

**LAW 300.001**      Jurisprudence and Critical Perspectives Term 1     Term 2

Goold

Course

3 CREDITS

This course provides an introduction to legal philosophy, legal history, key principles of the common law, legal and political theory, and critical approaches to the law. It is designed to give upper year students an overview of the history and structure of law, and a critical insight into the various ways in which law and its role in society can be understood. As the name suggests, the course is also designed to provide students with a background in jurisprudence and legal theory, and to encourage them to see the relationships between different branches of law and legal doctrine.

## Evaluation:

Students will be given the option of choosing either: (a) a 3-hour 100% closed-book exam: or (b) a 2-hour 70% closed-book exam plus a 30% take home assignment.

*Professor Ben Goold is a full time member of the UBC Faculty of Law and Associate Dean of Academic Affairs.*

**LAW 300.002**      Jurisprudence and Critical Perspectives

Term 1     Term 2

Pue

Course

3 CREDITS

*Professor Wesley Pue is a full time member of the UBC Faculty of Law. He also holds the Nemetz Chair in Legal History.*

**LAW 303.001**      The Western Idea of Law

Term 1     Term 2

Pavlich

Course

3 CREDITS

The course is a general consideration of religion, political structure and economics in social formations that establish the foundations and origins of order and justice in western law. Selected theories of jurisprudence - notably natural law, positivism and critical legal studies - are reviewed to provide context for, to facilitate understanding of and to enable critique of the values underlying the historical narratives of the course.

The origin of the concept of law in western legal systems is examined by considering the historical foundations of several contributing jurisdictions. We review the ancient social and legal forms of peoples of the Near East (emphasizing those of Canaanite derivation, including the Israelites, and Egypt), Greece (Athenian), Rome (and its empire) and medieval Western Europe (especially the role of the Catholic Church). We consider the development of law into a system of rules through the adjudication process, the evolution of professionals, legislation and the executive functions of the state.

The course cross cuts the above-mentioned historical account by reviewing the scope of myth, religion, language, orality, writing and moral reasoning on power elites responsible for law codes, legislation, dispute resolution and precedent in the progression from pre-legal to proto-legal, and then on to the fledged, autonomous, legal systems of rules that collectively are referred as law.

Required:

- 1.D. Pavlich, Materials in Western Ideas of Law (online)
- 2.Peter Stein, Roman Law in European History (Kindle)
- 3.Adriaan Lanni, Law & Justice in the Courts of Classical Athens (Kindle)
- 4.James Brundage, The Medieval Origins of the Legal Profession (Kindle)

Evaluation:

There will be a choice of essay assignment or 24-hour take-home exam.

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

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**LAW 305.001**      **Law, Society and State** Term 1     Term 2

Harris, M.

Course

3 CREDITS

**COURSE CANCELLED.**

This course is about the relationship between law and social (in)justice. It focuses on the use of law by groups and individuals who are interested in social justice. In particular, the course will explore both the potential and the problems of using law in the quest for social justice. Law's role in constructing and maintaining social, economic and political inequalities as well as the potential of law to shift inequalities will be examined. The ways in which factors such as race, class, sexuality and gender complicate the quest for social justice will be considered, as well as the intersectionality of such factors.

This course is required for students who wish to obtain the Specialization in Law and Social Justice.

## Evaluation:

10% Class participation

20% Reflective journal

70% Research paper/Project

*Mark Harris teaches in the School of Law at La Trobe University in Melbourne, Australia in the areas of human rights, Indigenous issues and environmental law. He has worked as a lawyer preparing and lodging native title claims for Indigenous communities in both Victoria and Queensland and continues to provide advice to Indigenous groups on a range of issues. His research is particularly concerned with Indigenous rights in relation to cultural heritage, land claims, intellectual property and criminal justice issues. He has presented at international conferences around the world and has developed extensive collaborative links with other academics working with and for Indigenous communities in Canada, the USA, New Zealand, India, Africa and Brazil. As a representative of LatCrit, an NGO comprising legal academics working in the field of critical race theory and racism, he has participated in the United Nations Permanent Forum on Indigenous Issues.*

*His current research projects have included reviews of the operation of Koori (Aboriginal) courts in Victoria (a program that is not dissimilar to the Gladue Courts), and the experience of Koori youth in the justice system. He also works in the field of postcolonial legal theory, which informed his manuscript titled Human Rights, the Rule of Law and Exploitation in the Postcolony: Blood Minerals that will be published by Routledge later this year. He is currently an editor, along with Professor Denise Ferreira da Silva (Queen Mary University of London) and Dr Brenna Bhandar (SOAS, London) of the Routledge series, Law and the Postcolonial: Ethics, Politics and Economy.*

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**LAW 307.001      Women, Law and Social Change** Term 1     Term 2    Cochard    *Course*                          3 CREDITS**\*Cross-listed with GRSJ 303.001.**

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, QC (LLM (Osgoode, 2003)) has practiced family law in Alberta for 35 years. She has an LLM in Alternative Dispute Resolution from Osgoode (2003) and is currently a PHD candidate at the Faculty of Law at UBC. She has taught extensively in Alberta including the Bar Admission courses, numerous continuing legal education course ,and 12 years at the U of A Law where she taught Family Law, Advanced Family Law and Alternative Dispute Resolution. Her PhD topic relates to property rights and unmarried cohabitants.*

**LAW 312C.001      Topics in Philosophy of Law & Theoretical Perspectives    Empirical Methods in Law** Term 1     Term 2    Lin    *Seminar*                          3 CREDITS

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 (mainly Excel) 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 20%

Class participation 10%

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

**LAW 312C.002****Topics in Philosophy of Law &  
Theoretical Perspectives****Law and Literature** Term 1  Term 2

Liston

Seminar

3 CREDITS

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

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

**LAW 312C.003****Topics in Philosophy of Law & Theoretical Perspectives****Natural Law in Theory & Practice** Term 1  Term 2

Trotter

Seminar

3 CREDITS

**CHANGE: Seminar added.**

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 Aquinas, Blackstone, C.S. Lewis, Martin Luther King Jr. (Letter from Birmingham Jail), John Finnis, and 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 (both 2001 and 2014); Saskatchewan Marriage Commissioner Reference); free speech (e.g. Kempling; Pridgeon; Whatcott); school curriculum and governance issues (e.g. Loyola; 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?

This course is offered every 1-2 years depending on demand. The determination of whether the course will proceed is made by the administration a few months before the start of term, but generally at least 5-6 registered and committed students are required for the course to run in any given year.

**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 during the second phase 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)) is an alumnus of UBC Law and a repeat adjunct professor. 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](http://www.gtlawcorp.com)). Geoffrey 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. He was counsel to an intervener before the BC Court of Appeal in the Carter v. Canada physician-assisted suicide case, and has recently submitted his leave to intervene materials on behalf of his client at the Supreme Court of Canada. Prospective students are welcome to contact Mr. Trotter at 604-678-9190 with any questions they may have prior to registering.*

**LAW 316.001****International Law**
 Term 1     Term 2

Mickelson, K.

Course

3 CREDITS

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 318.001****Marine Resources Law**
 Term 1     Term 2

Bulmer

Seminar

3 CREDITS

**CHANGE: Seminar added.**

This seminar will focus on the international and domestic law on the development and conservation of living and non-living marine resources. The course is structured around three key topics: who owns and/or has jurisdiction over marine resources; what legal regimes and rules apply to the extraction and conservation of such resources; and whether the existing legal regime is providing for equal access to and sufficient protection for these resources. The specific subject matters include fisheries and marine mammals, including aquaculture; off-shore oil and gas development; marine pollution; and the impact of recent Aboriginal rights and title decisions on marine resource extraction.

Recent controversies including the arrest of the Arctic Sunrise, Canada's claims for the Arctic, fish farms, and ocean fertilization are reviewed and debated, with guest lecturers providing insights into legal cases arising from these topics.

## Evaluation:

Term paper on a given topic (100%).

*Marja Bulmer received a law degree from the University of Helsinki, Finland in 1990; LL.M. from UBC in 1992; and LL.B. from UBC in 1997. She was called to the bar in British Columbia in 1998. Ms. Bulmer has practiced environmental law with the Department of Justice for 13 years and has appeared as counsel at trial and appeal level in environmental cases involving species at risk, environmental assessment, fisheries and aquaculture, mining, oil and gas development, Aboriginal consultation, and contaminated sites. For the last two years, she has taught environmental law at Langara College.*

**LAW 319.001**      **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 321.001**      **Law of Armed Conflict****International Humanitarian Law** Term 1    Term 2

Stewart, J.

Seminar

3 CREDITS

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 323.001****International Environmental Law** Term 1  Term 2

Mickelson, K.

*Seminar***3 CREDITS**

Since the 1972 Stockholm Conference on the Human Environment, the field of international environmental law has grown enormously. In 1972, international principles to protect the environment were found in a few treaties, some amorphous customary norms, and a handful of relevant judicial or arbitral decisions. Today, there is a vast and complex array of principles, regimes and institutional mechanisms to address environmental concerns at the regional and global levels.

The purpose of this seminar is to provide an overview of this critically important and rapidly growing field. The first few sessions will be devoted to developing a common foundation of knowledge about the principles of international environmental law. The sessions that follow will cover specific environmental issues and how they have been addressed through international regimes. Among the issues that have been covered in previous years are climate change, shared water resources, ozone depletion, biodiversity conservation and overconsumption.

Although there are no formal prerequisites, it is strongly recommended that students have taken Law 316 International Law.

## Evaluation:

Evaluation is based primarily upon preparation of a research paper of 5000-6250 words (75% of the final grade). A paper proposal will be due partway through the term and is worth 5% of the final grade. The paper itself will be due at the end of the examination period.

In addition, class participation will account for 20% of the final grade. General participation in class discussion will account for at least 5% of this part of the final grade. Depending upon the number of students and student interest, a portion of the class participation grade might be devoted to preparation for and participation in a simulation exercise, and/or a group presentation (for up to 15% of this part of the final grade).

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

**LAW 324C.001****Topics in International Law & Transactions****Transnational Business and Human Rights** Term 1  Term 2

Sarfaty

*Seminar***3 CREDITS**

There is a growing debate over whether corporate actors have human rights obligations under international law. In this seminar, students will gain an understanding of the emerging international human rights legal framework relevant to business; current efforts for seeking greater corporate accountability through states, international organizations, and non-governmental organizations; and the challenges of managing human rights risks in corporate decision-making and supply chains. Through an interdisciplinary approach that incorporates law, anthropology, and ethics, this course will challenge students to formulate their own positions regarding the current business and human rights debates.

## Evaluation:

Evaluation is based on participation, class presentation, short response papers, and a final research paper.

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



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<b>LAW 324C.002</b>	<b><u>Topics in International Law &amp; Transactions</u></b>	<b><u>Law in a Borderless World</u></b>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Elliot, M.	Seminar	3 CREDITS

**SEMINAR CANCELLED.**

Law in a Borderless World: the Role of the International Legal Order in shaping Domestic Law

States are decreasingly insular. The “war on terror” has turned the focus on security to the threat posed by external enemies. The Great Recession is largely the result of the interdependence of national economies. The intervention in Libya arose from the idea that states have a “responsibility to protect” foreign citizens endangered by human rights violations. Global warming can only be understood as an international problem with international solutions. Borders are not what they once were.

As the countries of the world become more intertwined, international law becomes more important, not only for regulating inter-state relations, but for regulating domestic affairs. This course will look at the effects on domestic law of the growing relevance of international law. To what extent does it make sense to see the two areas as distinct? What is the increasing impact of international law doing to the already fragile state of democratic self-government? How should courts use international obligations to shape domestic law, if at all? This course will explore these and other questions through consideration of a range of legal areas, including international humanitarian law, free trade agreements, investment law, criminal law and human rights law.

Regardless of whether international law’s increasing impact on domestic legal systems is considered a positive or negative development, an understanding of how these legal orders are interacting is important for future legal practitioners. Few if any areas of law remain untouched by international law. Courts are showing themselves open to arguments based on international and comparative law. Awareness of how these interactions are occurring, and how they may be deployed in the future, is an increasingly valuable asset in the practice of law. More than that, it is a highly interesting subject of study.

**Evaluation:**

Assessment will be based on a major paper (70%), an in-class presentation (15%), and class participation (15%). Students will select their own major paper topic in consultation with the instructor.

*Michael Elliot (J.D. (Dalhousie University Schulich School of Law), B.C.L. (University of Oxford)) is an associate at Gall Legge Grant & Munroe LLP (formerly Heenan Blaikie LLP) where he practises in the areas of constitutional and administrative law. He will be taking a leave of absence to intern at the International Criminal Court in the Hague. He has published in the areas of international law, comparative constitutional law and human rights law.*

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**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.*

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

Peters

Course

3 CREDITS

**COURSE CANCELLED.**

In today's global economy, where people and businesses carry out activities in multiple jurisdictions and migrate to and from other jurisdictions with relative ease, litigation and transactions taking place in British Columbia often involve so-called "foreign" elements, that is, connections with jurisdictions other than British Columbia.

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?

Litigators need to understand conflict of law principles in order to deal with each of these areas as they arise in litigation. Solicitors need to understand them too, in order to assist clients in assessing:

(a) in which jurisdiction and under what jurisdiction's law are disputes between contracting parties likely to be tried on the application of conflict of laws principles;

(b) what contract terms they should bargain for in order to bring about some certainty in a range of possible outcomes on jurisdiction and choice of law.

This course involves a survey of the jurisprudence and legislation applicable to each of the three areas identified above.

Required text:

Nicolas Rafferty, Joost Blom, Elizabeth Edinger, et al., *Private International Law in Common Law Canada: Cases, Text and Materials*, 3rd ed. (Toronto: Emond Montgomery Publications, 2010).

Evaluation:

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

*Lisa A. Peters (B.A. (U.B.C., 1984), LL.B (U.B.C., 1987), Cert. Civil Law/Comparative Law (University of Sherbrooke, 1986)). After clerking with the Supreme Court of British Columbia in 1987, Ms. Peters practiced as a criminal and civil litigator for a decade before joining Lawson Lundell LLP in 1997. She has appeared at all levels of court in Canada. She is a member of the Bar of B.C., Yukon, N.W.T. and Nunavut.*

*Ms. Peters is the senior research and opinions partner at Lawson Lundell. In addition to preparing opinions for clients on a wide range of legal issues, she supports the firm's litigation group in drafting submissions and factums and consulting on litigation strategy. She carries out legislative analysis and drafting for both government and organizations making submissions to government. She served as a B.C. delegate to the Uniform Law Conference of Canada from 2005 to 2012. She currently serves on the executive of the British Columbia Law Institute.*

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**LAW 327.001**      **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 330.001**      **Cultural Property & Art Law**

Term 1     Term 2      Paterson      *Course*      **3 CREDITS**

**CHANGE: Classroom change.**

This course will examine the contemporary legal, cultural, economic and ethical issues affecting cultural property – fine art, artifacts, intangibles, historic sites and archaeological remains. These questions will be addressed in the light of the concerns of indigenous peoples, private individuals and sovereign states. NOTE: This course will not be offered next year (2015-2016).

**Required Materials:**

Nafziger, Paterson and Renteln. Cultural Law (2010).

**Evaluation:**

2 hours open-book exam.

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

**LAW 333.001**      **Cultural Law**

Term 1     Term 2      Paterson      *Seminar*      **3 CREDITS**

This seminar examines the law and policy surrounding cultural heritage and art from Canadian, international, indigenous and comparative perspectives. Note: This seminar will not be offered next year (2015-2016).

**Required Materials:**

Nafziger, Paterson and Renteln. Cultural Law (2010).

**Evaluation:**

80% paper + 20% class participation.

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

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**LAW 334.001**      **Introduction to Asian Legal Systems**      **Asian Legal Systems**  
 Term 1     Term 2    Potter                                  Matsui                                  Course                                  3 CREDITS

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

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

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

This course aims to develop in students a critical understanding of law in China. Attention will be given to both the contemporary functions of the law and to historical legal legacies, as well as to the Western influences on the Chinese legal development. The course starts with an historical examination of legal development in China, with a focus on changing perceptions of law and perceived functions of law in society. It then analyses legal development since 1978 in a politico-economic and socio-legal context. The course will then undertake a detailed examination of specific branches of law, including constitutional law, administrative law, criminal and criminal procedure law, civil (contract and property) law, and foreign investment law. The course concludes with an examination of dispute resolution in China. Approaches to undertake further research in Chinese law will also be discussed throughout the course.

Course evaluation:  
Participation in the class will count towards 30% of the final grade while a final paper (of no less than 4,000 words) will count 70%.

*Jie Cheng (Ph.D.(Beijing University Law School)). Professor Cheng has taught at Tsinghua University Law School since 1999, after receiving a Ph.D. in Constitutional Law from Beijing University Law School. She has held visiting appointments at Oslo University, Sciences Po, Chinese University of Hong Kong, and Hong Kong University. In addition, she was a Fulbright visiting scholar at Yale Law School during 2003-4 and Nathaniel Fensterstock Visiting Associate Professor of Law at Columbia Law School in Fall 2013. Professor Cheng is has written over 30 academic articles and several books in the area of constitutional law, including *Essence of Constitutionalism: Open Government Under Law*, and most recently, *Unification and Rule: the China-Hong Kong Relationship under the Basic Law*.*

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**LAW 338.001**      **Japanese Law**      **Business Law in Japan**  
 Term 1    Term 2      Matsui      Seminar      3 CREDITS

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.*

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**LAW 342C.001**      **Topics in Comparative Law**      **Comparative Law**  
 Term 1    Term 2      Matsui      Course      3 CREDITS

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 class participation (30%) and final paper (70%).

**Syllabus:**

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

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

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**LAW 342C.002**      **Topics in Comparative Law**      **Comparative Constitutional Law**  
 Term 1     Term 2      Matsui      Seminar      3 CREDITS

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.*

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**LAW 342C.003**      Topics in Comparative Law      Gender and Islamic Law  
 Term 1     Term 2      Chaudhry      Seminar      3 CREDITS

**\*Cross-listed with RELG 475A and RELG 514A.\***

This course sits at the intersection of two highly contested topics, “Shari’a” and the role of “women” in Islam. Both these issues have become increasingly politicized in contemporary global discourse. For this reason, it is important to study the historical roots of their development, as well as their various manifestations in the contemporary world. As such, we will begin with a basic introduction to Islamic law, paying close attention to the way that categories of gender were conceived and developed from early Islam to medieval Islamic jurisprudence. We will then examine the impact of colonialism on the development, practice and legislation of Islamic law in various Muslim-majority nation states. Finally, we will conclude with an investigation of how Islamic law, especially as related to issues of gender, is practiced and implemented in nation states where Muslims form either majorities or minorities. We will pay close attention to the formal and informal role of “fatwas”, and by the end of the course, students will be expected to participate in a “fatwa-creation” exercise.

Evaluation:

Participation: 10%

Presentation: 20%

Research Paper (30 pages): 70%

*Dr. Ayesha S. Chaudhry (Ph.D. (York University)) is Assistant Professor of Islamic Studies and Gender Studies in the Department of Classical, Near Eastern and Religious Studies and the Institute for Gender, Race, Sexuality and Social Justice at UBC. She completed her Ph.D. at New York University in the Department of Middle Eastern and Islamic Studies. Her research interests include Islamic law, Qur’anic exegesis, and feminist hermeneutics. She is the author of Domestic Violence and the Islamic Tradition: Ethics, Law and the Muslim Discourse on Gender (in press, Oxford University Press). This book explores the relationship of modern Muslims to the inherited Islamic tradition through a study of legal and exegetical discussions of wife-beating in the pre- and post-colonial periods. Currently, she is collaboratively working on a book project on inter-faith feminist hermeneutics, which explores and challenges the limits of feminist interpretations of patriarchal religious texts in the three Abrahamic faiths, called Difficult Texts or Difficult Women?: The Challenge of Scripture to Feminist Readings. She is also developing methods of bridging the academic and community divide by translating her research interests into theatre based performance art that might appeal to a wider audience. She is working on a project that explores the meanings of multiple intersecting political discourses surrounding religious women’s sartorial choices. This project is entitled “Cover Story”.*

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**LAW 342C.004**      Topics in Comparative Law      Islamic Law and Legal Theory  
 Term 1     Term 2      Ahmed      Seminar      3 CREDITS

**\*Cross-listed with RELG 475B and RELG 514B.\***

"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)

*Rumee 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.*

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

Matsui

Course

3 CREDITS

**COURSE CANCELLED.**

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.*

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<b>LAW 343C.002</b>	<b>Topics in Public Law</b>	<b><u>Crown Liability</u></b>		
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	Gay	Horsman	Seminar	3 CREDITS

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.*

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**LAW 343C.003****Topics in Public Law****Civil Liberties** Term 1  Term 2

Gratl

Paterson, J.

Seminar

3 CREDITS

**CHANGE: Course description.**

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), and section 7 rights through cases like Insite (drug policy), Bedford (sex work), and Carter (physician-assisted suicide).

Next, we address the ambitious expansion of electronic surveillance and its implications on privacy. In this realm, we will look at the implications of the recent revelations of mass spying and legal challenges to such activity, 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 anti-terrorism powers. We intend to cover issues such as closed courtrooms and trial secrecy, accountability and oversight mechanisms for national security agencies, policing of dissent, 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.*

*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.*

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**LAW 343C.004**      Topics in Public Law      Animals and the Law  
 Term 1     Term 2    Prince                      Breder                      Moriarty                      Course                      3 CREDITS

**COURSE CANCELLED.**

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:

75% Research paper / 25% Attendance and Participation

*Amber Prince, (BA. (Simon Fraser University), LL.B. (UBC), LL.M (University of Victoria)) focused her LL.M. thesis on animal cruelty legislation in Canada, under the supervision of Law Professor Maneesha Deckha. Since completing her LL.M. Ms. Prince has been a poverty law advocate for the past 8 years, representing marginalized women at various administrative tribunals and providing legal assistance in family law cases. Ms. Prince draws on her legal knowledge and experience to provide ad hoc pro bono assistance on animal law issues. She is also a member of the Sucker Creek First Nation and 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 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, stakeholder relations and scientific programs.*

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

Ford

Seminar

3 CREDITS

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****Recent Developments** Term 1     Term 2

Elliot, R.

Seminar

3 CREDITS

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 349C.002**      **Topics in Constitutional Law** Term 1     Term 2

Arbel

Seminar

3 CREDITS

This course examines Canadian Charter law from theoretical, doctrinal, and applied perspectives. It encourages students to think analytically and critically about constitutional law, constitutional rights, as well as methods and structures of constitutional adjudication adopted by Canadian courts. Topics to be discussed include: What are constitutional rights, and how do they differ from other rights? What are the scopes and limits of Charter rights and the discourses that shape them? How do courts define the subject(s) of Charter rights? What shaping functions do various concepts, discourses, and argumentative structures have on judicial findings? Students will be asked to read key theoretical texts alongside leading Charter decisions involving s. 7 (life, liberty and security of the person), s. 15 (equality), s. 3 (democratic rights) and s. 2 (freedom of religion, expression, assembly, or association).

This course will be taught through a combination of lectures, discussions, and guest presentations by Vancouver lawyers involved in public interest litigation.

Evaluation:

Evaluation will be based on class participation (25%) a short reaction paper (15%), and a final paper (60%). Students will be asked to select their own topics for each writing assignment in consultation with the instructor.

*Efrat Arbel is a full time member of the UBC Faculty of Law.*

**LAW 349C.003**      **Topics in Constitutional Law****Charter Litigation** Term 1     Term 2

Smith, L.

Seminar

3 CREDITS

For over 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 LYNN SMITH, Q.C.*

*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 served as a Justice of that Court until September 2012.*

*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.*

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<b>LAW 349C.004</b>	<b><u>Topics in Constitutional Law</u></b>	<b><u>Liberal States, Authoritarian, &amp; Transitional States</u></b>		
<input checked="" type="checkbox"/> Term 1	<input type="checkbox"/> Term 2	Cheng	Seminar	3 CREDITS

**CHANGE: Classroom.**

This course provides a comparative survey of contemporary constitutions in three categories of states: typical liberal states, authoritarian states and transitional states. Comparisons will be made in perspectives of perception of constitutionalism, separation of powers, electoral systems, constitutional entrenchment institutions, and the protection of human rights. The potential and pitfalls of constitutional legal transplants, and the drafting of new constitutions in post-conflict societies such as former socialist states will also be considered.

## Evaluation:

Participation in the class will count towards 30% of the final grade while a final paper (of no less than 4,000 words) will count 70%.

*Jie Cheng (Ph.D.(Beijing University Law School)). Professor Cheng has taught at Tsinghua University Law School since 1999, after receiving a Ph.D. in Constitutional Law from Beijing University Law School. She has held visiting appointments at Oslo University, Sciences Po, Chinese University of Hong Kong, and Hong Kong University. In addition, she was a Fulbright visiting scholar at Yale Law School during 2003-4 and Nathaniel Fensterstock Visiting Associate Professor of Law at Columbia Law School in Fall 2013. Professor Cheng is has written over 30 academic articles and several books in the area of constitutional law, including *Essence of Constitutionalism: Open Government Under Law*, and most recently, *Unification and Rule: the China-Hong Kong Relationship under the Basic Law*.*

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<b>LAW 350C.001</b>	<b><u>Issues of Equality &amp; Social Justice</u></b>			
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Black, W.	Workshop	3 CREDITS

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 encouraged 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.*

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

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.*

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**LAW 352.001**      **Aboriginal Peoples and Canadian Law**

Term 1     Term 2      Christie

*Course*                    3 CREDITS

**CHANGE: Classroom change.**

This course looks at some of the wide variety of legal issues confronting Aboriginal peoples lying beyond the recognition and affirmation of Aboriginal and treaty rights under section 35 of the Constitution Act, 1982. Topics will include several issues that come up in relation to the Indian Act (membership and status, and recent changes to such things as land management), modern treaty-making processes and outcomes, current Metis legal struggles (around identity, land and status), sentencing in the criminal law context, child and family law issues, and various movements toward degrees of self-governance (and/or self-determination).

**Evaluation:**

Evaluation will be by way of either a final examination or a 7000 word (30 page) research paper.

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

**LAW 353.001**      **Aboriginal & Treaty Rights**

**Aboriginal Title Litigation**

Term 1     Term 2      Rosenberg, D.

*Course*                    3 CREDITS

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 3 credit course. 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 in aboriginal title litigation
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 1980 he has been a partner in the firm which he co-founded and is now called Rosenberg Law. 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.*

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**LAW 355.001**      First Nations & Administration of Justice

Term 1     Term 2      Johnston    Seminar                          3 CREDITS

**CHANGE: Seminar added.**

This course examines the relationship between First Nations and the administration of justice in Canada. The experiences of Aboriginal men, women and children in the criminal justice system and the child welfare regime will be examined. Students will be provided with historical and cultural context for systemic issues involved and offered a critique of the Canadian justice system from an indigenous perspective.

**Evaluation:**

Class participation 20%  
Research paper outline 10%  
Final research paper 70%

*Associate Professor Darlene Johnston is a full time member of the UBC Faculty of Law.*

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**LAW 356.001**      First Nations & Economic Development

Term 1     Term 2      Hanna    Course                          3 CREDITS

The economies of aboriginal communities are considered to be one of the fastest growing sectors of business in Canada resulting in a growing area of law. Economic development by aboriginal people is considered one of the means towards self-sufficiency. Recent legal developments aimed at reconciliation, accommodation and regulatory improvement 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 in B.C. and the N.W.T.. He is of the Nlha7kapmx Nation.*

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<b>LAW 358B.001</b>	<b>Topics in First Nations Law</b>	<b><u>Aboriginal Taxation</u></b>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Welters	Course	2 CREDITS

**CHANGE: Course added.**

This course aims to give the students an overall understanding of taxation in the First Nations context, a topic that is prone to widespread misinformation. We will cover all aspects of aboriginal taxation relevant to First Nations individuals and First Nation governments. We will start with an exploration of the Indian Act tax exemption for individuals in the context of employment, business and investment income. We will then consider the application of the Indian Act and Income Tax Act exemptions to First Nation governments. As well, we will explore “own source revenue” regimes, which are quasi-tax systems that are part of the fiscal relationship between the federal government (and some provincial governments) and modern treaty nations. Having covered the application of tax to First Nations individuals and governments, we will then move on to consider First Nations as taxing authorities that impose income taxes, sales taxes, and property taxes on their lands. Students will also learn how taxation plays an important role in the negotiation of benefit agreements between First Nations governments and development proponents.

No background in tax is required for this course. Although certain sections of the Income Tax Act will be relevant to the course, you can learn them in isolation from the remainder of that Act.

Evaluation:  
100% Exam.

*Michael Welters is the leader of Bull Housser’s Tax Group. His practice generally consists of advising on M&A transactions, inbound investments, commodity taxes, and aboriginal taxation. With respect to aboriginal taxation, Michael has advised on all aspects, including for individuals, bands, and modern treaty nations. In addition to advising on First Nations business structures, he has also negotiated income tax, property tax, and other fiscal arrangements between First Nations and the governments of Canada and British Columbia.*

*Michael is also an experienced litigator. He has appeared before the Tax Court, the Federal Court, the B.C. Supreme Court, and the B.C. Court of Appeal, as well as before administrative tribunals. He successfully litigated the first case in Canada that established that LLCs are corporations for Canadian tax purposes.*

*Michael regularly publishes articles on various tax issues. He recently won an award for co-authoring a paper (“Pecore’s Troubles”) on the interaction of Canadian property law and tax law. Michael won two tax awards while attending law school and completed his LL.B. in 2003.*

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**LAW 358C.001**      Topics in First Nations Law*An Introduction to Indigenous Legal Orders  
within the Settler State* Term 1     Term 2

Mack

Seminar

3 CREDITS

**CHANGE: Seminar added.**

This course is about Indigenous peoples' own laws. It assesses the relationship between indigenous and settler state legal orders. It examines how Indigenous peoples make their own laws to govern their relationships and resolve disputes. It shows how they draw from their storied histories to adjust to new social and material relationships. At the same time Indigenous legal orders constantly confront colonialism. Colonization violently brought a radically new social world. This world severely disoriented many indigenous communities. It impaired the adaptive capacities of many indigenous legal orders. This course focuses on the contemporary project of regenerating indigenous legal orders within the settler state. Themes of the course will likely include a theoretical introduction to non-state legal orders; identifying the pitfalls and opportunities associated with advancing this regenerative project within and through an Aboriginal Rights recognition framework; a historical overview of the relationship between colonial law (and later settler state law) and indigenous law, focusing on the experience in BC; and a critical analysis of the methods which legal researchers rely on to understand indigenous law today. Materials will focus on the Canadian context, but will also draw on literature addressing other contexts such as the USA, New Zealand and Australia.

## Evaluation:

The following three assignments will be graded:

- 1) One 15-page term paper (50%)
- 2) One 15-minute presentation (30%)
- 3) Two 1-page comments on the work presented by your peers (20%)

*Johnny Mack is a full time member of the UBC Faculty of Law.*

**LAW 359.001**      Family Law Term 1     Term 2

Cochard

Course

4 CREDITS

**CHANGE: Classroom change.**

This course will survey the legal framework and key concepts of family law. This will include reviewing the theory surrounding the formation and dissolution of family relationships; an extensive examination and critique of the relevant case law and relevant statutes; and will include a practical review of the practice of family law. Topics include cohabitation, marriage, adoption, child welfare, domestic abuse, divorce, division of property acquired during relationships, parenting, children's rights, spousal and child support. There will be a focus on both the federal Divorce Act and the new BC Family Law Act. The objective to the course will be to provide students with a basic knowledge of family law which may lead them to pursue further course in the area and ultimately the practice of family law.

## Evaluation:

Evaluation is by way of a term assignment plus a final examination. By special permission, a research paper may be written instead of the final examination.

*Renee Cochard, QC (LLM (Osgoode, 2003)) has practiced family law in Alberta for 35 years. She has an LLM in Alternative Dispute Resolution from Osgoode (2003) and is currently a PHD candidate at the Faculty of Law at UBC. She has taught extensively in Alberta including the Bar Admission courses, numerous continuing legal education course, and 12 years at the U of A Law where she taught Family Law, Advanced Family Law and Alternative Dispute Resolution. Her PhD topic relates to property rights and unmarried cohabitants.*

**LAW 359.002****Family Law** Term 1 Term 2

Huang, A.

Simpson

Course

4 CREDITS

**CHANGE: Course added.**

This course surveys the legal framework surrounding family relationships in Canada – from formation to breakdown. We also explore the socio-economic and cultural implications of family law and the relevance of gender, sexual orientation, class and race to the legal regulation of family relations. The topics covered include cohabitation, marriage, adoption, assisted reproduction, child welfare, family violence, divorce, property and debt division, children (custody, guardianship, parental responsibilities, and access/parenting time), spousal support, child support, agreements, and alternative dispute resolution. The Divorce Act, the Family Law Act, and other relevant legislation will be addressed and, in particular, a focus of the course will be on the jurisprudence developing under the Family Law Act, which came into force on March 18, 2013.

**Materials:**

Materials will be available for purchase at the UBC Bookstore.

**Evaluation:**

Participation: 15%

Plus, one of the following:

Final Exam worth 85%, or

Final Exam worth 45% and a Paper worth 40%

*Agnes Huang graduated from UBC Law in 2005 and was called to the Bar in 2007. Agnes clerked at the Federal Court of Canada and then worked as a labour law lawyer before venturing into the world of family law with a boutique firm in 2008. In January 2012, Agnes went out on her own as a sole practitioner. Although Agnes still desires to be an immigration and refugee law lawyer – her reason for going to law school in the first place – her practice remains primarily focused on family law for the time being. Agnes has done several presentations in the community on family law issues, including for the Jane Doe Project, the Law Foundation, Legal Services Society, Continuing Legal Education, and the Trial Lawyers Association of B.C. Agnes is a member of the executive of the Family Law Section of the Canadian Bar Association of B.C., SOGIC (the LGBTQT lawyers group with the CBA), and the Federation of Asian Canadian Lawyers of B.C.*

*Samantha Simpson was called to the Bar in British Columbia in 2011 and is an associate at Jenkins Marzban Logan LLP in Vancouver. Samantha's practice focuses on all aspects of family law. Prior to attending law school, Samantha obtained a Bachelor of Social Work degree at McGill University and a Master of Science in Social Work at Columbia University. Samantha's education and practical experience in social work inspired her to pursue a career in family law. Samantha's family law practice includes drafting cohabitation, marriage, separation and donor agreements. Samantha has appeared in both Provincial and Supreme Court on a variety of issues including disputes pertaining to the division of assets, custody, child support and spousal support.*

**LAW 365.001**      **Women, Law & Family**

Term 1    Term 2      Govender      Track      Seminar      3 CREDITS

**CHANGE: Seminar added.**

Throughout history, women's roles and identities have both shaped and been shaped by law and legal processes. This seminar provides a forum for in-depth consideration of feminist and other critical perspectives on how law has regulated or deregulated women's sexuality, autonomy, safety, parenthood, cultural and religious identity, and work. The course will take an intersectional approach to analyzing the relationship between law, gender and family.

Topics to be covered include: dominant and changing definitions of "family" and the construction of motherhood; valuing of caregiving work; the "best interest of the child" and its relationship to parental rights; the regulation of pregnancy; issues of race in the child protection and adoption contexts; and status issues under the Indian Act.

Students will find it helpful to have taken Family Law or be taking it simultaneously.

## Evaluation:

Evaluation will be by way of seminar participation, including class presentations and discussion (30%) and a final 20-25 page paper on a topic of the student's choosing (70%).

*Kasari Govender (B.A.Hons (University of Toronto), LL.B. (University of Victoria), MSt. (University of Oxford)) is the Executive Director of West Coast LEAF. She practices constitutional law, and has worked primarily on equality law issues including women's equality, children's rights, indigenous status, and prisoner's rights.*

*Laura Track (B.A.Hons (University of British Columbia), LL.B. (University of British Columbia), MSt. (University of Oxford)) is the Legal Director of West Coast LEAF, where she manages law reform projects to advance the equality rights of women and girls.*

**LAW 372.001**      **Administrative Law**

Term 1    Term 2      Ford      Course      4 CREDITS

Many of the laws that regulate the behaviour of people and organizations in modern society are administered primarily by administrative agencies, not courts. This course provides an introduction to the the rules, principles and policy considerations that shape the powers of these administrative decision-makers. It is intended to provide a foundation for further study in more specialized areas, such as human rights, labour relations, immigration and refugee law, professional self-governance, environmental protection, and capital markets regulation. Major topics will include administrative law remedies, procedural fairness, bias and independence, and substantive judicial review of administrative decision-making. The course aims to look beyond the standard administrative law preoccupation with judicial review, to include the study of administrative agencies themselves. We will devote special attention to regulatory design questions, including those raised by B.C.'s current Administrative Justice Reform initiative, and to novel rule-making approaches in Canada and beyond.

## Evaluation:

Assessment will be based on a 3 hour open-book examination, worth 100% of the course grade.

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

**LAW 372.002**      **Administrative Law** Term 1    Term 2

Liston

Course

4 CREDITS

**CHANGE: Evaluation method.**

Administrative agencies are a powerful part of modern government and are deeply implicated in our daily lives. This course examines how courts review statutorily authorized public bodies and determine the applicable principles and rules that constrain decision-making made by government agencies, boards, commissions, and tribunals. Much of administrative law will be familiar as it builds on knowledge from the first-year Public Law course. As an advanced public law course, we will consider more deeply how law enables governments to create distinctive institutions and programs to provide public goods as well as how individuals use judicial oversight to access these goods or to challenge abuses of public power.

Administrative law is foundational to the study of other areas of law such as immigration and refugee, human rights, environmental protection, labour relations, natural resources, social benefits, health and safety, and licensing.

Content covered includes: procedures and the duty of fairness such as the rights of individuals to participate in decisions affecting them and the impartiality and independence of decision-makers; the standard of review used by courts to examine the merits of administrative decisions; remedies for the abuse of discretion; the application of the Charter and constitutional principles in the administrative realm; statutes and statutory interpretation; and, the implications of administrative law for the relationship between the courts and other branches of government. Specific attention will be given to current administrative law issues in British Columbia such as the Administrative Tribunals Act and/or Aboriginal administrative law.

## Evaluation:

Students will be given the option of choosing either:

(a) a 3-hour 100% open-book exam: or

(b) a 2-hour 70% open-book exam plus short assignments worth a total of 30%.

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

**LAW 372.003**      **Administrative Law** Term 1    Term 2

Gruber

Course

4 CREDITS

**CHANGE: Course added.**

Many of the laws that regulate the behaviour of people and organizations in modern society are administered primarily by administrative agencies, not courts. This course provides an introduction to the the rules, principles and policy considerations that shape the powers of these administrative decision-makers. It is intended to provide a foundation for further study in more specialized areas, such as human rights, labour relations, immigration and refugee law, professional self-governance, environmental protection, and capital markets regulation. Major topics will include administrative law remedies, procedural fairness, bias and independence, and substantive judicial review of administrative decision-making. The course aims to look beyond the standard administrative law preoccupation with judicial review, to include the study of administrative agencies themselves. We will devote special attention to regulatory design questions, including those raised by B.C.'s current Administrative Justice Reform initiative, and to novel rule-making approaches in Canada and beyond.

## Evaluation:

Assessment will be based on a 3 hour open-book examination, worth 100% of the course grade.

*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 374.001**      **Municipal Law**

Term 1    Term 2      Cockrill                      Manhas                                      Course                      3 CREDITS

**CHANGE: Course added. Classroom change.**

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 377.001**      **Immigration Law**

Term 1    Term 2      Dauvergne                                      Course                      3 CREDITS

Immigration law is vital to the way communities and nations are constituted. Immigration law speaks to the values and priorities of the nation and is of crucial concern in an era of globalization. Canadian immigration law has been changing rapidly over the past five years. This course provides an overview of Canada's Immigration and Refugee Protection Act. It looks at how people are admitted to Canada, how they are excluded and how they are removed. Topics to be covered include: family immigration, skilled workers, provincial nominee programs, temporary foreign workers, criminal and health inadmissibility, removals (including deportations). We will also review how the Charter of Rights and Freedoms has been applied to non-citizens in Canada.

This course will not address refugee admissions or exclusions. Law 378C deals with Canadian and international refugee law. The two courses complement each other and students interested in research or practice in this area are advised to take both courses.

## Evaluation:

There will be a variety of assessment options available to students, including the option of a 100% final exam. All students will be required to attend a hearing of the Immigration and Refugee Board of Canada.

*Professor Catherine Dauvergne is a full time member of the UBC Faculty of Law and holds the Canada Research Chair in Migration Law.*

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**LAW 378C.001**      Issues in Immigration & Refugee Law      Refugee Law  
 Term 1     Term 2      Marsden      Course      3 CREDITS

**CHANGE: Term.**

This course is an overview of international refugee law as applied in Canada. Topics covered will include: how refugees are defined, who is excluded from refugee protection, how refugee law relates to international human rights, how refugee status is determined in Canada, how the Canadian system compares to similar systems in the common law world, and an introduction to the key aspects of refugee law practice in Canada. The course will include both domestic and international law, and will consider the impact of recent changes to Canada's refugee system.

This course will be taught in a lecture format with in-class exercises. It is scheduled in a three hour block to allow some more involved classroom exercises such as mock refugee hearings, treaty negotiations and visits to the Immigration and Refugee Board. Participation in these exercises is mandatory for all students.

**Evaluation:**

There will be a variety of assessment options, one of which is a final exam, from which students may choose.

There is no overlap in content between this course and Law 377.

*Sarah Marsden (B.A., York University (1997), LL.B., University of Victoria (2000), LL.M., University of Victoria (2005), PhD, UBC, (2013)). After completing her law degree, Sarah 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. She has been involved with LSLAP's clinical program since 2009, and in 2012, she joined Law Students' Legal Advice Program as the Supervising Lawyer for the civil section. Sarah researches and publishes primary in the fields of labour migration and clinical legal pedagogy.*

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**LAW 379A.001**      **Externship**      **International Justice & Human Rights Clinic**  
 Term 1     Term 2    Barrett      *Clinical*      8 CREDITS

**\*Registration by permission only.\***

**CHANGE: Day, time and classroom added.**

The International Justice and Human Rights Clinic gives students the opportunity to work on pressing human rights and global justice concerns through hands-on work on international cases and projects. The year-long clinic is for second and third year students at UBC Law and Osgoode Hall Law Schools. The clinic is based at UBC, with Osgoode Hall students participating by video link. The clinic will include a 3-unit seminar in the Fall semester, followed by a 8 unit practicum in the Spring semester.

In the Fall seminar, students will study international human rights, international humanitarian and international criminal law and apply these fields to cutting-edge issues of human rights and global justice. The seminar will provide students with the substantive legal foundation necessary to undertake the spring practicum work with competence and professionalism. Evaluation will be based on class participation and a final paper.

In the Spring practicum, students gain experience applying international law by working on specific cases with a range of international justice organizations, including international criminal courts and tribunals, United Nations human rights bodies, and non-governmental organizations. Student work may involve contributing to litigation in international criminal courts and tribunals; drafting human rights reports; drafting legal memos and briefs and conducting and presenting legal research that aims to influence public policy.

Students will work in teams under close supervision of the Clinic Director, Nicole Barrett, with final case submissions due at the end of the Spring term. The practicum will be graded on a honors/pass/fail basis based on clinical work, a weekly journal, and a 1,500 word reflective paper.

Requirements:

Students must sign up for the full-year clinic and may not drop the course after the first class meeting. While there are no obligatory course prerequisites, prior coursework or experience in international human rights, international criminal law or international humanitarian law is recommended. There is space for ten students, five at each institution. To apply, students should submit a resume, grade transcript and a 1-2 page letter to the Director. Selected student applicants will be contacted for an interview.

*Nicole Barrett (B.A. (Stanford University), Masters International Affairs (Columbia University), J.D. (Columbia University)) is Director of the Joint International Justice and Human Rights Clinic at Osgoode Hall and University of British Columbia Law Schools. She was previously a Trial Lawyer and a Legal Officer for the International Criminal Tribunal for the former Yugoslavia in The Hague and a Senior Scholar in Residence at New York University Law School's Center for Human Rights and Global Justice, where she directed clinical projects with international criminal courts and tribunals.*

*From 2013-2014, Nicole was a member of the National Task Force on the Trafficking of Women and Girls in Canada convened by the Canadian Women's Foundation. She has directed major projects on human trafficking prevention for the Canadian government and has presented on human trafficking and corruption topics in international fora. Nicole has testified before government ministers and international human rights bodies on gender discrimination and anti-human trafficking laws and practices in many countries.*

*Before moving to Vancouver in 2009, Nicole served as an international humanitarian law advisor for the defense of several Guantanamo detainees and monitored military commissions in Guantanamo Bay, Cuba for Human Rights First. She began practicing law at Sullivan & Cromwell in New York City in 2003, where she specialized in complex criminal litigation and was a member of the Human Rights Committee of the New York City Bar Association. From 2001-2003, she served as a law clerk for the Honorable John T. Noonan in the United States Court of Appeals for the Ninth Circuit and the Honorable Gerard E. Lynch in the United States District Court for the Southern District of New York.*

*Nicole has a Juris Doctorate from Columbia Law School, where she was a Harlan Fiske Stone Scholar and the Articles Editor of the Columbia Human Rights Law Review. She also has a Masters of International Affairs from Columbia University, cum laude, and a Bachelor in Arts in International Relations from Stanford University. Before law school, Nicole directed programs to promote democratic reform in Eastern Europe for the Soros Foundations in both Prague and New York City.*

Major publications include:

- The Legal Framework for Combating Human Trafficking for Sexual Exploitation, Canadian Women's Foundation (forthcoming, 2014)*
- An Assessment of Human Trafficking for Sexual Exploitation, Canadian Women's Foundation (forthcoming, 2014)*
- An Exploration of Promising Practices in Response to Human Trafficking in Canada, International Centre for Criminal Law Reform & Criminal Justice Policy (2010)*
- Holding Individual Leaders Accountable for Human Rights Violations of Customary International Law, Columbia Human Rights Law Review (2001).*

**LAW 379D.001****Externship**

Term 1    Term 2

Mosoff

*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 476 (formerly LAW 280) Evidence is required.

The following courses are highly recommended: LAW 400 (formerly LAW 260) Advanced Criminal Procedure, LAW 359 (formerly LAW 240) Family Law, and LAW 469 (formerly LAW 270) Civil Procedure.

Judith Mosoff is the coordinator for LAW 379D.001.

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

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**LAW 379D.002**      Externship Term 1     Term 2

Mosoff

*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 476 (formerly LAW 280) Evidence is required.

The following courses are highly recommended: LAW 400 (formerly LAW 260) Advanced Criminal Procedure, LAW 359 (formerly LAW 240) Family Law, and LAW 469 (formerly LAW 270) Civil Procedure.

Judith Mosoff is the coordinator for LAW 379D.001.

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

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**LAW 380A.001**      **Externship Reflection**      **International Justice & Human Rights Clinic**  
 Term 1     Term 2    Barrett      Seminar      3 CREDITS

**\*Registration by permission only.\***

The International Justice and Human Rights Clinic gives students the opportunity to work on pressing human rights and global justice concerns through hands-on work on international cases and projects. The year-long clinic is for second and third year students at UBC Law and Osgoode Hall Law Schools. The clinic is based at UBC, with Osgoode Hall students participating by video link. The clinic will include a 3-unit seminar in the Fall semester, followed by a 8 unit practicum in the Spring semester.

In the Fall seminar, students will study international human rights, international humanitarian and international criminal law and apply these fields to cutting-edge issues of human rights and global justice. The seminar will provide students with the substantive legal foundation necessary to undertake the spring practicum work with competence and professionalism. Evaluation will be based on class participation and a final paper.

In the Spring practicum, students gain experience applying international law by working on specific cases with a range of international justice organizations, including international criminal courts and tribunals, United Nations human rights bodies, and non-governmental organizations. Student work may involve contributing to litigation in international criminal courts and tribunals; drafting human rights reports; drafting legal memos and briefs and conducting and presenting legal research that aims to influence public policy.

Students will work in teams under close supervision of the Clinic Director, Nicole Barrett, with final case submissions due at the end of the Spring term. The practicum will be graded on a honors/pass/fail basis based on clinical work, a weekly journal, and a 1,500 word reflective paper.

Requirements: Students must sign up for the full-year clinic and may not drop the course after the first class meeting. While there are no obligatory course prerequisites, prior coursework or experience in international human rights, international criminal law or international humanitarian law is recommended. There is space for ten students, five at each institution. To apply, students should submit a resume, grade transcript and a 1-2 page letter to the Director. Selected student applicants will be contacted for an interview.

*Nicole Barrett (B.A. (Stanford University), Masters International Affairs (Columbia University), J.D. (Columbia University)) is Director of the Joint International Justice and Human Rights Clinic at Osgoode Hall and University of British Columbia Law Schools. She was previously a Trial Lawyer and a Legal Officer for the International Criminal Tribunal for the former Yugoslavia in The Hague and a Senior Scholar in Residence at New York University Law School's Center for Human Rights and Global Justice, where she directed clinical projects with international criminal courts and tribunals.*

*From 2013-2014, Nicole was a member of the National Task Force on the Trafficking of Women and Girls in Canada convened by the Canadian Women's Foundation. She has directed major projects on human trafficking prevention for the Canadian government and has presented on human trafficking and corruption topics in international fora. Nicole has testified before government ministers and international human rights bodies on gender discrimination and anti-human trafficking laws and practices in many countries.*

*Before moving to Vancouver in 2009, Nicole served as an international humanitarian law advisor for the defense of several Guantanamo detainees and monitored military commissions in Guantanamo Bay, Cuba for Human Rights First. She began practicing law at Sullivan & Cromwell in New York City in 2003, where she specialized in complex criminal litigation and was a member of the Human Rights Committee of the New York City Bar Association. From 2001-2003, she served as a law clerk for the Honorable John T. Noonan in the United States Court of Appeals for the Ninth Circuit and the Honorable Gerard E. Lynch in the United States District Court for the Southern District of New York.*

*Nicole has a Juris Doctorate from Columbia Law School, where she was a Harlan Fiske Stone Scholar and the Articles Editor of the Columbia Human Rights Law Review. She also has a Masters of International Affairs from Columbia University, cum laude, and a Bachelor in Arts in International Relations from Stanford University. Before law school, Nicole directed programs to promote democratic reform in Eastern Europe for the Soros Foundations in both Prague and New York City.*

Major publications include:

- *The Legal Framework for Combating Human Trafficking for Sexual Exploitation, Canadian Women's Foundation*

(forthcoming, 2014)

- *An Assessment of Human Trafficking for Sexual Exploitation*, Canadian Women's Foundation (forthcoming, 2014)
- *An Exploration of Promising Practices in Response to Human Trafficking in Canada*, International Centre for Criminal Law Reform & Criminal Justice Policy (2010)
- *Holding Individual Leaders Accountable for Human Rights Violations of Customary International Law*, Columbia Human Rights Law Review (2001).

**LAW 380B.001****Externship Reflection**

Term 1    Term 2

Mosoff

Workshop

**4 CREDITS**

**\*Registration by permission only. Restricted to 3rd Year students only.\***

LAW 380 is designed to promote reflective practice, to enhance learning gained through the experiential learning of LAW 379 Externship, and to ensure a significant academic component to students' learning. The course will focus on specific topics relevant to the externship placements of students in any given term, but will normally include most of: the role(s) of the lawyer; professional responsibility; legal ethics; representation of disempowered members of society; legal culture; culture and conflict; as well as topics arising from the externship placements (e.g. the role of courts and the judiciary, and specific case-driven considerations arising from externships). All externship students meet weekly for three hours. Additional assignments will be completed outside of class.

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

**LAW 380B.002****Externship Reflection**

Term 1    Term 2

Locke

Mosoff

Workshop

**4 CREDITS**

**\*Registration by permission only. Restricted to 3rd Year students only.\***  
**CHANGE: Classroom change.**

LAW 380 is designed to promote reflective practice, to enhance learning gained through the experiential learning of LAW 379 Externship, and to ensure a significant academic component to students' learning. The course will focus on specific topics relevant to the externship placements of students in any given term, but will normally include most of: the role(s) of the lawyer; professional responsibility; legal ethics; representation of disempowered members of society; legal culture; culture and conflict; as well as topics arising from the externship placements (e.g. the role of courts and the judiciary, and specific case-driven considerations arising from externships). All externship students meet weekly for three hours. Additional assignments will be completed outside of class.

*Jeffrey Locke (B.A. (UBC, 2004) and LL.B. (UBC, 2008)) was called to the B.C. Bar in 2009 and practices primarily in the area of construction, surety, personal injury, and defamation litigation.*

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

**LAW 381.001****Disabilities & Law**

Term 1    Term 2

Mosoff

Seminar

**3 CREDITS**

In this seminar we examine the increasing body of Canadian law that deals with disability issues, and the social context of this law. The underlying question in this course is whether the law, long a repressive force in the lives of people with disabilities, can now serve a remedial function. Taking a life-cycle approach, we look at the way law pertains to people with disabilities from infancy to old age. Topics may include education, access to services, issues of capacity, and employment. This seminar incorporates a significant clinical component where each student will work with a community group that deals with disability issues.

Evaluation:

You will be evaluated by a major research paper carried out in concert with the clinical experience, a class presentation of your research and your class participation.

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

**LAW 382.001      Law & Medicine** Term 1    Term 2

Samtani

Course

3 CREDITS

This class is an introduction to the field of health law and, in particular, the issues of professional negligence concerning physicians and hospitals. The focus of the class will be on developing an understanding of the components of a medical malpractice action. We will focus on issues of the doctor-patient relationship, consent, standard of care and causation. In considering these issues, we will explore practical issues that arise in medical malpractice actions including the nature and function of expert witnesses, the use of documentation and difficulties of proof. We will also consider health law issues from an administrative perspective with a focus on the College of Physicians and Surgeons of British Columbia.

The objective of this course is to expose participants to the basic foundations concerning medical legal issues in both a civil and, to a lesser extent, administrative context. By the end of the course, the expectation is that participants will be in a position to identify legal issues pertaining to physicians.

Course readings will be found in the casebook. A recommended, but optional, information source is *Legal Liabilities of Doctors and Hospitals in Canada*, Picard & Robertson (4th ed 2007).

Class instruction will be in form of both lecture and "Socratic instruction". Accordingly, it is expected that all class members will participate in discussion and exercises.

## Evaluation:

The course grade will be determined on the basis of a 75% final examination and 25% class participation.

*Raj Samtani (B.A. (Simon Fraser University 1987), LL.B. (UBC 1990), LL.M., Health Law Specialization (York University 2012)) practices primarily in the areas of medical malpractice and insurance litigation. He was admitted to the bar of British Columbia in 1991 and has appeared at all levels of court, including the Supreme Court of Canada. Mr. Samtani is an adjunct professor at the University of British Columbia Faculty of Law, instructing in the areas of trial advocacy and health law. He was also a tutor for the UBC Faculty of Medicine "Doctor, Patient & Society" course. He is a member of the Medical-Legal Society of BC, the Defence Research Institute, and the Canadian Bar Association.*

**LAW 383.001      Mental Health Law** Term 1    Term 2

Grant

Course

3 CREDITS

**CHANGE: Class end time.**

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 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 385.001      Social Welfare Law** Term 1     Term 2

Marsden

Seminar

3 CREDITS

**CHANGE: Term.**

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), PhD, UBC, (2013)). After completing her law degree, Sarah 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. She has been involved with LSLAP's clinical program since 2009, and in 2012, she joined Law Students' Legal Advice Program as the Supervising Lawyer for the civil section. Sarah researches and publishes primarily in the fields of labour migration and clinical legal pedagogy.*

**LAW 386.001      Sustainable Development Law** Term 1     Term 2

Affolder

Course

3 CREDITS

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.*

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**LAW 387.001**      Environmental Law Term 1     Term 2

Bulmer

Course

4 CREDITS

**CHANGE: Course added.**

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 consists of lectures on principal topics of environmental law, with case studies, in-class debates, guest lecturers, and recent news items on environmental law issues used as learning tools. The course introduces some of the core issues of environmental law including the division of powers between the federal and provincial governments; the impact of Aboriginal title and rights claims on natural resource development and environmental protection; how international environmental laws are (or are not) implemented in Canada; and what do environmental civil claims, regulatory prosecutions and judicial reviews look like. The substantive environmental issues covered include fish, oil and water; species at risk; contaminated sites; and climate change.

## Evaluation:

Final exam (70%) and a paper on a given legal problem (30%).

*Marja Bulmer received a law degree from the University of Helsinki, Finland in 1990; LL.M. from UBC in 1992; and LL.B. from UBC in 1997. She was called to the bar in British Columbia in 1998. Ms. Bulmer has practiced environmental law with the Department of Justice for 13 years and has appeared as counsel at trial and appeal level in environmental cases involving species at risk, environmental assessment, fisheries and aquaculture, mining, oil and gas development, Aboriginal consultation, and contaminated sites. For the last two years, she has taught environmental law at Langara College.*

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**LAW 388.001**      Environmental Law in Practice Term 1     Term 2

Bulmer

Seminar

3 CREDITS

**CHANGE: Seminar added.**

This seminar is designed for future environmental litigators. Mock legal cases are used to learn about the legal and practical opportunities and challenges in instituting and prosecuting an environmental case, including the choice of proceedings; the choice of forum; standing; claims or causes of action that may be available; establishing causation; proving damages; special rules applicable to municipalities and the Crown; costs; and jurisdictional/constitutional challenges.

Three different case scenarios (cost recovery action, judicial review and prosecution) will be reviewed and analyzed and the students will be assigned reading materials on relevant legal issues. Students are expected to prepare and present positions and written and oral arguments in the given cases, representing one or more of the parties.

## Evaluation:

Term paper (80%) that requires the students to prepare a recommendation to a client on the feasibility of instituting a legal claim on the basis of a given fact scenario, and class participation (20%).

*Marja Bulmer received a law degree from the University of Helsinki, Finland in 1990; LL.M. from UBC in 1992; and LL.B. from UBC in 1997. She was called to the bar in British Columbia in 1998. Ms. Bulmer has practiced environmental law with the Department of Justice for 13 years and has appeared as counsel at trial and appeal level in environmental cases involving species at risk, environmental assessment, fisheries and aquaculture, mining, oil and gas development, Aboriginal consultation, and contaminated sites. For the last two years, she has taught environmental law at Langara College.*

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<b>LAW 391C.001</b>	<b><u>Topics in Environmental Law</u></b>	<b><u>Public Interest Environmental Law</u></b>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Bulmer	Seminar	3 CREDITS

**SEMINAR CANCELLED.**

This seminar focuses on public interest litigation and other procedures that may be available to seek compensation and other remedies in disputes that involve and engage the public's environmental rights and interests.

The topics covered include why the public's environmental rights should/should not be recognized; weather and how such rights are presently recognized in legislation and jurisprudence; who has standing, including the Crown as a claimant; what claims may be available, including the public trust doctrine and public nuisance; what remedies may be available, including recovery of environmental/ecological damage; the cost of public interest litigation; private prosecutions; and petitions under the Auditor General Act.

Case studies will be used to develop positions and arguments in support of pursuing and defending against such claims.

Evaluation:

Term paper (80%), and class participation (20%).

*Marja Bulmer received a law degree from the University of Helsinki, Finland in 1990; LL.M. from UBC in 1992; and LL.B. from UBC in 1997. She was called to the bar in British Columbia in 1998. Ms. Bulmer has practiced environmental law with the Department of Justice for 13 years and has appeared as counsel at trial and appeal level in environmental cases involving species at risk, environmental assessment, fisheries and aquaculture, mining, oil and gas development, Aboriginal consultation, and contaminated sites. For the last two years, she has taught environmental law at Langara College.*

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<b>LAW 391C.002</b>	<b><u>Topics in Environmental Law</u></b>	<b><u>Species and their Spaces at Risk</u></b>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Bulmer	Seminar	3 CREDITS

**CHANGE: Seminar added.**

This seminar will focus on the existing Canadian legal regime on the protection, conservation and management of Canadian species at risk and wild spaces, including Canada's international commitments under the Biodiversity Convention and other relevant instruments. The students will engage in case studies and in-class debates to review and consider whether the existing laws and their implementation by the courts meet the goals of protection and enhancement of biodiversity.

The topics covered include the core international treaties and federal and provincial laws on biodiversity, including the Biodiversity Convention and the federal Species at Risk Act; division of powers; impact of Aboriginal rights and title on the protection of species and spaces; protection of the (disappearing) Arctic; development in the parks and other protected places; and monetary valuation of ecological integrity.

Evaluation:

Term paper (80%), and class participation (20%).

*Marja Bulmer received a law degree from the University of Helsinki, Finland in 1990; LL.M. from UBC in 1992; and LL.B. from UBC in 1997. She was called to the bar in British Columbia in 1998. Ms. Bulmer has practiced environmental law with the Department of Justice for 13 years and has appeared as counsel at trial and appeal level in environmental cases involving species at risk, environmental assessment, fisheries and aquaculture, mining, oil and gas development, Aboriginal consultation, and contaminated sites. For the last two years, she has taught environmental law at Langara College.*

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**LAW 392.001****Natural Resources** Term 1  Term 2

Bulmer

Course

3 CREDITS

**CHANGE: Course added.**

The course provides an overview of the laws, regulations, and administrative decision making processes relating to the ownership, management, development and protection of natural resources, using case studies, in-class debates, guest lecturers, and relevant news items as learning tools.

The course is structured around three key topics: who owns and/or has jurisdiction over natural resources, including Aboriginal rights and title claims; what legal regimes and rules apply to their extraction, management, and conservation; and whether the existing legal regime adequately balances economic development and conservation of the resources. The specific subject matters include fisheries, water, oil and gas, forests, minerals, parks and other protected areas.

## Evaluation:

Midterm (30%) and final exam (70%).

*Marja Bulmer received a law degree from the University of Helsinki, Finland in 1990; LL.M. from UBC in 1992; and LL.B. from UBC in 1997. She was called to the bar in British Columbia in 1998. Ms. Bulmer has practiced environmental law with the Department of Justice for 13 years and has appeared as counsel at trial and appeal level in environmental cases involving species at risk, environmental assessment, fisheries and aquaculture, mining, oil and gas development, Aboriginal consultation, and contaminated sites. For the last two years, she has taught environmental law at Langara College.*

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**LAW 395.001****Forest Law** Term 1 Term 2

Mancell

Garton

Course

3 CREDITS

**CHANGE: Classroom change.**

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 396.001 Fisheries Law** Term 1  Term 2

Soliman

Seminar

3 CREDITS

**CHANGE: Seminar added.**

This seminar will introduce participants to the laws and regulations governing fisheries laws internationally and within Canada as well as with in several other countries. This seminar is designed to be both informative and analytical. Participants will have the opportunity to examine and analyze the legislative actions taken by nations around the world as it relates to fisheries management in general. In addition to fisheries management, this seminar will also cover seafood and aquaculture laws and regulations.

The Seminar will cover topics such as:

- International Treaties and Agreements
- Illegal, Unregulated, and Unreported fishing: Measures Taken & Challenges to Enforcement
- Regional Fisheries Management Organizations
- Introduction to Fisheries Management Regimes
- Human Rights and fisheries
- Aboriginal Rights to fisheries
- International Trade Law and fisheries
- Crew Safety Regulations
- Seafood Traceability and labeling
- Aquaculture and fish feed regulations

Guest speakers will be invited to reflect on their areas of expertise as well as occasional cite visits to fisher's wharfs and farmer's markets may be scheduled.

## Evaluation:

Evaluation is based primarily upon preparation of a research paper of 7000 words (80% of the final grade). A paper proposal will be due partway through the term. The paper itself will be due at the end of the examination period. In addition, class participation will account for 20% of the final grade. General participation in class discussion is expected. However, it is understood that many students will be engaged in various moots during the first few weeks of the second semester and hence a portion of the class participation grade could be devoted to preparation for and publishing of blog posts on external fisheries blogs. A list of such blogs will be distributed at the first seminar.

*Adam Soliman (B.Sc. in Agricultural Economics (University of Alexandria (Egypt)), M.Sc. in Agricultural Economics (UBC), J.D. (University of Hong Kong), L.L.M in Agriculture and Food Law (University of Arkansas)) is the Director of the Fisheries Law Centre. He conducts research on legal and economic issues in fisheries. Mr. Soliman's research focuses on the effect of fisheries policies on small-scale fisheries. He strongly believes that trans-disciplinary research is much needed in fisheries law where research is scarce. If you wish to inquire about the seminar before registering, Mr. Soliman can be reached at adam@fishlaw.org or 778 838 5505. For more information, please visit <http://fishlaw.org/about/adam-soliman/>*

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**LAW 397.001**      **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.*

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**LAW 400.001**      **Advanced Criminal Procedure** Term 1     Term 2

Harris, N.

Course

3 CREDITS

Practice and procedure in criminal matters will be canvassed in this course, from the laying of a charge through to appeals. Topics covered will include powers of arrest and search, the requirements of a valid charge, bail, rulings, severance, disclosure, jury trials and indictable appeals. The application of the Canadian Charter of Rights and Freedoms to the criminal process will also be discussed.

Instruction will be by lecture and use of an unannotated criminal code and case book.

## Evaluation:

Students will be evaluated on the basis of a two-hour final examination.

*Nikos Harris (LL.B. (UBC 1995)) is a Lecturer at the Faculty and practices in the areas of criminal and constitutional law. He has acted as counsel in numerous cases before the British Columbia Court of Appeal and as co-counsel in several cases before the Supreme Court of Canada. He has published a number of articles in the areas of evidence and criminal law and has been a guest speaker for a number of organizations, including Continuing Legal Education and the Trial Lawyers Association.*

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**LAW 401.001**      **Penal Policy** Term 1     Term 2

Jackson

Seminar

3 CREDITS

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

3 CREDITS

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.*



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

**CHANGE: Class end time.**

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 closed 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.*

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**LAW 407.001**      Taxation  
 Term 1    Term 2      Duff      Course      4 CREDITS

**\*Cross-listed with LAW 506.001 Taxation.\***

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.*

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**LAW 407.002**      Taxation Term 1     Term 2

Cui

Course

4 CREDITS

**\*Cross-listed with LAW 506.002 Taxation.\*****CHANGE: Course description added.**

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

**LAW 408.001**      Taxation of Corporations & Shareholders Term 1     Term 2

Duff

Course

3 CREDITS

**\*Cross-listed with LAW 562.001 Taxation of Corporations & Shareholders.\***

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 407 Taxation (formerly LAW 220 Taxation I) is a prerequisite, while LAW 459 (formerly LAW 230) Business Organizations is recommended.

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

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**LAW 409.001**      **Taxation of Partnerships and Other  
Flow-Through Entities** Term 1     Term 2      Duff

Course

3 CREDITS

**\*Cross-listed with LAW 563.001 Taxation of Partnerships and Other Flow-Through Entities.\***  
**CHANGE: Course description added.**

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: 100% final exam.

Prerequisite: LAW 407 (previously LAW 220) Taxation.

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

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**LAW 410.001**      **International Taxation** Term 1     Term 2      Duff

Course

3 CREDITS

**\*Cross-listed with LAW 565.001 International Taxation.\***

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 407 Taxation (formerly 220 Taxation I)

<http://www.law.ubc.ca/>

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

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**LAW 411.001**      **Tax Law & Policy Workshop** Term 1    Term 2      Cui

Workshop      3 CREDITS

**\*Cross-listed with LAW 566.001 Tax Law & Policy Workshop.\***

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

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**LAW 412.001**      **Taxation of Trusts and Estates** Term 1    Term 2      Smith, N.

Course      3 CREDITS

**\*Cross-listed with LAW 564.001 Taxation of Trusts and Estates.\*****CHANGE: Course added.**

Trusts are a vital tax and estate planning tool for individuals to organize their wealth and manage their assets. An understanding of the applicable tax rules is essential to working in this burgeoning area of law. Students will develop critical thinking skills required to understanding the scope of available planning and being creative in designing flexible tax effective trusts and estate plans to meet clients' needs.

## Evaluation:

Students will be evaluated based on class participation (10%), midterm assignment (30%) and final exam (60%). Class attendance will be emphasized.

Prerequisite: LAW 407 (previously LAW 220) Taxation.

*Nick P. Smith (B.Sc., Biology, great distinction (McGill University), LLB, (UBC 1988)). He was called to the B.C. Bar in 1989. He is a regular author and presenter on trust and tax issues for various professional organizations. is a founding principal of Legacy Tax + Trust Lawyers in Vancouver. For over 25 years his practice has focused on tax planning for individuals, corporations and trusts, and designing integrated tax and estate plans. He also has extensive experience representing taxpayers in tax disputes with taxation authorities. He has qualified as an expert witness in taxation in the Supreme Court of British Columbia and has been recognized by his peers as a leading lawyer in Canada in his field in both Lexpert and Best Lawyers in Canada.*

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<b>LAW 413.001</b>	<b><u>Tax Administration and Dispute Resolution</u></b>	<b><u>Tax Dispute Resolution and Litigation</u></b>		
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	Kroft		Seminar	3 CREDITS

**\*Cross-listed with LAW 567.001 Tax Administration and Dispute Resolution.\***

**CHANGE: Course added, term change.**

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.

Prerequisite or co-requisite: LAW 407 (previously LAW 220) Taxation.

*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.*

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**LAW 416.001****Labour Law** Term 1  Term 2

Gusikoski

Course

3 CREDITS

**CHANGE: Course added.**

This course is designed to provide students with a foundation in labour law and the various legal regimes that affect the unionized workplace. Students will learn about the principal provisions of the Labour Relations Code and related jurisprudence on such issues as certifications, unfair labour practices, union and employer successorships, strikes, lockouts and a union's duty of fair representation. This course will also provide an overview of the more salient features of arbitral jurisprudence covering such topics as just cause, seniority, contracting out and estoppel. Lastly, the class will expose students to a variety of other areas of law that have an impact on the legal landscape of the workplace, including the Charter, human rights law and the law of privacy.

## Evaluation:

90% final exam and 10% participation.

*Colin Gusikoski received his commerce and law degrees from the University of Saskatchewan. He completed his masters of laws at Osgoode Hall Law School, writing his thesis in the area of occupational health and safety regulation. After law school, Colin articulated at a leading union-side labour law firm in Toronto and completed an internship in international human rights law prior to joining Victory Square Law Office, a leading union-side labour law firm in western Canada. Colin has represented private and public sector unions before numerous tribunals and has appeared at all levels of court in BC.*

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**LAW 418.001****Resolution of Labour Disputes****Labour Arbitration**
 Term 1    Term 2

Hickling

Lanyon

Gordon

Seminar

3 CREDITS

This seminar will cover such matters as the statutory framework (federal and provincial); the grievance procedure under collective agreements; the authority of arbitrators to deal with pre-hearing matters and to admit evidence that would not be admissible at common law; the relationship between common law and equitable jurisprudence developed by the courts (on such matters as estoppel, laches, mistake and restitution) and arbitral jurisprudence; the arbitral approach to the interpretation of collective agreements as compared to the treatment of contracts at common law; the arbitral approach to issues of discipline and termination of employment (as compared to those of the courts and other tribunals); the expansion of the remedial jurisdiction of arbitration boards under statute and decisions of the Supreme Court of Canada; jurisdiction relating to Human Rights and privacy issues; the appeal and review of arbitral awards under provincial and federal legislation; interest arbitration; differing approaches of the courts and arbitrators to determining legal rights and obligations; and interest arbitration. We plan to enlist the aid of leading practitioners and the bench.

## Evaluation:

80% paper, 20% participation.

*Professor Hickling is Professor Emeritus of the UBC Faculty of Law. He taught Labour Law in various jurisdictions for over 37 years, including a total of 28 at UBC. He introduced the course on Individual Employment Law course in the early 1990s. Following compulsory retirement from UBC in 1999, he served as Vice Chair of the B.C.L.R.B. until mid-2002. He subsequently returned to teach Individual Employment Law for a number of years. He has chaired arbitration boards under both federal and provincial jurisdictions as well as adjudicating wage recovery and wrongful dismissal cases under the Canada Labour Code.*

*Stan Lanyon (LL.B. (UBC 1977)). Prior to entering private practice as an arbitrator/mediator, Mr. Lanyon was Chair of the Labour Relations Board of British Columbia, 1992 - 1996. He practiced civil and criminal law and later labour law until 1992. Mr. Lanyon has been an adjunct professor in the Faculty of Law, UBC. He has also been an adjunct professor at the Centre for Labour and Management Studies, Faculty of Commerce, UBC. He has written and published numerous articles on labour law. Mr. Lanyon is a mediator/arbitrator in both the private and public sectors and has acted as a neutral in virtually every sector of the economy. He is a member of the National Academy of Arbitrators. Mr. Lanyon was Co-Chair of two 1998 Legislative Committees on Labour Law Reform.*

*Joan Gordon began her full-time practice as a labour arbitrator/mediator in 1996. Since then she has arbitrated/mediated labour disputes in a wide variety of provincial and federal industries in both the public and private sectors. In addition to her private arbitration practice, Ms. Gordon holds appointments as a part-time adjudicator with the Yukon Public Service Staff Relations Board and the Yukon Teachers' Staff Relations Board. She is a panelist on several rosters of Arbitrators including the Collective Agreement Arbitration Bureau of British Columbia, the ADR Institute of Canada as a Chartered Arbitrator, the federal Mediation and Conciliation Service under the Canada Labour Code and the British Columbia International Commercial Arbitration Centre. From 1992 to 1996, Ms. Gordon was a Vice-Chair at the British Columbia Labour Relations Board. For the decade preceding that appointment, she was a partner at the Vancouver law firm of Rankin & Company where she practised primarily labour and administrative law. Ms. Gordon has undertaken significant mediation and dispute resolution training, and is a regular participant or instructor in educational seminars and workshops. She frequently publishes papers and lectures at conferences and seminars addressing current issues of relevance to parties involved in labour arbitrations and mediations. Ms. Gordon is a past President of the Arbitrator's Association of British Columbia and is a past Director of the British Columbia Council of Administrative Tribunals. She was inducted into the National Academy of Arbitrators in October 2006, and is a member of numerous other professional associations including the British Columbia Industrial Relations Association.*

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**LAW 419.001**      **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 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.*

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**LAW 419.002****Individual Employment Law****Law and the Modern Workplace**
 Term 1    Term 2

Zwack

Bayne

Vipond

Seminar

3 CREDITS

The face of workplace 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, employers are increasingly required to focus on their employees' 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.

## Format:

The class will be primarily a discussion format and will include presentations by outside speakers, including legal practitioners with expertise in the given area, representatives from major corporations and a medical expert to discuss medical/legal evidentiary challenges.

## Evaluation:

Reaction papers: 20% of final grade

Class participation: 40% of final grade

Final paper: 40% of final grade

## Due Dates:

Reaction papers: Day before class by 5:00PM (two per term)

Final paper proposal: Sixth week of class

Final paper: End of exam period

*Andrea Zwack (B.A. (University of Calgary 1987), LL.B. (UBC 1991), LL.M. (Harvard University 1996)) practises law with the firm Gall Legge Grant Munroe LLP, 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 ( B.Comm (Queen's University), LL.B. (UBC 1995), LL.M. (Columbia University 1998)) clerked for the Supreme Court of Canada and then joined the law firm of Heenan Blaikie, where she practiced in the areas of labour, employment and human rights law for over 15 years. She currently works independently as a contractor, providing legal consulting services to employers. She has taught in the Law Faculty at UBC as an adjunct professor since 1998 and remains very involved in adult education.*

*Melanie Vipond (B.A.H. (Queen's University 2004), LL.B. (University of Ottawa 2007), JSM (Stanford University 2010)) is a lawyer with the firm Gall Legge Grant Munroe 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 all levels of court.*

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**LAW 422.001**      **Intellectual Property**

Term 1     Term 2    Bailey                      Marles                      Takagawa                      Course                      3 CREDITS

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. He 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.*

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**LAW 423A.001**      Topics in Intellectual Property      Sports, Media and Intellectual Property Law  
 Term 1     Term 2      Shur-Ofry      Seminar      1 CREDITS

**\*This intensive seminar will meet Sep 29-Oct 9, 11:00 AM-12:30 PM; in Allard Hall, Mon in Rm 335, Tues-Thurs, Rm 115. Course time conflicts are allowed for this seminar.\***

**CHANGE: Seminar added.**

Sporting events often attract significant public attention and media coverage, and broadcasting rights for the major leagues and tournaments are purchased for vast amounts. Yet, the interface of sports, media and intellectual property law has received only limited academic attention so far. The seminar will examine the central legal aspects of this interface from a comparative perspective, exploring the relevant legal regimes in Canada, the United States and Israel, with occasional references to the European Union. Discussion will cover cutting-edge topics such as the nature of broadcasting rights to sporting events and the protection afforded to such rights under intellectual property law; the use of images of famous athletes and athletes' "right of publicity", media regulation of broadcasting exclusivity and access to sports broadcasts; access to highlights and statistics; sports merchandising and the use of marks and symbols of teams and tournaments, as well as the legal implications of recent technological developments for this field.

Evaluation:

This intensive seminar will be graded Honours/Pass/Fail.

*Michal Shur-Ofry (LL.B., magna cum laude (Hebrew University of Jerusalem), Ph.D. (Hebrew University of Jerusalem), LL.M., merit, Chevening–Sainer scholar (University College London)) is a full-time faculty member (senior lecturer) at the Hebrew University of Jerusalem Law Faculty, where she teaches several courses and seminars in the area of intellectual property law. She is a holder of the Meir Fellowship for 2014 at the Hebrew University. Before joining the law faculty as a full-time law professor she headed the IP practice of a prominent law firm in Israel.*

*Michal's fields of interest include intellectual property law, the interrelations between law and complexity theory, law and culture, and the intersection of sports, media and intellectual property. Several of her recent works used insights from the theory of complex networks to examine, challenge and explain various norms and conceptual frameworks in the field of IP. These include *Popularity as a Factor in Copyright Law* (Toronto L.J., 2009); *Databases and Dynamism* (Michigan J. of Law Reform, 2011); *Copyright, Complexity and Cultural Diversity: A Skeptic's View* (Transnational Culture in the Internet Age, 2012); *IP and the Lens of Complexity* (IDEA, 2013). She is also the author of the book *Popularity and Networks in Copyright Law* (2011, in Hebrew).*

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**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, quite 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 all media and mediums. That 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 a complete and interactive syllabus, past lectures, discussion forums and resource materials (<http://videogame.law.ubc.ca/>). 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. 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. Currently Jon is Chair of Ronald McDonald House British Columbia, a Director of City Opera Vancouver, a Director of the eatART Foundation, and a Trustee of the Simon Fraser University Foundation.*

*Jon teaches media, communications, business organizations and sports law topics. He has taught at the UBC Faculty of Law for over two decades, as well as at various times teaching at the Thompson Rivers University Faculty of Law, the University of Victoria Faculty of Law and the UBC Graduate School of Journalism. Jon is an Assistant Professor of Professional Practice at Simon Fraser University and a faculty member at the Centre for Digital Media (<http://thecdm.ca>).*

*Jon is the author of the first edition of "Video Game Law" published by LexisNexis in 2005, co-author of the 2nd Edition published in 2012 (<http://www.lexisnexis.com/store/ca/catalog/booktemplate/productdetail.jsp?prodId=prd-cad-01004>). He was Guest Editor of the Volume 46, Number 3 of the UBC Law Review "Digital Media, Video Games, and the Law" (2013) authoring the introductory essay to that issue. As well, Jon authored "Mapping the Electronic Highway: A Survey of Domestic and International Law Issues" 1995, Volume 29, University of British Columbia Law Review.*

*The website for Video Game Law (including videos of lectures, course materials and ancillary materials) can be found at*

<http://videogame.law.ubc.ca>

The developmental website for *Legal Constraints on (Digital) Creativity* can be found at \_\_\_\_ (TBA) \_\_\_\_\_

Twitter: @jonfestinger

LinkedIn: <http://ca.linkedin.com/in/jonfestinger/>

PSN: cdmjon

<b>LAW 423C.001</b>	<b><u>Topics in Intellectual Property</u></b>	<b><u>Intellectual Property &amp; Human Rights</u></b>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Reynolds, G.	Seminar	3 CREDITS

**CHANGE: Evaluation method.**

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:

Major paper (70%)

In-class presentation (10%)

Class participation (20%)

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

<b>LAW 423C.002</b>	<b>Topics in Intellectual Property</b>	<b><u>Legal Constraints on (Digital) Creativity</u></b>	
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Festinger	Course 3 CREDITS

**Change: Classroom change.**

This course examines the implications to the human creative process engendered by law and legalities.

The invention of digital worlds has resulted in changes and advancements that could scarcely be imagined, with much more still to come. As significant as was the coming of the Internet, the development of software languages, and the growth of social media, they are only part of the story. Among the most profound changes is a fundamental shift in our conception and understanding of what “creativity” means and how it manifests. With today’s tools it is clearer than ever that everyone is a content creator.

It is particularly in this light of the democratization of creativity that this course seeks to understand the content realms.

Today many legal perspectives are rights based. Rather than another dialectic on rights, we will catalogue and debate the myriad ways creativity is in fact restrained, shaped, and altered even while “freedom of speech/expression” is acknowledged. Above all we will seek to specifically identify the roles of law & regulation in this process. In so doing we will deepen our understanding of censorship, its conventions and guises.

We will travel with the creator on the journey their content traverses. In particular we will focus on how intended and received meanings are altered as a consequence of the constraints we identify. We will in every class proceed from the inside out, from the creation of an idea through stages of gestation, fixation, distribution, communication, reception, comprehension, interpretation, and understanding.

Our classes will systematically examine different level of creative constraint, as well as cataloguing their consequences to creators, the creative process, and democracy itself. In order we will survey the following layers of control, moving from purely private to state sponsored:

- a. Creative Models & Community Constraints (extra-legal)
- b. Technological & Structural Constraints
- c. Copyright, Remixing & Modding
- d. Trademarks, Patents & the IP Business (including “IP trolling”)
- e. Contractual Constraints (EULA’s, ToS’ and the “Post IP World”)
- f. Privacy, Defamation, & Personality Rights
- g. Industry & Medium Regulation in a Digital Age (net neutrality, net regulation & the future of “Broadcasting”)
- h. Consumer Protection (“Big Data” as well as psychological manipulations or “brain-gaming”)
- i. Criminal/Obscenity/Taxation/Currency/Gambling Law & Regulation
- j. Internet Governance & Surveillance (and the meanings of “Hacking”)

There are multimedia components of the course including a website containing a complete and interactive syllabus, discussion forums and resource materials. Guest speakers appearing in person and or by remote connection will also play a significant role in the course.

**Required Materials:**

Lessig, L. CODE 2.0. (Basic Books)

**Optional Materials:**

Grimmelmann, J. Internet law: Cases and Problems (Semaphore Press)

Lastowka, G. Virtual Justice (Yale University Press)

**Evaluation:**

Class Preparation & Participation: 40%

Term Paper of 18-20 pages (5,000 words): 60%

*Jon Festinger, Q.C. (LL.B., B.C.L. 1980 (McGill University)) is a Vancouver, British Columbia based counsel and educator. 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. Currently Jon is Chair of Ronald McDonald House British Columbia, a Director of City Opera Vancouver, a Director of the eatART Foundation, and a Trustee of the Simon Fraser University Foundation. Jon teaches media, communications, business organizations and sports law topics. He has taught at the UBC Faculty of Law for over two decades, as well as at various times teaching at the Thompson Rivers University Faculty of Law, the University of Victoria Faculty of Law and the UBC Graduate School of Journalism. Jon is an Assistant Professor of Professional Practice at Simon Fraser University and a faculty member at the Centre for Digital Media (<http://thecdm.ca>). Jon is the author of the first edition of “Video Game Law” published by LexisNexis in 2005, co-author of the 2nd Edition*

published in 2012 (<http://www.lexisnexis.com/store/ca/catalog/booktemplate/productdetail.jsp?prodId=prd-cad-01004>). He was Guest Editor of the Volume 46, Number 3 of the UBC Law Review "Digital Media, Video Games, and the Law" (2013) authoring the introductory essay to that issue. As well, Jon authored "Mapping the Electronic Highway: A Survey of Domestic and International Law Issues" 1995, Volume 29, University of British Columbia Law Review.

The website for Video Game Law (including videos of lectures, course materials and ancillary materials) can be found at <http://videogame.law.ubc.ca>

The developmental website for Legal Constraints on (Digital) Creativity can be found at \_\_\_\_ (TBA) \_\_\_\_\_

Twitter: @jonfestinger

LinkedIn: <http://ca.linkedin.com/in/jonfestinger/>

PSN: cdmjon

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<b>LAW 426C.001</b>	<b><u>Topics in Law &amp; Technology</u></b>	<b><u>Law of Cyberspace</u></b>		
<input checked="" type="checkbox"/> Term 1	<input type="checkbox"/> Term 2	Matsui	Seminar	3 CREDITS

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.*

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**LAW 432B.002**      Topics in Private Law      *Defamation and Public Speech: Comparative Law and Practice*  
 Term 1     Term 2      Kenyon      Seminar      2 CREDITS

**\*This intensive seminar will meet in Allard Hall, Rm 335, 9:30 AM-12:30 PM, Mon-Thurs, Feb 23-Mar 5; and in Allard Hall, Rm 115, 9:30 AM-12:30 PM, Fri, Feb 27. Course time-conflicts are allowed for this seminar.\***  
**CHANGE: Seminar added, classroom change.**

This seminar will examine defamation law and litigation as it relates to journalism and other forms of public speech through a broad Commonwealth - United States comparison. There is no international consensus as to how defamation law should attempt to reconcile free speech and reputation. That lack of consensus, the increasingly cross-border and diversified qualities of public speech, and the recent adoption in many Commonwealth jurisdictions of similar defamation law reforms, all underlie the value in a comparative examination of defamation and public speech. As well as considering the US context, the seminar will focus on English law as an exemplar of Commonwealth approaches, while also referring to Canadian and Australian examples. In addition to the formal law, the seminar will draw on empirical research into defamation and will consider the influence of that work and its lessons for understanding the law. The aim is to enable students to analyse, apply and critically evaluate defamation laws in contemporary contexts of public speech.

Evaluation:

5000 word research paper.

Graded Honours/Pass/Fail.

*Professor Andrew Kenyon is a Director of the Centre for Media and Communications Law at the University of Melbourne. He researches in comparative media law, including defamation, privacy, free speech and journalism. He has formerly served as Deputy Dean of the Melbourne Law School and President of the Law and Society Association of Australia and New Zealand and in 2015 he will also be a Visiting Shimizu Professor at the London School of Economics.*

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

Brasil

Seminar

3 CREDITS

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, but ideally suited to class actions.

The course takes a very practical approach to the resolution of national and international mass wrongs through class actions, which have become increasingly popular in areas as diverse as environmental law, consumer products and services, Charter rights, aboriginal claims, privacy and data breach claims, employment and securities regulation. Class actions have generated an area of great interest to scholars and have become a significant source of work for specialist lawyers in both the plaintiff and defence sides.

The aim of this course is to develop a basic understanding of class proceedings in Canada, including the key differences in the enabling statutes across the Provinces and the various strategies employed by plaintiffs and defendants to advance their respective positions. From a more practical perspective, the course will instruct students on the various strategic and tactical issues that arise in the selection, prosecution, defence and settlement of class actions, from the point of view of both plaintiffs and defence.

**Materials:**

The course is taught primarily from the review of assigned cases, which must be read in advance of each class. In addition, various supplementary materials and methods are used, including review of filings in the CBA National Class Action Database; review of articles written by class action practitioners on various topics, practical exercises using "real" class action materials and guest lectures by other class action practitioners and professionals. Although there is no required text, additional recommended readings may be assigned to supplement the case review, including various portions of Ward Branch, Class Actions in Canada (loose-leaf) (Aurora: Canada Law Book, 1996).

**Prerequisites:**

There are no specific prerequisites, but students may find they 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: civil procedure, remedies, 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. 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

**CHANGE: Course description, classroom change.**

## Course Description:

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. Personal injury litigation has become increasingly prevalent and accounts for nearly 25% of all civil pleadings filed in the British Columbia Supreme Court. This course examines the structure of personal injury claims and is focused on personal injury advocacy. 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 a personal injury claim.

## Course Objectives:

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.
- 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.

## Required Reading Materials:

The following readings are required for LAW 435C.001 Topics in Tort Law: Personal Injury Advocacy.

- Case law distributed electronically.
- Select excerpts and paper distributed electronically:

## Evaluation:

The course evaluation is comprised of three factors that are meant to ensure substantive knowledge, written advocacy and oral advocacy in personal injury claims.

- 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 will attend class, participate in class discussion, and email “weekly reflections” commenting on the lecture.

*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 436.001****Restitution** Term 1 Term 2

Gomery

Senkpiel

Course

3 CREDITS

With contract and tort, the law of unjust enrichment is a fundamental source of civil liability in the common law. 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.” The liability resulting from unjust enrichment is termed restitution, although, to complicate matters, restitution may be imposed on other grounds as well.

The law in relation to these two topics, unjust enrichment and restitution, is evolving rapidly, is of great theoretical and practical importance, and is often misunderstood. It is the subject of many recent 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, unjust enrichment and restitution are and promise to continue to be on the cutting edge of jurisprudence and the subject of considerable debate and controversy.

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

## Evaluation:

Students will have two options to choose from: (1) a final exam worth 80% and 20% class participation; or (2) two take home assignments worth 40% each and 20% class participation.

*Geoffrey Gomery, Q.C. (LL.B (University of Toronto), B.C.L. (Oxford University)) 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 has argued leading cases on the law of restitution in the B.C. Court of Appeal and the Supreme Court of Canada. He is the author of the chapter, "Unjust Enrichment", in *British Columbia Business Disputes (CLEBC, 2011)* and various papers and articles. He is the co-chair of the CLEBC Restitution Conference (2009 and 2014).*

*Peter Senkpiel (J.D. (University of Toronto)) is a lawyer at Nathanson, Schachter & Thompson LLP, where he practices civil litigation at both the trial and appellate levels, with a focus on commercial disputes. He has appeared as counsel at all levels of court in B.C. and on appeals at the Supreme Court of Canada. He has argued the law of restitution in the B.C. Court of Appeal. Prior to joining the firm, he served as law clerk to the former Chief Justice of British Columbia, the Honourable Lance Finch. He is co-chair of the Appellate Advocacy Section of the CBABC, a contributing author of the Evidence chapter for the *Annual Review of Law and Practice*, the editor of the *B.C. Civil Appeals Netletter*, and co-chair of CLEBC's Restitution Conference (2014).*

**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**

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 439.001      Construction Law**

Term 1    Term 2      Singleton      Hand      *Course*      **3 CREDITS**

Construction Law has developed as a specialty practice in the legal profession, arising out of the demand by the consumer (developers, consultants, contractors and public authorities) for legal services in this area. The skills required of lawyers practicing in this area include a working knowledge of contract negotiation and drafting, procurement law, insurance law, the intricacies of claims for extras and delays, products liability law, and tortious and contractual liability of the project participants. The course is designed to provide those skills through lectures and discussion groups with Vancouver practitioners considered experts in this field of practice.

## Evaluation:

Final exam – open book, 3 hour exam, requiring two of 5 hypothetical questions to be addressed by analyzing the issues and arriving at a firm conclusion or set of recommendations. There will also be a series of multiple choice questions. Students will be marked on their knowledge of the topic.

*John Singleton Q.C. (LL.B. (University of Alberta 1969), LL.M. (University of London (LSE) 1971)) is a lawyer at Singleton Urquhart. Mr. Singleton has spent his entire career, spanning 43 years, in the practice of Construction Law.*

*Jeffrey Hand (B.A. (University of Manitoba 1986), LL.B. (University of Manitoba 1989)) was called to the British Columbia Bar in 1990 and has practiced at Singleton Urquhart since that time. He has been a partner there since 1997 and practices in the areas of construction law, insurance law, and product liability law, with a particular emphasis on the defense of design professionals. Mr. Hand is a trained arbitrator and mediator, and a considerable portion of his practice is now devoted to resolving commercial disputes through alternative dispute resolution.*

**LAW 440.001**      **Insurance Law**

Term 1     Term 2    Doyle                      Lamb                                      Course                      3 CREDITS

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 Regulation. 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.*

*Julie Lamb (BMath (1990 UW), LL.B. (1993 U of T)) is a partner at Guild Yule LLP. Julie has practiced as an insurance defence lawyer since being called to the bar in 1994. Her practice includes coverage work, first party property loss claims, personal injury claims, and defending professional liability claims. Julie has co-authored the chapter on insurance law for the CLE Annual Practice for the last few years.*

**LAW 443.001**      **Creditors' Remedies**

Term 1     Term 2    Edinger                                      Course                      3 CREDITS

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 444.001****Insolvency Law** Term 1 Term 2

Buttery

Williams

Course

3 CREDITS

**CHANGE: Format change.**

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 a partner 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. Williams 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.*

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

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.*

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**LAW 447B.002**      Topics in Commercial Law      Commercial Law and the Market  
 Term 1     Term 2      Gava      Seminar      2 CREDITS

**\*This intensive seminar will meet in Allard 115, Oct 6-20; Mon 8:30 a.m.-12:30 p.m.; Tues, Wed, Thurs 8:30 a.m.-10:30 a.m.; Fri 8:30 a.m.-11:30 a.m. Registration time conflicts are allowed for this seminar.\***

This course examines the relationship between commercial law, especially contract law, and the market. The course begins with a basic issue of legal study - how much attention is paid to the law, in this case commercial law, in market exchange. Empirical and theoretical works covering a wide range of industries will be examined to help answer this question. The course will also examine responses to the use of law in the market in light of the purposes of commercial law and the capacities of judges and the legal system to meet these purposes. By the end of the course you should be able to make an assessment of the capacity of and need for contract law and commercial law more generally to meet the needs of those who transact in the market.

Evaluation:

Assessment will be based on one final paper worth 100%.

This seminar will be graded Honours/Pass/Fail.

*John Gava is a Reader in Law at the University of Adelaide. In recent times he has been a Visiting Fellow at the Institute of Advanced Legal Studies in London and Leonard Slater Visiting Fellow at the University of Durham. He has degrees from Macquarie University, the University of Sydney and the University of Adelaide and has published in leading journals in Australia and the United Kingdom. His areas of interest include contract law, the role of law in society, and judging in the common law tradition but he has also written in the fields of legal history, criminal law and the law and Harry Potter.*

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**LAW 448.001**      **Sports Law** Term 1     Term 2    Weiler

Course                      3 CREDITS

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, that impact the player labour market, the laws of intellectual property (e.g., copyright and trademark that arise in the exploitation of broadcast rights and protection of sponsor investments), and the law of tort and crimes as they relate to regulating the level of violence and injuries sustained in sport competition. The course looks at the legal regulation of player agents, and the laws governing event and facility management, including legal regimes regulating sustainability issues and impacts such as environmental design, social inclusion and event related programming promoting sport for sustainable living, the impact of television and corporate sponsorship on professional and amateur sports. The course also addresses human rights issues arising from mandatory drug testing and the promotion of equal opportunity in sport competition that impact 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.*

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**LAW 449.001**      **Media & Entertainment Law** Term 1     Term 2    Weiler

Course                      3 CREDITS

This course will focus on areas of public and private law that impact on television and radio broadcasting, music publishing and recording, motion picture production, live event promotion and management, and the interactive entertainment (video game) industries. The course explores subjects such as taxation, finance, contracts, intellectual property, advertising/marketing restrictions, cultural sovereignty and international trade, broadcast telecommunications/regulatory/administrative issues, freedom of expression, and the personality/privacy rights of entertainers. Legal issues arising from digital technology and the Internet that are creating new challenges to the traditional business models of the recording, film, and newspaper industries will be discussed. The goal of the course will be achieving an informed overview of the legal, industrial and institutional infrastructures of the media and entertainment industries.

## 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.*

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**LAW 451.001**      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:

- 1.D. Pavlich, Trust Law in Common Law Canada (in print)
- 2.D. Pavlich, Cases and Statutes in Canadian Trust Law

## 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 a former Vice President, External and Legal Affairs of UBC.*

**LAW 451.002**      Trusts Term 1     Term 2

Smith, J.

Course

3 CREDITS

**CHANGE: Course description, classroom.**

This course aims to provide a grounding in the operation of the Canadian law of trusts. We will first cover the establishment and operation of express private trusts. Duties and powers of trustees and breaches of trust duties and their consequences will be addressed in some detail. We will study remedial (resulting and constructive) trusts and related concepts, including fiduciary relationships and unjust enrichment, and remedies for breach of trust and fiduciary duty. If time permits we will review the functional operation of trust principles in relation to particular kinds of trusts, such as 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 452.001****Succession**

Term 1    Term 2   Wickstrom   Low   Course   3 CREDITS

This course serves as the essential foundation for the practice of wills and estates, including basic estate planning and probate practice.

The course will provide an overview of various topics including:

1. the statutory rules of intestate succession;
2. the formalities of execution, modification and revocation of wills;
3. aboriginal succession;
4. the interpretation of wills;
5. problems arising from changes in circumstances following the execution of a will;
6. the requirements of testamentary capacity;
7. will contests relating to allegations of lack of capacity and undue influence;
8. basic principles and procedures of probate and estate administration;
9. substitutes for wills such as joint accounts and options available to limit the exposure of an estate to probate fees;
10. the statutory limits to testamentary freedom under legislation such as British Columbia's wills variation legislation;
11. planning for incapacity, including powers of attorney and representation agreements for financial management and health care decision-making.

While British Columbia law will be considered in depth, important differences in the laws of some other Canadian jurisdictions will also be reviewed. As well, the professional obligations of the lawyer will be considered throughout the course. Basic principles of taxation on death will also be highlighted.

Evaluation:

There will be a compulsory final examination.

*Darrell Wickstrom (LL.B. (UBC), LL.M. (University of Washington)) is a partner practising in Fasken Martineau's Trusts and Estates Group. His solicitor practice is in the area of trusts, estate and personal tax planning, and business succession.*

*Helen Low (LL.B. (UBC)) is a partner practising in Fasken Martineau's Trusts and Estates Group. Her practice is litigation-focused and concentrates in the areas of wills, trusts and estate litigation, as well as estate administration and professional governance work*

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**LAW 455.001**      **Real Estate Transactions**

Term 1     Term 2    Umbach                      Yeung                                      Course                      3 CREDITS

This course deals with the law relating to vendors and purchasers of real estate, and the substantive law of mortgages, and considers the remedies available to vendors, purchasers, mortgagors and mortgagees, as well as the role and duties of real estate agents.

Evaluation:  
100% final exam.

*Greg Umbach (B.A. (University of Waterloo 1992), LL.B. (UBC 1995)) practises with the Vancouver office of Blake Cassels & Graydon LLP in the area of commercial real estate, financial services and business law. He has been involved in transactions involving buying, selling, leasing, financing and development of commercial real estate specifically relating to shopping centres, hotels, apartment buildings, office buildings and industrial properties. He has also been involved with all aspects of the subdivision and municipal approval process relating to the development of land. Mr. Umbach has written on subjects relating to builders' liens, title insurance, real estate fraud and natural resource title issues that have been published in print and on the internet.*

*Paul Yeung (B.A. (UBC), LL.B. (UBC)) practices with Tenure Law, a boutique law firm practicing solely in the area of commercial leasing, and is a consultant with the commercial real estate group of Stikeman Elliott LLP. Prior to forming Tenure Law, Paul served as a law clerk to the British Columbia Supreme Court and practiced with the commercial real estate groups of Blake Cassels & Graydon LLP and Stikeman Elliott LLP. Paul is also a principal of the Yeung Group of companies which focus on investing in and managing commercial properties in Vancouver. Paul is a contributing author for the Continuing Legal Education publications of Commercial Leasing - Annotated Precedents and the Real Estate Practice Manual.*

**LAW 457.001**      **Real Estate Development**

Term 1     Term 2    Sherrott                                      Course                      3 CREDITS

**CHANGE: Course added and format changed.**

This course will address certain significant aspects of a real estate development project, with a particular emphasis on the identification and allocation through agreements of the risks the parties typically encounter. While always keeping these over-riding goals in mind, this course will also provide students with some very practical guidance. The topics addressed will include due diligence, site acquisition, contract of purchase and sale terms, environmental issues, commercial leasing, property development issues, and project financing.

Evaluation:

Class Participation 10%  
First take home assignment 30%  
Second take home assignment 30%  
Final take home assignment 30%

*Geoffrey M. Sherrott (LL.B. (University of Saskatchewan, 1993), degrees in zoology and history, certification as a science teacher (UBC)) articulated at Edwards, Kenny & Bray LLP, where he is currently a partner, and where he has a broad commercial practice acting for public and private businesses. Mr. Sherrott is the ongoing chair of a CLE course in securities law for junior lawyers, one of the editors of the CLE practice manual on buying and selling a business, and the author of a chapter on equity financing for the CLE business basics manual. He also teaches a course on contract drafting for junior lawyers at his firm.*

**LAW 459.001      Business Organizations** Term 1     Term 2    Paterson                                  Course                  4 CREDITS

This course provides an introduction to the law of corporations and other business associations 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. Puri, Anand, Daniels, Cases, Materials and Notes on Partnerships and Canadian Business Corporations (5th ed.)
2. Business Corporations Act S.B.C. 2002, c. 57

## Evaluation:

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

Previously Corporations I.

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

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**LAW 459.002      Business Organizations** Term 1     Term 2    Lin    Course                  4 CREDITS

This is a basic course in corporation law. It will expose students to the critical perspectives on the firm and the contemporary corporate governance issues. While the focus will be on Canadian corporate law and governance, comparative perspectives will also be provided in recognition of the globalization of business law practice. This course will cover the types of business organizations, the key attributes of the corporate form; capitalization of the corporation; management and control of the corporation; the distribution of powers within the corporate structure; the fiduciary obligations of directors and officers; the relationship with other stakeholders such as employees; and mergers and acquisitions.

## Required Materials:

Robert Yalden et al., Business Organizations: Principles, Policies and Practice, Edmond Montgomery (2008)

## Evaluation:

Final exam 90%

Class participation 10%

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

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**LAW 459.003 Business Organizations**

Term 1  Term 2 MacDougall, B. Course 4 CREDITS

This course provides an introduction to the law of partnerships and corporations in British Columbia. Although reference will be made to laws in other jurisdictions, the emphasis will be on the Canada Business Corporations Act, the B.C. Business Corporations Act, the Partnership 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 are examined. There will be minimal coverage of securities law.

## Required Materials:

1. Ziegel, Daniels, et al., Partnerships and Business Corporations (4th ed.)
2. Business Corporations Act S.B.C. 2002, c. 57
3. Canada Business Corporations Act, R.S.C. 1985, c. C-44
3. Partnership Act, R.S.B.C. 1996, c. 348

## Evaluation:

There will be a 2-1/2 hour open-book final examination.

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

**LAW 460.001 Advanced Corporate Law**

Term 1  Term 2 Sangra Talairfar Course 3 CREDITS

**CHANGE: Course added, classroom change.**

The course is designed to build upon concepts learned in LAW 459 Business Organizations (previously LAW 230), with a specific emphasis on advanced corporate and securities laws arising in the context of being an advisor to a publicly traded company. Topics covered will include: (i) corporate governance; (ii) capital raising; (iii) change of control transactions, including hostile take-over bids, contested shareholders' meetings and proxy contests; (iv) directors' duties in mergers & acquisitions; (v) executive compensation; and (vi) continuous disclosure obligations.

## Prerequisite:

LAW 459 (previously LAW 230) Business Organizations is a prerequisite.

## Evaluation:

Evaluation will be 100% final exam.

*Harj Sangra is one of the founding partners of Sangra Moller LLP, a leading corporate and securities law firm based in Vancouver, British Columbia. Harj has acted for both public and private corporations on a variety of matters, including acquisitions, dispositions, financings and reorganizations. He has led strategic acquisitions by financial investors as well as developed innovative acquisition and financing structures for significant public companies. Harj has led and provided strategic advice to public and private companies on various negotiated and hostile takeovers and proxy contests. He has extensive experience with corporate and financial reorganizations and debt restructurings. He is also experienced with cross-border offerings and acquisitions and European transactions. Harj has provided advice to public and private companies in various aspects of their corporate governance practices. He has also provided advice to special committees on specific transactions and to boards of directors on their fiduciary responsibilities and liabilities generally.*

*Rod Talairfar is a partner at Sangra Moller LLP. Rod's practice is focused on securities, corporate finance, mergers & acquisitions, mining and corporate/commercial law. Rod has acted for companies listed on various stock exchanges internationally, including the New York Stock Exchange, Toronto Stock Exchange, TSX Venture Exchange, NASDAQ and Frankfurt Stock Exchange. Rod has advised clients in connection with mergers & acquisitions, hostile takeover bids and proxy contests, initial public offerings various, mining ventures, debt and equity financings, corporate governance, internal investigations and public company disclosure and compliance.*

**LAW 461.001      Corporate Transactions**

Term 1     Term 2    McKoen                      McLeod                                      Course                      3 CREDITS

**CHANGE: Course added.**

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 459 (previously LAW 230): Business Organizations is not a prerequisite but is strongly recommended.

*Steven McKoen (B.A.(SFU, 1994), J.D. (UVic, 1997)) is a partner in the securities group in the Vancouver office of Blake, Cassels & Graydon LLP. 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. Steven has been recognized as a leading practitioner in corporate, mergers & acquisitions, mining and securities law by Best Lawyers in Canada, has served as chair of the securities section of the CBA-BC Branch and has been an adjunct professor in the Faculty of Law at UBC since 2009.*

*Andrew McLeod (B.A. (Hons) (UBC, 1991), MBA (UofA, 1994), LL.B.(UofA, 1995) is a partner in the Vancouver office of Blake, Cassels & Graydon LLP where he has practiced since 1996. He has been involved in financings, restructurings, and mergers and acquisitions of both public and private companies in the local, national and international context. He provides assistance to companies in all aspects of corporate and commercial activity, and has extensive experience working with British Columbia's natural resources and technology industries. Mr. McLeod represents a number of publicly traded companies in financings, mergers and acquisitions, negotiation of commercial agreements, and ongoing governance and disclosure matters. He has advised boards of directors, special committees, investment bankers and other participants in financing and M&A transactions in all industries. He acts for private equity/venture capital investors and companies receiving such investments. Mr. McLeod is recognized as a leading lawyer in several fields by various organizations and is co-editor of the Lexis Nexis edition of the B.C. Business Corporations Act & Commentary.*

**LAW 462.001T1**      Close Corporations

Term 1     Term 2      Archer                      Bradley                                      *Workshop*              2 CREDITS

**\*All year. Meets alternate weeks. Total credit value for this workshop is 3 (2 in term 1 and 1 in term 2). (See 462.001T2)\***

**CHANGE: Workshop added.**

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, 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 insolvency.

Prerequisite:

LAW 459 (previously 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 acquisitions.*

**LAW 462.001T2**      Close Corporations

Term 1     Term 2      Archer                      Bradley                                      *Workshop*              1 CREDITS

**\*All year. Meets alternate weeks. Total credit value for this workshop is 3 (2 in term 1 and 1 in term 2). (See 462.001T1)\***

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 acquisitions.*



**LAW 463.001****Securities Regulation** Term 1    Term 2   Ford

Course

3 CREDITS

This is a specialized corporate law course. A key objective is to provide students with a broad understanding of the legal framework governing the issue and trade of securities in British Columbia and in Canada generally. Topics will include the constitutional division of powers and the potential move toward a national securities regulator for Canada, oversight of registrants, prospectus and continuous disclosure requirements, insider trading, takeover bids, and liability (civil, criminal, and regulatory.) The course also devotes considerable attention to policy issues surrounding securities regulation, with a view to understanding the current state of flux in Canadian regulation, and recent international responses to the financial/credit crisis and other scandals and market failures. We will examine the philosophies underlying securities regulation, competing approaches in regulatory design, the relationship between securities regulation and corporate governance, and the implications of securities market globalization.

## Evaluation:

Assessment will be based on a 2.5 hour open-book examination (80%), and in-class participation (20%).

## Prerequisite:

It is recommended that students take LAW 459 (formerly Law 230) Business Organizations prior to LAW 463 Securities Regulation.

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

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**LAW 463.002      Securities Regulation**

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

**CHANGE: Classroom change.**

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)) practices 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.*

*Michael T. Waters (B.A. (UBC 2000), M.A. (UBC 2004), LL.B. (Osgoode Hall 2007)) practices corporate and securities law at the Vancouver office of Borden Ladner Gervais LLP, focusing on mergers and acquisitions, corporate finance, corporate governance and investment fund management. He has written articles on topics including defensive tactics in contested transactions, proxy contests, mining law and corporate governance. He is a member of the Securities Section, B.C. Branch, of the Canadian Bar Association.*

**LAW 464.001****Competition Policy****Canadian Competition Law** Term 1  Term 2

Tougas

Wright

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 by 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. 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.*

**LAW 466.001****Business Law Capstone** Term 1  Term 2

Lee, B.

Course

3 CREDITS

**CHANGE: Day, time, room, Instructor and course description.**

The course is designed to build upon concepts learned in LAW 459 Business Organizations (previously LAW 230), with a specific emphasis on advanced corporate and securities laws arising in the context of being an advisor to a publicly traded company (in particular, in the mining industry). Topics covered will include: (i) corporate governance and regulatory compliance for public companies; (ii) capital raising; and (iii) mergers & acquisitions, including take-over bids and proxy contests, as well as joint ventures. Students will have an opportunity to meet and work directly with industry executives and hear first-hand how strategies are developed and transactions are structured in the complex world of public M&A.

## Prerequisite:

LAW 459 (previously LAW 230) Business Organizations is a prerequisite.

## Evaluation:

Evaluation will be 100% assignments and class participation.

*Benjamin Lee has been practicing Securities/M&A and corporate commercial law for the past 10 years. He is currently Vice President, Legal & General Counsel at TimberWest Forest Corp., Western Canada's largest timber and land management company. Prior to joining TimberWest in August of 2014, he spent over four years as Senior Corporate Counsel at Goldcorp Inc., one of the world's fastest growing senior gold producers, with operations and development projects throughout the Americas. Prior to joining Goldcorp in 2010, Benjamin practiced Securities/M&A law at Fasken Martineau DuMoulin LLP (in Toronto and Vancouver), one of Canada's largest business law firms.*

*Mr. Lee has been involved in the UBC Capstone course since 2011 and looks forward to bringing in legal practitioners and executives with various backgrounds in the capital markets and the mining industry.*

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**LAW 467A.001**      **Topics in Corporate Law**      **Exempt Equity Financing**  
 Term 1     Term 2    Farber      Seminar      1 CREDITS

**\*This intensive seminar meets Oct 14-17, Tues-Fri, 2:00-5:00 PM, in Allard Hall, Rm 115. Course time-conflicts are allowed for this seminar.\***

If you are going to work in corporate law, at some point you will be doing exempt equity financings such as private placements and seed capital private issuer financings. This course adopts a practical, case study approach to four common exempt transactions: investing in a small family company, investing in a start up company that wants to go public, financing a junior resource company on the TSX Venture Exchange and financing a mid-size company on the TSX. The course provides students with a working knowledge of which rules, regulations and laws govern exempt equity financings .

While of particular interest to students intending to work in large corporate firms, the course is intended to be accessible to those who want a basic understanding of the area and will be practicing in small and midsize firms with general corporate practice. Having taken (or concurrently taking) Business Organizations or Securities Regulation, or having a basic working knowledge of what a corporation is, would be helpful but is not a prerequisite.

**Evaluation:**

The course will be evaluated on participation (30%) and on a case study (70%) that is intended to take 8-10 hours and will be due within two weeks of the course end.

Graded Honours/Pass/Fail.

*Christopher D. Farber has a degree in Economics (Victoria) and a joint LLB / MBA (Toronto). He has practiced as a corporate and securities lawyer in Vancouver for almost 20 years. He has been a director, officer or corporate counsel on a number of TSX and TSX-V companies, particularly green energy, resource (mining) and technology companies. He is currently corporate counsel for Offsetters, a carbon offset company with conservation / preservation projects in the Congo, Hawaii, the United States and the Great Bear Rainforest of British Columbia. In November of 2013, he was appointed as Commissioner of the British Columbia Securities Commission.*

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**LAW 467A.002**      **Topics in Corporate Law**      **Investor-State Dispute Settlement: Controversies and Cases**  
 Term 1     Term 2    Howse      Seminar      1 CREDITS

**\*This intensive seminar will meet January 6-15, Tues 9:00 AM-12:00 PM, and Thurs 9:00 AM-12:30 PM, in Allard Hall, Rm 115. Course time-conflicts are allowed for this seminar.\***  
**CHANGE: Seminar added.**

The protection of foreign investors under Bilateral Investment Treaties (BITs) and regional free trade agreements such as NAFTA has become one of the most controversial dimensions of globalization. Typically such regimes allow foreign investors to take host governments to arbitration and if they are successful in establishing violations of investor protection commitments to claim awards of monetary damages, which can be very large. Critics say that arbitrators generally have a pro-investor outlook, that their decisions have often curbed the ability of states to regulate in the public interest, and that they have taken expansive views of concepts such as expropriation, allowing private investors to be compensated for perfectly legitimate regulatory changes (the regulatory takings issue). In this course, we will scrutinize such critiques through a careful reading of leading cases in investor-state arbitration, with a particular focus on NAFTA, and cases to which Canada is a responding party or that have been brought by Canadian investors. We will also read select articles by scholars, activists and practitioners that debate investor-state dispute settlement.

**Evaluation:**

Active participation and a case comment of 2500-3000 words that offers analysis and critique of a recent arbitral decision not discussed in the class. A list of such decisions will be provided.

Graded Honours/Pass/Fail.

*Rob Howse*

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

**CHANGE: Course description.**

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 459 (previously LAW 230): Corporations /Business Organizations is a prerequisite.

*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.*

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

**CHANGE: Seminar added.**

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.*

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**LAW 468.001**      **Ethics and Professionalism** Term 1    Term 2

Benedet

Course

3 CREDITS

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.*

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**LAW 468.002**      **Ethics and Professionalism** Term 1    Term 2

Mosoff

Cutler

Course

3 CREDITS

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.*

*Jerry Cutler*

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

LeBaron

Course

3 CREDITS

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

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**LAW 468.004****Ethics and Professionalism**
 Term 1    Term 2

Wood

Armour

Course

3 CREDITS

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 an examination of how legal ethics might be distinguished from notions of morality and legality. It must also consider the several core values and aspirations that inform the profession's behavioural norms and expectations, and the conflicting nature of some of the resulting ethical directives. In the more nuanced and correspondingly difficult situations, choices must be made that are often neither clearly right nor wrong.

Specific topics to be covered will include: the scope of lawyer/client confidentiality and privilege, the duty of loyalty (which encompasses conflicts of interest), guiding principles related specifically to advocacy (e.g. dealing with the lying client or witness, duties to the court, withdrawal from a file), a lively current debate about the appropriate balance to be struck in attempting to regulate standards of civility (most recently prominent in the Groia case in Ontario), and other issues generally related to self-regulation, such as the significant recent expansion of the obligation to report the conduct of other lawyers, and the threshold 'character' test for admission to the profession.

Guest lecturers will include a judge, senior lawyers from both private practice and the Law Society, and one or more Benchers.

Classroom discussion is encouraged.

## Evaluation:

Grading will be based partly upon class participation, including assigned presentations by small groups focused upon a review of Law Society disciplinary decisions (20%). The balance will be by final examination (80%).

*Henry Wood, Q.C., practices exclusively in the area of civil litigation, with an emphasis upon administrative law. He studied law at Osgoode Hall Law School, and was called to the British Columbia Bar in 1975. He has acted as general counsel throughout his career, appearing before all levels of Court. He had extensive experience with criminal law early in his career, where he represented the defence and the Crown, including several retainers 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 credentials (admissibility) and discipline issues.*

*He taught a course in Trial and Appellate Advocacy at the UBC Faculty of Law for approximately 10 years. Subsequent to that, he has taught Professional Responsibility and Ethics for several years, and is a frequent lecturer in Continuing Legal Education courses regarding ethical issues.*

*Deborah Armour joined the Law Society of British Columbia in April 2010 as Chief Legal Officer with overall responsibility for professional conduct, investigations, discipline, monitoring, enforcement, custodianships, unauthorized practice of law, tribunals and legislation.*

*Prior to joining the Law Society, she was the Director of Legal Services and Chief Compliance Officer for Powerex Corp., the electricity marketing subsidiary of BC Hydro. In this role she oversaw litigation, regulatory proceedings and contract development and established the compliance program for the company.*

*From 2002 to 2006, Ms. Armour was with Raymond James Ltd., a national securities firm, where she held various positions including General Counsel, Corporate Secretary, Chief Compliance Officer and Chief Privacy Officer. Prior to that, Deb was the Pacific Regional Director for the Investment Dealers Association of Canada, representing the interests of IDA members in BC and the Yukon and regularly dealing with policy development and government.*

*From 1995 to 2001, Ms. Armour held the position of General Counsel of the Canadian Venture Exchange and its predecessor the Vancouver Stock Exchange (VSE). In that position she was responsible for the legal and regulatory work for the merger of the Vancouver and Alberta Stock Exchanges. She began her legal career at the law firm of Ladner Downs, where she practiced commercial litigation. She obtained her law degree from Dalhousie Law School in 1985.*

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*She has served on the board of the Canadian Corporate Counsel Association and the Audit Committee of the Law Society of British Columbia. She has been Vice Chair of the Compliance and Legal Section of the IDA, President of the BC Branch of the Dalhousie Law Alumni Association, a member of the Government Relations Committee of the BC Branch of the CBA and President of the Advocates Club. She was a finalist in the Litigation Management category of the 2009 Canadian General Counsel awards and has been a frequent speaker at events of the Canadian Corporate Counsel Association, the CBA, CLE and other organizations.*

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**LAW 468.005****Ethics and Professionalism**

Term 1    Term 2   Boyd, M.   *Course*   **3 CREDITS**

**CHANGE: Course added.**

The goal of this course is to give students an understanding of how lawyers are regulated and an overview of the ethical issues that arise in practice. The ethical obligations of lawyers in Canada will be examined through the framework of the sometimes conflicting duties that are owed to the client, the state, the courts, other lawyers, the regulatory body, and to oneself. Specific topics will include the duty of loyalty, conflicts of interest, joint retainers, confidentiality, quality of service and other competence concerns, contingency fees and fee billing, undertakings, and withdrawal from representation. The course will also address specific ethical issues in different types of practice, such as in-house, government, or criminal. Current macro-ethical issues in the legal system will be considered, including access to justice. Students will be encouraged to think critically about ethics and what it means to be a “professional”, as well as the adequacy of professional standards, their enforcement, and whose interests they address. The course will be taught through a lecture format with class and small group discussion, and with the assistance of practising lawyers.

**Evaluation:**

Students will be evaluated based on class participation (10%), a written assignment (30%), and a final examination (60%).

*Maureen Boyd is a practising lawyer, presently employed by the Ministry of Justice (BC) providing advice to the Commissioner of Teacher Regulation and prosecuting teacher discipline cases. Ms. Boyd practised for sixteen years with McCarthy Tetrault, where she had a hybrid practice in labour and employment law. From 2006 to 2013, Ms. Boyd was employed by the Law Society of British Columbia, where she practised as discipline counsel for five years, prosecuting over 40 cases. From 2011 to 2013, she was the Manager – Discipline, where she was responsible for the operation and oversight of the discipline function of the Law Society.*

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**LAW 469.001****Civil Procedure** Term 1 Term 2

Greenberg

Michaud

Course

3 CREDITS

**CHANGE: Classroom change.**

We will study the conduct of civil actions in the B.C. Supreme Court. Students will become acquainted with the Supreme Court Civil Rules 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 the pre-trial stages of proceedings. Memorizing the Rules 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. B.C. Annual Practice
2. Casebook: Civil Litigation, updated July 2014

*Brook Greenberg (B.A. (Carleton University), LL.B. (UBC)) is a partner in the Litigation and Dispute Resolution Department of Fasken Martineau DuMoulin LLP in Vancouver. His litigation practice focuses on Commercial, Banking, Construction and Forestry Litigation. Prior to joining Fasken Martineau DuMoulin he served as a law clerk to Madam Justice Proudfoot, Madam Justice Prowse and Mr. Justice Hall of the B.C. Court of Appeal. Mr. Greenberg regularly supervises legal clinics run by the UBC Law Students Legal Advice Program and is an officer and member of the Board of the Greater Vancouver Law Students Legal Advice Society.*

*Joëlle Michaud (B.Comm., LL.B. University of Ottawa) is an associate in Fasken Martineau DuMoulin LLP's Litigation and Dispute Resolution Department with a focus on insurance, product liability and personal injury law. She acts for both domestic and foreign insurers defending disability, life, personal injury, and motor vehicle accident claims. She also acts for manufacturers defending product liability claims. She is fluent in French and completed her law degree in French. In her spare time, Ms. Michaud regularly plays basketball and volleyball and she enjoys skiing.*

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**LAW 469.002****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.*

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**LAW 469.003****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, 2015 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 2015 (Canada Law Book) (the "White Book") (or alternatively, Seckel & MacInnis, British Columbia Supreme Court Rules 2015, (the "Black Book")) (the Rules are also available online: [http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/168\\_2009\\_01](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% open-book final examination set during the Faculty examination period. The remaining 10% will be based on the two short 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, shareholder disputes, banking, pensions, and fraud. He is the National Head of BLG's Defamation and Media Group. 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 conferences as an author, lecturer, and chair.*

**LAW 470.001T1     The Innocence Project** Term 1     Term 2

Levy

Clinical

3 CREDITS

**\*Registration by Permission Only. (See LAW 470.001T2 and LAW 471.001)\***

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 471.001 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 471.001.)\***

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.*

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**LAW 471.001**      **Preventing Wrongful Convictions**

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

**\*This course is required for Students in LAW 470.001 Innocence Project.\***  
**CHANGE: Classroom change.**

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. After a brief defence practice, for 15 years Ms. Brown has been Crown counsel working on both trials and appeals, including cases in the Supreme Court of Canada. While on leave from her Crown counsel position, Ms. Brown was the founding Director of Legal Services for the Independent Investigations Office of BC.. In addition to teaching at UBC, 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. Before joining the legal profession, she was a museum curator and studied Canadian history and the history of technology to the PhD level.*

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

Term 1     Term 2    Smart                      Andrews                                      *Workshop*                      3 CREDITS

**\*Restricted to third-year students.\***

**CHANGE: Course description.**

This course, supervised by William Smart Q.C. and Mark Andrews Q.C., will be given by leading members of the judiciary and litigation bar in lectures and student practice sessions. 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 group lectures and break out practice sessions. The course will cover all aspects of trial advocacy including lectures and discussion groups about the adversarial system and ethics. However, the real focus of the course is on developing student's advocacy skills in the various aspects of civil and criminal litigation including interlocutory proceedings, conducting examinations for discovery, preparations for trial, opening a criminal and civil trial, examination and cross examination of witnesses, closing submissions and appellate practice. Participation in simulations will be required. There are 9 student practice sessions throughout the course on the various topics covered, culminating in mock civil and criminal trials. Thorough knowledge of the applicable materials and diligent preparation for each session is essential.

Prerequisites:

LAW 476/280 Evidence and LAW 469/270 Civil Procedure are recommended prerequisites for this course.

Evaluation:

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

*William Smart, Q.C. 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 and subsequently worked 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. In December, 2006, he was appointed as a judge to the Supreme Court of British Columbia and served in that capacity until 2013 when he returned to private practice at Hunter Litigation Chambers. 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. graduated from the University of Oxford in 1982, and completed his BCL at the University of Oxford in 1983. Mark is a partner and Chair of the Commercial Litigation Group at Fasken Martineau DuMoulin. Mark has been counsel in over 100 judgments of the Supreme Court of British Columbia and the British Columbia Court of Appeal. He often acts as counsel in arbitrations and has acted as an arbitrator. Mark has appeared before administrative tribunals such as the British Columbia Securities Commission and professional disciplinary tribunals. He was appointed Queens Counsel in 2004. He is also a Fellow of the American College of Trial Lawyers. Mark frequently teaches and lectures on trial advocacy and commercial litigation topics and acts as a Director of the Sopinka Cup Society.*

**LAW 473.001      Appellate Advocacy** Term 1     Term 2

Holloway

Workshop

3 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.*

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**LAW 474.001**      **Trial Advocacy** Term 1     Term 2

Sutherland, J.

Course

3 CREDITS

**\*Course is worth 3 credits total: lecture and lab inclusive.\***

This course concerns advocacy in the trial courts. Although use of procedural and substantive law in trial proceedings is considered, the emphasis is on methods of developing facts in court, methods of pre-trial preparation, and ethical problems that confront the trial lawyer.

The course will be taught by a combination of lectures, readings, and advocacy practice simulations. The practice simulations are done in small groups [maximum of 12 students per group]. All students meet for a two-hour lecture once per week. Each small group also meets with its instructor for a two-hour advocacy practice session once per week.

## Evaluation:

The course is Pass/Fail. Each student's performance will be evaluated by his or her small group instructor.

Students must enroll in one of the followings Practice Sessions as well as Section 1.

L01

L02

L03

L04

Students may not enroll in both LAW 488 or LAW 489 (Clinical Term) and this course.

## Prerequisite:

LAW 280/476 Evidence is a prerequisite for this course.

*The Honourable Judge James I. S. Sutherland (B.A. (Carleton University), LL.B. (Queen's University)) was appointed a judge of the Provincial Court of British Columbia in 2013. He articulated at McCarthy Tétrault. Prior to his appointment he worked for the Crown Counsel Office from 1992-1997 prosecuting Judge alone and Judge and Jury trials. From 1997-2010 he worked at Gordon & Sutherland Barristers & Solicitors practicing Criminal Defence law and conducting ad hoc prosecutions. From 2010 until his appointment in 2013 he worked at Sutherland Jette, Barristers practicing criminal defence law. He has appeared in every level of court in British Columbia, the Saskatchewan Court of Appeal, and the Supreme Court of Canada. He lectures at the PLTC course and was awarded the UBC Law Adjunct Professor Outstanding Achievement award in 2010.*

**LAW 474.L01**      **Trial Advocacy****LAB** Term 1     Term 2

Vos

Nugent

CREDITS

**\*Advocacy Practice Simulation Lab to accompany lecture component 474.001.\***

## Terry Vos

*Dan Nugent (B.A. (Dartmouth College, 1986), LL.B. (UBC, 1989)) was called to Bar of British Columbia in 1990. He is a partner in law firm of Webster Hudson & Coombe LLP, Vancouver, B.C. Mr. Nugent's principal areas of practise are corporate bankruptcy and insolvency, creditors' remedies, debt restructuring under the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act, commercial landlord and tenant disputes, and insurance litigation, primarily defence oriented.*



**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 476.001**      **Evidence** Term 1     Term 2

Perrin

Course

4 CREDITS

**CHANGE: Day change.**

This course offers a critical review of the main principles and rules of evidence in criminal and civil proceedings, while exposing contemporary challenges facing this area of law.

After introducing the basic concepts and framework of our evidence law, the limitations and means of adducing various types of evidence will be covered. We will examine key exclusionary rules governing hearsay, opinion and expert evidence, confessions, character and similar-fact evidence, privilege and improperly obtained evidence. We conclude with means of proof not requiring evidence (i.e. judicial notice and admissions).

Evaluation:

Final examination (3 hours): 100%

*Associate Professor Benjamin Perrin is a full time member of the UBC Faculty of Law.*

**LAW 476.002**      **Evidence** Term 1     Term 2

Harris, N.

Course

4 CREDITS

This course is a survey of the system by which the admission of proof at a trial is regulated. After a brief introduction to the law of evidence and to the basic requirement of relevancy, the course involves a critical analysis of the exclusionary rules which prohibit, with many exceptions, proof by means of character, opinion and hearsay. As well, the courts and legislatures have evolved certain rules governing the use of the different sources of proof such as the oral testimony of witnesses, tangible objects (called real evidence) and documents. Students will be asked to consider how well these various rules further the purposes for which they were developed by the courts and legislatures and how the rules work in practice.

Evaluation:

100% final examination.

Since the course is a prerequisite for Trial Advocacy, students who intend to take that course are recommended to take Evidence in their second year, although students may take both subjects concurrently.

*Nikos Harris (LL.B. (UBC 1995)) is a Lecturer at the Faculty and practices in the areas of criminal and constitutional law. He has acted as counsel in numerous cases before the British Columbia Court of Appeal and as co-counsel in several cases before the Supreme Court of Canada. He has published a number of articles in the areas of evidence and criminal law and has been a guest speaker for a number of organizations, including Continuing Legal Education and the Trial Lawyers Association.*

**LAW 477.001      Negotiation & Dispute Resolution**

Term 1     Term 2      Kaplan                                  *Workshop*          3 CREDITS

**CHANGE: Workshop added. Classroom change.**

The focus in this workshop is on the process of negotiation and the development of negotiation skills. There will be discussion of the dynamics, approaches and tactics to negotiation problems and issues. There will be a substantial portion of the time devoted to simulated negotiations and discussions concerning the approaches and tactics utilized by class members in those simulated negotiations.

## Evaluation:

This is a Pass/Fail course.

One paper: perspective - not research - 10-15 pages maximum. Due at end of exam period.

Assignments: Students to keep a journal of daily observations relevant to issues in course.

Presentation: 4 to 5 negotiation exercises with students performing negotiations from prepared data.

Participation: Negotiation practicums. Attendance required.

*William Kaplan, Q.C. (B.A. (UBC), LL.B. (UBC), LL.M. (Harvard)) was admitted to the BC Bar in 1980. He practises with the firm Blake Cassels & Graydon LLP in Vancouver. His practice is in civil litigation with a focus on corporate/commercial matters, insolvency law, construction law and entertainment law. He has appeared before all levels of the court system in British Columbia, the Supreme Court of Canada, and numerous administrative tribunals and private arbitration panels. He has taught the Negotiations Workshop at this Faculty since 1998 and has previously taught in the areas of administrative law and labour law. He has written and lectured in the areas of construction law, labour law, negotiations, bankruptcy and insolvency law, entertainment law, and administrative law.*

**LAW 481C.001      Topics in Litigation, Dispute Resolution & Administration of Justice      Dispute Resolution Theory and Practice**

Term 1     Term 2      LeBaron                                  *Course*                  3 CREDITS

**CHANGE: Classroom change.**

This course will focus on processes outside litigation that engage social issues. With the starting point that lawyers are problem-solvers, we will examine literatures on creativity, problem-solving, dialogue, negotiation, risk and risk assessment, integrative approaches to representative negotiation, change management, intercultural communication, leadership and conflict prevention and transformation. Participants will examine case studies and engage in experiential activities designed to deepen their knowledge of theories and concepts. Upon completing the class, participants will have expanded their capacities for effective legal representation and applying their skills in diverse other roles in public and private settings.

## Evaluation:

Evaluation will center on two written assignments, a case analysis and a final paper.

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

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**LAW 481C.002**      Topics in Litigation, Dispute Resolution & Administration of Justice      Intercultural Dispute Resolution  
 Term 1     Term 2      LeBaron      Seminar      3 CREDITS

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.*

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**LAW 481C.003**      Topics in Litigation, Dispute Resolution & Administration of Justice      Dispute Resolution in China  
 Term 1     Term 2      Cheng      Cui      Seminar      3 CREDITS

**CHANGE: Seminar cancelled.**

This course will examine judicial institutions and legal processes in China from a comparative perspective. Topics covered include: the structure of the judiciary and the history of judicial reform; the functions of the Supreme People's Court; the three major modes of litigation (civil, criminal, and administrative); measures of judicial independence and other aspects of court performance; observed litigation patterns; the major non-judicial, institutionalized disputes resolution mechanisms such as administrative reconsideration, mediation, arbitration, and petition; the structure of the legal profession; and the relationship between social customs and the law. Students will gain not only an in-depth exposure to Chinese judicial institutions but also practice thinking generally and comparatively about judicial processes.

**Course Evaluation:**

Course grades will be based on one major research paper (6,000-10,000 words).

*Jie Cheng (Ph.D.(Beijing University Law School)). Professor Cheng has taught at Tsinghua University Law School since 1999, after receiving a Ph.D. in Constitutional Law from Beijing University Law School. She has held visiting appointments at Oslo University, Sciences Po, Chinese University of Hong Kong, and Hong Kong University. In addition, she was a Fulbright visiting scholar at Yale Law School during 2003-4 and Nathaniel Fensterstock Visiting Associate Professor of Law at Columbia Law School in Fall 2013. Professor Cheng is has written over 30 academic articles and several books in the area of constitutional law, including *Essence of Constitutionalism: Open Government Under Law*, and most recently, *Unification and Rule: the China-Hong Kong Relationship under the Basic Law*.*

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

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<b>LAW 481C.004</b>	<b><u>Topics in Litigation, Dispute Resolution &amp; Administration of Justice</u></b>	<b><u>Resilient Lawyering in a Time of Change</u></b>		
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	LeBaron		<i>Seminar</i>	<b>3 CREDITS</b>

As unprecedented changes occur in the legal profession, law graduates find themselves challenged. Legal practice is changing rapidly in response to trends in technology, globalization and pressure to reduce the cost of legal services. Increasingly limited access to justice impinges on notions of fairness and equality. High stress is exacerbated as the market for legal graduates grows more competitive and business structures shift. In addition to these contextual changes, lawyers' roles are changing as well. They are expected to be expert negotiators and creative problem solvers as well as zealous advocates, roles that require quite different skills and value orientations. Participants in this seminar will explore these trends, reading current books and articles on the future of legal work and listening to scholars and practicing experts. We will also draw on the literatures on resilience and wellbeing to canvass how law graduates can pursue greater quality of life and personal satisfaction in ways that ripple out to their clients, families and communities.

Evaluation:

Evaluation will be 85% term paper and 15% class presentation/participation.

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

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<b>LAW 481C.005</b>	<b><u>Topics in Litigation, Dispute Resolution &amp; Administration of Justice</u></b>	<b><u>Access to Justice and the Modern Litigant</u></b>		
<input type="checkbox"/> Term 1 <input checked="" type="checkbox"/> Term 2	Maclaren		<i>Seminar</i>	<b>3 CREDITS</b>

**CHANGE: Seminar added.**

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:

- o 10% - Participation (conscientious reading of course materials; contributions to class discussions)
- o 20% - In-class presentation (single 10-15 minute presentation on the topic and readings of the day)
- o 20% - Short essay reflecting on site visit (4-6 pages)
- o 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, a solo general practitioner and an elected Bencher of the Law Society of BC. 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.*

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

**\*Registration by permission only.\***

**CHANGE: Day of week.**

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.

*Alexander Wolf*

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**LAW 488.002**      Clinical Term      Indigenous Community Legal Clinic  
 Term 1     Term 2      Barkaskas      Wolf      Clinical      11 CREDITS

**\*Registration by permission only.\***  
**CHANGE: Time change, course description.**

The Indigenous Community Legal Clinic, or Law 488/489, is a full term course comprised of 15 credits, 11 that are based on the practical component and 4 that are based on the academic component of the program. The practical component is based on a pass/fail evaluation of significant practice achievements during the term, and the academic component is comprised in weekly journaling, and participation in discussions based on the weekly readings and attendance at lectures (including mandatory attendance at the New Westminster First Nations Court on the Thursdays that court is scheduled throughout the term), and graded term paper written and composed based on independent research and critical reflection on the experiential learning at the Clinic and our discussions during lectures throughout the term.

Students commit to one full term, which they spend primarily at our location on Alexander Street in the downtown eastside of Vancouver. Students cannot take other courses during the term, except in special circumstances with permission from the Director and Supervising Lawyer. There is a limit of 6 students per term, and they are temporarily articulated to practice under the Law Society Rules. We have one lecture a week held at the Faculty of Law at Allard Hall.

The clinical learning environment is unique in many ways, and the pedagogy is designed to interweave experiential learning about the practice of law in a legal clinic setting with learning to apply ideas and theory to that practice, with an emphasis on the circumstances of Indigenous people, relationships, and the law.

The academic component of the course encourages students to read, discuss, and reflect on certain themes, some of which will be informed by current files, some of which are related to issues specific to Indigenous peoples and the law, and some of which are central or core to the experiential learning pedagogy. Therefore, the reading materials will develop differently each term, and will often build upon discussions as we go, or will draw from current events in the community. Examples of themes we explore in the academic program include: Indigenous legal traditions, legal theory, identity, listening and contextualisation of stories as legal tradition, theory, or methodology, advocacy, representation, resistance, language, authority, argument, evidence, experience and experiential, and interdisciplinary dialogues.

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

Evaluation Method:  
 Pass/Fail.

*Patricia Barkaskas earned a M.A. in History, with a focus on Indigenous histories in North America, and a J.D., with a specialization in social justice, from the University of British Columbia. She is a sole practitioner and practices in the areas of child protection (as parent's counsel), criminal, and family law, and has practiced prison and civil law. She has worked closely with Indigenous peoples in their encounters with the justice system and has worked for Residential school survivors as an historical legal researcher for the Indian Residential Schools Settlement Agreement. In addition she has written Gladue reports for the Provincial and Supreme Courts of British Columbia, and the British Columbia Court of Appeal. Her teaching and research interests include restorative justice and experiential learning in clinical legal education. Patricia was born in Alberta and is Métis from the Lac Ste. Anne Cree/Métis and Red River Métis communities.*

Alexander Wolf

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

**\*Registration by permission only.\***

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

Evaluation Method:  
 100% paper.

Alexander Wolf

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**LAW 489.002**      **Clinical Term: Paper**      **Indigenous Community Legal Clinic**  
 Term 1    Term 2      Barkaskas      Wolf      *Clinical*      4 CREDITS

**\*Registration by permission only.\***

**CHANGE: Course description.**

The Indigenous Community Legal Clinic, or Law 488/489, is a full term course comprised of 15 credits, 11 that are based on the practical component and 4 that are based on the academic component of the program. The practical component is based on a pass/fail evaluation of significant practice achievements during the term, and the academic component is comprised in weekly journaling, and participation in discussions based on the weekly readings and attendance at lectures (including mandatory attendance at the New Westminster First Nations Court on the Thursdays that court is scheduled throughout the term), and graded term paper written and composed based on independent research and critical reflection on the experiential learning at the Clinic and our discussions during lectures throughout the term.

Students commit to one full term, which they spend primarily at our location on Alexander Street in the downtown eastside of Vancouver. Students cannot take other courses during the term, except in special circumstances with permission from the Director and Supervising Lawyer. There is a limit of 6 students per term, and they are temporarily articulated to practice under the Law Society Rules. We have one lecture a week held at the Faculty of Law at Allard Hall.

The clinical learning environment is unique in many ways, and the pedagogy is designed to interweave experiential learning about the practice of law in a legal clinic setting with learning to apply ideas and theory to that practice, with an emphasis on the circumstances of Indigenous people, relationships, and the law.

The academic component of the course encourages students to read, discuss, and reflect on certain themes, some of which will be informed by current files, some of which are related to issues specific to Indigenous peoples and the law, and some of which are central or core to the experiential learning pedagogy. Therefore, the reading materials will develop differently each term, and will often build upon discussions as we go, or will draw from current events in the community. Examples of themes we explore in the academic program include: Indigenous legal traditions, legal theory, identity, listening and contextualisation of stories as legal tradition, theory, or methodology, advocacy, representation, resistance, language, authority, argument, evidence, experience and experiential, and interdisciplinary dialogues.

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

Evaluation Method:  
100% paper.

*Patricia Barkaskas earned a M.A. in History, with a focus on Indigenous histories in North America, and a J.D., with a specialization in social justice, from the University of British Columbia. She is a sole practitioner and practices in the areas of child protection (as parent's counsel), criminal, and family law, and has practiced prison and civil law. She has worked closely with Indigenous peoples in their encounters with the justice system and has worked for Residential school survivors as an historical legal researcher for the Indian Residential Schools Settlement Agreement. In addition she has written Gladue reports for the Provincial and Supreme Courts of British Columbia, and the British Columbia Court of Appeal. Her teaching and research interests include restorative justice and experiential learning in clinical legal education. Patricia was born in Alberta and is Métis from the Lac Ste. Anne Cree/Métis and Red River Métis communities.*

*Alexander Wolf*

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**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.*

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**LAW 491.001T1**     **Law Students Legal Advice Program****Credit** Term 1     Term 2

Marsden

Clinical

2 CREDITS

**\*Registration by permission only.\*****CHANGE: Course added.**

The LSLAP Credit Program runs from September from April and is offered to up to 25 students. This program will allow students to put their legal education to practical use through clinical work in a variety of areas of law including criminal, immigration, employment, contract, debt, wills and estates, and consumer protection. Students will be able to improve on research and advocacy skills under the guidance of experienced counsel while gaining a sense of leadership within the organization. In addition to signing and abiding by the LSLAP Code of Conduct and Practice, students are expected to develop competence in effective client interviewing and counselling, legal research, file management, written advocacy and drafting, oral advocacy, and dispute resolution.

4 CREDITS Students put their legal education to practical use through clinical work in a variety of areas of law and will improve on research and advocacy skills under the guidance of experienced counsel.

Students enrolled in the credit program at LSLAP will obtain 4 course credits for completing a number of major files over two semesters. Major files vary based on student interest, and may consist of full trials in provincial court, oral or written submissions to a tribunal, immigration applications, sentencing submissions or peace bonds, and civil applications. Students will also gain experience running a part-time a clinic at Robson Square Small Claims Court.

Pre-requisites:

Experience as a volunteer clinician with LSLAP is valuable but not required.

Evaluation:

This is a Pass/Fail course.

*Sarah Marsden (B.A., York University (1997), LL.B., University of Victoria (2000), LL.M, University of Victoria (2005), PhD, UBC, (2013)). After completing her law degree, Sarah 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. She has been involved with LSLAP's clinical program since 2009, and in 2012, she joined Law Students' Legal Advice Program as the Supervising Lawyer for the civil section. Sarah researches and publishes primary in the fields of labour migration and clinical legal pedagogy.*

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**LAW 491.001T2**     **Law Students Legal Advice Program****Credit** Term 1     Term 2

Marsden

Clinical

2 CREDITS

**\*Registration by permission only.\*****CHANGE: Course added.**

See above description.

*Sarah Marsden (B.A., York University (1997), LL.B., University of Victoria (2000), LL.M, University of Victoria (2005), PhD, UBC, (2013)). After completing her law degree, Sarah 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. She has been involved with LSLAP's clinical program since 2009, and in 2012, she joined Law Students' Legal Advice Program as the Supervising Lawyer for the civil section. Sarah researches and publishes primary in the fields of labour migration and clinical legal pedagogy.*

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

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

This seminar introduces students to various research methods in law. The research methodologies considered include doctrinal analysis, interdisciplinary approaches, empirical analysis, comparative law method, and legal history. The goal of this seminar is to help students develop their master's theses by refining and reevaluating the research topic, carrying out an effective literature review, matching the selected research project with an appropriate and practicable methodology.

**Required Materials:**

Wayne C. Booth, Gregory G. Colomb, Joseph M. Williams, *The Craft of Research*, Third Edition (2008)  
 Dawn Watkins and Mandy Burton (eds.) *Research Methods in Law* (2013)

**Evaluation**

Class Participation 50%  
 Final Paper 50%

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

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

**\*All year. Enrolment restricted to LL.M. students only. Total credit value for this seminar is 4. (See 500.001T1)\***  
**CHANGE: Instructor added.**

*Dr. Jeffrey Meyers grew up in the lower mainland and graduated from UBC with a BA (1999). He then earned his LLB/BCL (common and civil law degrees) from McGill (2004). After law school, Dr. Meyers was admitted to the Bar of the State of New York (2005) and was hired as a litigation associate at Sidley Austin LLP. In 2006, Dr. Meyers relocated to the UK to study at the London School of Economics and Political Science. While at the LSE, Dr. Meyers completed an LLM in legal theory (2007) and then earned his PhD in constitutional theory (2012) under the supervision of Dr. Igor Stramignoni. Dr. Meyers was admitted to the Law Society of BC (2013) after completing criminal law articles with Brian Coleman, Q.C. Prior to joining the UBC Faculty of Law, Dr. Meyers was a litigation associate at Cox, Taylor in Victoria, B.C.*

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**LAW 506.001**      Taxation Term 1     Term 2    Duff

Course

3 CREDITS

**\*Cross-listed with LAW 407.001 Taxation.****CHANGE: Course added.**

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:

90% final exam and 10% written assignment.

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 506.002**      Taxation Term 1     Term 2    Cui

Course

3 CREDITS

**\*Cross-listed with LAW 407.002 Taxation.\*****CHANGE: Course added.**

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:

90% final exam and 10% written assignment.

Required materials:

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

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

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

Course

5 CREDITS

**\*This course is open to LLMCL students only.\*****CHANGE: Classroom change.**

Ms. Friesen's teaching emphasis for Criminal Law and Procedure 525 will focus on the real world application of criminal law and is expected to be an excellent introduction to the actual practice of criminal law in B.C. Students will create and maintain a fictional file, taking it from the investigation stage, through charge approval and bail, pre-trial motions, and trial. Students will habitually reference the Criminal Code of Canada and related legislation, and will learn to apply the common law to the definition of offences and the application of defences. Special attention will be paid to the Canadian Charter of Rights and Freedoms. Lectures and class discussions will be enriched with guest lecturers and a court visit.

Evaluation:

Course evaluation is based on one written project (the fictional file) worth 40%, a final exam worth 50% and student participation worth 10%.

*Ingrid Friesen (B.A. (UBC, 1984), LL.B. (UWO., 1987)) has been a practicing criminal lawyer for over twenty-five years. She has accumulated a wealth of experience from both sides of the bar, having conducted cases for both the prosecution and the defence in the B.C. Provincial Court, Supreme Court and the Court of Appeal, as well as various administrative tribunals.*

*Ms. Friesen has many strong ties to UBC. She completed a B.A. in Political Science at UBC. in 1984 and finished the last year of her law degree at U.B.C. in 1987 (LL.B from UWO). She has maintained her connection with the U.B.C. Law School as a volunteer with the U.B.C. Innocence Project as well as a supervising lawyer with the Law Students Legal Assistance Program.*

*Ms. Friesen lives near UBC with her musician husband and two teenaged daughters.*

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

Workshop

4 CREDITS

**\*Enrolment priority to LLMCL students, then open to LLM, PhD and JD students if space available. Class meets in Rm 208 in the Law Library.\***

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 561.001**      **Fundamental Concepts in Tax Law**

Term 1    Term 2      Duff                      Cui                                      Course                      2 CREDITS

**\*Course meets Aug 25, 1:00-3:30 PM; Aug 26-29, 9:30 AM-12:30 PM and 1:30-3:30 PM; in Allard Hall, room 111.  
Registration only for Tax LLM Program students.\*  
CHANGE: Course added.**

Although often regarded as a distinct and self-contained body of law, tax law is properly understood as part of the broader legal system in which it exists and the social and political system that gives it shape. This course provides an introduction to the study of Canadian tax law in a comparative context, considering the goals of taxation and the structure of tax systems; the legal framework for tax law including the legal concept of taxation and constitutional requirements for tax law; the interpretation of tax legislation and tax treaties; tax avoidance and anti-avoidance rules; tax administration, procedure and professional ethics; key features of the income tax in Canada and other countries.

## Evaluation:

Take-home examination (90%) and class participation (10%)

*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 562.001**      **Taxation of Corporations & Shareholders**

Term 1    Term 2      Duff                                      Course                      3 CREDITS

**\*Cross-listed with LAW 408.001 Taxation of Corporations & Shareholders.\*  
CHANGE: Course added.**

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:

90% final exam and 10% written assignment.

LAW 407 Taxation (formerly LAW 220 Taxation I) is a prerequisite, while LAW 459 (formerly LAW 230) Business Organizations is recommended.

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

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**LAW 563.001**      **Taxation of Partnerships and Other  
Flow-Through Entities**
 Term 1     Term 2    Duff

CREDITS

**\*Cross-listed with LAW 409.001 Taxation of Partnerships and Other Flow-Through Entities.\***  
**CHANGE: Course added.**

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: 90% final exam and 10% written assignment.

Prerequisite: LAW 561 Fundamental Concepts in Tax Law.

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

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**LAW 564.001**      **Taxation of Trusts and Estates**
 Term 1     Term 2    Smith, N.

Course

3 CREDITS

**\*Cross-listed with LAW 412.001 Taxation of Trusts and Estates.\***  
**CHANGE: Course added.**

Trusts are a vital tax and estate planning tool for individuals to organize their wealth and manage their assets. An understanding of the applicable tax rules is essential to working in this burgeoning area of law. Students will develop critical thinking skills required to understanding the scope of available planning and being creative in designing flexible tax effective trusts and estate plans to meet clients' needs.

Evaluation:

Students will be evaluated based on class participation (10%), midterm assignment (30%) and final exam (60%). Class attendance will be emphasized.

Prerequisite: LAW 561 Fundamental Concepts in Tax Law.

*Nick P. Smith (B.Sc., Biology, great distinction (McGill University), LLB, (UBC 1988)). He was called to the B.C. Bar in 1989. He is a regular author and presenter on trust and tax issues for various professional organizations. is a founding principal of Legacy Tax + Trust Lawyers in Vancouver. For over 25 years his practice has focused on tax planning for individuals, corporations and trusts, and designing integrated tax and estate plans. He also has extensive experience representing taxpayers in tax disputes with taxation authorities. He has qualified as an expert witness in taxation in the Supreme Court of British Columbia and has been recognized by his peers as a leading lawyer in Canada in his field in both Lexpert and Best Lawyers in Canada.*

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**LAW 565.001**      **International Taxation** Term 1     Term 2      Duff

Course

4 CREDITS

**\*Cross-listed with LAW 410.001 International Taxation.\*****CHANGE: Course added.**

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:

90% final exam and 10% written assignment.

Prerequisite: LAW 561 Fundamental Concepts in Tax Law.

<http://www.law.ubc.ca/>*Professor David G. Duff is a full time member of the UBC Faculty of Law.***LAW 566.001**      **Tax Law and Policy Workshop** Term 1     Term 2      Cui

Workshop

4 CREDITS

**\*Cross-listed with LAW 411.001 Tax Law and Policy Workshop.****CHANGE: Workshop added.**

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).

Prerequisite: LAW 561 Fundamental Concepts in Tax Law.

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



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<b>LAW 567.001</b>	<b><u>Tax Administration and Dispute Resolution</u></b>	<b><u>Tax Dispute Resolution and Litigation</u></b>		
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	Kroft		Seminar	3 CREDITS

**\*Cross-listed with LAW 413.001 Tax Administration and Dispute Resolution.\***

**CHANGE: Seminar added, term changed.**

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.

Prerequisite: LAW 561 Fundamental Concepts in Tax Law.

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.*

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**LAW 568B.001****Topics in Taxation****Comparative Tax Systems** Term 1  Term 2

Evans

Seminar

2 CREDITS

**\*This intensive seminar will meet in Allard Rm 335 Oct 7-23; Tues & Thurs, 8:30 a.m.-11:00 a.m.; Wed, 10:00 a.m. - 12:30 p.m. Priority registration to LLM students. Open to JD student if space available. Time-conflicts are allowed for this seminar.\***

**CHANGE: Course description.**

This intensive course provides students with a comparative overview of the tax systems of various countries, with a view to developing a conceptual and practical understanding of the reasons why tax systems differ (and why they are sometimes so similar). The objectives of the course are to help students understand the characteristics that tax systems have in common, the areas in which tax systems differ, and the factors (legal, institutional, political, economic, social and cultural) that cause the similarities and differences.

The course covers areas such as tax structures, tax at different government levels, different types of tax (including income taxes, consumption taxes, capital and wealth taxes, environmental taxes), tax operating costs, tax administration and tax policy making and reform.

The course seeks to answer a series of key questions such as: why is income tax the dominant tax in so many developed countries whereas developing countries rely so heavily on indirect taxes; why do some countries have more tax expenditures than others; why have value added taxes, or derivatives of such taxes, become the dominant consumption taxes worldwide; why are there so many differences in the way countries tax corporate income and capital gains tax; why do so few countries have wealth taxes; what are the best types of tax for different levels of government; how do tax systems and revenue authorities best manage issues of complexity; what is the role of environmental taxes in modern tax systems; how are tax systems likely to develop in the future; and what are the keys to success in tax reform?

The course will be taught in a series of interactive classes between Tuesday 7 October and Thursday 23 October, and will include in-class student presentations and reports.

Evaluation:

- Preparation of 2,000 word report on the major features of the tax system of a chosen country (not Canada or the US). This report would be based upon some pre-reading for the course (ideally undertaken in September via materials on Connect) together with the contents of the first week's classes (so should be submitted in the second week of the course: Tue 14 Oct 2014), and would constitute 30% of the overall mark;
- Preparation and delivery of a 20 minute (plus 10 minutes for class questions and answers) power point presentation in class (week 3, commencing Tue 21 Oct 2014) based upon the initial country report and subsequent feedback. This would constitute 20% of the mark, half of which would be allocated by me and half by class peers; and
- Take home exam after the end of the course requiring students to choose two questions to answer in 1,500 words per question from an exam paper with four or five questions to choose from. This would comprise the other 50% of the overall mark. Ideally it would be taken some time in late October or early November after students have had a chance to reflect on the learning in the 3 weeks of the classes. Students will have one week to submit their exam answers.

Percentage graded.

*Chris Evans (Ph.D. (University of New South Wales)) is Professor of Taxation in the Australian School of Business and former Head of the Australian School of Taxation (Atax) at the University of New South Wales (UNSW) Australia. He holds a PhD in Law from UNSW and various postgraduate and undergraduate degrees in Economics, Politics and Education from UK universities. He specialises in comparative taxation, capital and wealth taxation, tax law and administration, tax policy and reform. He is also an International Research Fellow at Oxford University, an International Fellow of the Exeter University-Institute for Fiscal Studies Tax Administration Research Centre, an Extraordinary Professor at the University of Pretoria, a Senior Research Fellow at Monash University, and a Visiting Professor at the University of Canterbury, New Zealand and the Vienna University of Business and Economics, Austria. He has researched and published extensively in taxation, and is a co-author of Australian Taxation Law and Cooper & Evans on CGT. He is General Editor of Australian Tax Review and Editorial Board member of other journals. He has served on a number of governmental and professional body committees and working parties in Australia and overseas, including the UK's Mirrlees Committee and the HMRC International Panel on Tax Administration.*

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**LAW 569B.001**      **Topics in International Taxation**      **Tax Treaties**  
 Term 1     Term 2      Vann      Seminar      2 CREDITS

**\*This intensive seminar will meet in Allard Rm 115 Feb 2-13; M-F, 10:00 a.m.-12:30 p.m. Priority registration to LLM students. Open to JD student if space available. Time-conflicts are allowed for this seminar.\***  
**CHANGE: Course description added.**

Tax treaties are the major international coordination mechanism between different countries' income tax systems. This course provides a detailed coverage of the OECD Model Tax Convention on Income and on Capital (the OECD Model) on which all comprehensive tax treaties are based and some of Canada's most important tax treaties. In every country, the study of tax treaty policy naturally tends to be on tax treaties between that country and other countries, rather than the Model underlying all such treaties. In the result there is often little understanding of the role that international organizations play in the development of international taxation, of the large body of shared experience in the application of tax treaties, and of tax treaty policies of other countries. This course bridges this gap in the context of increasing globalization of world economies. Currently the OECD in cooperation with the G20 is undertaking a major revamp of tax treaty and other international tax norms as part of a project entitled "Base Erosion and Profit Shifting" (BEPS). The potential outcomes of this project will be considered throughout the course.

Prerequisites: Law 220, Law 407 or Law 561.

Evaluation: Two short written assignments worth 10% each and a take-home exam worth 80%. Take-home exam will be 2500 words maximum (involving a mix of short problems and essays) and answers to the class assignments will be short lists of bullet points (max 300 words each) on issues raised on assigned questions from the class outline.

Percentage graded.

*Richard Vann*

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**LAW 569C.001**      Topics in International Taxation      Transfer Pricing  
 Term 1     Term 2      Noble      Course      3 CREDITS

**\*Priority enrolment to LLM students, then if space available to PhD and JD students.\***  
**CHANGE: Course added. Classroom change.**

Transfer pricing has been consistently identified as the number one tax risk for tax directors of multinational enterprises for nearly a decade. This comes as no surprise as more than 50 percent of global commerce is now conducted between related parties. This course will provide an overview of the history and current practice of transfer pricing. The course will take a practical approach to the subject which will result in relevant skills in relation to this complex field of international tax. Theoretical concepts will be illustrated by real life examples and case studies. The intention is to provide insights into the multidisciplinary nature of transfer pricing wherein fields of law, economics, accounting and business management are combined to analyse complex transactions occurring in a vast array of industries on a global scale. Specific attention will be provided to each of the four phases of the life cycle of transfer pricing, namely: (i) regulatory, (ii) planning, (iii) compliance and contemporaneous documentation, and (iv) dispute resolution. Emphasis will be placed on the OECD Transfer Pricing Guidelines for Multinational Enterprises as well as the Canadian legislation, jurisprudence, regulations and administrative practices. Current topics such as the recent Base Erosion and Profit Shifting (BEPS) initiative by the OECD will also be discussed."

**Evaluation:**

Two written assignments of 1,500 words (20%) and 6,000 words (70%) and class participation (10%).

*Greg Noble (J.D. (University of Saskatchewan)) is admitted to the Bar in Saskatchewan as well as in England and Wales. He is the BC Tax Leader as well as a member of the Canadian Transfer Pricing practice of Ernst & Young LLP. He is based in Vancouver and held the position of Canadian National Market Leader for the Transfer Pricing practice from 2007-2010. Greg has been practicing in the area of transfer pricing since 1997 and has been involved in transfer pricing documentation studies, risk review assessments, planning and benchmarking studies, as well as dispute resolution assignments.*

*Mr. Noble has worked in both Vancouver and Tokyo, where he has been heavily involved in dispute resolution matters such as transfer pricing audits, competent authority and advance pricing agreements.*

*Mr. Noble is a frequent speaker at events sponsored by organizations such as the Canadian Tax Foundation, Tax Executive Institute and various external organizations. He has also lectured at the university level, including the University of British Columbia, Simon Fraser University and Temple Law School.*

*He has published extensively on the topic of transfer pricing in textbooks and journals such as the Canadian Tax Journal and International Tax Review. He also frequently discusses transfer pricing matters in the media, in publications such as The Globe and Mail and the National Post, as well as on national and local television.*

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**LAW 610C.001**      Doctoral Seminar I: Issues in Legal Theory  
 Term 1     Term 2      Sarfaty      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. Participants will be expected to circulate short written responses to the readings in advance of each seminar.

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

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

Pue

*Seminar***3 CREDITS****\*Enrolment restricted to Ph.D. students only.\*****CHANGE: Day and classroom.**

This seminar will provide a selective overview of a range of approaches to interdisciplinary research in law. Seminars will be discussion-based, and will usually focus on selected readings each week. Required books will be available 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 Wesley Pue is a full time member of the UBC Faculty of Law. He also holds the Nemetz Chair in Legal History.*

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