and history.

Evaluation:

Students will be evaluated on their participation in class, a short written critique, a class presentation, and a research paper.

Douglas C. Harris is the Nathan T. Nemetz Chair in Legal History at the UBC Faculty of Law (<http://faculty.law.ubc.ca/harris/>).

Professor Doug Harris is a full time member of the UBC Faculty of Law.

LAW 316.001 International Law Term 1 Term 2 Mickelson, K. *Course* 3 CREDITS

This course fulfills the Law & Society requirement for students admitted prior to 2012W.

This course will provide an overview of the international legal system, with a focus on its basic concepts and processes. While the course will touch on a number of different substantive areas (the use of force, international human rights, international criminal law and/or international environmental law), and provide students with a sense of how international law has responded to the challenges that these areas have posed, the main goal is to arrive at some overarching insights into the operation of the international legal system and its future possibilities. By the end of the course, students should have gained an understanding of the basic structure and process of the international legal process, acquired a working knowledge of a number of core doctrines, customary rules and emerging principles, and achieved an awareness of some of the major theoretical and conceptual debates that underlie the field.

Evaluation:

Evaluation in this section is based on: a final, open-book examination (90% of the overall grade) and class participation (10% of the overall grade). Students have the option of writing a research essay of 2500-3000 words for 30% of the overall grade; this would reduce the examination mark to 60% of the final grade.

Professor Karin Mickelson is a full time member of the UBC Faculty of Law.

LAW 319C.001 International Human Rights Term 1 Term 2 Stewart, J. *Course* 3 CREDITS

This course provides students with a comprehensive overview of human rights in international law. The course will have three phases:

Phase 1 deals with the development and internationalization of human rights within international law. It will explore how and why this process took place, then assess the extent to which these standards reflect universal notions of value, fairness and justice. As part of this process, we will compare and contrast several specific rights regimes, involving civil/political as well as economic, social and cultural rights.

Phase 2 explores implementation mechanisms for human rights standards, be they global, regional or domestic. Through this phase of the course students not only learn about the practical mechanisms available for voicing human rights complaints before judicial fora, they also obtain a vision of possible avenues of working in this field, and have the opportunity to reflect on the strengths and weaknesses of human rights as a system.

Phase 3 assesses modern societal problems from human rights perspectives, with a specific focus on the role of corporations in a globalized economy. We will spend some time at the beginning of class identifying issues that are specially interesting to us as a group, but we could address labour rights in the textile industry, rights to healthcare in light of pharmaceutical patents, environmental degradation from oil mining or any related issue.

The course is ideally suited to those who have inquiring minds, are broadly interested in justice, like to participate in respectful dialogue from potentially radically different viewpoints, and enjoy a mixture of theory and practice.

Evaluation:

20 % participation in class, option of 80% paper or 80% final exam.

Professor James Stewart is a full time member of the UBC Faculty of Law.

LAW 321D.001 Law of Armed Conflict International Humanitarian Law
 Term 1 Term 2 Stewart, J. Seminar 4 CREDITS

This course fulfills the Law & Society requirement for students admitted prior to 2012W and the Seminar requirement for all students.

International humanitarian law (IHL) is also known as the law of war. Although this body of international law enjoys a long history, it is most commonly associated with the Geneva Conventions. In fact, it is significantly richer, and has vital importance for a range of contemporary issues. For instance, IHL governs use of torture in the war on terror, the basis for detention at Guantanamo Bay, the use of rape as a weapon of war in the Congo, and the legality of corporate practices in conflict zones. Equally importantly, violations of certain aspects of IHL constitute war crimes, making IHL a central pillar in modern international criminal law. This class is ideally suited to interested in warfare and its limits.

Professor James Stewart is a full time member of the UBC Faculty of Law.

LAW 322C.001 International Law Problems Criminal Law: Extradition from Canada
 Term 1 Term 2 Majzub Strachan Course 3 CREDITS

This course fulfills the Law & Society requirement for students admitted prior to 2012W.
COURSE CANCELLED.

Extradition is the process by which states surrender persons to other states or international tribunals to face criminal proceedings. Extradition from Canada constitutes a unique convergence of domestic criminal law, international treaty law and political discretion. This course provides an introduction to proceedings under the Canadian Extradition Act. It explores the principles and tensions underlying international extradition, the substantive law and procedure relating to the extradition process in Canada, and the distinct roles played by the judiciary and the executive. Special topics will include the impact of the Charter on extradition proceedings, human rights considerations including allegations of torture and the prospect of the death penalty, defence approaches to extradition cases, and challenges presented by a Canada-China extradition relationship.

This course is ideally suited for those interested in criminal law, transnational legal issues and human rights.

Evaluation:

Exam or paper – 80%

Participation – 20%

Readings:

Case law and journal articles

Diba Majzub [LL.B. (University of Victoria), LL.M. (Columbia University)] is counsel with the Criminal Law and International Assistance Group of the Department of Justice, Canada. He has conducted a wide range of extradition and mutual legal assistance matters in the B.C. Court of Appeal and Supreme Court of British Columbia, has worked as a prosecutor for the Public Prosecution Service of Canada and served as a legal officer with the United Nations Mission in Kosovo dealing primarily with war crimes and terrorism cases.

Deborah Strachan [B.A. (UBC), LL.B. (Osgoode Hall), LL.M. (University of London - L.S.E.)] is Senior Counsel with the Criminal Law and International Assistance Group, Department of Justice Canada, B.C. Regional Office in Vancouver. Ms. Strachan has handled a variety of high-profile extradition and mutual legal assistance cases, including USA v. Burns (extradition to the death penalty), Italy v. Seifert (war crimes), and Thailand v. Saxena (bank fraud which triggered the '90s Asian financial crisis). She is also counsel on a variety of criminal and Charter litigation at the trial and appellate levels including the recent Polygamy Reference.

LAW 324D.002 Topics in International Law & Transactions Global Governance
 Term 1 Term 2 Sarfaty *Workshop* **4 CREDITS**

WORKSHOP CANCELLED

Galit Sarfaty is a full time member of the UBC Faculty of Law.

LAW 325.001 Conflict of Laws
 Term 1 Term 2 Edinger *Course* **3 CREDITS**

Cases brought before a B.C. court often involve so-called "foreign" elements, that is, connections with jurisdictions other than British Columbia. This course involves a survey of the ways in which such foreign elements may lead the court to take account of foreign systems of law.

There are three areas in which such foreign elements play an important role:

1. Jurisdiction. When will a British Columbia court exercise jurisdiction in a case involving a "foreign" element?
2. Choice of Law. When will a British Columbia court receive evidence of, and subsequently apply, foreign law in a case brought before it?
3. Recognition and Enforcement of Foreign Judgments. When will the decision of a court outside British Columbia be regarded in this province as creating enforceable rights?

The areas in which choice of law will be discussed include matrimonial causes, contracts, torts, and property.

Required text:

Blom, Edinger, Pitel, Rafferty, Saumier, Walker & Walsh, *Private International Law in Common Law Canada* (Emond Montgomery, third edition)

Evaluation:

There will be a compulsory final 3-hour open-book examination.

Professor Liz Edinger is a full time member of the UBC Faculty of Law.

LAW 325.002**Conflict of Laws** Term 1 Term 2

Blom

Course

3 CREDITS

Conflict of laws, also known as private international law, is concerned with how our legal system handles issues of private law that are connected with law districts besides our own. Because, as far as private law is concerned, Alberta is as much a "foreign" law district as B.C., this subject applies to interprovincial cases as well as international ones.

Also, the conflict of laws is itself a branch of provincial law, in the sense that the way in which B.C. law handles interprovincial or international cases may not be the same as the way in which, say, English or Oregon law handles them. There is no universally accepted set of rules in the conflict of laws. But once you understand the rules applied in B.C. you automatically understand the rules throughout common law Canada because they are the same aside from statutory variations. And knowing the B.C. rules gives you a good start on understanding the rules in the U.K., the U.S. and other jurisdictions (which we will also look at now and then for comparison).

The rules of the conflict of laws fall into three branches. They determine when a B.C. court can hear a case involving people or facts connected with other law districts (jurisdiction); when a judgment from outside B.C. will have legal effect in B.C. (foreign judgments); and when a B.C. court will be required to apply, in making its own decision, the law of another law district (choice of law).

Lawyers can encounter interprovincial or international cases in any branch of private law. An understanding of the conflict of laws is essential for any lawyer who advises on problems like the following: What law applies to a contract being made between parties in different law districts, and where can each party sue the other? How should a B.C. resident respond if she is sued in another province or another country? Is somebody who married his first cousin in Brazil and divorced her in Las Vegas considered married in B.C.? Should a person make a separate will for her property in each law district where she has assets? This course discusses how you go about finding the answers to such problems.

Materials:

Required casebook for this section: N. Rafferty (gen. ed.), *Private International Law in Common Law Canada*, 3rd ed. (Emond-Montgomery, 2010).

Evaluation:

There will be a compulsory final, limited open-book examination. The casebook, any handouts and the student's own notes can be used in the examination room, but no other materials.

Professor Joost Blom is a full time member of the UBC Faculty of Law.

LAW 326D.001**Globalization and Law****Regional Trade in the Americas** Term 1 Term 2

Biukovic

Seminar

4 CREDITS

This course fulfills the Law & Society requirement for students admitted prior to 2012W and the Seminar requirement for all students.

This seminar aims primarily to introduce students to the world of economic integration agreements at the regional and sub-regional levels and their impact on the world trading system and national law and policy making. It focuses on the proliferation of trading arrangements in the Americas and examines history, law and institutions of several sub-regional integration arrangements such as: the North American Trade Agreement (NAFTA), Common Market of the South (Mercosur), the Andean Community, and Central American Common Market (CAMC), to name but a few. It also examines the role of Canada in regional trade and integration processes. Although economic integration through free trade agreements initially gained precedence because they were models favoured by the European Union and the US, the principal actors in world trade, the current landscape of trade and investment agreements has been changing due to the increased economic power of emerging countries such as China, India and Brazil. The case studies of the regional trade in the Americas offer a comprehensive resource for the analysis of a variety of trade and investment arrangements among developing countries. The seminar topics are divided into three major themes: (a) development of regional and sub-regional integration projects (comparison of strategies of integration, institutional structures and different character of sub-regional free trade agreements, customs unions and common markets), (b) substantive content of integration and their coverage (snapshot of trade in goods and services, investment, and linkages between trade human rights that affect political, economic and social dimensions of integration), and (c) impact of proliferation of trade agreements in the Americas on WTO and other regional arrangements in Europe, Asia and Africa.

Evaluation:

Class participation 30% and final essay 70%.

Professor Ljiljana Biukovic is a full time member of the UBC Faculty of Law.

LAW 327C.001**International Trade Law** Term 1 Term 2

Paterson

Course

3 CREDITS

This course provides an introduction to the law and practice of international trade law. The principal provisions of the World Trade Organization Agreement and the North American Free Trade Agreement will be examined, along with sample disputes and the implementing provisions in Canadian law.

Required Materials:

Casebook from the UBC Bookstore.

Evaluation:

Two hour, open-book exam.

Professor Bob Paterson is a full time member of the UBC Faculty of Law.

LAW 334B.001 Introduction to Asian Legal Systems Asian Legal Systems
 Term 1 Term 2 Matsui Potter Course 3 CREDITS

This course fulfills the Law & Society requirement for students admitted prior to 2012W.

This course plans to offer introduction to the legal systems of Asia, focusing on the People's Republic of China, Japan, Korea and Vietnam. The course has two objectives. The first is to learn the basic skills of comparative law based on the introduction of purposes and method of comparative law outlined in the Transnational Law course by discussing the proper comparative approach in Asian context. The second is to introduce basic aspects of legal systems of each country as related to certain common themes: law and economic development, law and social change, and the growth of civil society. The course is scheduled to have five components: (1) the Chinese component (Potter) , (2) the Japanese component (Matsui), (3) the Korean component (4) the Vietnamese component, and (5) wrap-up sessions regarding the similarities and differences among four countries.

Evaluation:

70% paper, 30% final exam.

Professor Shigenori Matsui is a full time member of the UBC Faculty of Law.

Professor Pitman Potter is a member of the UBC Faculty of Law and Director of the UBC Institute of Asian Research.

LAW 336.001 Chinese Law: Implications for
Canada-China Relations
 Term 1 Term 2 Potter Course 3 CREDITS

This course fulfills the Law & Society requirement for students admitted prior to 2012W.

This seminar course will provide a survey of the PRC legal system and implications for Canada-China relations. Brief introduction to Taiwan law will be included. Class discussion and student participation are expected. The class will meet once each week (Wednesdays 9:30am-12:30pm), in Room 112. Reading materials will include statutory texts and commentary from academic and policy specialists. Students will be scheduled to lead specific sessions of the seminar, during which they will be responsible for providing and leading discussion on a set of discussion questions related to the assigned readings.

Evaluation:

Assessment based on two written assignments: (a) documentary analysis of official and semi-official documents and (b) research paper on a topic related to Chinese law and approved by the Instructor.

Professor Pitman Potter is a member of the UBC Faculty of Law and Director of the UBC Institute of Asian Research.

LAW 338B.001 Japanese Law Business Law in Japan
 Term 1 Term 2 Matsui Seminar 3 CREDITS

This course fulfills the Law & Society requirement for students admitted prior to 2012W.

This seminar is designed to introduce business law in Japan. Japan is the third largest economy in the world and its business law is very important to do business with Japanese companies. Moreover, there are many distinctive features in Japanese business law, so different from Canadian law. The seminar first outlines the general legal system and legal process, such as historical development of law, the judicial system, judges, attorneys, prosecutors, legal education system and judicial procedure. Then, it examines various fields of law related to business, including the basic constitutional foundation (structure of the government and protection of economic freedoms), basic rule of private law (contract and tort), basic issues in business law (corporation law, corporate governance, derivative suits, anti-trust regulation, security regulation, and protection of intellectual property rights), and business related issues (labour law and environmental law). There are no pre-requisites for taking this seminar.

Evaluation:

Term paper 70%, Class participation 30%.

Syllabus:

<http://faculty.law.ubc.ca/matsui/text/English04.htm>.

Professor Shigenori Matsui is a full time member of the UBC Faculty of Law.

LAW 341C.001 European Union Law
 Term 1 Term 2 Biukovic Course 3 CREDITS

This course is an introduction to the law and institutions of the European Union (EU). It examines the thorny questions of the relationship between EU Law and the law of the member states, the unique constitutional and political arrangement between 27 member states in the light of the Lisbon Treaty, and it considers the relationship between EU Law and international law. From its beginnings in the 1950s as a common market, the European Union has been invested with responsibilities going well beyond its original mandate of trade and commerce including environment, natural resources, justice and home affairs, a single currency, human rights and other matters. All of this is set forth in a series of treaties supplemented by law made by three of the Union's main institutions, the Council, Commission, and Parliament, and amplified and interpreted by another, the Court of Justice of European Union. The first part of the course is devoted to the examination of the origins of the EU and its various treaties. It will also examine EU institutions and how they work. The second part examines economic integration of the EU member states by focusing on legal rules and concepts of the EU internal market applicable to the 'four freedoms' or free movement of persons, goods, services, and capital. Fundamental rights and EU citizenship are considered as well.

Evaluation:

Evaluation will be by means of class participation (10%), one short assignment (20%) and a final research paper (70%).

Professor Ljiljana Biukovic is a full time member of the UBC Faculty of Law.

LAW 342C.001	<u>Topics in Comparative Law</u>	<u>Comparative Law</u>		
<input checked="" type="checkbox"/> Term 1	<input type="checkbox"/> Term 2	Matsui	Course	3 CREDITS

This course fulfills the Law & Society requirement for students admitted prior to 2012W.

This course is designed to give the students basic understanding of two leading traditions of the world: civil law tradition and common law tradition. The course will especially focus on Germany and France as representing the civil law tradition and U.K. and the U.S as representing the common law tradition. The students can learn the similarity and difference between these two legal traditions through examinations of historical background, constitutional system, judicial review, judicial system, legal education and legal profession, interpretation and judicial process and civil procedure. The students can then learn the impact of convergence between these two traditions.

The basic understanding of two legal traditions is vital for legal practice in Canada because lawyers will face increasing number of cases in UK, U.S. and in Europe. Moreover, since Quebec maintains the civil law tradition with respect to civil law, the basic understanding of similarity and difference between these two different legal traditions is essential for anyone who practices in Canada. This course will be also useful for students coming from civil law background to understand the common law tradition of Canada. The course will also give the students basic understanding of comparative law methodology and brief outline of other legal traditions of the world, including Socialist law, Asian law, and Islamic law. The students can then apply this methodology to understand these other legal traditions of the world more fully. This course is also ideal for those students who want to know the American legal system and the difference between Canada and the United States. If you are planning to practice in the United States, the basic knowledge of the American legal and judicial system is essential.

Evaluation:

The students are supposed to write at the end of the semester a paper on one aspect of comparative law. The paper should be at least fifteen-pages long with footnotes or bibliography. The evaluation of the students will be based on the class participation (20%) and the final paper (80%).

Syllabus:

<http://faculty.law.ubc.ca/matsui/text/English04.htm>

Professor Shigenori Matsui is a full time member of the UBC Faculty of Law.

LAW 342D.001 Topics in Comparative Law Comparative Constitutional Law
 Term 1 Term 2 Matsui Seminar 4 CREDITS

This course fulfills the Law & Society requirement for students admitted prior to 2012W and the Seminar requirement for all students.

This seminar is a comparative study of the Canadian Constitutional Law and the American Constitutional Law. The students will learn the differences in the historical background, basic philosophy, structure of the government, and the mechanism of protection of individual rights between Canada and the United States. Specific topics examined will include the foundation of judicial review, federalism principle, the power of the Congress, the power of the states, the power of the President, the power of the judiciary, the mechanism of protection of individual rights, religious freedom, freedom of expression, equality right, and substantive due process. The students will explore why the abortion issue is so controversial in the United States, why defamatory speech is granted such a strong constitutional protection, why hate speech regulation is so difficult in the United States, and why affirmative action to end the racial discrimination is so controversial.

Pre-requisites:

There is no requirement to take this seminar. It would be wonderful if you have basic understanding of the Canadian Constitutional Law, but you can learn the basic principles of the Canadian Constitutional Law by comparing it with the American Constitutional Law by taking this seminar.

Evaluation:

Class participation 30% and final assignment 70%.

The regular attendance in the class is mandatory. I will welcome active student participation in the class discussion. With respect to final assignment, you can pick up any topic you may find interesting and compare the Canadian Constitutional Law with the American Constitutional Law. You can choose the topic covered in the seminar or you can choose other topics you may find interesting so long as the topic is concerned with constitutional issue. The guideline for a paper is about 20 pages, double spaced. I will be happy to give you any advice on the possible topic and the possible resources to compare.

Syllabus:

<http://faculty.law.ubc.ca/matsui/text/English04.htm>

Professor Shigenori Matsui is a full time member of the UBC Faculty of Law.

LAW 342D.002 Topics in Comparative Law Islamic Law and Legal Theory
 Term 1 Term 2 Ahmed Seminar 4 CREDITS

Cross-listed with RELG 475B and RELG 514B. This course fulfills the Law & Society requirement for students admitted prior to 2012W and the Seminar requirement for all students.

"Islamic law" has become something of a proxy in modern debates for larger theories and ideologies. Muslims across the world call for a "return to Islamic law" as a panacea for the ills of modernity. Several states in the United States have introduced bills that would ban Islamic law from being practiced and enforced within their borders. Muslims and non-Muslims contest the definition and applicability of Islamic law, in what has become a heated global argument. Our class will begin with the origins of Islamic law and trace its trajectory alongside the political fortunes and misfortunes of the Muslim empire. We will read primary sources in translation that will help us understand how Muslims conceived of Islamic law, and we will read secondary texts that will situate those conceptions in a socio-historical context. Class lecture and discussion will be centered around complicating our ideas about what is "Islamic" as well as what constitutes "law."

Evaluation:

The class will be evaluated according to the following criteria:

Class Participation: 15% (10%)– Students are required to attend actively participate in every class. The grade is divided between active attendance (10%) and professionalism (5%).

In-Class Presentation: 25% (10%)– Groups of two students will present on a primary source selection that will be provided. The group will lead a class discussion on the selection for 50 minutes. The presentation will be graded based on the following criteria:

-Description: Introduce the text and the author in their historical context and briefly describe their reception-history.

-Analysis: Explain what the author is doing in the text, highlight some of the main points that pull us into the work, and outline the author's method of argumentation.

-Defense: Convince the class the author's method and conclusions are the best way to conceive of the subject.

-Discussion: Create lively discussion around the text.

Research Paper: 60% (80%) – This paper will demonstrate your mastery over the concepts covered in class and in the readings, as well as your ability to integrate that mastery with outside research. You will submit a topic in class on February 25th and the paper will be due via turnitin.com on the date of our scheduled final exam, at the end of the scheduled time. The turnitin ID for the class is 5889876 and the enrolment password is spring2013. (UG: 16-18 pages, G: ~25 pages)

Rumea Ahmed (B.A., Philosophy (University of Maryland, College Park), PhD Religious Studies (University of Virginia 2008)) is a new Assistant Professor in Islamic Studies in the Department of Classical, Near Eastern and Religious Studies at UBC. He comes to us after teaching for three years at Colgate University in upstate New York. Professor Ahmed is an expert in Islamic Law and his first book, entitled Narratives of Islamic Legal Theory, will be published by Oxford University Press in March 2012.

LAW 343B.001 Topics in Public Law Issues in Medical Law: Modern Challenges
 Term 1 Term 2 Goold, I. Seminar 2 CREDITS

This course fulfils the Law & Society requirement for students admitted prior to 2012W. This intensive seminar will meet in Allard 335, 9:00 a.m.-12:00 p.m., Mon-Thurs, Sept 16-19, and Mon-Fri, Sept 23-27. Registration time conflicts are allowed for this seminar.

CHANGE: Dates of class.

This course covers a range of issues raised new medical technologies, centring around the core question of how the law should deal with new challenges that do not fit easily into existing laws. We will focus on three areas:

First, we will examine the regulation of human tissue and body parts, including organ transplantation, bio-banking, consent and transfer issues, and control via property principles.

We will then particularly advance directives about treatment (for patients who lack capacity), refusal of life-saving treatments, withdrawal of care, assisted suicide and euthanasia (active and passive).

We will conclude by looking at how developments in neuroscience that allow us to know more about how people's brains determine their capacities and motivations are affecting the presentation of evidence in trials, and our conception of responsibility in both criminal law and tort. This final section will include an exploration of cognitive enhancement and the issues raised by increasing our mental abilities.

Evaluation

100% research paper: 20 pages. Covers one topic from the course in depth. Topic to be approved.

This seminar will be graded Honours/Pass/Fail.

Imogen Goold

LAW 343B.002 Topics in Public Law**Reproductive Technology and Genetics:
Legal and Ethical Issues** Term 1 Term 2

Cohen

Seminar

2 CREDITS

This course fulfils the Law & Society requirement for students admitted prior to 2012W. This intensive seminar will meet 9:00 a.m.-12:30 p.m., Jan 6, 8, 10, 20, 22 in Allard 335, and Jan 13 & 15 in Allard 111. No class Jan 17 & 24. Registration time conflicts are allowed for this seminar.

Should individuals be able to sell reproductive materials like sperm and ova, or reproductive services like surrogacy? Should the law require individuals diagnosed with diseases like Huntington's diseases to disclose to family members that they too are at risk for the disease? Should prenatal sex selection be a crime? Should federal funds be used for stem cell research? Should law enforcement be able to bank DNA samples collected from suspects and perpetrators? Should doctors be able to patent cell lines developed from their patients' bodies?

Since Watson and Crick's discovery of the double helix structure of DNA in 1953, and the 1978 birth of Louis Brown, the first child conceived through in vitro fertilization, pressing questions like these have propagated. In this course we will cut across doctrinal categories to examine how well the law and medical ethics have kept up, and plot directions for fruitful development.

Topics covered may include: * Prenatal genetic screening and sex selection * Genetic enhancement * The sale of sperm and ova and access to reproductive technology * Surrogacy * Cloning * Preembryo disposition disputes * Wrongful birth, wrongful conception, and wrongful life torts * The parentage and anonymity of gamete donors * Imposition of criminal liability on mothers and third parties for harm to fetuses * The use of genetic information by insurers and employers * The collection of genetic information by the state and the criminal justice system * Biobanking * Chimeras (human-animal hybrids) * The stem cell controversy * The patenting of genes and their derivatives * Research ethics issues involving fetuses and embryos * Pharmacogenomics and Race.

Evaluation:

Evaluation will be by way of class participation and a 6,000 research paper that will be due on March 1, 2014.

This seminar will be graded Honours/Pass/Fail.

Glenn Cohen

LAW 343C.001**Topics in Public Law****Freedom of Expression** Term 1 Term 2

Matsui

Course

3 CREDITS

This course fulfils the Law & Society requirement for students admitted prior to 2012W. This course will meet in Allard B101 on Jan 15.

Should the government be allowed to prohibit the Holocaust denial? Should the government be allowed to prohibit the posting of video showing animal cruelty on the Internet? Does a citizen have a right to construct a billboard protesting to the Chinese government on the sidewalk of the city street in front of the Chinese Consulate? Should a journalist be granted a privilege not to disclose news source? When could the courts exclude the public from the courtroom? To what extent should the government be allowed to regulate the television broadcasting?

This course is intended to provide the students with an opportunity to learn various questions regarding freedom of expression, especially focusing on the freedom of expression of mass media. This course is ideal for students who have learned the basic doctrines of constitutional law to apply its knowledge in specific situations involving freedom of expression.

The course will start with the examination of values of freedom of expression and general theoretical framework, especially focusing whether the mass media should be granted privileged status. The course will then examine various content-based restrictions on speech, such as ban on disclosure of national secret, ban on advocacy of illegal action, regulation of election speech, restriction of other political expression, civil and criminal liability for defamation, civil liability for invasion of privacy, regulation of offensive speech, ban on hate speech, ban on pornography, ban on child-pornography, regulation of sexually explicit expression, and regulation of commercial expression. Then, the course will examine the content-neutral restrictions on freedom of expression and restrictions on newsgathering, including protection of confidential sources. It will also examine the right of access to the government information, including right of access to the courtroom and the right of access to government-held information under the Access to Information Act. The course will also examine the regulation of broadcasting and new media, including the cable television, satellite television and the Internet. Then, the students will face the question of social responsibility of the mass media and the issue of right of access to the mass media.

Throughout the course, the students are encouraged to analyze these constitutional issues under the protection of freedom of expression of the Charter. But the course will also examine various issues presented in other countries, especially in the United Kingdom, the United States, or European countries.

Evaluation method:

30% class participation

70% final examination or assignment

Regular class attendance is mandatory. I will welcome active class participation during the discussions.

The examination will ask you to analyze a specific question in light of the protection of freedom of expression. Evaluation is based on the ability to understand the underlying issues, ability to analyze these issues in light of the precedents and established framework, ability to critically analyze the existing doctrines, and ability to express your thoughts in concise and persuasive languages. You should be able to answer the question easily if you read all the assignments and participate in the class discussions.

You can choose to submit a paper instead of taking the examination. You can choose any topic related to freedom of expression in Canada, the United States or any other countries. The standard for the paper is 15 pages (double spaced). I will be happy to assist you to select an appropriate topic and to find necessary materials to finish your paper.

Syllabus:

<http://faculty.law.ubc.ca/matsui/text/English04.htm>

Professor Shigenori Matsui is a full time member of the UBC Faculty of Law.

LAW 343C.002	Topics in Public Law	<u>Civil Liberties</u>			
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Gratl	Eby	Paterson, J.	Seminar 3 CREDITS

This course fulfils the Law & Society requirement for students admitted prior to 2012W.

This seminar will explore a range of contemporary civil liberties issues, and is intended to acquaint students with the fundamental concepts and interests that inform the legal relationship between the individual and the state. The aim of the course is to encourage informed debate and research, rather than to promote a particular perspective. Guest experts in the relevant area of law are often invited for their perspective. Past guest lecturers have included members of the judiciary, senior members of the B.C. bar, parties in leading Charter cases, and policy experts from across the province.

The seminar will begin with a fresh look at the classic notions of autonomy and paternalism filtered through topics such as the sex trade, medical marijuana, and assisted suicide. We then turn to judicial balancing of competing rights, including freedom of religion, association, and expression, as seen in Supreme Court of Canada decisions in Harper (3rd party election spending limits), Chamberlain (same-sex instructional materials in schools) and Trinity Western University (religious freedom and education), as well as the B.C. Court of Appeal decision in Kempling (free speech for school counsellors), among other cases.

Next, we address the ambitious expansion of electronic surveillance and its implications on privacy. In this realm, we look at innovations such as "no-fly" lists, the long-arm international effect of US Patriot Act search powers, cross-border information sharing and the decreasing significance of territorial sovereignty, and "lawful access" (mandating technological uniformity to enhance government access to private data sources).

The seminar closes with an overview of developments in the area of National Security and Terrorism. This fast changing legislative landscape is fertile territory for analysis of the appropriate limits of national security and ant-terrorism powers. We intend to cover issues such as closed courtrooms and trial secrecy, accountability and oversight mechanisms for national security agencies, listing of terrorist entities and individuals, definitions of terrorism and national security, investigative hearings, and deportation of non-citizens using Security Certificates.

Evaluation:

Grades will be assigned on the basis of a 20-25 page term paper (90%) and seminar participation and contribution (10%).

Jason B. Gratl (B.A. (University of Waterloo), M.A. (University of Waterloo), LL.B. (University of Toronto)) is a former President of the B.C. Civil Liberties Association (BCCLA) and practices in the areas of criminal and constitutional litigation.

David Eby (B.A.Hons. (University of Waterloo), LL.B. (Dalhousie University)) is the Executive Director of the B.C. Civil Liberties Association, and President of the Canadian HIV/AIDS Legal Network.

Josh Paterson (B.A.Hons. (University of Waterloo), M.A. (University of Toronto), J.D. (University of Toronto)) is the Executive Director of the B.C. Civil Liberties Association. His legal career has focused on protecting some of the most marginalized people in Canada from human rights violations, civil liberties restrictions, discrimination and environmental injustice. Prior to joining BCCLA in 2013, he practiced Aboriginal and Environmental law at a non-profit in Vancouver, and his work on the legal issues connected with oil pipelines and tankers recently landed him on the cover of LEXPERT magazine in 2012. He clerked at Ontario's Superior Court of Justice.

LAW 343C.003**Topics in Public Law****Crown Liability** Term 1 Term 2

Gay

Horsman

Seminar

3 CREDITS

This course fulfils the Law & Society requirement for students admitted prior to 2012W.

This seminar will offer a hands-on analysis of the law governing litigation by and against the government. Students will learn about Crown liability in tort and contract, the Crown as a fiduciary, and how to conceive of the Crown as a legal personality. Other topics will include constitutional torts, remedies, and a review of the Crown Proceeding Act. This seminar will be of particular interest to any student interested in litigation, public law or torts, though all students will benefit from an understanding of the role the Crown in our legal system. Classes will be designed to encourage participation through the use of fact patterns based on actual cases.

Evaluation:

70% final paper; 20% mid-term problem; and 10% class participation.

Andrew Gay (B.A. (UBC 1992), LL.B. (Osgoode Hall Law School 1996;), M.E.S. (York University 1996)) is a partner with the litigation firm Gudmundseth Mickelson LLP in Vancouver. Andrew's practice includes a wide range of litigation matters including tort litigation (defence and plaintiff) for the Provincial Government. Andrew is a contributing author of the text Government Liability: Law and Practice and has recently written papers for the Continuing Legal Education Society on tort law and cross-border litigation.

Karen Horsman (B.A. (Carleton University 1988), LL.B. (UBC 1992)) is a litigator with the British Columbia Ministry of Justice in Vancouver. Ms. Horsman represents the government in a wide range of litigation matters and has been counsel in some of the leading Crown liability cases in Canada, including several recently argued before the Supreme Court of Canada. She is co-editor of the text Government Liability: Law and Practice, and authored the chapters on Negligence and Misfeasance in Public Office. Ms. Horsman is widely recognized as one of the leading experts in British Columbia on Crown liability.

LAW 343C.004**Topics in Public Law****National Security Law** Term 1 Term 2

Webb

Seminar

3 CREDITS

This course fulfils the Law & Society requirement for students admitted prior to 2012W.

This course examines national security law from a critical, comparative, and international law perspective. Beginning with an overview of the institutional structures, history and values that have shaped national security law in Canada, the U.S. and the U.K., the course goes on to study the international legal framework for counter-terrorism and current controversies concerning states' counterterrorism efforts and their international human rights, humanitarian law and use of force obligations. Various theories of constitutionalism will be considered, using the torture and pervasive, mass surveillance practised by liberal democracies in recent years as case studies to examine "state of exception" models. Finally, the question of legal accountability for counter-terrorism abuses will be canvassed, including complex jurisdictional issues inherent to transnational/international counter-terrorism efforts. End of term debates will address contested topics such as targeted killings, profiling, and the accountability of the legal profession.

Evaluation:

30% research paper (max 8,000 words), 30% formal team debate (15% individual performance plus 15% for team performance), 25% contribution to class discussion, 10% class attendance.

Maureen Webb (J.D. (University of Toronto), LL.M. (Columbia University)) is a former Human Rights Fellow at Columbia University and Fox Scholar at Middle Temple, England. In Canada, she has been involved in important national security litigation including the Arar Inquiry and Charter challenges to the powers of the Canadian Security Intelligence Service, the security certificate regime, and the implementation of the U.N. Security Council's Resolution 1267. A regular speaker on national security matters, she has testified before Parliamentary committees, addressed important policy audiences such as the Chicago Council on Global Affairs and the Canadian Association of Security Intelligence Studies, and has been widely interviewed and quoted by the media. She is author of the book, Illusions of Security: Global Surveillance and Democracy in the Post 9-11 World, and numerous other publications on national security issues.

LAW 343C.005 Topics in Public Law Animals and the Law
 Term 1 Term 2 Prince Breder Moriarty Course 3 CREDITS

This course fulfils the Law & Society requirement for students admitted prior to 2012W.
CHANGE: Classroom change.

This course will explore the rapidly evolving area of animal law from both a practical examination of the current legal issues involving non-human animals and a theoretical examination of what issues may emerge in the future. Students will be asked to critically consider the current legal status of animals as property in various areas of law including criminal, torts, wills, contract and constitutional law. They will explore questions such as whether or not animals should be afforded additional rights and what impact, if any, new “animal rights” may have on these areas of law and on human and non-human relationships.

Municipal, provincial and federal legislation regulating animal welfare and treatment will be reviewed and opportunities for legislative change will be discussed. The course encompasses companion animals, wildlife, exotic animals, animals raised for food, animals in entertainment and in research. The focus of this course will be on both a scholarly understanding of the subject and a pragmatic approach to practice in this area of law, whether as a specialty or as related to other more traditional legal fields. Through written material, discussion, topical media and case law review, students will consider the tools available to lawyers to effect social, cultural and legal change to our perspective on how we see, speak about and protect animals.

Evaluation:

80% Research paper / 20% Attendance and Participation

Amber Prince (BA. (Simon Fraser University), LL.B. (UBC), LL.M (University of Victoria)) became seriously interested in animals as a subject of study when she had the opportunity to take a one-time offered course on “animals in the law” in Law II at UBC. Later she focused her LL.M. thesis on animal cruelty legislation in Canada, under the supervision of Law Professor Maneesha Deckha. Ms. Prince is a poverty law legal advocate, an online course facilitator and provides ad hoc pro bono assistance to animal advocacy groups. She is also an avid horsewoman.

Rebeka Breder (B.A. (UBC), LL.B. 2004 (UBC)) was called to the Bar in 2005; she has been in private practice ever since. Ms. Breder is a general corporate-commercial litigation and animal law lawyer at Boughton Law Corporation in Vancouver. Animal Law consists of 50%-70% of her legal practice. She is one of the very few lawyers in Canada practising Animal Law in private practice. Her cases include various issues involving domestic and wild animals including, veterinarian malpractice suits, pet custody issues, challenging municipal bylaws regarding animals, defence of “dangerous” dogs, and general contract disputes.

Marcie Moriarty (BS. Animal Biology (UBC), LL.B. (UBC)) draws on all her aspects of her background and education as head of the BC SPCA's Prevention and Enforcement Department. Ms. Moriarty articulated at the Vancouver firm of Farris Vaughan Wills & Murphy. She was called to the bar in May 2003 and went on to practise civil litigation with the firm of Quinlan Abrioux in Vancouver. Her passion for animal welfare and advocacy soon led her to a career with the BC SPCA in 2005 as General Manager of the society's Cruelty Investigations Department and in 2012, Ms. Moriarty took on her current role leading a department that combines both cruelty investigations and stakeholder relations.

LAW 344.001 Innovations in Governance &
Regulatory Design Term 1 Term 2

Ford

Seminar

4 CREDITS

This course fulfills the Law & Society requirement for students admitted prior to 2012W and the Seminar requirement for all students.

SEMINAR CANCELLED.

What tools do regulators have at their disposal in trying to shape and channel behavior? How does formal regulation relate to other social forces, such as community pressure? How should law grapple with the difficult problems of culture (including corporate culture), groupthink, complexity, and bounded human rationality? How do politics and power influence regulatory possibilities? Why do some organizations go "beyond compliance" to become industry leaders, while others barely meet regulatory minimums? How are traditional regulatory tools being reworked by advocates and practitioners of "flexible regulation" and "transnational governance"? What are the alternatives to regulation? Have regulators learned important lessons from the recent financial crisis? The terms "regulation" and "governance" refer to the interlocking systems of state and non-state strategies that shape social behavior through, for example, standard-setting, monitoring, institutional form, interpersonal ties, and incentive structures. The purpose of this seminar is to expose students to up-to-date empirical research and interdisciplinary theoretical scholarship in the field of regulation, governance, and institutional design.

Evaluation:

Students will be evaluated based on their attendance/participation and one to two presentations on the readings over the course of the term (together, 25%), and a research paper (75%).

Professor Cristie Ford is a full time member of the UBC Faculty of Law.

LAW 349C.001**Topics in Constitutional Law****Comparative Constitutional Law** Term 1 Term 2

Ross

Seminar

3 CREDITS

This course fulfills the Law & Society requirement for students admitted prior to 2012W.**CHANGE: End time of seminar.**

You are cordially invited to participate in an innovative teaching experiment sponsored by The Pennsylvania State University and the University of British Columbia - a course on Comparative U.S./Canadian/Australian/South African law taught simultaneously via teleconferencing to law students at both schools.

The seminar, initially funded by a grant from your government, is designed to have students use the comparative method to gain a deeper understanding of their own country's institution and jurisprudence through the study of two other federal countries originating as English colonies. The prepared materials will focus primarily on how each country's approach to constitutional law reflects our different values and history.

Topics for the class discussions will include: congressional v. parliamentary legislation; federalism; substantive due process protection of individual rights; equality v. liberty; constitutional protection of equality norms; the right to property; the significance of a unitary or dual court system and the role of constitutional values in private litigation; the Supreme Court's role as an arbiter of constitutional politics; and treatment of aboriginals. In addition, we will explore the extent to which courts and individual rights can meaningfully serve to protect discrete minority groups, comparing judicial protection of the linguistic rights of French Canadians with judicial protection of voting rights of African Americans. The purpose of this course is on drawing comparisons, so that, for example, an examination of reproductive rights will focus on different values rather than pitting pro- and anti- students from both sides of the border against each other in a moral/political debate.

The course will be taught by Stephen Ross, a Visiting Professor at UBC for over 10 years. If you want to know more about Professor Ross before taking this course, you can consult with Profs. Weiler, Elliot, Bakan, Black and Edinger, whom he got to know well during his sabbatical visit to UBC in spring 1999. You can also preview previous class materials (which will be revised) at: http://law.psu.edu/faculty/resident_faculty/ross/publications.

Interested students should feel free to e-mail Professor Ross at sfr10@psu.edu with any additional questions. Professor Ross hopes to see as many of you as possible next semester.

Evaluation:

Most of the grade (60%) will be based upon a research paper. Students will select a topic where U.S. and Canadian law (it need not be constitutional law) differ, identifying differences between U.S. and Canadian approaches and identifying the extent to which history and values explain these differences. A seminar-like setting is anticipated, so there will be no final examination, but students will be graded in part on class participation (20%), and in part based on 2-3 assigned short (2-3 page) casenotes analyzing how foreign cases would be decided under Canadian law.

Professor Stephen Ross (J.D. (University of California Boalt Hall School of Law)) is Professor at the The Pennsylvania State University as well as a Visiting Professor at the University of Sydney and UBC Faculties of Law. He joined the Penn State faculty after over 20 years at the University of Illinois and has also visited at the University of New Brunswick. He was associate editor of the California Law Review at the University of California, Berkeley. He has served as minority counsel for the Committee on the Judiciary of the United States Senate, as an attorney with the Federal Trade Commission and the Antitrust Division of the U.S. Department of Justice, and as a clerk for Judge Ruth Bader Ginsburg of the United States Court of Appeals for the District of Columbia. Professor Ross teaches courses in judicial methods, sports law, and Canadian law. He is the author of books relating to antitrust, sports law, and a forthcoming casebook on comparative constitutional law, and numerous articles in the areas of general antitrust and competition policy in the U.S. and Canada, comparative constitutional law, sports antitrust issues both domestically and internationally, and statutory interpretation.

LAW 349C.002	<u>Topics in Constitutional Law</u>	<u>Charter Litigation</u>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Smith, L.	Seminar	3 CREDITS

This course fulfills the Law & Society requirement for students admitted prior to 2012W.

For 30 years, the Canadian Charter of Rights and Freedoms has been in effect, enabling court challenges to legislation and government action. This seminar will examine what can be accomplished through Charter litigation, drawing on some leading cases for the purpose of case studies. The cases will be ones in which legislation or government action has been challenged under Charter s. 7 (life, liberty and security of the person), s. 15 (equality), s. 3 (democratic rights) or s. 2 (freedom of religion, expression, assembly or association). The seminar will address litigation strategies in Charter cases, and some of the unique legal, procedural and evidentiary considerations that arise (who has standing to bring a challenge? how is an evidentiary record created? what remedies are available?) We will also spend some time on the background and context of Charter litigation.

Evaluation:

Evaluation will be based on a paper (75%), and class participation (25%).

THE HONOURABLE MADAM JUSTICE LYNN SMITH

Lynn Smith, B.A., (University of Calgary), LL.B. (University of British Columbia), LL.D. (Hon.) (Simon Fraser University), was appointed to the Supreme Court of British Columbia in 1998. She has served as a Justice of that Court since that time.

In 2005-06, Justice Smith was Executive Director of the National Judicial Institute, on secondment from the Court. She is a Judicial Associate of the National Judicial Institute and serves on the faculty of the Charter and Evidence Workshops as well as the New Federally-Appointed Judges Program. She has been involved in international judicial education exchanges with China, Scotland, Ghana and Viet Nam.

Prior to her appointment as a judge, she practised law, specializing in civil litigation. She taught law at the University of British Columbia 1981-97 in areas including Constitutional Law, Evidence, Civil Litigation, and Real Property. She has published books and articles in the fields of Charter equality rights, civil litigation and evidence, human rights, and women's equality. She was Dean of the U.B.C. Law Faculty 1991-97.

LAW 349D.001	<u>Topics in Constitutional Law</u>	<u>Recent Developments</u>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Elliot, R.	Seminar	4 CREDITS

This course fulfills the Law & Society requirement for students admitted prior to 2012W and the Seminar requirement for all students.

This seminar will explore in some detail several of the important issues of constitutional law in the areas of federalism and the Charter that the Supreme Court of Canada has been called upon to deal with in recent years. These issues include the federalism dimensions of securities regulation and civil forfeiture regimes, the status and content of the doctrines of interjurisdictional immunity and federal paramountcy, public interest standing, the scope of the Charter's application, the meaning of freedom of religion in s. 2(a) of the Charter, the extent to which s. 2(b) of the Charter can be said to give people the right to access public property for expressive purposes, the status of collective bargaining under s. 2(d) of the Charter, the circumstances in which s. 7 of the Charter can be used to impugn the validity of legislation outside the sphere of criminal justice, the proper role of s. 15(2) of the Charter, the role of deference within s. 1 of the Charter, and the remedial options available to the courts under the Charter. These issues will be examined through the lens of the decisions the Supreme Court has rendered in resolving them, and from a variety of critical perspectives, including doctrinal coherence and the legitimacy of judicial review.

Evaluation:

Evaluation will be based on a combination of class participation, including at least two class presentations, (20%) and a 30-35 page term paper (80%).

Professor Robin Elliot is a full time member of the UBC Faculty of Law.

LAW 350D.001 Issues of Equality & Social Justice Term 1 Term 2

Black, W.

*Workshop***4 CREDITS**

This course fulfills the Law & Society requirement for students admitted prior to 2012W. This workshop does NOT fulfill the 4 credit Seminar requirement.

This workshop will focus primarily on the practical application of statutory mechanisms for the protection of human rights. It will begin with an overview of human rights law and of the skills required of a human rights practitioner. It will focus on existing federal and provincial human rights statutes. There is some flexibility in the workshop in order to allow for inclusion of subjects of particular interests to students in the course. The class discussion and material will address some of the same topics as those considered in Law 351; however there will be more focus on practical issues related to advocacy and proof.

In addition to the class discussion and material, each student will carry out a project related to human rights in the community. The projects can take a variety of forms, ranging, for example, from research papers in connection with litigation to volunteer work with a community organization. Though the projects should concern some aspect of human rights, they need not be limited to those aspects of human right covered in class. For example, a project could concern aboriginal land claims or a human rights aspect of refugee law. It is expected that the project will be practical in the sense that it concerns work with an individual or organization on a real issue involving the individual or organization rather than a purely academic paper. A list of some possible projects will be provided, but students are encourage to develop projects of particular interest to them, perhaps in conjunction with a lawyer or organization with which they already have contact.

In addition to class participation, students will submit an oral and a written report of their project, as well as a short report of a human rights hearing. It should be noted that this is a workshop rather than a seminar and that the written report does not satisfy the graduation requirement of an independent research paper.

Evaluation:

Written report on the project, due at the end of the course (based in part on feedback from the community partner): 55%

Oral presentation of project: 25%

Report of human rights hearing:10%

Participation in class: 10%

Professor Bill Black is Professor Emeritus of the UBC Faculty of Law.

LAW 351C.001	<u>Topics in Human Rights</u>	<u>Current Issues in Human Rights Law</u>	
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Mohammed	Seminar 3 CREDITS

This course fulfills the Law & Society requirement for students admitted prior to 2012W.

This seminar format course will cover selected topics in human rights law. The emphasis will be on Canadian human rights law, with a focus on the British Columbia model and jurisprudence. The course will begin with an overview of the fundamental human rights concepts and a review of the seminal cases in the area. This will be followed by a more in-depth examination of a variety of current human rights issues. The course content will be shaped, in part, by current developments in the human rights arena as well as by the particular interest areas of students. The following subject areas indicate the range of topics under consideration:

Race and Human Rights

Sexual Harassment

Disability Rights

Age and Human Rights

Family and Marital Status Issues

Intersection of Grounds and Human Rights

Poverty and Human Rights

Law Reform in the Human Rights

Current case reviews include: Transgender, polygamy, and free speech Issues

There will be some overlap between this course and Law 421 Topics in Labour Law: Law in the Modern Workplace. There will also be some overlap between this course and LAW 350 Issues in Equality and Social Justice. However, this seminar differs from LAW 350 in that there will be more emphasis on theory and policy issues, whereas LAW 350's workshop format will emphasize practical work with lawyers and community groups. It may be advisable to consider the potential overlap when selecting between these courses.

Evaluation:

Students will be required to attend classes, prepare for in-class discussions, attend at the BC Human Rights Tribunal to view a portion of a proceeding there and prepare a brief report on it, prepare a research paper, and do a class presentation on their research topic (which is to include a question and answer segment).

Marks will be allotted as follows: Class attendance and participation 10%; BCHRT assignment 15%; Class presentation 25%; and research paper 50%.

Ana Mohamed (B.A. Honours (University of Manitoba 1986), LL.B. (University of Western Ontario Law School 1990)) articulated with a large employment law firm in Toronto and was called to the Ontario Bar in 1992. Ms. Mohammed was engaged in the private practice of law in Toronto from 1992 to 1997. She practiced in the areas of human rights, labour and employment, criminal, and civil law and has extensive advocacy experience having appeared before courts, administrative tribunals, and other quasi-judicial bodies as counsel. From 1998-2000, Ms. Mohammed was an LL.M. candidate at the UBC Law School; her thesis and research focused on a comparative analysis of race and sexual harassment complaints in the human rights and employment context. From 2001-2006, Ms. Mohammed served as a fulltime Member (adjudicator/mediator) at the B.C. Human Rights Tribunal; many of her human rights decisions are published in human rights and employment reporters and are also available on the Tribunal's website. Ms. Mohammed is presently the principal of ARM Mediation and Consulting, a private consulting firm which provides mediation, arbitration, and consulting services in the areas of employment and human rights to private and public sector employers, unions, and other organizations. Ms. Mohammed is also named in several collective agreements in relation to the address or workplace harassment concerns. Her areas of interest are diversity, race, and gender issues.

LAW 353A.001**Aboriginal & Treaty Rights****Aboriginal Title Litigation** Term 1 Term 2

Rosenberg, D.

Course

2 CREDITS

This course fulfills the Law & Society requirement for students admitted prior to 2012W.

Aboriginal title exists in British Columbia. It exists beyond the border of Indian reserves and is not confined to areas defined by treaties. So far it is a theoretical construct without any concrete geographic application. The debate continues about the territorial extent of aboriginal title. Does it only apply to the most intensely occupied parts of the traditional territory of an aboriginal group such as village sites? Does it apply to a more expansive area over which a First Nation sustained itself by hunting or fishing before European contact? Can the province legislate on aboriginal title lands? What is the Crown's duty with respect to the treatment of aboriginal title lands? We will examine these questions and how the courts in British Columbia and Canada continue to define aboriginal title.

Evaluation:

This is a 2 credit course and the students' marks will be based on a final examination worth 100%. This is an advanced course which will require a significant amount of reading and analytical thought.

Lecture Topics:

1. Introduction to section 35 Aboriginal Rights and Title Claims
2. The Nature of Aboriginal Title including general features, the test for aboriginal title, the date of sovereignty, the definition of the aboriginal group
3. Evidentiary issues and aboriginal title litigation including presentation of oral history evidence
4. Infringement
5. Justification
6. Fiduciary duty and honour of the Crown
7. Constitutional issues: division of powers and statutory authority
8. Aboriginal title and treaty rights
9. Aboriginal title compared to other aboriginal rights such as hunt and trapping rights

David Rosenberg, Q.C. (LL.B. (UBC 1978)) clerked for the Chief Justice of the Supreme Court of British Columbia and then articulated and worked as an associate at Farris Vaughan Wills and Murphy. Since 1981 he has been a partner in the firm Rosenberg & Rosenberg. He specializes in criminal and civil litigation and has appeared at all levels of court in Canada. He has conducted several appeals before the Supreme Court of Canada and has represented First Nations on some of the leading cases concerning aboriginal rights and title. He has taught Advanced Criminal Law as adjunct professor for the last 20 years at this Faculty.

LAW 354C.001 **First Nations Self-Government** **Aboriginal Self-Government in Canada**
 Term 1 Term 2 Dion Seminar 3 CREDITS

This course fulfills the Law & Society requirement for students admitted prior to 2012W.
CHANGE: Course moved to Term 2.

Aboriginal people have been exercising self-government since time immemorial. In Canada, there is legal and political recognition that Aboriginal people have the right to self-government in various forms. In this seminar, the historical evolution of self-government will be traced, including examining the role of the Indian Act, and other statutes have played in Aboriginal governmental processes. Then, the analysis will be to explore the development of comprehensive treaties, self-government and land claim agreements primarily in the BC context. Select case law, including in the Administrative law context, will also be examined.

Evaluation:

Students will explore issues related to self-government and set out their findings in a research paper, worth 60% of the course mark. Students will also present their findings in class, which presentation will be worth 20% of their mark. Overall class attendance will be worth 10% and class participation will be worth 10% of the overall mark.

Tina L. Dion, B.A., ((University of Alberta, 1994), LL.B (University of British Columbia, 1997), S.J.D. (University of Arizona, 2008)), was called to the B.C. Bar in February 1999. She was a law clerk with the Navajo Supreme Court prior to commencing her articles with the criminal law firm, Orris Burns. In 2000, she joined the Vancouver office of Blake, Cassels & Graydon LLP practicing litigation in the Aboriginal and First Nations Law Group. From 2006 to 2012, Tina worked exclusively with the Tsawwassen First Nation, as In-house legal counsel and Director of Legal Services, advising the Tsawwassen Government up to, through and beyond the effective date of their Treaty. Tina is appointed by the Province of British Columbia a Public Member to the Boards of the College of Psychiatric Nurses of B.C. and the College of Optometrists of B.C. Tina is in private practice, with a special interest in Administrative Law, particularly as it relates to Aboriginal peoples. Tina has been an adjunct Professor with UBC Law since 2002.

LAW 356C.001 **First Nations & Economic Development**
 Term 1 Term 2 Hanna Course 3 CREDITS

This course fulfills the Law & Society requirement for students admitted prior to 2012W.

The economies of aboriginal communities are considered to be one of the fastest growing sectors of business in Canada. Economic development by aboriginal people is considered a means to become self-sustaining. Recent legal developments aimed at reconciliation and accommodation will assist aboriginal people in managing and prospering from their lands and resources. The objective of this course is to provide students with practical grounding in the various legal and developmental issues that arise when aboriginal people engage in economic development initiatives. With a view to opportunities, barriers and recent developments, the topics canvassed will include: legal framework for community economic development, economic accommodation of aboriginal rights, negotiations, impact benefit agreements, corporate social responsibility, corporate structures, reserve land development, Indian Act issues, financing, and taxation. Case studies from the mining, pipeline and hydro sectors will reviewed.

Evaluation:

Evaluation will be by presentation and paper.

Darwin Hanna (B.A. (Simon Fraser University 1992), L.L.B. (UBC 1995)) was called to the B.C. Bar in May 1996 and practices as a partner with the Vancouver law firm of Callison & Hanna, Barristers & Solicitors. He provides legal representation to aboriginal groups in the aboriginal law area, particularly in respect to negotiations and community development. He is of the Nilha7kapmx Nation.

LAW 358D.001	<u>Topics in First Nations Law</u>	<u>Critical Analysis of Aboriginal and Treaty Rights</u>		
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	Christie		Seminar	4 CREDITS

This course fulfills the Law & Society requirement for students admitted prior to 2012W and the Seminar requirement for all students.

A fairly robust jurisprudence has built up around the 'recognition and affirmation' of Aboriginal and treaty rights under section 35 of the Constitution Act, 1982. This course focuses on several key cases drawn from this jurisprudence, and within these on several key concepts, tests and principles, with the aim of subjecting this material to critical analysis. The aim is not to analyze this slice of jurisprudence as doctrine, but to subject it to varying forms of criticism. Works of a number of critical scholars will be put to use, though often the expectation will be that students in the seminar carry out the actual analysis, making use of various critical perspectives.

This is not a 'theory course' – while a number of legal and political theories will structure certain forms of critical analysis, neither a grounding in theory nor an aptitude in theorizing are expected of participants in the seminar. A student should come armed with (a) a basic background in the jurisprudence around Aboriginal and treaty rights, (b) curiosity about 'what is really going on' in Canadian jurisprudence as it relates to Aboriginal or Indigenous interests, and (c) a willingness to grapple with forms of critical analysis.

Evaluation:

Students will be expected to submit (a) 2 short descriptions, over the course of the term, each detailing a particular critical perspective and how it might function to make sense of an aspect of the law relating to Aboriginal and treaty rights (worth 20% of the grade), and (b) a final paper, analyzing (from a critical perspective) an aspect of the jurisprudence covered by the course (worth 80% of the grade).

Professor Gordon Christie is a full time member of the UBC Faculty of Law.

LAW 360.001	<u>Children & the Law</u>			
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	Mosoff		Course	3 CREDITS

This course fulfills the Law & Society requirement for students admitted prior to 2012W.

This course addresses issues concerning the treatment of children and adolescents in the legal system. Children in the last few decades have been given special recognition and increased protection under provincial, federal and international law. But doctrines and beliefs developed in periods when the social value of children was low, and the legal duty of parents and the state minimal, continue to influence the way the law views children. Examples of topics we will cover include: youth justice, child protection; child prostitution and child pornography; education and student rights; consent to medical treatment; discipline of children; issues of professional responsibility; the impact of the UN Convention on the Rights of the Child and the Canadian Charter of Rights and Freedoms. We will look at the current state of the law in these areas, but equally importantly, the manner in which these laws are interrelated in their social context.

Evaluation:

You will be evaluated by a major research paper, the completion of a "professional field exercise," and class participation.

Professor Judy Mosoff is a full time member of the UBC Faculty of Law.

LAW 374.001**Municipal Law**

Term 1 Term 2 Cockrill Manhas Course 3 CREDITS

Municipal Law is an administrative law course set in the context of the powers of local governments. Local governments enact laws regulating a wide range of activities. They also operate a wide range of services and, like private corporations, employ people and own substantial assets. The legislative, administrative and quasi-judicial powers of local governments will be examined. This includes the powers and limitations of municipal councils and regional boards, the duties and responsibilities of elected and appointed local government officials and the control the courts exercise over local governments. Major topics include local government organization, grounds for judicial review, conflicts of interest, the regulating and licensing of businesses, proprietary and contractual powers and relationships, tort and the public body and the considerable authority local governments have over subdivision of land, land use and planning.

Evaluation:

Evaluation will be by examination.

Gregory Cockrill (B.A. (UBC 1987), LL.B. (UBC 1994)) articulated with Young, Anderson before joining the firm in 1995 and becoming a partner in 2006. Mr. Cockrill maintains a general municipal law practice, with emphasis on planning matters. He has a particular interest in constitutional and native law issues. Mr. Cockrill is a contributing author of the British Columbia Real Estate Development Practice Manual, a frequent speaker at seminars and courses dealing with planning and other municipal law issues and a contributor to national and international legal publications.

Sukhbir Manhas (LL.B. (UBC 1996)) articulated with Young, Anderson. After being called to the bar in May 1997, Mr. Manhas practiced with the firm as an associate lawyer until January 2005, when he joined the firm's partnership. Mr. Manhas' law practice involves advising clients on general local government law issues as well as representing them in civil and quasi-criminal proceedings before arbitrators, administrative tribunals, and the courts of this province and the nation. Mr. Manhas is currently a member of the Municipal Law, Civil Litigation and Construction Law subsections of the B.C. Branch of the Canadian Bar Association and frequently speaks at seminars and courses on local government and civil litigation issues put on by the Continuing Legal Education Society, the Local Government Management Association, and the Justice Institute of British Columbia.

LAW 379B.001 **Externship** **Global Environmental Law Externship**
 Term 1 Term 2 Richardson *Clinical* 9 CREDITS

Registration by permission only.

Beginning in January 2014, upper year law students at UBC may enroll in a new externship program that combines two weeks of intensive classroom activities with nine weeks of work experience in environmental and natural resources law. The Global Environmental & Resources Law Externship Program (GERLEP) provides students with an opportunity to gain the practical skills needed to pursue a career in these areas of law. GERLEP will also appeal to students interested in corporate social responsibility, Aboriginal legal issues and other areas that may touch on the environment and resources development. Externship placements may be with a government agency, business corporation (eg a mining company), environmental NGO or international organization, among various options, and may be in Canada or abroad. The placements are arranged by Professor Benjamin Richardson, in consultation with each student. Financial support is offered to students to subsidize their travel and accommodation costs if placed outside Vancouver.

Pre-requisite:

LAW 387C Environmental Law or
 LAW 392B Natural Resources Law

Evaluation:

Nine credits are assigned to the externship placement (graded on a pass-fail basis) while the academic component of the program, worth 6 credits and graded by standard UBC Law practices, is based primarily on a major research paper, a shorter report and class participation.

Professor Benjamin Richardson is a full time member of the UBC Faculty of Law, and is Director of the Centre for Law and Environment, and holds the Canada Research Chair in Environmental Law and Sustainability.

LAW 379D.001 **Externship**
 Term 1 Term 2 Sutherland, S. *Clinical* 12 CREDITS

Registration by permission only. Restricted to 3rd Year students only. Externships at Provincial Court of British Columbia.

Students will conduct legal research for judges, will attend trials and other judicial processes in Criminal, Civil and Family divisions of the Provincial Court of B.C., and will perform legal drafting tasks requested by judges. Students may participate in additional projects as approved by the Office of the Chief Judge and the Faculty Supervisor. Students may be placed in one registry or in a rotation of registries to ensure they receive opportunities to work in all areas of the Provincial Court practice.

Evaluation:

Pass/Fail.

Pre-requisites for application:

- Students must be in third year.
- LAW 280 Evidence is required.

The following courses are highly recommended: LAW 260 Advanced Criminal Procedure, LAW 240 Family Law, and LAW 270 Civil Procedure.

Sharon Sutherland is the coordinator for LAW 379D.001.

Professor Sharon Sutherland is a full time member of the UBC Faculty of Law.

LAW 383C.001 Mental Health Law Term 1 Term 2 Grant *Course* 3 CREDITS

This course fulfills the Law & Society requirement for students admitted prior to 2012W.

The course examines the many ways mental disability interacts with law. We will look at both the civil system (e.g. civil commitment, guardianship, right to refuse treatment) and the forensic system (e.g. fitness to stand trial, the Criminal Code Review Board, the criminalization of persons with mental illness). We will also examine issues related to professional responsibility and representing clients with mental disabilities. Students will be required to attend a Criminal Code Review Board hearing and to participate in a mock civil commitment hearing.

Evaluation:

Evaluation is by a combination of participation, 1-2 short written assignments (to be discussed at the first class) and a final open book exam during the scheduled exam period.

Enrolment is limited to 20 students.

Professor Isabel Grant is a full time member of the UBC Faculty of Law.

LAW 385C.001 Social Welfare Law Term 1 Term 2 Marsden *Seminar* 3 CREDITS

This course fulfills the Law & Society requirement for students admitted prior to 2012W.

Poverty is a systemic issue, and one with which the law is often intimately connected. The law mediates life's basic needs: stable income, secure housing, and decent working conditions. The extent to which these needs are met affects belonging, social inclusion, and equality. The law can play a powerful role in social and economic relations, and this is often most visible in people's lives when the means to meet these basic needs are met or withheld through the law.

This course will explore social welfare law in Canada, with a focus on the practical application of the law as it pertains to basic social and economic entitlements. Topics will include income security law (social assistance, employment insurance, and public pensions), housing law, consumer protection, and statutory protections of employment standards and human rights. Students will use this knowledge to develop informed and critical approaches to advocacy, and to assess the ways in which these laws affect both individual interests and systemic inequalities.

Evaluation:

20% Class participation

20% Student presentation

10% Research paper outline

50% Research paper

Sarah Marsden (B.A., York University (1997), LL.B., University of Victoria (2000), LL.M, University of Victoria (2005)). After completing her law degree, Ms. Marsden worked as a legal advocate in a non-profit organization serving low-income clients in human rights and welfare law. Her LL.M. focused on interactions within the welfare law system in British Columbia, and she subsequently served as a law clerk at the Federal Court in Ottawa. After being called to the Bar in 2006, she practiced in small firms and as a sole practitioner, primarily in the area of immigration and refugee law. In 2012, she joined Law Students' Legal Advice Program as the Supervising Lawyer for the civil section, where she works in multiple areas of law affecting low-income clients and social justice. Ms Marsden is currently completing a PhD focusing on temporary migrants and the law.

LAW 386C.001 Sustainable Development Law Term 1 Term 2

Affolder

Course

3 CREDITS

COURSE CANCELLED.

Over 85 Canadian statutes now recognize the legal concepts of sustainability and sustainable development. But accusations that the concept of sustainability is meaningless continue to mount. Ambiguous, vague, and amorphous are other frequently-voiced charges. Have over 85 Canadian laws been drafted or rewritten to incorporate a meaningless concept? This course examines the legal concept of sustainability and the quest to make sustainability meaningful in Canadian (and international) law, regulation, and institutions, including courtrooms.

The course may be described as an “applied” environmental law course. Of course, sustainability is about more than law. It is about moving society towards ecologically sustainable patterns of production and consumption. But law is an integral (and potentially under-emphasized) part of this shift and serves as the focus of this course. Topics to be explored include sustainability in the regulation of large-scale development projects, the relationship between trade, investment, and environmental law, the role of private regulation, contractual and consumer approaches, test case litigation and rights-based approaches.

Evaluation:

Evaluation will be by means of a research paper (85%) and active participation in class exercises, simulations, negotiations and discussion (15%).

Professor Natasha Affolder is a full time member of the UBC Faculty of Law.

LAW 387C.001 Environmental Law Term 1 Term 2

Richardson

Course

3 CREDITS

This course fulfills the Law & Society requirement for students admitted prior to 2012W.

This foundational course provides the core of UBC Law's large environmental and natural resources law program. The course caters both to students seeking a concise introduction to the subject-matter, as part of a well-rounded legal education for professional practice, as well as students seeking to specialize in this growing and substantial area of law, for which Environmental Law 387C provides the starting point for their studies. The course is also a prerequisite for some advanced options in the environmental law program, including participation in the Canadian Environmental Law Moot, the US Environmental Negotiation Competition, and the Global Environmental & Resources Law Externship Program.

The course introduces the principal components of Canadian (federal) environmental regulation and policy, with some consideration of equivalent provincial regimes (mainly British Columbia). The course is structured around several key themes: why does environmental law exist (ie, what problems does it respond to and what ideas shape that response); the actors (the “who”) of environmental law, notably states, corporations and the general public; the sources (the “where”) of environmental law, spanning the common law, public legislation and international law; and the tools (the “how”) of environmental law, such as command-and-control and economic instruments. The course concludes with two case studies, on climate change law and biodiversity conservation law, which offer more in-depth analysis of the main themes of the syllabus in specific situations.

Major issues in environmental law and policy are brought to life in the classroom via guest lectures, videos, role-plays, lively discussion, negotiation exercises and scenarios drawn from topical environmental controversies.

Evaluation:

The course is assessed by a two hour, open-book final examination (75% of the grade) and a short legal memo (25% of the grade).

Professor Benjamin Richardson is a full time member of the UBC Faculty of Law, and is Director of the Centre for Law and Environment, and holds the Canada Research Chair in Environmental Law and Sustainability.

LAW 394.001**Mining Law** Term 1 Term 2

Collie

Monk

Course

2 CREDITS

CHANGE: Classroom change.

This course is intended to serve as a general introduction to Canadian mining law, with a focus on British Columbia. It will cover "black letter" areas of the law such as mineral tenure systems, as well as related commercial law matters which most lawyers practising in the area would likely encounter, such as typical forms of commercial agreements, and issues which arise in mining finance (particularly in a public markets context). Specific areas to be covered include: ownership and acquisition of mineral interests; types of mineral interests including mineral claims and leases; major agreements in exploration and mining (e.g., confidentiality agreements, option and joint venture agreements, royalty agreements, impact benefits agreements with first nations); permitting of a mine in British Columbia; financing of mining ventures and related securities law considerations (e.g., standards of disclosure for mineral projects).

Evaluation:

Final exam

Don Collie (B.A. (University of Calgary), LL.B. (University of Toronto), M.A. (University of Toronto)) is a partner at Davis LLP in Vancouver. He was called to the Ontario Bar in 1992 and the British Columbia Bar in 1993. He practices in the areas of securities law, corporate finance, mergers & acquisitions, mining and related general corporate and commercial transactions. In addition to acting for junior companies listed on the TSX Venture Exchange, he also has extensive experience acting for senior companies listed on the Toronto Stock Exchange and the NASDAQ National Market. His experience includes drafting and negotiating mining joint venture and option agreements, acquisitions and dispositions of mineral properties, claim staking and other mineral property disputes, environmental due diligence and advising on compliance with disclosure requirements for mineral projects.

Alan Monk (B.B.A. (Simon Fraser University), MBA (UBC), LL.B. (University of Alberta)) is a partner at Dentons Canada LLP in Vancouver. He was called to the Alberta Bar in 1998 and the British Columbia Bar in 1999. Alan practices in the areas of securities law, mergers & acquisitions, mining and related general corporate and commercial matters. Alan's securities practice involves public and private financings of mineral exploration companies and advising on continuous disclosure, corporate governance and general regulatory compliance for public companies. His mining practice includes the negotiation and preparation of a variety of commercial agreements, including option and joint venture agreements, royalty agreements, and confidentiality agreements as well as mineral title matters.

LAW 395A.001**Forest Law** Term 1 Term 2

Mancell

Garton

Course

2 CREDITS

Forest resources have long been a cornerstone of British Columbia's economy. Government has created a complex regulatory regime in an effort to balance a diverse array of often competing interests in these resources, including those of industrial users, public interest groups, government, and First Nations. The interface between these different visions of forest resource management have produced many of the most challenging questions that BC lawyers and foresters have had to address in recent decades.

Initially, we will examine the current legislative regime that regulates activities in BC forests, as well as the legal nature of the forest tenures or entitlements that the BC government may grant to the private sector, First Nations, and other groups. We will then address a number of more specific topics:

- forest practices and environmental standards that govern industrial operations, and the framework that the BC government uses to weigh competing wildlife, heritage, environmental and industrial interests;
- policy options and a survey of comparative forest regulatory regimes in selected other jurisdictions;
- the nature and effect of aboriginal interests and claims in respect of the forests and activities undertaken thereon;
- the financial interest of the Crown in BC's forest resources, and enforcement of that interest;
- the administrative enforcement and appeal mechanisms under the Forest Act and the Forest and Range Practices Act;
- various commercial law issues a "forestry" lawyer may encounter in practice.

Throughout the course, we will hear from a number of guest speakers who can provide different expertise or perspectives on some of the issues that will arise.

Evaluation:

100% final exam.

Garry Mancell, R.P.F., (B.S.F. (UBC 1974), LL.B. (Victoria 1981)) is a professional forester with over 20 years of practical experience in the forest industry in BC. His practice at Davis & Company LLP is focused on the regulatory and commercial aspects of forestry. His clients include tenure holders, log brokers, trade associations, private forest land owners, contractors and consultants. As a forester, Mr. Mancell worked in timber harvesting and forest administration in both private industry and the public sector.

Billy Garton, (B.Sc.F. (U. of T. 1983), LL.B. (U. of T. 1989)) is a Vancouver forestry lawyer with over 20 years of experience advising clients on forestry law topics, primarily focused on the commercial, first nations and environmental aspects of forestry law. He leads the forestry law practice and Bull, Housser & Tupper LLP and his clients have included large and small timber tenure holders, first nations governments, logging contractors, lenders to the forest sector and industry associations. Prior to attending law school Billy worked in the BC coastal forest industry as well as in Alberta and Ontario.

LAW 397B.001 Oil & Gas Law Term 1 Term 2

Armstrong

Course

3 CREDITS

This course will cover all aspects of oil and gas law including the process for securing tenure over oil and gas rights under the Petroleum and Natural Gas Act, and the regulation of oil and gas activities under the Oil and Gas Activities Act by the Oil and Gas Commission. We will also address the environmental assessment of oil and gas projects including oil sands, conventional and non-conventional gas production (shale gas), and liquid natural gas (LNG) and the regulation of interprovincial pipelines and facilities by the federal government under the National Energy Board Act. The course will also address commercial agreements such as oil and gas leases and farmout agreements.

Evaluation:

Course evaluation will be 100% by examination.

Brad Armstrong (B.A. Economics (UBC), M.Sc. Economics (University of London), LL.B. (McGill University)) has extensive experience in matters involving Aboriginal, constitutional, regulatory and environmental law in British Columbia, Yukon, Northwest Territories and Nunavut. He represents clients in the natural resources sector and has particular experience in land and water, forestry, mining, oil and gas and aquaculture. Mr. Armstrong advises and represents resource companies, project proponents, business organizations and governments in relation to negotiations and litigation concerning Aboriginal rights, claims and treaties. He has extensive experience relating to major resource project approvals including regulatory processes, environmental assessments, impact and benefits agreements, judicial review proceedings and injunctions.

LAW 401D.001 Penal Policy Term 1 Term 2

Jackson

Seminar

4 CREDITS

This course fulfills the Law & Society requirement for students admitted prior to 2012W and the Seminar requirement for all students.

This seminar is designed to give students an understanding of that part of the criminal justice system about which lawyers know the least - the prison. We will review the historical evolution of the prison and its ideological underpinning and how it is now subject to the rule of the law and the scrutiny of the legal profession. We will consider the evolution of jurisprudence including the duty to act fairly and the impact of the Charter on prison justice. Included among the areas we will be examining are the law and procedure governing disciplinary hearings; solitary confinement; transfer to higher security; and the administration of the parole system.

Students will be required to prepare a paper and will have the opportunity of working on specific cases dealing with prisoners' rights. This may include either working directly with prisoners who are without counsel or, for those who have counsel, assisting counsel in the preparation of cases for trial or on appeal. An important part of the seminar will be visits to federal institutions and meetings with prisoners.

In addition to providing students with an understanding of the law and social policy surrounding the prison, this seminar will also help develop in more detail the understanding of administrative law. For this reason, it is recommended that students have taken, or are taking concurrently, LAW 210 Administrative Law.

Professor Michael Jackson is a full time member of the UBC Faculty of Law. He has taught courses and seminars on Aboriginal and treaty rights in the law school since 1973. He was co-counsel in the Delgamuukw case, the recent Haida Nation case, and a consultant for the Royal Commission on Aboriginal Peoples.

LAW 404.001 **The Law of Homicide** **The Law of Homicide on the Web**
 Term 1 Term 2 Grant *Web-based* **4 CREDITS**

This course fulfills the Law & Society requirement for students admitted prior to 2012W. This course does NOT fulfill the seminar requirement. Students who completed LAW 405C Topics in Criminal Law: The Law of Homicide are not allowed to register for LAW 404 The Law of Homicide: The Law of Homicide on the Web.

This course will cover the law and policy surrounding homicide offences in Canada. The course will be taught over the Web although there will be an initial in-person organizational meeting and a final in-person review class. Students will be expected to do the readings and participate within a certain time-frame provided at the initial class. The course will be structured around the three homicide offences: murder, manslaughter and infanticide and the sentencing regime for each of these offences. We will also address law reform/policy issues surrounding these offences such as the impact of long-term imprisonment, the prevalence of spousal homicide and the judicial responses to the significant problem, and corporate homicide.

Evaluation:

Evaluation will be a combination of 1 mid-term assignment, online written class participation and a take home exam. Technical support will be provided for students. Interested students may enroll in the course directly or contact Professor Grant at grant@law.ubc.ca if they have any questions.

Enrollment is limited to 20 students.

Professor Isabel Grant is a full time member of the UBC Faculty of Law.

LAW 406C.001 **Topics in Criminal Justice** **Principles of Sentencing**
 Term 1 Term 2 Grant *Course* **3 CREDITS**

This course fulfills the Law & Society requirement for students admitted prior to 2012W.

This is a survey course designed to teach students the theory and practice of sentencing criminal offenders. We will examine the principles of sentencing, the types of sentences available in the Criminal Code and the methodology of how a judge is expected to decide on the appropriate disposition. We will also examine the plea negotiation process and students will have an opportunity to engage in a mock plea negotiation. Topics to be covered include conditional sentence orders, mandatory minimum sentences, the sex offender registry, dangerous offenders and the use of parole ineligibility.

Evaluation:

Students will be evaluated on the basis of class participation, two short midterm assignments and a final open book exam during the scheduled exam period.

Enrollment is limited to 20. Students with questions should contact Professor Grant at 604-822-3140 or grant@law.ubc.ca.

Professor Isabel Grant is a full time member of the UBC Faculty of Law.

LAW 408B.001 Taxation II Term 1 Term 2 Duff *Course* 3 CREDITS**CHANGE: Classroom change.**

Corporations constitute the most significant form of business organization in Canada and other developed countries, accounting for roughly 20 percent of federal and provincial income tax revenues in 2010-11. This course examines the taxation of corporations and shareholders in Canada, beginning with a general overview of the legal character of corporations and the structure of corporate taxes in Canada, then turning to a detailed examination of statutory rules and judicial decisions governing: (1) the taxation of income received by public and private corporations; (2) the taxation of shareholders on share sales, corporate distributions, and benefits and appropriations; and (3) transfers of property to a corporation as well as other kinds of corporate reorganizations.

Evaluation:

Evaluation will be by examination.

LAW 220: Taxation I is a prerequisite, while LAW 230: Business Organizations is recommended.

Professor David G. Duff is a full time member of the UBC Faculty of Law.

LAW 410C.001 International Taxation Term 1 Term 2 Duff Cui *Course* 3 CREDITS**CHANGE: Classroom change.**

The increased globalization of economic activity over the past few decades has made the international dimension of tax law and policy increasingly important. This course examines tax rules governing the taxation of non-residents carrying on income-earning activities in Canada (inbound rules) as well as tax rules governing the taxation of Canadian residents earning income in other countries (outbound rules).

Introductory classes examine the basic structure of the international tax regime, the sources of international tax law (statutory rules, bilateral tax treaties, and judicial decisions), the interpretation of tax treaties, jurisdiction to tax, and international tax avoidance. Subsequent classes consider statutory rules, treaty provisions and judicial decisions governing the taxation of Canadian source income earned by non-residents, and the taxation of foreign-source income earned by Canadian residents.

Required Materials:

1. Jinyan Li, Arthur Cockfield, and J. Scott Wilkie, *International Taxation in Canada*, (Toronto: LexisNexis Canada Inc., 2006) (Li, Cockfield, and Wilkie).
2. David G. Duff, *Supplementary Materials*
3. *Income Tax Act*, latest edition

Evaluation: 100% exam

Pre-requisite: LAW 220 Taxation I

<http://www.law.ubc.ca/>*Professor David G. Duff is a full time member of the UBC Faculty of Law.**Professor Wei Cui is a full time member of the UBC Faculty of Law.*

LAW 411D.001 Tax Policy

Term 1 Term 2 Duff Cui Seminar 4 CREDITS

This course fulfills the Seminar requirement.

This seminar will offer an advanced introduction to the variety of tax policy instruments commonly used by Canada and other modern states to perform the various functions of government, as well as to the concepts and theories necessary for understanding and evaluating tax policy and tax administration. We will study contemporary analyses of the concepts of fairness in taxation, of the incidence and distribution of tax burdens, of the efficiency properties of various means for raising tax revenue, and of progressivity. We will also consider basic structural issues associated with Income taxation (both personal and corporate), VAT and excise taxes, property taxation and user fees, and environmental taxes. Finally, we will examine the design of tax administration, which has important consequences for a country's tax policy options and its culture of tax compliance.

Evaluation:

20% class participation, 40% for each of two short papers (not to exceed 3000 words each).

Professor David G. Duff is a full time member of the UBC Faculty of Law.

Professor Wei Cui is a full time member of the UBC Faculty of Law.

LAW 413C.001 Topics in Taxation Law**Taxation of Partnerships and Trusts**

Term 1 Term 2 Duff Course 3 CREDITS

CHANGE: Classroom change.

Partnerships, trusts and corporations constitute the main types of legal organizations through which persons carry on business activity and tax planning in Canada and most other jurisdictions around the world. This course examines the taxation of partnerships and trusts in Canada, considering the characterization of these legal relationships in law and for tax purposes, the computation and taxation of income received by a partnership or trust, the tax implications of distributions of income from a partnership to a partner and a trust to a beneficiary, the tax treatment of interests in partnerships and trusts, and tax rules governing the transfer of property to and from partnerships and trusts.

Evaluation:

Final exam.

Professor David G. Duff is a full time member of the UBC Faculty of Law.

LAW 413C.002**Topics in Taxation Law****Tax Dispute Resolution and Litigation** Term 1 Term 2

Kroft

Seminar

3 CREDITS

SEMINAR CANCELLED.

This seminar will deal with the resolution of tax controversy in Canada. It will explore key practical issues arising in the operation of a tax advisory and litigation practice. The relevant provisions in the Income Tax Act will be the focus of discussion. The seminar will assist in refining analytical, organizational and judgment skills necessary for serving tax clients, solving tax problems and developing strategies for achieving successful tax outcomes at all stages of the tax disputes process (from audit to appeal). This seminar will also consider issues unique to daily tax practice including questions of document creation and retention, information disclosure, access and privilege, and administrative dispute resolution processes. Material will be illustrated through the use of a case study approach. Participants will learn tax practice, audit, objection and appeal issues and will apply them to the case study.

It is intended that students will also visit the Tax Court of Canada and will hear insights of practitioners from the private tax bar, the Department of Justice, one or more CRA officials and one or more judges involved in the tax dispute process.

Students must have a copy of the most recent edition of the Canadian Income Tax Act and a copy of the course materials prepared by the instructor.

Evaluation:

Students will be evaluated on the basis of a 20 page research paper, class participation, and one other written assignment.

Enrolment:

The seminar size will be restricted to 20 students.

Ed Kroft, Q.C. (LL.B. (Osgoode Hall 1978), LL.M. (UBC 1980), CGA (Hons)) is a partner with Blake Cassels & Graydon LLP and is the leader of that firm's Tax Controversy and Litigation Group. Ed has taught tax law and tax policy as an adjunct professor in the Faculty of Law over the past 20 years. Ed's practice is exclusively dedicated to handling federal and provincial tax disputes, including those related to transfer pricing. He appears before all levels of court, including Supreme Court of Canada, and has published extensively on taxation issues. Ed sits on the editorial board of Tax Litigation and Canadian Tax Journal and sat for 20 years on the Rules Committee of the Tax Court of Canada. He is a recipient of the Award for Excellence in Income Tax Practice and Education from the Canadian Institute of Chartered Accountants and the Queen Elizabeth II Diamond Jubilee Medal.

LAW 414C.001 **Competition Policy** **Canadian Competition Law**
 Term 1 Term 2 Tougas Wright Szentesi Course 3 CREDITS

This is a survey course covering the main areas of competition law in Canada, including merger review, criminal conspiracies (cartels) and anticompetitive agreements and arrangements (civil), abuse of dominance (monopolies) and civilly reviewable unilateral conduct, misleading advertising and deceptive marketing, as well as the application of the Investment Canada Act to foreign investment in Canada. The course will address key economic concepts important to determining whether and to what extent the Competition Act may apply to a range of business activities. The course draws on developments in international jurisprudence and policies to assist in the analysis of Canada's competition law regime. While key Canadian case law, policy developments and economic theory will be canvassed, the course also includes a review of practical approaches to advising and representing commercial and business law clients in respect of merger transactions, criminal and civil investigations and litigation. The course will be taught François Tougas (McMillan LLP) and Kevin Wright (Davis LLP).

Evaluation:

There will be one broadly based final exam, which may cover any of the topics from the course (worth 100%). The final exam will be open book. The final exam will consist of questions involving multiple choices, short answers, true/false, and more traditional law school fact pattern analyses.

François Tougas (LL.B. (UBC 1988) practises with McMillan LLP where has been a partner since 1996 and serves as a member of the Board of Partners. His practice is devoted to competition/antitrust law and the competitive aspects of rail carrier-shipper relations.

Kevin Wright (B.A. Econ, Honours, Gold Medal (University of Western Ontario), J.D., Honours, (University of Toronto)) is a partner of Davis LLP in Vancouver and Chair of the firm's Competition & Antitrust Law Practice Group. His competition law practice runs the gamut from defending criminal cartel investigations, representing clients in private litigation (including class action defence), advising on mergers, developing compliance programs and counseling clients on distribution practices. He has advised individuals, private and public companies, trade associations and government bodies and has appeared before the Competition Tribunal, the Supreme Court of Canada and other courts.

*Steve Szentesi (LL.B. (Dalhousie University)) is a competition lawyer working in Vancouver and Toronto. He has practiced at business law firms in Toronto (Davies Ward Phillips & Vineberg), Vancouver (Lang Michener, now McMillan) and London (Linklaters) and served as in-house competition counsel for The Canadian Real Estate Association in Ottawa. He has published widely in the competition and regulatory law areas and frequently speaks at conferences and industry events. His publications include *The Competition Law Guide for Trade Associations in Canada* (Carswell) and *Competition Law and REALTORS®: What You Say and Do Matters*. He blogs on competition and advertising law at: www.competitionlawcanada.com and www.canadianadvertisinglaw.com.*

LAW 415.001 **Labour Law**
 Term 1 Term 2 Benedet Course 3 CREDITS

This course fulfills the Law & Society requirement for students admitted prior to 2012W.

CHANGE: Classroom change.

This is an introductory course designed to enable students to become familiar with the provincial and federal legislation governing collective bargaining. The course will cover the history of labour law, the regime for acquiring and terminating collective bargaining rights, the negotiation of the collective agreement and the legal regulation of strikes, lockouts and picketing. The course will also consider the interaction between human rights and labour law and will introduce students to the impact of globalization on labour standards. The course will consist of lectures, practice problems and discussion.

Evaluation:

Student evaluation will be based on an examination.

Professor Janine Benedet is a full time member of the UBC Faculty of Law.

LAW 419C.001 Individual Employment Law

Term 1 Term 2 Tyler Cooperwilliams Course 3 CREDITS

This is an introductory course designed to familiarize students with legal concepts surrounding the employment relationship. The course will cover the basics of employment contract formation, the rights and obligations of employees and employers, wrongful and constructive dismissal, restrictive covenants, and the contrast between the unionized and non-unionized work environments. We will review legislation relevant to these areas, including the B.C. Employment Standards Act and the Canada Labour Code. This course will also explore the relationship and interaction between employment law and other areas of law, including human rights, labour and privacy law. Accordingly, the B.C. Human Rights Code and both federal and provincial privacy legislation will also be reviewed.

The course will consist of lectures and extensive discussion of employment-related issues.

Evaluation:

Student evaluation will be based on an examination.

Grady Tyler (LL.B. (UBC 2007)) is an Associate at Mathews, Dinsdale & Clark LLP where he practices exclusively employment and labour law. Mr. Tyler has appeared as counsel in trials at all level of court in British Columbia on employment matters. Mr. Tyler has also prepared and presented seminars for employers on employment law, employment contracts, and other employment-related issues. He is a member of the Employment Law Section of the Canadian Bar Association.

Matthew Cooperwilliams (LL.B. (University of Manitoba 1987)) is a specialist in the area of employment law with over 25 years' experience. Mr. Cooperwilliams is the founder and first Chair of the Employment Law Section of the Canadian Bar Association - BC Branch and Chair of the Law Society of British Columbia's annual Employment Law CLE. Mr. Cooperwilliams was called to the B.C. bar in 1988 and joined Harris & Company LLP as a partner in 2007. Prior to this time, Mr. Cooperwilliams was a partner with Ogilvy Renault. He was also admitted to the Roll of Solicitors of England and Wales in 2001, and he practised for two years as a solicitor in London, England with a major international law firm.

LAW 419C.002	<u>Individual Employment Law</u>	<u>Law and the Modern Workplace</u>	
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	Zwack	Bayne	Vipond Seminar 3 CREDITS

COURSE ADDED.

The face of employment law today has dramatically changed, as a result of the emergence of human rights, privacy and occupational health laws. These laws have opened the doors to employee claims of addictions and/or mental and physical disabilities; employee complaints regarding harassment, discrimination and bullying; and employee complaints regarding privacy violations and unsafe workplaces. With rising health care costs and other pressures on government and society, employees are increasingly required to focus on their employers' overall wellness. At the same time, technology and social media are blurring the boundaries between work life and private life, with a resulting expectation that the workplace reflect the goals and values of all of its participants.

This course is designed to give students a full appreciation of these various modern day workplace issues; how they arise, their legal and ethical implications for employers and employees, and their broader societal impact.

Evaluation:

Discussion Questions/Reaction papers: 25% of final grade

Class participation: 25% of final grade

Final paper: 50% of final grade

Andrea Zwack (B.A. (University of Calgary 1987), LL.B. (UBC 1991), LL.M. (Harvard University 1996)) practises law with the firm Heenan Blaikie in Vancouver, primarily in the areas of labour, employment and human rights law. She is a member of the Bars of Alberta and B.C. She was a law clerk to the late Mr. Justice Sopinka of the Supreme Court of Canada 1992-93, and in her subsequent Master's studies she concentrated on international human rights law. In her practice she has represented both complainants and respondents in workplace-related human rights matters before the Human Rights Tribunal, and has been involved with numerous human rights and Charter-related matters before grievance arbitrators, the Labour Relations Board, and all levels of court in the country.

Kate Bayne (LL.B. (UBC 1995), LL.M. (Columbia University 1998)) is a lawyer at Heenan Blaikie. She clerked for Mr. Justice La Forest at the Supreme Court of Canada before joining her present firm in 1998. She practises in the areas of labour, employment, human rights, and constitutional law.

Melanie Vipond (B.A.H. (Queen's University 2004), LL.B. (University of Ottawa 2007), JSM (Stanford University 2010)) is a lawyer with Heenan Blaikie LLP. Her Master's studies at Stanford University focused on a comparative analysis of U.S. and Canadian labour law. Ms. Vipond practices in the areas of labour, employment, human rights and occupational health law and has been involved in several cases before grievance arbitrators, the Human Rights Tribunal, WCAT, the Labour Relations Board, and in court.

LAW 421A.001 **Topics in Labour Law** **The Idea of Labour Law**
 Term 1 Term 2 Davidov Seminar 1 CREDITS

This intensive seminar will meet on Mondays and Wednesdays, 2:00-5:00 p.m., Sept 9-27, totalling five meetings (no class on Sept 18). Registration time conflicts are allowed for this seminar.

CHANGE: Pre-requisite removed.

What is labour (and employment) law for? This has been a contested question for many years. Neo-classical economists and neo-liberal politicians argue against this intensive intervention in the “free market”, while those skeptical about the market and committed to social justice argue that such intervention is necessary. In recent years the debate has intensified, becoming also a central topic of “internal” debate among labour law scholars themselves. It is not only the question of whether we want labour law or not (although here too, the arguments have become more sophisticated and nuanced). We also have to articulate to ourselves the goals of the field in order to interpret labour laws, to assess their constitutionality, and to set their boundaries (for example, deciding who is an “employee”, who is an “employer”, and whether labour laws should apply to others as well). Moreover, in light of the crisis facing the field throughout the world – problems of enforcement, the exclusion of workers in need of protection, claims of rigidity and inflexibility – there is a need to reform labour laws. This again requires an understanding and rethinking of what exactly we are trying to achieve when regulating the labour market. The course will be based on a reading and discussion of articles by labour law theorists dealing with these issues. Recent developments in the laws of Canada, Israel and other countries will be used throughout the course as examples.

Evaluation:

Short essay graded on an Honours/Pass/Fail basis.

*Guy Davidov (LL.B (Tel-Aviv, 1996), LL.M. (Toronto, 1998), SJD (Toronto, 2002)) is the Elias Lieberman Chair in Labour Law at the Faculty of Law of the Hebrew University of Jerusalem, where he previously also served as Vice-Dean. He has been a faculty member at the University of Haifa for several years before joining the Hebrew University in 2007. He is co-editor of the journal *Labour, Society and Law*, and a founding Chair of the Labour Law Research Network. He has published widely on labour law issues in top journals such as the *University of Toronto Law Journal*, *Modern Law Review* and *Law & Social Inquiry*, and has edited (with Brian Langille) books on “Boundaries and Frontiers of Labour Law” (Hart, 2006) and “The Idea of Labour Law” (OUP, 2011).*

LAW 422.001 **Intellectual Property** Term 1 Term 2

Blom

Course

3 CREDITS

This course will survey the three major statutory areas of intellectual property law, which are copyright, trademarks and patents. Attention will also be paid to common law protection for intellectual property through wrongs such as breach of confidence and passing-off.

Intellectual property used to be thought of as an esoteric subject, remote from everyday legal life, but the rise of the knowledge economy means this is no longer true (if it ever was). Copyright and trademark issues arise in a wide variety of commercial or even non-commercial situations. Patent law is also an area that every lawyer should know something about although, by and large, only specialists engage in it deeply. The plan is that the first two topics will take up about 10 weeks of the course and patents about the last 3 weeks. The aim is to give a reasonably thorough understanding of the legislation, treaties and case-law on copyright and trademarks (including the related tort of passing-off), and do enough of patents to know what patent law is and, in general terms, how it works and how it fits into the broader scheme of the protection of intellectual property rights.

Evaluation:

Evaluation will be final examination. The examination will be limited open book. Students may bring into the examination room any required case and statutory materials as well as class handouts and notes the students have made themselves. No other materials, whether originals or electronic or hard copies, may be used in the examination.

Materials:

A four-part, in-house set of case and statute materials, edited by Prof. Blom, will be available at the Bookstore.

Professor Joost Blom is a full time member of the UBC Faculty of Law.

LAW 422.002 Intellectual Property

Term 1 Term 2 Bailey Marles Takagawa Course 3 CREDITS

Change: Classroom change.

This course will survey the major statutory areas of intellectual property law, which are patents, trademarks, copyright and industrial designs. Attention will also be paid to common law protection for intellectual property through wrongs such as breach of confidence and passing-off.

Materials:

Materials will be prepared for prior reading and will be discussed in class.

Prerequisites:

There are no prerequisites or recommended courses.

Evaluation:

There is an obligatory final exam and an optional paper worth 40% of the final grade if the option is exercised. The optional paper only counts for 40% of the final grade if the paper score is higher than the exam score.

Thomas W. Bailey (B.Sc. (UBC 1983), LL.B. (UBC 1987)) joined the firm Oyen Wiggs Green and Mutala LLP in Vancouver in 1988. He specializes in patent law, especially in the biotechnology field. He is a registered patent and trademark agent and has taught as an adjunct professor at this Faculty since 1993. Mr. Bailey has published numerous papers on intellectual property topics, including the patents chapter in the Continuing Legal Education Annual Review of Law & Practice.

Jennifer Marles (B.Sc. (UBC 2001), M.Sc. (University of Toronto 2003), LL.B. (University of Victoria 2006)) is an associate at Oyen Wiggs Green & Mutala LLP. She is a registered patent agent and trademark agent, and practices in the area of intellectual property law. Her practice involves assisting clients with a broad range of issues in the areas of patents, trademarks, copyright, industrial designs, and confidential information, with a particular focus on patent prosecution in the fields of biotechnology and medical devices.

David Takagawa (B.Sc. (UBC 1998), LL.B. (UBC 2003)) joined Oyen Wiggs Green & Mutala LLP in 2004. He is a registered patent and trademark agent. His specializes in prosecution of patent, trademark and design applications, and also advises on IP strategies and transactions. His clients span a broad range of industries including biotechnology, medical devices, alternative energy, aquaculture, construction, and pulp and paper.

LAW 423B.001 Topics in Intellectual Property Video Game Law
 Term 1 Term 2 Festinger Course 2 CREDITS

Students who have completed LAW 450A Topics in Sports, Media, Entertainment or Communication Law: Video Game Law" are not allowed to register for LAW 432B Topics in Intellectual Property: Video Game Law.

Video games create virtual worlds that players physically interact with. In so doing video games upset the traditional media apple cart. The gamer becomes the controller of a responsive virtual world, rather than simply a passive "receiver" of images and sound.

North American video game revenues routinely surpass both domestic film box office receipts and music sales. The video game industry continues to grow faster than almost any other economic segment. Vancouver is one of the largest and most sophisticated centers of video game production in the world.

The creation, dissemination and enjoyment of interactive entertainment is governed by a multi-dimensional grid of international and domestic laws relating to intellectual property, communications, contracts, torts, privacy, obscenity, antitrust and freedom of expression. The myriad legal issues currently manifest in digital media often originated in games. Video gaming has presaged the now rapid rise of real-time social media communities. By building additional levels for their favorite products gamers have for decades been engaged in crowd sourcing, user-generated content and remixing source materials. Games also consistently lead technological, interactive and creative advancements of the digital age.

Threatening intellectual property orthodoxies has literally always been part of the game. It can easily be suggested that the legal and ethical issues in all media spaces may be best and most critically explored and understood through the lens of video games. Accordingly the processes of creating and playing games constitute a useful proving ground for legal constructs applying to creativity. Given all of this occurs with a core demographic that includes very large numbers of children considerably complicates the resulting analysis.

The goal of this course is to continue scholarship in the area. It also forms part of a cluster of courses both at UBC Law School related to the media, entertainment and communications industries.

The course will be limited to twenty-four students. The pedagogic concept of the course is to map and design learning territories to be explored by the students and provide as many tools as possible for that exploration. Accordingly there are multimedia components of the course including a website containing past lectures, discussion forums and resource materials (<http://blogs.ubc.ca/videogamelaw/>). Industry expert guest speakers appearing in person and or by remote connection also play a significant role.

Required Materials:

Festinger, Metcalfe & Ripley, Video Game Law (2nd edition, LexisNexis).

Evaluation:

Attendance and participation: 30%

Term Paper of 18-20 pages (5,000 words): 70%

Jon Festinger, Q.C. (LL.B., B.C.L. 1980 (McGill University)) is a Vancouver, British Columbia based counsel and educator. A faculty member at the Centre for Digital Media (<http://thecdm.ca>) Jon has taught media, entertainment and communications law topics at the UBC Faculty of Law for over two decades, as well as occasionally teaching at the University of Victoria Faculty of Law and the UBC Graduate School of Journalism. He is the author of the first edition of "Video Game Law" published by LexisNexis in 2005, and co-author of the 2nd Edition published in 2012 (<http://www.lexisnexis.com/store/ca/catalog/booktemplate/productdetail.jsp?prodId=prd-cad-01004>). As a graduate of McGill University's Faculty of Law, Jon began his legal career in private practice, in turn becoming General Counsel of WIC Western International Communications, Senior Vice President of the CTV Television Network and Executive Vice President, Business & General Counsel of the Vancouver Canucks. Jon practices law through Festinger Law & Strategy, is Vice Chair of Ronald McDonald House British Columbia, a Director of City Opera Vancouver and a Trustee of the Simon Fraser University Foundation. Jon is dedicated to computer racing simulations and can often be found in his fully equipped virtual cockpit.

Website: <http://blogs.ubc.ca/videogamelaw/>

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Xbox Gamertag: cdmjon

LAW 423D.001	<u>Topics in Intellectual Property</u>	<u>Current Issues in Copyright</u>		
<input checked="" type="checkbox"/> Term 1	<input type="checkbox"/> Term 2	Reynolds, G.	<i>Seminar</i>	4 CREDITS

This course fulfills the Seminar requirement.

This seminar focuses on current issues in copyright law. Emphasis will be placed on the multi-media environment for the creation, distribution, transmission, manipulation, marketing, and licensing of copyright-protected works. Topics will include some, and possibly all, of the following: the public domain, the first sale doctrine, feminism and copyright, rhetoric and copyright, evidence-based policy-making in the context of copyright, and the contours of authorship, originality, creativity and creative expression. The course may also explore the expansion of the copyright domain in the context of legal and policy debates and the impact of new technologies, as well as technology-driven regulatory and access devices on copyright jurisprudence. In appropriate instances, comparative perspectives on copyright in other jurisdictions such as the United States and the European Union will be examined.

Co-requisite: Intellectual Property Law

Evaluation:

Assessment will be based on a research paper (60%), an in-class presentation (10%), a copyright reform exercise (20%), and class participation (10%). Students will select their own research paper topic in consultation with the instructor.

Professor Graham Reynolds is a full time member of the UBC Faculty of Law.

LAW 423D.002	<u>Topics in Intellectual Property</u>	<u>Intellectual Property & Human Rights</u>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Reynolds, G.	<i>Seminar</i>	4 CREDITS

This course fulfills the Seminar requirement.

This seminar focuses on the intersection of intellectual property and human rights. It will cover the expansion of intellectual property protection; the development of human rights; specific intersections of intellectual property and human rights such as copyright and freedom of expression, patents and the right to health, and patents and the right to food; the issue of whether intellectual property is itself a human right; and the relationship between intellectual property and human rights.

Co-requisite: Intellectual Property Law

Evaluation:

Assessment is based on a research paper (60%), an in-class presentation (10%), a law reform exercise (20%), and class participation (10%). Students will select their own research paper topic in consultation with the instructor.

Professor Graham Reynolds is a full time member of the UBC Faculty of Law.

LAW 426C.001 Topics in Law & Technology Biotechnology and the Law
 Term 1 Term 2 Marden Seminar 3 CREDITS

Students who have completed LAW 343C Topics in Public Law: Biotechnology and the Law are not allowed to register for LAW 426C Topics in Law and Technology: Biotechnology and the Law.

This course will provide an overview of biotechnology law and policy. Students will be introduced to key laws, policies and ethical concerns that govern biotechnology research, drug and diagnostic development, commercial activity in the biotechnology arena. The course will incorporate concepts in patent law and administrative law and will examine how applicable laws and regulations attempt to balance commercial, scientific and social/ethical interests.

Key units to be covered include:

Biotechnology and Biomedicine

- Intellectual property issues
- Regulatory issues in research, drug and diagnostic development
- Laws and agreements governing research on human subjects

Biotechnology and Agriculture (plants and animals)

- Agricultural biotechnology issues
- Animal biotechnology ("pharming", GM animals, animal cloning)

Future challenges and Issues

- Access to medicines
- Expansive diagnostic capabilities
- Other

Evaluation:

Final Paper: 50%

In-class presentation: 25%

Participation: 25%

Emily Marden is a Research Associate at the UBC Faculty of Law and a practicing attorney in the biotechnology/pharmaceutical arena. Ms. Marden's focus is on intellectual property, policy and regulatory strategy relating to biotechnology and agricultural innovations. She has written and published widely on issues relating to intellectual property, the regulation of biotechnology and pharmaceuticals, and genetically modified foods and agriculture and currently leads the Intellectual Property Policy and Research Group (IPPRG). She completed her undergraduate degree in molecular biology at Harvard University and has graduate degrees in the History and Philosophy of Science from Cambridge and Harvard Universities. She received her law degree, with honors, from New York University, specializing in science and policy.

LAW 426D.001 **Topics in Law & Technology** **Law of Cyberspace**
 Term 1 Term 2 Matsui Seminar 4 CREDITS

This course fulfills the Seminar requirement.

This seminar is designed to focus on the legal issues arising from the development of cyberspace. The development of the cyberspace has presented many new legal issues. Public law issues include the internet governance and the role of law, jurisdictional issues, ISP liability, freedom of expression on the Internet, defamation, invasion of privacy, obscenity, child pornography, indecent speech, hate speech, copyright, domain name, personal data protection, and cyberdemocracy. In order to address these issues, we need a new perspective and new doctrine. By taking this seminar, the students will be able to understand various legal issues and learn the basic knowledge and skills to address these issues.

Pre-requisites:

There is no pre-requisite course for taking this seminar. The course requirements include regular class attendance, course readings, and final essay paper. It would be wonderful if you already have a basic understanding of Canadian Constitutional Law, but you can learn the basic principles of Canadian Constitutional Law on the Internet by taking this seminar.

Evaluation:

Students will be evaluated based upon the final essay paper and class performance. The essay paper will be assigned 70% of total evaluation and the class performance will be assigned 30% of total evaluation.

Each student is required to attend the class after reading assigned materials and is encouraged to participate in the class discussions. Each student should choose a particular topic from the areas covered by this seminar and submit the outline of the paper by the end of October and then write a substantial paper (at least 20 pages, double spaced) by the end of submission deadline. I will be happy to advise you on your choice of topic and you should talk with me before finalizing your outline. The paper will be evaluated based on the organizing skill, research skill, and writing skill.

Syllabus:

<http://faculty.law.ubc.ca/matsui/text/English04.htm>

Professor Shigenori Matsui is a full time member of the UBC Faculty of Law.

LAW 430C.001 **Advanced Legal Research**
 Term 1 Term 2 Lecky Workshop 3 CREDITS

Restricted to 3rd year JD students. Class meets in Rm 208 in the Law Library.

Each section of this course offers instruction in legal research and writing, with a focus on practical research skills, to upper year students. Training will be provided on researching the law in BC and Canada using both print and electronic resources. The course will touch on international law as well as other jurisdictions such as England, the European Union, and the United States.

Evaluation:

Weekly attendance, preparation, and participation are mandatory. Each student will be evaluated on class participation, including a series of in-class exercises (10%) and three assignments focusing on BC and Canada (90%).

Joanne Lecky (M.L.I.S., (UBC)) is the Director of Library Services at the B.C. office of McCarthy Tétrault LLP. She has previously held positions as the Manager of Library and Information Services at Singleton Urquhart LLP and as a Reference Librarian at Bull, Housser and Tupper LLP.

LAW 430D.003 **Advanced Legal Research**

Term 1 Term 2 Tsiakos *Workshop* **4 CREDITS**

Class meets in Rm 208 in the Law Library.

CHANGE: THIS ADDITIONAL SECTION IS CROSS-LISTED WITH LAW 530.001; evaluation method.

This course provides advanced instruction for graduate students in legal research and writing. It focuses on Canadian legal research, but also covers research in other common law jurisdictions and in international legal forums. Instruction in writing focuses on common forms of writing in legal practice and, to a lesser extent, for legal academics.

Evaluation:

This intensive four-credit course focuses on research methodology, legal analysis and legal writing. Weekly participation is mandatory. Evaluation will be as follows: 10% for completing a series of weekly library exercises; 30% for completing a short research and writing assignment; and 60% for completing a major research and writing assignment.

George Tsiakos (B.A., LL.B., LL.M., M.L.I.S., (UBC)) is an Instruction Librarian at the UBC Law Library and is a member of the Law Society of BC.

LAW 432B.001 **Topics in Private Law** **Negligence Law**

Term 1 Term 2 Robertson, A. *Seminar* **2 CREDITS**

This course fulfills the Law & Society requirement for students admitted prior to 2012W. This intensive seminar will meet Jan 6-16. Class will be held in room 114 Jan 6,10,13, and room 335 Jan 7,8,9,14,15,16. Registration time conflicts are allowed for this seminar.

Negligence is one of the most heavily litigated causes of action in common law jurisdictions. It is a particularly dynamic area of law because the courts are regularly confronted with novel cases and forced to grapple with difficult questions about the scope of negligence liability. This subject will explore a range of issues and controversies in the law of negligence in the light of theoretical perspectives and comparison between the approaches taken in different common law jurisdictions. Its particular focus will be on the role of policy, and the relationship between considerations of interpersonal justice and considerations of community welfare in the law of negligence. Topics to be considered will include: theories of negligence law, the framework for assessing duty of care questions, liability for omissions, the liability of public authorities, liability for pure economic loss, the standard of care, causation and defences.

Evaluation:

Class participation: 20%

Research paper: 80%

This seminar will be graded Honours/Pass/Fail.

Andrew Robertson (LL.B., LL.M. (Queensland University of Technology), Ph.D. (Australian National University)) is a Professor of Law at the University of Melbourne, where he has taught since 1999. Before becoming an academic he spent several years working in large commercial law firms in Australia and in London. His teaching and research interests are in the law and theory of obligations and remedies. He has written numerous papers on private law theory, equitable estoppel, the law of contract and the law of negligence. His recent work on the relationship between interpersonal justice and community welfare in the law of negligence has been published in the Law Quarterly Review, the Oxford Journal of Legal Studies and Legal Studies. He is co-author of a textbook and casebook on the law of contract, and has co-edited three collections of essays on private law theory: The Law of Obligations: Connections and Boundaries (2004), The Goals of Private Law (2009) and Rights and Private Law (2011).

LAW 432C.001 Topics in Private Law Damages
 Term 1 Term 2 Gruber Course 3 CREDITS

***This course fulfills the Law & Society requirement for students admitted prior to 2012W.*
COURSE CANCELLED.**

This course will focus on common law remedies, with a principal emphasis on damages. Analysing such remedies with rigour will lead to an advanced understanding of private litigation generally. General limiting principles, such as remoteness, causation, mitigation, valuation and timing of assessment will be explored. Focus will also be given to particular doctrines relevant to contract, property and personal injury claims.

Evaluation:

Final exam (100%) consisting of a choice of 3 of 6 short essay questions.

David Gruber (J.D. (University of Victoria 1996), LL.M. (University of Cambridge 1998)) is a partner of Farris, Vaughan, Wills & Murphy LLP, where he practises primarily in the areas of commercial litigation & arbitration, insolvency & restructuring, and public & administrative law. He is a member of the editorial board of the Federated Press journal "Professional Liability and Discipline Litigation" and the author of a number of papers and articles.

LAW 435C.001**Topics in Tort Law****Mass Torts and Class Actions** Term 1 Term 2

Brasil

Seminar

3 CREDITS

This course fulfills the Law & Society requirement for students admitted prior to 2012W.

CHANGE: Classroom change.

This course explores how modern society resolves - or tries to resolve - civil disputes arising from mass wrongs. Such wrongs are typified by asymmetries of organization, power and access; and by a troublesome tendency to traverse political and geographic boundaries. These characteristics make mass wrongs difficult to resolve by traditional means.

The course takes a comparative approach to examining ways to resolve such wrongs, ranging from negotiation to legislation, but with a particular emphasis on class actions. Once a rare phenomenon in Canada, class actions and other forms of group litigation are becoming increasingly common in areas as diverse as environmental law, consumer products and services, Charter rights, aboriginal claims, employment and securities regulation. They have generated an area of great interest to scholars and have become a significant source of work for specialist lawyers.

There are two aspects to the course. The first deals with the emergence of mass claims in the twentieth century generally; the economic, policy and ethical issues they present; and the ability of the legal system to respond to such claims. The aim is to develop an appreciation for the broad policy context around alleged or actual mass wrongs. The second deals with class actions specifically as a means to seek redress for those wrongs, from a practitioner's perspective. The aim is to develop a basic understanding of class proceedings in North America, and British Columbia in particular. From a more practical perspective, the course will also instruct students on the various strategic and tactical issues that arise in the selection, prosecution, defence and settlement of such actions, from the point of view of both plaintiffs and defence.

Materials:

Various instructional materials and methods are used, and may include watching and discussing a video on the ethics of prosecuting, defending and settling a product liability case; drafting a class action notice; discussion of judgments, articles or films about mass torts and class actions (A Civil Action, Erin Brockovich, The Sweet Hereafter), review of filings in the CBA National Class Action Database; and guest lectures. Although there is no required text, recommended texts include: Ward Branch, *Class Actions in Canada* (loose-leaf) (Aurora: Canada Law Book, 1996) and Jamie Cassels and Craig Jones, *The Law of Large-Scale Claims: Product Liability, Mass Torts, and Complex Litigation in Canada* (Toronto: Irwin Law, 2005).

Prerequisites:

While there are no specific prerequisites, students get more out of the seminar and are able to contribute more to it if they have background or courses in one or more of the following areas: alternative dispute resolution, civil procedure, conflicts, constitutional law, and professional responsibility.

Evaluation:

Evaluation is based on a combination of class participation and an essay term paper (approximately 5,000 words).

Luciana Brasil is a partner at Branch MacMaster, and practices primarily in the area of class actions. She has a dual practice and acts for both plaintiffs and defendants, having worked with or against the top Canadian class action counsel. In 2009, Luciana was recognized by Lexpert as a "Top Litigator to Watch". She has been involved in various cross-border class actions, including Joel v. Menu Foods Genpar Ltd. (allegedly contaminated pet food) and Langille v. Maple Leaf Foods Inc. (allegedly contaminated processed foods), both of which resulted in settlements over \$20M. Luciana's current plaintiff class actions include a high profile claim against Visa and MasterCard and the major Canadian banks in relation to credit card fees, and a claims against Ticketmaster in relation to the sale of tickets in the primary markets. Luciana is a frequent lecturer at continuing legal education seminars.

LAW 435C.002 Topics in Tort Law Personal Injury Law
 Term 1 Term 2 Kazimirski Course 3 CREDITS

This course fulfills the Law & Society requirement for students admitted prior to 2012W.

The statistics for personal injury in Canada are daunting: most individuals will suffer a significant personal injury during their lifetime, injury is the leading cause of death for children and young adults, and injury is the dominant cause of disability for Canadians. This course examines the structure of personal injury claims through a careful reading of the governing statutes and relevant judicial interpretations. The first half of the course is devoted to an overview of personal injury claims, the different legislative regimes governing personal injury claims in Canada, the key elements of personal injury claims and the various categories of damages for personal injury claims (non-pecuniary damages, wage loss, future loss of earnings capacity, special damages, future cost of care, and punitive damages). The second half of the course examines the anatomy of a personal injury claim (interviewing the claimant, preliminary investigations, commencing the action, discovery, settlement discussions, trial, and post-trial matters), defences to personal injury claims (liability, causation, intervening events, credibility, and statutory restrictions on claims), and trial advocacy in personal injury claims.

The course is designed to give students a thorough understanding of personal injury claims, to engage students in reading the relevant case law and drafting legal arguments to advance the interests of their client, and to develop the advocacy skills required in personal injury claims. By the end of the course, students should understand:

The relevant statutes and key judicial decisions governing personal injury claims in British Columbia and in other Canadian jurisdictions.

Different approaches to personal injury claims in Canada, including no-fault insurance, partial caps on damages, and full tort rights.

The structure of a personal injury claim including the various heads of damage, the anatomy of a personal injury claim, and defences to a personal injury claim.

The advocacy skills required to pursue a personal injury claim.

Evaluation:

Final Exam (50%)

Written Assignment (25%): students will complete a directed research project and prepare a written opinion/argument on the topic.

Class Participation (25%): students participate in a mock trial and conduct an opening address, direct examination, and cross examination of a witness.

Marc Kazimirski (J.D (Dalhousie 2000)) is senior counsel at Kazlaw Trial Lawyers in Vancouver, British Columbia. He is President of the Trial Lawyers Association of British Columbia and has been counsel on some of the largest personal injury cases in British Columbia. He has lectured and chaired TLABC and CLE seminars on chronic pain, trial advocacy, cross examination, expert reports, the New (Civil) Rules and personal injury damages. Outside of law, Marc was on the Canadian national mountain bike and cyclo-cross team and volunteers by assisting athletes in regulatory matters.

LAW 436C.001**Restitution**

Term 1 Term 2 Gomery Senkpiel Course 3 CREDITS

COURSE CANCELLED.

Restitution is often, but not always, awarded to rectify unjust enrichment, itself a distinct and fundamental category of private law liability, independent of contract and tort. As Lord Wright said in *Fibrosa Spolka*: "any civilized system of law is bound to provide remedies for cases of what has been called unjust enrichment or unjust benefit, that is to prevent a man from retaining ... some benefit derived from another which it is against conscience that he should keep."

Despite its theoretical and practical importance, restitution has often been overlooked and misunderstood. However, it is now experiencing a rapid evolution reflected in many cases before the Supreme Court of Canada and a vibrant academic literature. In areas as diverse as commercial litigation (especially class proceedings) and family law, restitution is and promises to continue to be the subject of considerable debate and controversy.

This course will survey the Canadian law of restitution, exploring its critical elements and its current problems. The objective of the course is to provide students with an understanding of the essential legal doctrine and controversies as they exist both in the classroom and courtroom.

Evaluation:

Evaluation will be based on in-class participation (20%) and a paper or series of short papers (80%).

Geoffrey Gomery, Q.C. (LL.B (University of Toronto 1983), B.C.L. (Oxford University 2006)) is a partner of Nathanson, Schachter & Thompson LLP where his practice is confined to civil litigation and administrative law, including commercial disputes, pension disputes, class actions, professional negligence, securities litigation, estate litigation and professional discipline. He is the author of the chapter, "Unjust Enrichment", in British Columbia Business Disputes (CLEBC, 2011) and various papers and articles.

Peter Senkpiel (J.D. (University of Toronto 2009)). After law school, he clerked for Chief Justice Lance Finch at the British Columbia Court of Appeal and he articulated and practices with Nathanson, Schachter & Thompson LLP, where his practice is focused on civil litigation and administrative law. He is the Vice-Chair of the Appellate Advocacy Section of the CBABC, a contributing author of the Evidence chapter for the Annual Review of Law and Practice, and the editor of the B.C. Civil Appeals Newsletter.

LAW 437.001**Commercial Transactions**

Term 1 Term 2 MacDougall, B. Course 3 CREDITS

This course is designed to permit examination of many of the important features of sale of goods law and practice at the consumer and manufacturer-supplier levels. The course will deal predominantly with the interpretation and application of the Sale of Goods Act and certain related legislation.

Course materials:

Will be announced by the instructor.

Evaluation:

Evaluation will be by way of a 100% final examination.

Professor Bruce MacDougall is a full time member of the UBC Faculty of Law.

LAW 438.001 Secured Transactions Term 1 Term 2

MacDougall, B.

Course

3 CREDITS

CHANGE: Classroom change.

This course is designed to familiarize the student with techniques of taking security in personal property at the consumer level and at the business level. The important features of the Personal Property Security Act will be examined.

Evaluation:

Compulsory 2.5-hour open-book final examination.

Professor Bruce MacDougall is a full time member of the UBC Faculty of Law.

LAW 440B.001 Insurance Law Term 1 Term 2

Doyle

Skorah

Course

3 CREDITS

CHANGE: Course added.

Insurance companies are intimately involved in the prosecution or defense of many tort actions and, increasingly, in commercial actions as well. Insurance is a necessary component of commercial risk planning and individual business and tax planning. Consequently, a basic knowledge of insurance is indispensable to the modern lawyer.

The first part of this course will examine basic principles of insurance law, and in particular problems in the interpretation of property, liability and accidental death policies. Topics will include basic concepts such as risk, indemnity, subrogation and insurable interest; the structure of liability and property policies; methods of interpreting policy provisions; the concept of "accident"; the role of proximate cause in determining coverage; misrepresentation and fraud; and the duty to defend actions against an insured. Selected topics in the law of life insurance will also be discussed.

The second part of the course will be concerned with automobile insurance, including in particular the regimes of liability and no-fault insurance set out in the Insurance (Vehicle) Act and Regulations. Topics will include the scope of coverage under owner's and driver's certificates; breaches and forfeiture; uninsured and underinsured motorist claims; unidentified motorist claims; limitation periods; and third-party rights.

Materials:

Students will be provided with cases and materials specially selected by the lecturers.

Evaluation:

Evaluation is based on an open-book final examination.

Jim Doyle (B.A. History (UBC 1979), LL.B. (UBC 1982)) is a partner with the Vancouver firm of Guild Yule LLP. He practices in the area of civil litigation with an emphasis on insurance defence (including product liability, property damage, motor vehicle and construction claims), commercial litigation, personal injury and claims against professionals.

Mark M. Skorah, After clerking in both the B.C. Supreme Court and Court of Appeal, Mr. Skorah was called to the bar in 1977. He commenced a distinguished career practicing in the area of civil litigation and, in particular, insurance law. He is rated in both Lexpert and Best Lawyers as recommended insurance counsel. He received his QC appointment in 2009.

LAW 443.001 Creditors' Remedies Term 1 Term 2

Edinger

*Course**3 CREDITS***CHANGE: Classroom.**

This course is designed to familiarize students with the techniques available to unsecured creditors for the collection of debts. Extra-judicial debt collection, prejudgment remedies, examination of the debtor, recognition of foreign judgments, execution, garnishment, equitable execution and builders' liens are considered. The system for distribution of the proceeds of a debtor's assets among the unsecured creditors and the basic aspects of the law of fraudulent preferences and transfers are discussed.

This is a PLTC subject.

Evaluation:

By examination.

Professor Liz Edinger is a full time member of the UBC Faculty of Law.

LAW 444C.001**Insolvency Law** Term 1 Term 2

Buttery

Williams

Seminar

3 CREDITS

CHANGE: Evaluation method.

Insolvency law touches on all aspects of corporate and commercial law, whether it is a financially troubled corporation attempting to restructure its debt to avoid bankruptcy, a secured creditor or trade supplier seeking to enforce a debt, or investors considering the risk of loss of investment. This course gives a general introduction to Canadian insolvency law. The course is designed with an emphasis on current caselaw and the theoretical framework that underpins the Canadian bankruptcy system. The course is primarily aimed at exploring commercial insolvency and bankruptcy law. However, there is some focus on personal insolvency and bankruptcy, in particular, recent developments in the personal insolvency statutory regime. The class will more generally explore the rights and remedies of creditors, fiduciary obligations of corporate officers as the corporation experiences financial distress, the relationship between the corporate board, insolvency officers, creditors and employees in governance of the financially distressed corporation. Considerable time will be spent on the specific provisions of the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act so that students have a solid understanding of the legislative framework and specific statutory requirements for restructuring, receiverships, bankruptcy, liquidation, and corporate workouts. The teaching methodology includes lectures, small group exercises and class discussion, with a particular focus on problem solving. Students must participate in a restructuring simulation, which includes an appearance before the court on initial motions .

Required Materials:

Bankruptcy and Insolvency Act

Companies' Creditors Arrangement Act.

McElcheran K., Commercial Insolvency Law in Canada (2nd ed.)(Markham: LexisNexis Canada Inc., 2011)

Ziegel, Duggan & Tefler, Canadian Bankruptcy and Insolvency Law: Cases, Text and Materials (5th ed.)(Toronto: Emond Montgomery, 2009)

Evaluation:

Assessment is a restructuring simulation where each person will be assigned a unique role requiring a researched written argument worth 50% and an oral presentation worth 40%. 10% of the final grade will be a mark based on participation in class, including problem-solving.

Mary Buttery (LL.B. (University of Windsor)) is a partner with the national law firm of Davis LLP in Vancouver where she is the head of the Vancouver bankruptcy, insolvency and restructuring group, and co-chair of the firm's national group. Ms. Buttery is called to the bars of Ontario and British Columbia. She specializes in commercial insolvency where she represents financial institutions, debtors and creditors, receivers and trustees in matters related to debt restructuring, corporate reorganizations, loan workouts, fraudulent preference actions, bankruptcy and receiverships.

Lance Williams (B. Comm. (University of Alberta), LL.B. (University of Saskatchewan)) is an associate with Davis LLP in Vancouver where he practices in the bankruptcy, insolvency and restructuring group, as well as the banking and financial services group. Mr. William is called to the bars of Alberta, Saskatchewan and British Columbia. He specializes in commercial insolvency where he represents financial institutions, debtors and creditors, receivers and trustees in matters related to debt restructuring, corporate reorganizations, loan workouts, fraudulent preference actions, bankruptcy and receiverships.

LAW 447A.001 Topics in Commercial Law Financing Transactions
 Term 1 Term 2 Fine Course 2 CREDITS

CHANGE: Classroom change.

The course will focus on real estate financing transactions in particular emphasis on real estate construction financing and security. It will examine the various steps and documentation involved in such transactions. The course will emphasize the practical procedures of financing transactions as they occur in the real world of commerce. Students will be introduced to the various documents involved, including commitment letters, construction contract and mortgage documentation and the terms therein. Also discussed will be the role of the lawyer in assisting his or her client when faced with such documentation and the limitations of the lawyer's role in advising on financial matters. The method of instruction will encourage class participation and open discussion on the topics covered.

Evaluation:

The course will be graded by one exam at the end of the term covering the term's work.

Arnie Fine, B Comm. (1979) JD. (UBC 1980) practiced for 15 years in Vancouver with a primary focus on corporate affairs and in particular real estate related transactions. While no longer in private practice, he is currently a private merchant banker and corporate counsel with a large and diverse private equity fund involved in real estate security transactions throughout North America.

LAW 447D.001 Topics in Commercial Law Banking Law
 Term 1 Term 2 Sheppard Seminar 4 CREDITS

This course fulfills the Seminar requirement.**CHANGE: Seminar added.**

The first part of the term will entail a lecture-based survey of statutory provisions, leading cases and other materials on Banking Law, based on readings contained in a course pack. Topics to be covered include: bank regulation in Canada; branch banking; the relationship between banks and customers; and principles of the law of payment. The latter part of the term will be devoted to student presentations of their research papers.

Evaluation:

Students' grades for the seminar will be based entirely on their papers. Minimum length for the papers will be 7,500 words. Unless otherwise determined in consultation with Professor Sheppard, the deadline for submitting papers will be the last day of examinations (April 30, 2014).

Professor Tony Sheppard is a full time member of the UBC Faculty of Law.

LAW 448C.001 Sports Law
 Term 1 Term 2 Weiler Course 3 CREDITS

This course fulfills the Law & Society requirement for students admitted prior to 2012W.

This course will focus in areas of public and private law that have an impact on professional and amateur sports. These legal regimes include competition law, labour law, workers compensation law, the laws of intellectual property, tort and criminal law as they relate to violence in sports, as well as legal regulation of players' agents, the laws relevant to event and facility management including sustainability issues and impacts such as environmental design, social inclusion and sport for sustainable living programming, the impact of television and corporate sponsorship on professional and amateur sports, as well as human rights issues such as mandatory drug testing and equal opportunity, and other issues relating to the eligibility to play in sports leagues, tours and other competitions such as the Olympic Games.

Evaluation:

Term paper 60%, group writing component 25%, and class participation 15%.

Professor Joe Weiler is a full time member of the UBC Faculty of Law.

LAW 461C.001 Corporate Transactions

Term 1 Term 2 Korenberg McKoen Course 3 CREDITS

This course will focus principally on the securities and corporate issues arising out of the acquisition of public companies. The course will examine in detail the regulatory regime governing take-over bids in Canada, and the duties of and laws governing defensive actions that a board of directors may take when responding to a take-over bid. Comparisons will be made to the securities laws of other jurisdictions, including the United States, and an examination will be made of other legislation applicable to acquisitions. As an introduction to the take-over bid review, one class will be spent discussing corporate finance, initial public offerings and the capital markets.

The course will also examine the regulation of restricted voting shares, insider trading, "proxy fights", the regulation of insider bids, issuer bids, business combinations and related party transactions, and emerging trends in shareholder activism.

Evaluation:

Grading will be based on class participation and final examination. With permission of the instructors, a major paper may be written in lieu of the final examination.

Prerequisite:

LAW 230: Business Organizations is not a prerequisite but is strongly recommended.

Michael J. Korenberg (B.A. (Carleton University, 1980), J.D. (Osgoode Hall, 1983)) is Deputy Chairman, Managing Director and a director of The Jim Pattison Group (Canada's second largest private company), and the Chairman of both Canfor Corporation and Canfor Pulp Products Inc. He practiced with Blake Cassels & Graydon 1982-1993, and subsequently became Deputy Chairman, Chief Operating Officer and Alternate Governor of Orca Bay Sports & Entertainment (the Vancouver Canucks NHL franchise, the Grizzlies NBA franchise, GM Place, etc.) before joining the Pattison Group in 1996. Mr. Korenberg serves on the boards of Canfor Corporation, Canfor Pulp Products Inc., Sun-Rype Products Ltd. and Westshore Terminals Investment Corporation. He has been an adjunct professor at this Faculty since 1991, serves on the Dean's Advisory Council on Business Law, and previously taught at Queen's University's Law Faculty.

Steven McKoen (B.A.(SFU, 1994), J.D. (UVic, 1997)) is a partner in the securities group at Blake, Cassels & Graydon LLP and the past chair of the securities section of the CBA-BC Branch. He practices in the area of securities, mergers and acquisitions, corporate finance and corporate governance and is admitted in both BC and the state of New York. Prior to joining Blakes in 2008, Mr. McKoen practised at another national Canadian law firm from 2005-2008 and in the capital markets group at a major international law firm's New York office from 2000-2005.

LAW 462C.001T1 Close Corporations

Term 1 Term 2 Archer Bradley Workshop 2 CREDITS

All year. Meets alternate weeks. Total credit value for this workshop is 4. (See 462C.001T2)

This workshop focuses on the practical aspects of advising private and public corporations. It is “hands on” and strives to teach students what it is like to be a corporate solicitor. The course follows the life cycle of a corporation from incorporation through dissolution. Topics covered include the incorporation and organization of companies under the British Columbia Business Corporations Act and the Canada Business Corporations Act, maintenance of corporate records, capital structure and share rights and restrictions, shareholders agreements, corporate governance, franchising, licensing, sales and distributorship agreements, joint ventures, the purchase and sale of a business, debt and equity financing, initial public offerings of securities, shareholder meetings, proxy fights, takeover bids, corporate reorganizations, going private transactions, bankruptcy, winding-up and dissolution. Guest lecturers will include practitioners in the areas of licensing and franchising, taxation and insolvency.

Prerequisite:

LAW 230: Business Organizations is a prerequisite.

Evaluation:

Students will be expected to analyse a fact situation for each class and provide a one-to-two page written analysis for that fact situation. Students will also complete a negotiation exercise in the first term and a memorandum of law on an assigned corporate law problem in the second term.

Jennifer Archer (B.A., B.Admin. (University of Regina, 2001), LL.B.(UBC, 2004)) is a partner with Borden Ladner Gervais LLP in Vancouver. She practices in the area of corporate/commercial law, with an emphasis on mergers, acquisitions and re-organizations. She also advises clients involved in electrical energy projects.

Melanie Bradley (B.F.A. (University of Illinois, 1996); LL.B. (UBC, 2003)) is a partner with Borden Ladner Gervais LLP. She practices in the area of securities and capital markets, with a focus in the areas of mining and mergers and

LAW 462C.001T2 Close Corporations

Term 1 Term 2 Archer Bradley Workshop 2 CREDITS

All year. Meets alternate weeks. Total credit value for this workshop is 4. (See 462C.001T1)

See above description.

Jennifer Archer (B.A., B.Admin. (University of Regina, 2001), LL.B.(UBC, 2004)) is a partner with Borden Ladner Gervais LLP in Vancouver. She practices in the area of corporate/commercial law, with an emphasis on mergers, acquisitions and re-organizations. She also advises clients involved in electrical energy projects.

Melanie Bradley (B.F.A. (University of Illinois, 1996); LL.B. (UBC, 2003)) is a partner with Borden Ladner Gervais LLP. She practices in the area of securities and capital markets, with a focus in the areas of mining and mergers and

LAW 463A.001 Securities Regulation

Term 1 Term 2 Read, J. Sollis Martindale Course 3 CREDITS

The purpose of this course is to enable students to gain an understanding of how and why securities markets are regulated. The course will emphasize the law of British Columbia, but there will also be reference made to the laws of other Canadian jurisdictions as well as to U.S. securities regulation, which has been particularly influential in the development of Canadian securities law and practice.

This is a specialized corporate law course dealing with the regulation of the Canadian securities market. The course focuses on the law and policy surrounding the philosophy of disclosure and civil liability in connection with trades of securities of widely-held corporations and other issuers.

Evaluation:

Evaluation will be by final examination.

Prerequisite:

It is recommended that students take Law 230 (Business Organizations) prior to Law 463 (Securities Regulation).

Jeffrey A. Read (B.A. (Queen's 1982), LL.B. (Queen's 1985)) practises corporate and securities law at the Vancouver office of Borden Ladner Gervais LLP, focusing on mergers and acquisitions, public offerings, corporate governance and private equity. He has written articles on topics including private placements, venture capital, corporate governance and securities practice and has taught courses on those and other subjects for groups including the Continuing Legal Education Society of British Columbia. He is editor of the annual Carswell publication, British Columbia Securities Act and Rules Annotated, and editor in chief of eCarswell's securities.pro online newsletter.

Gary Sollis (B.A. (University of Victoria 1974), LL.B. (Dalhousie University 1977)) practices corporate and securities law at the Vancouver office of Dentons Canada LLP, with a focus on acquisitions, financings, reorganizations and corporate governance. He has lectured on securities, corporate and commercial law topics at seminars for the Continuing Legal Education Society of B.C., Simon Fraser University, University of British Columbia, Insight, the American Society of Corporate Secretaries and Pacific Business & Law Institute. He is a member of the Business and Securities Sections, B.C. Branch, Canadian Bar Association and Business Law Section of the American Bar Association.

Graeme Martindale (B.A. (UBC 1999), LL.B. (Western 2002)) practices in the area of securities and capital markets at the Vancouver office of Borden Ladner Gervais LLP, focusing on corporate finance, mergers and acquisitions, mining and corporate law. He has written articles on topics such as disclosure requirements, private placements and prospectus offerings, is a regional editor of Securities Law & Practice (3rd Edition, Thomson Carswell) and contributes to the B.C. Company Law Practice Manual (Continuing Legal Education Society of British Columbia). He is a member of the Securities Section, B.C. Branch of the Canadian Bar Association.

LAW 466D.001 Business Law Capstone Term 1 Term 2

Davis, R.

Course

4 CREDITS

This course will meet in Room 122 on January 13. All other meetings of this course will meet in Room 111.

The Capstone Course is a compulsory course for all students who opt to obtain the business law concentration certificate. To enrol in the course, students need to have completed at least five courses from the Business Law Concentration, including Business Organizations (Law 230), Tax 1 (Law 220), Securities Regulation (Law 463) and other courses from the Concentration comprising at least 6 credits. Enrollment in the Fall term of two-term courses in the Concentration will be accepted as fulfilling this requirement. This course allows students to demonstrate that they have achieved the learning goals of the business law concentration as a whole. It is designed to be integrative and interdisciplinary, and to incorporate theoretical and practical elements of business law. The course will be focused on a transaction or transactions, chosen based on the degree to which they bridge the various specialized upper year courses taken by students in the business law concentration. Through this course, students will be expected to draw greater connections between substantive areas of law, make clear connections between business law and ethics issues, develop their drafting skills, and enhance their legal research and oral advocacy skills. Students will be exposed to practitioners with different perspectives on the transactions being examined, and will engage in a rigorous and reflective writing exercise. The course will be delivered through lectures, problem solving exercises, presentations, small group activities and a presentation on the transaction to the board of directors.

Prerequisites:

At least five courses from the Business Law Concentration, including Business Organizations (Law 230), Tax 1 (Law 220), Securities Regulation (Law 463) and other courses from the Concentration comprising at least 6 credits. Enrollment in the Fall term of two-term courses in the Concentration will be accepted as fulfilling the pre-requisites.

Evaluation:

Team assignment 15%

Individual written assignment 20%

Team and individual mark for company memorandum and presentation to board 55%

Class participation 10%

Professor Ron Davis is a full time member of the UBC Faculty of Law.

LAW 467A.001**Topics in Corporate Law****Corporate Personhood** Term 1 Term 2

Blair

Seminar

1 CREDITS

This intensive seminar will meet in Allard 115, 11:00 AM-12:30 PM, Oct 28, 29, 31 and Nov 1, 4-6; and Allard 123, 12:30-2:00 PM, Oct 30. Registration time conflicts are allowed for this seminar.

CHANGE: Evaluation method.

Corporate Personhood: The Legal and Economic Significance of Separate Identity Status for Corporations

Corporations, especially large, publicly-traded corporations, are incredibly important institutions in modern capitalist economies, in part because corporations are able to accumulate and deploy massive amounts of resources for productive (and sometimes destructive!) activity. Corporate law makes this possible by creating a separate legal entity when each corporation is formed. This course is designed to explore some of the legal and economic implications of the fact that corporations are treated by the law as separate legal "persons." These implications include the fact that corporations are self-governed enclaves or islands of central planning within seas of markets; that a corporation can take on a "persona" that distinguishes it from any of its shareholders, managers, or employees, which helps it accumulate intangible assets such as brand and reputation; that corporate assets are "locked-in" and cannot be removed by shareholders or employees without an act by the board of directors; that corporations are taxed separately from their investors or employees; that shareholders have limited liability; and that corporate management can set up numerous separate corporations all controlled by one large parent company in order to avoid taxes or insulate some assets from risks associated with other assets.

The class will meet 8 times from Oct. 28 through Nov. 7, for 1.5 hours each time, (Oct 28, 29, 31, and Nov. 1, 4, 5, 6) plus students will be expected to attend and participate in a colloquium lead by Prof. Blair on Oct. 30. Students will be expected to read a minimum of one academic article for each class session.

Evaluation:

Each student will be responsible for writing 1 essay (approximately 2,500 words), due on Monday, November 18.

This seminar will be graded Honours/Pass/Fail.

Margaret Blair is an economist who focuses on management law and finance. Her current research focuses on five areas: team production and the legal structure of business organizations, legal issues in the governance of supply chains, the role of private sector governance arrangements in contract enforcement, the legal concept of corporate "personhood," the historical treatment of corporations by the Supreme Court, and the problem of excessive leverage in financial markets. Professor Blair was appointed to the Milton R. Underwood Chair in Free Enterprise in fall 2010. She joined Vanderbilt's law faculty in 2004 and is affiliated with the Law and Business Program. Before joining Vanderbilt's law faculty, Professor Blair taught at Georgetown University Law Center, where she became a visiting professor in 1996 and served as a Sloan Visiting Professor, teaching Corporations and Corporate Finance, and as research director for the Sloan-GULC Project on Business Institutions, from 2000 through June 2004. She has also been a senior fellow in the Economic Studies Program at the Brookings Institution, where she wrote about corporate governance and the role of human capital in corporations. She served on the board of directors of Sonic Corp. from 2001-06 and currently serves on the board of WRAP (Worldwide Responsible Apparel Production).

LAW 467B.001	<u>Topics in Corporate Law</u>	<u>Jurisdictional Competition & the Market for Corporate Law</u>	
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Ahdieh	Seminar 2 CREDITS

***This intensive seminar will meet in Allard 335, Tues-Thurs, 2:00-5:00 p.m., and Fri, 1:30-4:30 p.m., Mar 25-28, & Apr 1-4). Registration time conflicts are allowed for this seminar.*
SEMINAR ADDED.**

This seminar will explore the distinctive dynamic that emerges when jurisdictions compete to provide governing legal rules. Challenging our conventional notions of how law is created, the development of law in these settings arises from a “market” of sorts, in which law is the relevant “product” – a good to be priced, bought, and sold. Corporate law in the United States (as well as in other important jurisdictions) has been characterized by something of this dynamic. It thus serves as a useful case study for understanding such “markets for law”. We will also consider other areas in which a similar dynamic might be identified, however, including environmental law and criminal law. All told, this seminar seeks to offer a better understanding of the nature and wisdom of jurisdictional competition.

Evaluation:

Final Paper (minimum 4,500 words/15 pp.) – 60%
Response Memos (minimum 500 words, for each) – 10% for each of two memos
Class Participation – 20%

Each student should pick two class sessions for which they will prepare a response memo of no less than 500 words, offering at least two comments that can be raised in the class discussion, and which arise from two (or more) different readings. Each comment should have a heading indicating its main point, preferably in a question format (e.g., “does the author ignore X?”). Students should use the memos to make interesting comparisons among the readings, to point out weaknesses of the arguments advanced in the readings, or to discuss issues which the readings miss or fail to analyze fully. Students should avoid describing or summarizing the readings unless this is necessary to make a point effectively. The memos should be submitted no later than 24 hours before the relevant class session.

This seminar will be graded Honours/Pass/Fail.

*Robert B. Ahdieh (J.D., Yale University) is Vice Dean, Professor of Law, and Director of the Center on Federalism and Intersystemic Governance, at Emory Law School. Professor Ahdieh received his law degree from Yale University, where he published what remains one of the seminal treatments of the constitutional transformation of post-Soviet Russia: *Russia’s Constitutional Revolution - Legal Consciousness and the Transition to Democracy*. While a student at Yale, he also served as an editor on the *Yale Journal of International Law*. Professor Ahdieh clerked for Judge James R. Browning of the U.S. Court of Appeals for the Ninth Circuit, before serving as a trial attorney in the Civil Division of the U.S. Department of Justice. During the 2007 to 2009 academic years, Professor Ahdieh was variously a visiting professor at Columbia, Georgetown, and Princeton, and a visiting scholar at the Institute for Advanced Study. Professor Ahdieh’s scholarly interests revolve around questions of regulatory design, including especially those grounded in dynamics of coordination. Paradigms of coordination, he has argued, hold significant promise both in helping us theorize existing regulatory patterns and in generating new regulatory constructs. At present, he is working on a book entitled *The Visible Hand: Coordination Functions of the Regulatory State*. Professor Ahdieh’s work has appeared in the *Boston University Law Review*, the *George Washington Law Review*, the *Michigan Law Review*, the *Minnesota Law Review*, the *NYU Law Review*, the *Southern California Law Review*, and the *Yale Law Journal Online*, among other journals.*

LAW 467C.001	<u>Topics in Corporate Law</u>	<u>Corporate Solicitors' Workshop</u>	
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Smith, B. Jaworski	Workshop 3 CREDITS

This course is a practical workshop designed to introduce students to the work of a corporate solicitor at a major business law firm. The course is taught in a seminar format and introduces students to the different aspects of a corporate transaction such as the purchase, sale and financing of a business, both by way of an acquisition of assets and an acquisition of shares. The course will review the various legal, professional, practice and practical issues involved in completing such transactions from start to finish and will provide practical experience analyzing issues, drafting key documents and negotiating on behalf of various parties involved in the transaction. The course will culminate with an intense one-day interactive workshop in which student teams will participate in the structuring and negotiation of a complex corporate M & A transaction.

Students are cautioned that attendance and active participation at all classes and at the one day workshop are mandatory.

Prerequisites:

LAW 230: Corporations I/Business Organizations is a prerequisite.

LAW 461: Corporate Transactions,

LAW 422: Intellectual Property and LAW 463: Securities Regulations are recommended as prerequisites or co-requisites.

Brock Smith (B.A. (University of Victoria 1987), LL.B. (UBC 1990)) is a partner in Clark, Wilson's Technology and Intellectual Property Practice Group. Mr. Smith is a corporate solicitor who has focused his practice on information technology and emerging growth companies, with an emphasis on technology companies and assets, technology licensing (from both the licensor and licensee perspective), outsourcing arrangements, intellectual property audits and other technology due diligence investigations on companies, corporate finance transactions (primarily venture capital financings) and general corporate advice to technology companies.

Michal Jaworski (B.A. (UBC 2000), LL.B. (UBC 2005)) is Legal Counsel in the Office of the University Counsel at UBC. Mr. Jaworski is a solicitor with experience in a broad range of general corporate and commercial matters. Prior to working at UBC, Mr. Jaworski was in private practice, where he specialized in corporate and commercial law in the advanced education and research sector, and public and private commercial real estate transactions.

LAW 467C.002	<u>Topics in Corporate Law</u>	<u>White Collar Crime</u>	
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Narwal	Seminar 3 CREDITS

This course examines common types of commercial and financial crime – colloquially, known as “white collar crime” – including forms of high yield investment fraud, corporate fraud, market manipulation, and trust account misappropriation. The process of investigating, prosecuting and defending these crimes will be examined, alongside the challenges posed by overlapping regulatory, administrative and civil proceedings. Special emphasis will be placed on the application of the Charter of Rights and Freedoms to various stages of the proceedings. Administrative disclosure initiatives and compliance programs designed to avoid or reduce the risk of prosecution will also be considered.

Students can expect to develop an understanding of the exercise of prosecutorial discretion, applicable Criminal Code offences, sentencing for those offences, the distinction between individual and corporate criminal liability, other federal legislation such as the Corruption of Foreign Public Officials Act and the criminal enforcement provisions of the Income Tax Act as well as provincial regulatory schemes, primarily the BC Securities Act.

Evaluation:

This course will be evaluated based on class participation (20%) and a research paper (80%).

Joven Narwal (B.A., LL.B (UBC), LL.M (Columbia University)) began his career as Crown Counsel before establishing his own firm in downtown Vancouver. His practice is devoted primarily to criminal and quasi-criminal defence and extends to professional disciplinary proceedings, administrative hearings before provincial regulators such as the British Columbia Securities Commission, and civil matters with criminal overtones involving fraud or other intentional tortious conduct. He serves as an elected director of the Vancouver Bar Association and is also a member of the Canadian Bar Association, Trial Lawyers Association of British Columbia and the National Association of Criminal Defence Lawyers.

LAW 468.001 **Ethics and Professionalism**

Term 1 Term 2 Mosoff *Course* 3 CREDITS

This course meets the Law & Society requirement for students admitted prior to 2012W.
CHANGE: Registration open to 2nd year students only. Evaluation method, classroom.

Whatever career path you choose, you will face ethical issues in the practice of law. This course will introduce students to the defining ethical issues that individual lawyers face in various practice settings, as well as some of the larger ethical issues in the legal profession. Some of the issues that will be addressed include the self-regulation of the legal profession, access to justice and issues in the lawyer-client relationship such as competence, confidentiality, conflicts of interest. We will look at ethics in particular contexts such as criminal practice, legal matters involving children, government and corporate law with guest practitioners from some of these settings. The course will focus on the various attitudes and approaches that one might take when faced with the dilemmas considered. Throughout the course we will attempt to think about how we wish to develop as professionals and how we would like to create and develop a confident, authentic and committed professional voice. We will pay attention to issues of difference: race, gender, class, and other identities and the ways in which recognizing difference complicates already complicated ethical problems. We will draw on guidelines of professional bodies, judicial decisions, cinematic representations and academic writing. Each class will consist of a discussion of particular problems.

Evaluation:

Students will be evaluated by class participation and either a research paper or final examination .

Previously Professional Responsibility.

Professor Judy Mosoff is a full time member of the UBC Faculty of Law.

LAW 468.002 **Ethics and Professionalism**

Term 1 Term 2 Benedet *Course* 3 CREDITS

This course meets the Law & Society requirement for students admitted prior to 2012W.
CHANGE: Registration open to 2nd year students only.

In this course, students will consider the ethical obligations of lawyers in Canada, with a focus on contemporary issues in legal ethics. Topics covered include role morality, the duties of the advocate, the duty of competence, conflicts of interest, conduct unbecoming and civility. Students will also be introduced to the model of self-governance of lawyers and will consider current challenges facing the legal profession including access to justice and the retention of women in private practice. The course will be taught in both a lecture format and through smaller group discussions. Practising lawyers will assist in these sessions.

Evaluation:

The course will be evaluated by means of a take home essay (50%) and a final examination (50%).

Professor Janine Benedet is a full time member of the UBC Faculty of Law.

LAW 468.003 **Ethics and Professionalism** Term 1 Term 2

Wood

Course

3 CREDITS

***This course meets the Law & Society requirement for students admitted prior to 2012W.*
COURSE SECTION ADDED. CHANGE: Registration open to 2nd year students only.**

This course is intended to enhance your knowledge and understanding of current ethical and professional standards, while also equipping you to navigate some of the more problematic issues confronting Canadian lawyers in contemporary practice.

Any exploration of legal ethics necessarily begins with distinguishing the topic from notions of morality and legality. It must also consider the several purpose-driven values which inform the profession's behavioural norms and expectations, and the conflicting nature of some of the directives that result. In the more difficult situations, choices must be made that are often neither clearly right nor wrong.

Topics to be covered include the scope of lawyer/client confidentiality versus privilege, the duty of loyalty, conflicts of interest, some principles related largely to advocacy (e.g. dealing with the lying witness, duties to the court), a lively current debate about the appropriate balance to be struck in attempting to regulate standards of civility (the Groia case in Ontario), and other issues generally related to the self-regulation of the profession (such as the significant recent expansion of the obligation upon lawyers to report certain conduct of other lawyers, and the threshold test of 'character' for admission).

Guest lecturers will include senior lawyers from both private practice and the disciplinary arm of the Law Society, including one or more Benchers.

Classroom discussion is encouraged. Formal evaluation will be based upon in-class participation (15%) and a final examination (85%).

Evaluation:

Grading will be based in small part by class participation (15%), with the balance by final examination.

Henry Wood, Q.C., is a principal in a small Vancouver law firm with an exclusive focus upon civil litigation and administrative law. He was an undergraduate at Glendon College of York University, and then studied law at Osgoode Hall. He was called to the British Columbia Bar in 1975, and has conducted practice as general counsel ever since, appearing before all levels of Court. He had extensive experience with criminal law early in his career, where he represented both the defence and the Crown, and was retained on several occasions as a Special Prosecutor for both the federal and provincial governments, generally in matters related to commercial crime.

He has appeared before a variety of administrative tribunals, and is frequently retained as counsel on matters involving the Law Society of British Columbia, primarily in relation to matters involving credentials (admissibility) and discipline issues. He has also been retained for specific cases by the Law Societies of Yukon and Alberta.

For approximately 10 years, he was an Adjunct Professor in Trial Advocacy at the Faculty of Law, University of British Columbia. Subsequent to that, he has taught Professional Ethics and Responsibility for several years.

LAW 470.001T1 The Innocence Project Term 1 Term 2

Levy

Clinical

3 CREDITS

Registration by Permission Only. (See LAW 470.001T2 and LAW 471C.001)

The UBC Law Innocence Project is a clinical program which reviews applicants' claims of wrongful conviction. Students participate in casework, office administration, an academic seminar and weekly meetings to which a variety of guest speakers are invited. Casework includes a review of each file from the initial investigation through the entire appeal process, investigation of potential new evidence pointing to innocence, and an assessment of cases for potential review by the Minister of Justice under s. 696 of the Criminal Code. Each student is assigned to a practicing criminal lawyer for added guidance and supervision. Inquiries about the program should be sent to the program director, Tamara Levy at: tlevy@law.ubc.ca.

Pre-requisite or Co-requisite:
LAW 280 Evidence

Co-requisite:
LAW 471C.001 Preventing Wrongful Convictions

Evaluation:
Legal writing 25%
Participation 10%
Investigation and Initiative (persistence, diligence, direction required) 35%
Professionalism (organization, timeliness, punctuality, dealings with others on file) 30%

Tamara Levy (B.A. (University of Western Ontario, 1993), LL.B. (Osgode Hall, 1996)) was called to the bar in 1998. She articulated and practiced with the firm of Peck and Tammen (now Peck & Co.) before working as Crown Counsel for three years. Since leaving the Crown she has practiced criminal law in Vancouver as a sole practitioner and as Director of the UBC Law Innocence Project. She has taught at U.B.C. as an adjunct professor since 2004.

LAW 470.001T2 The Innocence Project Term 1 Term 2

Levy

Clinical

3 CREDITS

Registration by Permission Only. (See LAW 470.001T1 and LAW 471C.001.)

See above description.

Tamara Levy (B.A. (University of Western Ontario, 1993), LL.B. (Osgode Hall, 1996)) was called to the bar in 1998. She articulated and practiced with the firm of Peck and Tammen (now Peck & Co.) before working as Crown Counsel for three years. Since leaving the Crown she has practiced criminal law in Vancouver as a sole practitioner and as Director of the UBC Law Innocence Project. She has taught at U.B.C. as an adjunct professor since 2004.

LAW 471C.001 **Preventing Wrongful Convictions**

Term 1 Term 2 Sandford Brown, M. Seminar 3 CREDITS

This course meets the Law & Society requirement for students admitted prior to 2012W. This course is required for Students in LAW 470.001 Innocence Project.

This seminar is designed to provide students with an understanding of both the causes of wrongful convictions, and some measures to prevent wrongful convictions. Some classes will focus on the proper roles and conduct of participants in the trial process; there will be guest speakers who are police, expert witnesses, Crown counsel, defence counsel, and judges. Other classes will focus on types of evidence which have been involved in wrongful convictions: identification evidence, scientific evidence, statements of accused, and informant evidence. Students will consider how the law of evidence (admissibility and exclusion) can be applied to ensure fair trials and to minimize the risk of wrongful convictions.

The seminar materials will include case law, excerpts from commissions of inquiry, journal articles, and government reports.

Corequisite:

This course is required for Students in the Innocence Project.

Evaluation:

Evaluations will be based on class participation (15%), a paper (70%), and leading a seminar discussion (15%).

Marilyn Sandford (B.A. (Carleton University 1983), Bachelor of Mathematics (University of Waterloo 1987), LL.B. (Dalhousie 1989)) is in private practice in Vancouver with the law firm Ritchie Sandford. Ms. Sandford's practice includes both criminal defence files and civil litigation. Her recent experience includes being defence counsel in the case R. v. Pickton.

Marian K. Brown (B.A. Hons. (University of Victoria 1980), M.MSt. (University of Toronto 1982), J.D. (University of Victoria 1995)) was called to the British Columbia bar in 1996. Ms. Brown teaches Evidence at the University of Victoria, has taught in the Professional Legal Training Course, and has coached moot teams at both UVic and UBC. After a brief defence practice, for 15 years Ms. Brown has been Crown Counsel working equally on trials and appeals. She has just completed 18 months as the founding Director of Legal Services for the Independent Investigations Office of BC.. Before joining the legal profession, she was a museum curator and studied Canadian history and the history of technology to the PhD level.

LAW 472.001 **The Allan McEachern Course in Trial
Advocacy**

Term 1 Term 2 Smart Andrews *Workshop* **4 CREDITS**

Restricted to third-year students.

This course, supervised by Justice William Smart and Mark Andrews Q.C., will be given by leading members of the judiciary and litigation bar in lectures and workshops. The course is designed to expose up to 40 students to all aspects of litigation practice (civil and criminal), mainly at the trial level.

There will be two 2-hour sessions each week during the Fall term, from 5:30 to 7:30 p.m. at the Vancouver Law Courts with a mix of plenary and group lectures and break out practice sessions with a Session leader and three judges or senior litigators assigned to four sections of 10 students in each group. The course will cover all aspects of trial advocacy including lectures and discussion groups about the adversarial system, ethics, and all practice matters of most aspects of criminal and civil litigation; interlocutory proceedings; preparations for trial; opening a criminal and civil trial, examination and cross examination of witnesses; the conduct of a civil and criminal mock trial; closing submissions; and appellate practice. Participation in simulations will be required and a thorough knowledge of the applicable materials for each session is essential.

Prerequisites:

LAW 280 Evidence and LAW 270 Civil Procedure are recommended prerequisites for this course.

Evaluation:

The course is Pass/Fail, Each student will be evaluated by session leaders.

Mr. Justice William Smart graduated from the University of Washington in Seattle in 1971, and the U.B.C. Faculty of Law in 1975. He was a Crown counsel from 1976 to 1979. Justice Smart was in private practice from 1979 to 2006, practicing almost exclusively in the areas of criminal and administrative law. He has appeared in all levels of court in British Columbia and the Yukon for the Crown and the defence, as well as in the Supreme Court of Canada. He was appointed Queens Counsel in 1996. He was appointed a fellow of the American College of Trial Lawyers and the International Society of Barristers. Justice Smart was appointed to the Supreme Court of British Columbia in December 2006. He has been a faculty member of the Federation of Law Societies National Criminal Law Program for the last 28 years.

Mark Andrews, Q.C.

LAW 473D.001 **Appellate Advocacy** Term 1 Term 2

Holloway

Workshop

4 CREDITS

This workshop is designed to acquaint students with the core elements of appellate practice: the standard of review on appeal; determining grounds for appeal; framing the issues to be argued on appeal; developing arguments in the factum or memorandum of argument and presentation of oral argument. Students will work on actual appeal and judicial review cases which will be heard in the Supreme Court of B.C., the Federal Court (trial division), the B.C. Court of Appeal, the Federal Court of Appeal and the Supreme Court of Canada.

Evaluation:

There is no exam in this course. Students will be graded on their written assignments which will include opinions on the merit of appeals, notices of appeal and formal memorandums of argument or factums. The course will also involve presenting oral argument.

Students will prepare three or more sets of appeal materials, including a notice of appeal, either a chambers application, supporting materials and short written argument or a short legal opinion, and a full factum or memorandum of argument. The assigned work will be due at (about) 2-week intervals during the course of the workshop. Students will present an oral argument on one of the issues raised in the factum.

Participation and attendance: 10%

Rod Holloway (LL.B. (UBC 1972)) was called to the B.C. Bar in 1973. Since 1993 he has been Appeals Counsel for the Legal Services Society of British Columbia. He taught in this Faculty's Clinical Program 1983-86, and directed the Faculty's Trial Advocacy program for seven years after returning to practice. His current work involves assessing and conducting appeals and judicial reviews in the fields of criminal, administrative, immigration, constitutional and family law. He has advocated at all levels of the British Columbia and Federal Courts, as well as the Supreme Court of Canada.

LAW 474.L02**Trial Advocacy****LAB** Term 1 Term 2 Rhodes

CREDITS

Advocacy Practice Simulation Lab to accompany lecture component 474.001.

Brian Rhodes is a partner at Dolden Wallace Folick LLP in Vancouver. He has appeared as counsel at all levels of court in British Columbia and Alberta, as well as the Ontario Superior Court. Brian's practice has a particular emphasis on construction law, professional liability and product liability. Brian holds a Bachelor of Arts degree from the University of British Columbia and a Bachelor of Laws from Dalhousie University. In 2010 Brian completed the Program of Instruction for Lawyers – Mediation Workshop at Harvard University.

LAW 474.L03**Trial Advocacy****LAB** Term 1 Term 2 Jetté

CREDITS

Advocacy Practice Simulation Lab to accompany lecture component 474.001.

Mark Jetté is a partner at the firm Sutherland Jetté. He earned a bachelor of arts degree at Simon Fraser University with majors in political science and history before attending at the University of Victoria Law School. After graduating law school in 1990 he joined the law firm Oliver and Company where he completed his articles. He was called to the bar in British Columbia in 1991 and continued as an associate lawyer with Oliver and Company. Together with Ian Donaldson, Q.C. he established the law firm Donaldson Jetté in August 1999. He joined James Sutherland and formed the law firm Sutherland Jetté in January 2010. He has developed an extensive and varied criminal law and extradition practice, and has defended accused persons at all levels of court in British Columbia. He has written for and lectured at numerous CLE, CBA and TLABC seminars and at the British Columbia Institute of Technology on topics in criminal law. He recently participated as faculty at a National Judicial Institute Conference on domestic violence cases in the criminal and family courts.

LAW 474.L04**Trial Advocacy****LAB** Term 1 Term 2 Winteringham

CREDITS

Advocacy Practice Simulation Lab to accompany lecture component 474.001.

Janet Winteringham, Q.C. was called to the Bar of British Columbia in 1992 after obtaining an undergraduate degree from Simon Fraser University (1987) and law degree from the University of British Columbia (1991). She practices in a boutique criminal and civil litigation firm, Winteringham MacKay, in Gastown. Ms. Winteringham spent her first five years of practice at Alexander Holburn Beaudin & Lang in the insurance litigation department and cultivating a criminal law practice. She then worked in a partnership with J.J. McIntyre focusing on the defence and prosecution of criminal matters. Ms. Winteringham has appeared at all levels of courts and before various administrative tribunals. She has also acted as counsel for professionals facing discipline by their governing regulatory association. Recently, she acted for an intervenor in the reference to determine the constitutionality of the polygamy provisions of the Criminal Code. She also appeared as counsel in the Missing Women Commission of Inquiry. Earlier this year, she acted for an intervenor in a constitutional case engaging the equality rights of female prisoners. For the last seven years, Janet has participated in the U.B.C. Advocacy course, assisting with the sessions relating to provincial court practice. She was also a supervising lawyer for the U.B.C. Criminal Clinic taught most recently by Judge Galati. Since 2006, she has acted as a discussion leader for the Inns of Court session on Ethics in Criminal Law.

LAW 481C.002 Topics in Litigation, Dispute Resolution & Administration of Justice Access to Justice and the Modern Individual Litigant
 Term 1 Term 2 Maclaren Seminar 3 CREDITS

***This course fulfills the Law & Society requirement for students admitted prior to 2012W.*
 SEMINAR CANCELLED.**

This seminar will investigate the deepening crisis in access to justice for low- and middle-income Canadians, with particular focus on how individuals approach and navigate civil justice systems in pursuit of timely and fair resolutions to legal problems. Guided by guest lecturers and experts on occasion, we will explore the philosophical foundations of the common law, trace the evolution of the concept of equal access to justice, and discuss different sociological analyses of how Canadian civil justice systems serve individuals across a range of social categories. We will also review the history of public legal services in Canada, and analyze past and present justice reform efforts undertaken by the legal profession, the judiciary, governments and other justice system stakeholders.

Students will be asked to think critically and creatively as they engage the problem of limited and unequal access to justice from an individual user perspective. The course will involve a small experiential learning component in which students select and visit a site of "street-level" legal service provision, and then reflect on the experience. A major goal of the course is to encourage students to develop new and varied responses to the problem of unequal access to justice in Canada, and to add their own ideas to the body of knowledge passed on to future students.

Evaluation:

20% - Participation (conscientious reading of course materials; contributions to class discussions)
 15% - In-class presentation (single 10-15 minute presentation on the topic and readings of the day)
 15% - Short essay reflecting on site visit (4-6 pages)
 50% - Final research paper (8-12 pages)

Jamie Maclaren (B.A. Philosophy, LL.B. (UBC)) is the Executive Director of the Access Pro Bono Society of BC as well as a solo general practitioner. He volunteers as a supervising lawyer and director for UBC's Law Students Legal Advice Program, conducts legal seminars for people overcoming homelessness and addiction in Vancouver's Downtown Eastside, and regularly provides pro bono legal representation at all levels of court. Mr. Maclaren also writes a column for the slaw.ca blog and speaks internationally on the subject of access to justice. He is the Vice-President of the Social Planning and Research Council of BC, and a member of the UBC Law Dean's Advisory Council.

LAW 481D.001 Topics in Litigation, Dispute Resolution & Administration of Justice Intercultural Dispute Resolution
 Term 1 Term 2 LeBaron Seminar 4 CREDITS

This course fulfills the Law & Society requirement for students admitted prior to 2012W and the Seminar requirement for all students.

This seminar-style course provides an interdisciplinary foundation in the intercultural dynamics of conflict resolution theory and practice. We will explore diverse theoretical frameworks as they inform conflict analysis and resolution. Building on this foundation, we will examine applications of theory, particularly focusing on organizational contexts. The role of memory in protracted conflicts will be considered, as will psychological aspects of intervention in intangible, symbolic dimensions of conflict. Creativity as a core competency in intercultural conflict resolution will be experienced via expressive arts in working with symbolic aspects of conflict. Finally, fairness in conflict resolution will be examined through a range of disciplinary lenses.

Evaluation:

Site visit reflection paper (4-6 pages) 15% Short paper (4-6 pages) and class presentation based on short paper
 Participation 25%
 Final paper (23-28 pages) 60%

Michelle LeBaron is a full time member of the UBC Faculty of Law and is the Director of the Dispute Resolution Program.

LAW 488.001	<u>Clinical Term</u>	<u>Indigenous Community Legal Clinic</u>	
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	Rauch	Clinical	11 CREDITS

Registration by permission only.

This course is open only to a limited number of students in second and third years. Accordingly, early application to the course is recommended. The clinical experience is designed to explore the functioning of the legal system in relation to Indigenous people. Students spend three days each week working at the UBC Indigenous Community Legal Clinic in the downtown eastside of Vancouver. Under the supervision of the Director, students act on behalf of Indigenous clients with respect to a range of legal matters and can expect to represent clients before various Courts and tribunals. Students will also work with community-based organizations that are active in addressing the needs of the Indigenous community. The program includes a significant academic component with weekly readings and lectures at UBC, and students are required to submit a term paper on some aspect of the legal system as it relates to their experience at the Clinic (see LAW 489).

NOTE: A student who receives credit for LAW 474, LAW 490 or LAW 491 cannot receive credit for this course.

Evaluation Method:
Pass/Fail.

Sarah J. Rauch (BA in General Studies with an emphasis on Anthropology, English and Women's Studies (UBC 1998), LL.B. (UBC 2001)) articulated with Legal Services Society and worked as an associate with Conroy & Company doing prisoners advocacy and criminal defence litigation before beginning her own practice in Vancouver in early 2006. Her interests are in rights and freedoms and the representation of people with challenges that place them at a disadvantage when negotiating the legal system.

LAW 488.002	<u>Clinical Term</u>	<u>Indigenous Community Legal Clinic</u>	
<input type="checkbox"/> Term 1 <input checked="" type="checkbox"/> Term 2	Rauch	Clinical	11 CREDITS

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NOTE: A student who receives credit for LAW 474, LAW 490 or LAW 491 cannot receive credit for this course.

Evaluation Method:
Pass/Fail.

Sarah J. Rauch (BA in General Studies with an emphasis on Anthropology, English and Women's Studies (UBC 1998), LL.B. (UBC 2001)) articulated with Legal Services Society and worked as an associate with Conroy & Company doing prisoners advocacy and criminal defence litigation before beginning her own practice in Vancouver in early 2006. Her interests are in rights and freedoms and the representation of people with challenges that place them at a disadvantage when negotiating the legal system.

LAW 489.001 Clinical Term: Paper Indigenous Community Legal Clinic
 Term 1 Term 2 Rauch Clinical 4 CREDITS

Registration by permission only.

This course is the graded component of LAW 488, above.

Evaluation Method:
100% paper.

Sarah J. Rauch (BA in General Studies with an emphasis on Anthropology, English and Women's Studies (UBC 1998), LL.B. (UBC 2001)) articulated with Legal Services Society and worked as an associate with Conroy & Company doing prisoners advocacy and criminal defence litigation before beginning her own practice in Vancouver in early 2006. Her interests are in rights and freedoms and the representation of people with challenges that place them at a disadvantage when negotiating the legal system.

LAW 489.002 Clinical Term: Paper Indigenous Community Legal Clinic
 Term 1 Term 2 Rauch Clinical 4 CREDITS

Registration by permission only.

This course is the graded component of LAW 488, above.

Evaluation Method:
100% paper.

Sarah J. Rauch (BA in General Studies with an emphasis on Anthropology, English and Women's Studies (UBC 1998), LL.B. (UBC 2001)) articulated with Legal Services Society and worked as an associate with Conroy & Company doing prisoners advocacy and criminal defence litigation before beginning her own practice in Vancouver in early 2006. Her interests are in rights and freedoms and the representation of people with challenges that place them at a disadvantage when negotiating the legal system.

LAW 490.001**Clinical Criminal Law** Term 1 Term 2

Galati

*Clinical***6 CREDITS*****Registration by permission only.***

The aim of the course is to teach a basic familiarity with the skills required for the practice of criminal law, which are largely transferable to any litigation practice.

Students will be required to obtain temporary articles with one of the experienced criminal lawyers who participate in the course. Under the supervision of their principal, students will represent (or prosecute) defendants in summary conviction cases. Most principals will have two students and they will be encouraged to work together in preparing each others' cases. Most of the cases will be scheduled for 2pm on Wednesday, usually at the courthouse at 222 Main Street and all of the students and lawyers will then attend class at 5pm in the same building to discuss the cases from that week. There are usually at least two judges present and the classes are usually concluded by 7pm. Students who do not have a case scheduled are required to attend court and observe the proceedings that other students are involved in so they can be meaningfully involved in the class discussions. Depending on the number of cases scheduled, it is possible that, on a light week, a practice-oriented lecture will be arranged but that does not often occur.

In addition, students are encouraged wherever possible to attend and observe other proceedings with their respective principals, which in the past have included Duty Counsel work, Downtown Community Court and Drug Treatment Court.

Pre-requisites:

All of LAW 280 Evidence and LAW 260 Advanced Criminal Procedure. Registration for the course is normally done in February for the following academic year, but if you are interested in this course next year, contact Assistant Dean, Students, Kaila Mikkelsen (mikkelsen@law.ubc.ca).

Evaluation:

This is a Pass/Fail course.

Judge Joseph Galati (LL.B. (UBC, 1979)) embarked on the practice of law, primarily in the areas of criminal and civil litigation after graduating with his law degree from UBC. His civil areas of practice were varied but mostly involving business disputes, employment law and tort law. Judge Galati's criminal law experience was both as a prosecutor and defence counsel. He was appointed to the Provincial Court bench in 2004 and for the most part sits regularly in the criminal courts at 222 Main Street in Vancouver. He was a student in the Clinical Criminal Law course and subsequently became involved as a principal for many years.

LAW 500.001T1 **Current Legal Problems** **LL.M. Seminar**
 Term 1 Term 2 Fagbongbe Seminar 2 CREDITS

All year. Enrolment restricted to LL.M. students only. Total credit value for this seminar is 4. (See 500.001T2)

This seminar introduces students to several of the main conceptual and methodological approaches to the study of law as well as to current trends in legal scholarship. The first term considers the main disciplinary approaches to the study of legal norms, institutions, and systems from both positive and normative perspectives. It also examines and evaluates several standard methodologies used to study law including comparative and interdisciplinary approaches. The main purposes of the first term are: to refine the research question through critical reflection; to develop a literature review; and, to match the selected project with an appropriate and justified methodological approach.

The second term provides students with an opportunity to workshop their research project in a collaborative and constructive forum. Students will receive substantive feedback on draft thesis chapters from the instructor as well as from fellow students. Through seminar participation, students will become familiar with giving and receiving critical feedback—skills that are integral to graduate studies. Discussion will also further explore methodological choices, research and writing skills, and writing for publication.

Evaluation:

Assessment is on a pass/fail basis and will be based on seminar participation and presentations, a literature review, a thesis proposal, and work presented in the second term including comments on draft thesis chapters.

Mosope Fagbongbe holds a B.A from the Lagos State University; LL.B. from the University of Lagos; LL.M. from both University of Lagos and University of Manitoba; and Ph.D. from the University of British Columbia. She had a brief stint practicing law before moving to academics. She worked as a Research Fellow with the Nigerian Institute of Advanced Legal Studies for several years. Her research and teaching interests include: Legal Theory, International Human Rights Law, Women's Rights, Criminal law and Criminal Justice Administration.

LAW 500.001T2 **Current Legal Problems** **LL.M. Seminar**
 Term 1 Term 2 Liston Seminar 2 CREDITS

All year. Enrolment restricted to LL.M. students only. Total credit value for this seminar is 4. (See 500.001T1)

This seminar introduces students to several of the main conceptual and methodological approaches to the study of law as well as to current trends in legal scholarship. The first term considers the main disciplinary approaches to the study of legal norms, institutions, and systems from both positive and normative perspectives. It also examines and evaluates several standard methodologies used to study law including comparative and interdisciplinary approaches. The main purposes of the first term are: to refine the research question through critical reflection; to develop a literature review; and, to match the selected project with an appropriate and justified methodological approach.

The second term provides students with an opportunity to workshop their research project in a collaborative and constructive forum. Students will receive substantive feedback on draft thesis chapters from the instructor as well as from fellow students. Through seminar participation, students will become familiar with giving and receiving critical feedback—skills that are integral to graduate studies. Discussion will also further explore methodological choices, research and writing skills, and writing for publication.

Evaluation:

Assessment is on a pass/fail basis and will be based on seminar participation and presentations, a literature review, a thesis proposal, and work presented in the second term including comments on draft thesis chapters.

Mary Liston is a full time member of the UBC Faculty of Law.

LAW 525.001 **Canadian Criminal Law and Procedure** Term 1 Term 2

Ferguson

Course

5 CREDITS

This course is open to LLMCL students only.

The course will teach students to understand and evaluate Canadian criminal law and procedure. Important elements include the nature and sources of criminal law including the role of the common law in defining offences); the role of the Constitution in the administration of justice; the impact of the Charter of Rights of Freedoms on substantive criminal law and criminal procedure; the ability to interpret and apply the Criminal Code and related legislation; understanding mens rea, actus reus and the underlying concepts of direct criminal liability; understanding extended criminal liability (attempts, corporate liability, aiding and abetting); and, critical and comparative analysis of Canadian (and overseas criminal law.

Evaluation:

The evaluation method is by examination and written assignment. There will be one mid-term exam worth 10% of the final mark and one open book final exam worth 70%. In addition, there will be one 10-page written assignment involving a comparative analysis of a discreet area of legal doctrine in Canada and another jurisdiction worth 20%.

John Ferguson [B.A., History and Economics (Simon Fraser University), M.A., Legal Studies (Carleton University), Ph.D., Law (UBC)] recently completed the PhD in Law program at UBC. Prior to attending UBC, he was employed by the Royal Canadian Mounted Police (RCMP) for over 30 years. As a result, John has an extensive background as an investigator in complex investigations at the international, national, provincial and local level. During the latter part of his career, he was a senior manager responsible for the management of a variety of national and provincial enforcement areas such as national border security, immigration enforcement, customs and excise enforcement, and economic/commercial crime investigations.

LAW 530.001 **Advanced Legal Research & Writing** Term 1 Term 2

Tsiakos

Workshop

4 CREDITS

Enrolment priority to LLMCL students, then open to LLM, Ph.D. and JD students if space available. Class meets in Rm 208 in the Law Library. Cross-listed with LAW 430D.003.

CHANGE: CROSS-LISTED WITH LAW 430D.003; evaluation method.

This course provides advanced instruction for graduate students in legal research and writing. It focuses on Canadian legal research, but also covers research in other common law jurisdictions and in international legal forums. Instruction in writing focuses on common forms of writing in legal practice and, to a lesser extent, for legal academics.

Evaluation:

This intensive four-credit course focuses on research methodology, legal analysis and legal writing. Weekly participation is mandatory. Evaluation will be as follows: 10% for completing a series of weekly library exercises; 30% for completing a short research and writing assignment; and 60% for completing a major research and writing assignment.

George Tsiakos (B.A., LL.B., LL.M., M.L.I.S., (UBC)) is an Instruction Librarian at the UBC Law Library and is a member of the Law Society of BC.

LAW 610C.001 **Doctoral Seminar I: Issues in Legal Theory** Term 1 Term 2

Fagbongbe

Seminar

3 CREDITS

Enrolment restricted to Ph.D. students only.

The principal objective of the first semester of the PhD seminar is to provide students with a selective overview of major developments in legal theory over the twentieth century. The seminar is intended to provide a grounding for further jurisprudential work by students in the course of their studies, including comprehensive examinations in the area of legal theory. Seminars will be based on discussion and analysis of assigned readings, which will include one or more monographs and/or selected shorter texts each week. Required books will be available for purchase at the University Bookstore as well as on reserve at the Law Library. Participants will be expected to circulate short written responses to the readings in advance of each seminar.

Mosope Fagbongbe holds a B.A from the Lagos State University; LL.B. from the University of Lagos; LL.M. from both University of Lagos and University of Manitoba; and Ph.D. from the University of British Columbia. She had a brief stint practicing law before moving to academics. She worked as a Research Fellow with the Nigerian Institute of Advanced Legal Studies for several years. Her research and teaching interests include: Legal Theory, International Human Rights Law, Women's Rights, Criminal law and Criminal Justice Administration.

LAW 611C.001 **Doctoral Seminar II: Comparative & Interdisciplinary Perspectives** Term 1 Term 2

Potter

Seminar

3 CREDITS

Enrolment restricted to Ph.D. students only.**CHANGE: Classroom, day, time. Class to meet Thurs, 9:30 a.m. - 12:30 p.m., in Allard, room 415.**

This seminar will provide a selective overview of a range of approaches to interdisciplinary research in law. As in the first semester, seminars will be discussion-based, and will usually focus on one monograph and selected supplemental readings each week. Required books will be available for purchase at the University Bookstore as well as on reserve at the Law Library. Seminar participants will circulate short written responses to the readings in advance of each seminar. The goal of seminar discussions will be to gain an appreciation of not only the substance, but also the theoretical and methodological frameworks utilized by the authors. We will be reading closely a wide range of interdisciplinary, critical and socio-legal research in order to learn more about the diversity of methods that can be brought to bear on legally related subjects. The seminar will also explore the multiple ways in which theory and method are intertwined in legal research.

Professor Pitman Potter is a member of the UBC Faculty of Law and Director of the UBC Institute of Asian Research.