

LAW 300.004**Jurisprudence and Critical Perspectives** Term 1 Term 2

Goldbach

Course

3 CREDITS

This course provides an introduction to jurisprudence, legal theory, and critical approaches to law. It is designed to give upper year students an overview of the theory and practice of legal institutions in performing several key functions, such as: allocating authority, defining relationships, resolving conflict, adapting to social change, and fostering social solidarity. Students will be asked to consider the nature and limits of law, as well as critical perspectives on the ways in which law impacts on and shapes the structure of relationships in society. The course also aims to provide students with the tools to identify the relationships between different branches of law and legal doctrine, and to examine the role of ideology in the creation and enforcement of law. The course is interdisciplinary and draws from literature in law, legal philosophy, political science, and anthropology.

Evaluation:

Evaluation for this class will consist of class participation (20%), and either (1) a 3-hour closed-book examination or (2) a 24-hour take-home examination (both valued at 80%).

Assistant Professor Toby Goldbach is a full-time member of the Peter A. Allard School of Law.

LAW 303.001 **Legal Traditions and Ideas of Law** Term 1 Term 2

Pavlich

Course

3 CREDITS

This course, delivered in seminar format, commences with a general consideration of myth, religion, political structure and economics (limited) in social and cultural formations that establish the foundations and origins of order and justice in those ancient legal jurisdictions that have exerted an important influence on regimes of law. Selected theories of jurisprudence - notably natural law, positivism and realism (including critical legal studies) - are reviewed briefly (but frequently referenced throughout the course) to provide a conceptual context for and enable critique of the values underlying the narratives of the subject area.

The major focus of the course is on the evolution of the continental Civil Law system of Western Europe (using the Italian legal system as a paradigm) and the Common-Law system developed in England. We compare and contrast these systems with the legal systems and ideas of law in China. We do this following the major sequence and ordering of Professor John Head in his book *Great Legal Traditions*. The course engages comparative legal theory focusing on the similarities and differences between the Civil and Common law traditions as well the role and development of ideas of law in the Chinese legal tradition.

In the course of this focus, we consider, compare and trace various historical, common foundations of these "legal traditions" through the background of legal order and the cultural and social formations of peoples of the ancient Near East (emphasizing those of Mesopotamian derivation especially Babylonian (Akkadian/Amorite through the Code of Hammurabi), Israelites (in the Deuteronomy Code) and the Hittite Code), Greece (noting the influence of Egypt) and Roman Law (including the significant role of the Catholic Church in transmuting Roman law to Europe). We shall discuss, determine and evaluate their contributions to western ideas of law.

We review and critique the hypothesis of law as a system of rules, derived through custom and policy, and related to each other by attempts at logical consistency according to criteria of legal reasoning as applied and adopted by institutions socially recognized as legitimate and historically justifiable. We explore and critique this in the context of a social phenomenon and a formation that appears to endorse legalism and the rule of law as a central mechanism for the cultural organization of a just society in those jurisdictions endorsing wholly or in part a "western" legal tradition. We compare this evolutionary path with the legal and Confucian streams of thought in ancient and modern China.

In addition, the course cross cuts the above comparison by considering these legal traditions through the lens of myth, custom, religion, language, writing and moral reasoning on the role of power elites responsible for law codes, legislation, dispute resolution and precedent in the emergence of legal systems from early/pre-legal to proto-legal, and then on to modern (fledged?), autonomous, legal systems as understood and developed from the European and north American colonial traditions.

Professor Dennis Pavlich is a full time member of the Peter A. Allard School of Law and is a former Vice President, External and Legal Affairs of UBC.

LAW 312D.002	<u>Topics in Philosophy of Law & Theoretical Perspectives</u>	<u>Law and Literature</u>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> 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?
- How are lawyers portrayed in literature?

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 may include: Franz Kafka's *In The Penal Colony* as well as some of his legal briefs, Susan Glaspell's *A Jury of Her Peers*, Louise Erdrich's *The Round House*, Herman Melville's *Billy Budd*, Hilary Mantel's *Wolf Hall*, Akira Kurosawa's film *Rashomon*; Penelope Fitzgerald's *The Bookshop*, Anna Sewell's *Black Beauty*, Julian Barnes' *Arthur and George*; and, Kazuo Ishiguro's *Remains of the Day*.

Representative thinkers include: Robert Cover, Ronald Dworkin, William Eskridge, Stanley Fish, Lon Fuller, Jennifer Nedelsky, 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
- 15% 1 short assignment
- 55% An outline (5%) plus a 20-page (maximum) research essay devised in consultation with the instructor.

Professor Mary Liston is a full time member of the Peter A. Allard School of Law.

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

Trotter

Seminar

3 CREDITS

Until the relatively recent ascendancy of legal positivism, the Western legal tradition, and particularly the common law, was understood from a Natural Law perspective -- a moral, legal, and political philosophy which claims to provide an objective standard which can inform lawmakers in making the positive law, judges in reasoning with it, and critics in critiquing it.

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), and John Finnis, we will explore the core principles of the Natural Law perspective, both historically and contemporarily, as well as a brief look at its main critiques. 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 conscience and religion (e.g. TWU (both 2001 and 2018); Saskatchewan Marriage Commissioner Reference; 2018 Canada Student Jobs attestation requirement; 2018 LSUC 'personal statement of principles' requirement); free speech (e.g. Keegstra; Kempling; Pridgeon; Whatcott; 2018 Canada Student Jobs attestation requirement; CCBR transit advertising cases); school curriculum and governance issues (e.g. Chamberlain v. SD 36; S.L., Loyola; E.T. v. Hamilton); public prohibitions and regulations based on Natural Law understandings of the role of the state in society (assisted suicide/Carter/Lamb; prostitution/Bedford/Bill C-36; drug policy/PCS); and other topics of interest to students in the class (e.g. Human Rights per se; Civil Disobedience; other topics). 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 in alternating years only (i.e. the next offering after the 2018-2019 academic year will be in the 2020-2021 academic year). The minimum registration is six students.

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 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 (now part of global firm Norton Rose Fulbright), and then practiced civil litigation and administrative law at the downtown Vancouver firm of Gudmundseth Mickelson LLP from 2009-2013. For the last five years he has run his own civil litigation and Constitutional/Human Rights practice (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, including as counsel or co-counsel to interveners before the BC Court of Appeal and the Supreme Court of Canada in both the Carter v. Canada and Trinity Western University v. Law Society of BC cases. Prospective students are welcome to contact Mr. Trotter at 604-678-9190 with any questions they may have prior to registering.

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

This course plans to offer introduction to the legal systems of Asia, focusing on the People's Republic of China, Japan, and Korea. The course has two objectives. The first is to learn the basic skills of comparative law by applying the proper comparative law method outlined in the beginning to legal systems in Asia. The second is to introduce basic aspects of legal systems of each Asian country as related to certain common themes: historical development, structure of government, judiciary, law and economy and international dimensions. The course is scheduled to have three components: (1) the Chinese component (Cheng), (2) the Japanese component (Matsui), and (3) the Korean component (Kim). The course is divided into the three sections: the general introduction, proper methodology, basic information on each of three countries, law and economy, and international dimension. There is a mini wrap-up session at the end of each sections and the final wrap-up session in the end.

Evaluation

10% mid-term quiz, 30% final exam, and 60% final paper

After finishing the first section, the students will receive mid-term quiz to check whether students properly understood the law in each of the three countries. The students will have one week to submit the short answer to the quiz. This will take 10% of the final mark.

After finishing the whole course, the students must take the exam. The purpose of the exam is to allow the students to compare three countries with respect to some of the common themes or common topics. The exam is designed to evaluate the skills of comparative law and it will take 30% of the final mark.

By the deadline of submission of paper, the students have to submit the final paper. The students can choose a particular topic from one of the three countries or engage in comparison between two or three countries. All of the instructors are happy to give advice. The topic is better to be specific and not too theoretical or broad in scope. The students should conduct legal research and write papers, roughly 15 pages, with footnotes or endnotes (bibliography could be also added). The paper will be evaluated based on the choice of the topic, organization of the paper, extent of the research, writing skill, overall persuasiveness and other factors. This will take 60% of the final mark.

Professor Shigenori Matsui is a full time member of the Peter A. Allard School of Law.

*Jie Cheng (Ph.D. (Beijing University Law School)). Professor Cheng has taught at Tsinghua University Law School since 1999 before she joined UBC Faculty of Law, right after receiving a Ph.D. in Law from Beijing University. She has held visiting appointments at Oslo University, Sciences Po. Paris, Chinese University of Hong Kong, and Hong Kong University. In addition, she was a Senior Fulbright visiting scholar at Yale Law School during 2003-4, the Nathaniel Fensterstock Visiting Associate Professor of Law at Columbia Law School in Fall 2013, and Bates Lea Exchange Professor in Fall 2015. Professor Cheng has written many academic articles and several books in the area of constitutional law, including *Essence of Constitutionalism: Open Government Under Law*, and most recently, *Constitution as Law of Governance: An Institutional Analysis of Chinese Constitutional System*.*

Mr. John C.H. Kim is an Adjunct Professor at the Peter A. Allard School of Law and a partner at Norton Rose Fulbright Canada LLP / S.E.N.C.R.L., s.r.l. He practices corporate/commercial law with a focus on cross border M&A, inbound investments and technology sector transactions and projects, in particular those involving blockchain and cryptocurrencies.

LAW 336.001**Chinese Law: Implications for
Canada-China Relations** Term 1 Term 2

Cheng

Course

3 CREDITS

This course aims to develop a critical understanding of law and governance in China and to explore the implications of Canada-China Relationship. This course provides a review of Chinese legal history and surveys important areas of laws. The general approaches of the course are sociological and economic analysis, with special emphasis on evolution of legal institutions in a self-transforming society. Controversies and debates in specific cases and critical junctures will be highlighted and discussed in the class for further investigation of nature, trajectory and potential development of Chinese legal system and its implications domestically and internationally, especially in term of Canada-China Relations.

Evaluation

10% class participation, 20% reading memorandum, and 70% final paper

Class participants are expected to actively participate in the classes. This will take 10% of the final mark.

The course will be divided into four sessions: Introduction, Legal Institutions, Laws for the Market, Laws for the Government. Students are expected to submit a 1-2 pages reflective memo or review by the end of the second and third sessions. The memos will take 20% of the final mark.

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 (no less than 5000 words). The final paper will take 70% of the final mark.

*Jie Cheng (Ph.D. (Beijing University Law School)). Professor Cheng has taught at Tsinghua University Law School since 1999 before she joined UBC Faculty of Law, right after receiving a Ph.D. in Law from Beijing University. She has held visiting appointments at Oslo University, Sciences Po. Paris, Chinese University of Hong Kong, and Hong Kong University. In addition, she was a Senior Fulbright visiting scholar at Yale Law School during 2003-4, the Nathaniel Fensterstock Visiting Associate Professor of Law at Columbia Law School in Fall 2013, and Bates Lea Exchange Professor in Fall 2015. Professor Cheng has written many academic articles and several books in the area of constitutional law, including *Essence of Constitutionalism: Open Government Under Law*, and most recently, *Constitution as Law of Governance: An Institutional Analysis of Chinese Constitutional System*.*

LAW 338D.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).

Pre-requisites:

There are no pre-requisites for taking this seminar.

Evaluation:

Class participation 30% and final assignment 70%.

Regular attendance in the class is mandatory. Each student is required to attend the class after reading assigned materials and is encouraged to participate in the class discussions. I will particularly welcome active student participation in the class discussion.

With respect to final assignment, the student can pick up any topic he/she may find interesting with respect to Japanese law. The student can choose the topic covered in the seminar or choose other topics he/she may find interesting so long as the topic is concerned with Japan. The suggested guideline for a paper is about 15 pages, double spaced, including footnote or bibliography. The student needs to submit the paper by the deadline, the final day of examination, 4 pm. The paper will be evaluated based on the topic choice, organizing skill, research skill, and writing skill. I will be happy to give the student 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 Peter A. Allard School of Law.

LAW 340.001**Comparative Law** Term 1 Term 2

Cheng

Course

3 CREDITS

CHANGE May 22, 2018: Term, classroom.

This course is designed to give the students basic understanding of major legal traditions of the world. The course will especially focus on the comparison of civil law tradition and common law tradition. It also compares Canada with other common law countries. The course will study different legal traditions through examination of their origins and developments in their specific social and historical contexts; and will examine legal institutions such as constitutional system, judicial system, property law and law enforcement systems. The students can then look into the impact of divergence and convergence among different traditions. Methodologies of this course will be mainly functional comparative approach, focusing social and economic incentives and impacts of legal institutions in different legal traditions.

Evaluation

10% class participation, 20% reading memorandum, and 70% final paper

Class participants are expected to actively participate in the classes. This will take 10% of the final mark.

The course will be divided into four sessions: Introduction, Legal Institutions, Private Law and Public Law. Students are expected to submit a 1-2 pages reflective memo or review by the end of the second and third sessions. The memos will take 20% of the final mark.

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 (no less than 5000 words). The final paper will take 70% of the final mark.

*Jie Cheng (Ph.D. (Beijing University Law School)). Professor Cheng has taught at Tsinghua University Law School since 1999 before she joined UBC Faculty of Law, right after receiving a Ph.D. in Law from Beijing University. She has held visiting appointments at Oslo University, Sciences Po. Paris, Chinese University of Hong Kong, and Hong Kong University. In addition, she was a Senior Fulbright visiting scholar at Yale Law School during 2003-4, the Nathaniel Fensterstock Visiting Associate Professor of Law at Columbia Law School in Fall 2013, and Bates Lea Exchange Professor in Fall 2015. Professor Cheng has written many academic articles and several books in the area of constitutional law, including *Essence of Constitutionalism: Open Government Under Law*, and most recently, *Constitution as Law of Governance: An Institutional Analysis of Chinese Constitutional System*.*

LAW 342A.001 Topics in Comparative Law Hebraic Jurisprudence - From the Bible to the Rabbis

Term 1 Term 2 Porat Seminar 1 CREDITS

CHANGE May 22, 2018: Seminar added. *This intensive seminar meets Tues & Thurs, Feb 5, 7, 12 & 14 in Allard 115; and Thurs, Feb 7, 12:30-2:00 PM, Rm TBA. Course conflicts are allowed for this seminar, but you must contact Susan Morin (morin@allard.ubc.ca) to register you in this seminar in that case.. Students may be penalized a participation or attendance grade for missing an intensive class or a class that conflicts with the intensive class. *

Jewish law is among the most, if not the most, ancient legal systems in the world, which remains active in contemporary times. Moreover, doctrines and principles of Hebraic jurisprudence have had a lasting influence on the Western legal tradition. While some of its innovations have been incorporated into general legal thought to a degree that they seem obvious to most, other conceptions of Jewish law remain unique, and are fundamentally diverge from prevailing legal theories. Thus, the contribution of Hebraic jurisprudence is not merely historical; it retains the power to challenge our legal world by exposing new directions in legal thought.

In this course, we will focus on two of the formative periods of Jewish law – biblical law and rabbinic law – as well as the transition between these periods. We will highlight some of the main legal themes which were formed and crystallized during these periods, and which still possess the power to provoke creative legal thought even today. Among the topics we will discuss are the following: the jurisprudential tension between revelation and wisdom; the status of natural law; various theoretical models of legal development; the role of legal pluralism; the difference between a rights-based discourse and a duty-based discourse; and the concept of ownership.

The purpose of the course is to analyze Hebraic jurisprudence on these topics, while comparing it to contemporary jurisprudential theories. In this manner, we shall attempt to provoke new directions of thought on familiar legal issues.

Evaluation:

The final grade in this course will be based on final assignment.

Graded Honours/Pass/Fail.

Benjamin Porat is a Senior Lecturer and the Director of the Matz Institute for Research in Jewish Law, at the Faculty of Law, The Hebrew University of Jerusalem. He completed his PhD at the Faculty of Law, The Hebrew University (LL.D. summa cum laude). After completing his doctorate in 2010, he was a Halbert Postdoctoral Fellow at the University of Toronto. Dr. Porat focuses on the areas of theory of Jewish law, theory of private law, and law and religion. Dr. Porat is the editor of Shenaton ha'Mishpat ha'Ivri (Jewish Law Annual). His works have appeared in numerous publications including University of Toronto Law Journal, American Journal of Comparative Law, Columbia Journal of Gender and Law. His new book entitled "The Principles of Welfare Regulations: From Biblical Law to Rabbinic Literature" (Hebrew) is due to be published in the coming months.

LAW 342C.001 **Topics in Comparative Law** **World Trade System**
 Term 1 Term 2 Biukovic *Course* **3 CREDITS**

Course description:

This course aims primarily to introduce students to the world of international economic law by focusing on three major topics: (a) the World Trade Organization (WTO) law and its main principles and disciplines, (b) substantive content on economic integration agreements such as traditional free trade agreements (FTAs) and bilateral investment treaties (BITs) and more recent models of integration such as Canada-European Union Comprehensive Economic and Trade Agreement (CETA) and Canada-China Foreign Investment Promotion and Protection Agreement; and (c) future challenges for functioning of the world trading system due to the proliferation of trade and investment treaties on one hand and increasing protectionism on the other hand.

Objectives of the course:

The goals of the course are threefold: to provide students with knowledge of the key international trade and investment principles and rules established by the WTO and variety of FTAs and BITs, and to review functioning of trade and investment treaties' dispute settlement mechanisms; to facilitate students' understanding of main economic, social and political implications of the world trade system and trade liberalization on regional trade and investment agreements of individual countries (such as Canada); and to enable students to critically assess thorny regulatory issues related to the linkages between trade and non-trade issues (human rights, environment, labour, etc.).

Evaluation by open book final exam (100%).

Professor Ljiljana Biukovic is a full time member of the Peter A. Allard School of Law.

LAW 342D.001 **Topics in Comparative Law** **Comparative Health Law**
 Term 1 Term 2 Bobinski *Seminar* **3 CREDITS**

CHANGE October 19, 2018: Classroom.

This Comparative Health Law course will provide students with an opportunity to explore the intersection of law and health care in different societies. Human biology and the fundamental economic, social and ethical challenges of health care systems are the same around the world, yet the legal response to these challenges can vary significantly. This course will explore topics ranging from the legal aspects of the structure and financing of health care systems to the regulation of reproduction and death. The course readings include a diverse range of sources, from traditional legal materials, such as judicial decisions and statutes drawn from domestic and foreign jurisdictions, to excerpts from popular news accounts, medical journals, and social science articles. Students will have an opportunity to discuss and to debate health care law and policy in different areas as well as the utility of comparative approaches for lawyers, judges, policy-makers and advocates. The course will focus on health care law in Canada and the U.S. but will explore selected approaches adopted in other countries as well.

Evaluation: Students will be evaluated based on (1) class participation and (2) a research paper.

Course Materials: Required materials provided through Connect.

Professor Mary Anne Bobinski is a full time member of the Peter A. Allard School of Law.

LAW 342D.002	<u>Topics in Comparative Law</u>	<u>Feminist and Queer Legal Theory</u>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Tremblay	<i>Seminar</i>	3 CREDITS

Course Description:

This seminar explores feminist theory and queer theory, and their relevance in law and application to law. We will read feminist theory, queer theory and other critical theory in order to challenge legal assumptions. We will examine how constructions of gender, sex, sexual orientation play a role in the legal system. We will engage with intersectionality, the private-public dichotomy, changing conceptions of equality, concept of neutrality, etc. Authors covered will include but are not limited to Foucault, De Beauvoir, MacKinnon, Butler and Halley.

Evaluation:

- Attendance and presentation: 20%
- Paper: 80% (Annotated Bibliography: 20% + First Draft: 10% + Paper: 50%)

Professor Régine Tremblay is a full time member of the UBC Faculty of Law.

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

Matsui

Course

3 CREDITS

Should the government impose criminal punishment on WikiLeaks? Could the government prohibit Robert Pickton, convicted serial killer, to publish a book about his crimes and make money? 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 government on the sidewalk of the city street? 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

Class participation:

Regular attendance in the class is mandatory. Each student is required to attend the class after reading assigned materials and is encouraged to participate in the class discussions. I will particularly welcome active student participation in the class discussion.

Final examination or final assignment:

Students can choose whether to challenge final examination or to submit final assignment.

The final examination will ask students 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 opinions in concise and persuasive languages. Students should be able to answer the question easily if they read all the assignments and participate in the class discussions.

If the student chooses to submit a final paper instead of taking the examination, the student needs to choose one topic related to freedom of expression in Canada, the United States or any other countries and write a paper on that issue. The standard for the paper is 15 pages (double spaced), including footnotes or bibliography. The student needs to submit the paper by the deadline, the final day of examination, 4 pm. The paper will be evaluated based on the topic choice, organizing skill, research skill, and writing skill. I will be happy to assist the student to select an appropriate topic and to find necessary materials to finish the paper.

Syllabus:

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

Professor Shigenori Matsui is a full time member of the Peter A. Allard School of Law.

LAW 343D.001	<u>Topics in Public Law</u>	<u>Civil Liberties</u>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Gratl	Paterson, J.	Seminar 3 CREDITS

CHANGE June 5, 2018: Course description.

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, and section 7 rights. Current litigation and legislative debates will provide fertile ground on which we intend to discuss the issues of police accountability, equality in policing, medical assistance in dying, the relationship of civil liberties and Indigenous rights, sex work, national security and espionage, prisons and drug policy.

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 work has included law reform and policy advocacy, public education, community organizing, government relations and litigation.

LAW 348D.001 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 judiciary, the mechanism of protection of individual rights, religious freedom, freedom of expression, equality right, including the treatment of homosexual couples, and substantive due process such as abortion, sexual freedom and right to die, right to bear arms and search and seizure. The students will explore why the abortion issue or same-sex marriage 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 pre-requisite requirement to take this seminar. It would be wonderful if the student has basic understanding of the Canadian Constitutional Law, but the student 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%.

Regular attendance in the class is mandatory. Each student is required to attend the class after reading assigned materials and is encouraged to participate in the class discussions. I will particularly welcome active student participation in the class discussions.

With respect to final assignment, the student can pick any topic he/she may find interesting and compare the Canadian Constitutional Law with the American Constitutional Law. The student can choose the topic covered in the seminar or can choose other topics he/she may find interesting so long as the topic is concerned with constitutional issue. The guideline for a paper is about 15 pages, double spaced, including footnote or bibliography. The student needs to submit the paper by the deadline, the final day of examination, 4 pm. The paper will be evaluated based on the topic choice, organizing skill, research skill, and writing skill. I will be happy to give the student 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 Peter A. Allard School of Law.

LAW 349D.001**Topics in Constitutional Law****Charter Litigation** Term 1 Term 2

Smith, L.

Seminar

3 CREDITS

SEMINAR CANCELLED

The Canadian Charter of Rights and Freedoms allows individuals and (sometimes) organizations to challenge legislation or government action in court. This seminar will examine substantive legal principles developed in the jurisprudence regarding selected provisions of the Charter including s. 1 (guarantee and limitation of rights) 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). It will also examine the process of Charter litigation and what such litigation can accomplish, using a case study method with visits by leading litigation lawyers. The cases examined will be ones in which legislation or government action has been challenged under the Charter. Litigation strategies will be discussed, and some of the unique legal, procedural and evidentiary considerations that arise in Charter litigation (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 will be based on a substantial research paper (70%), and class participation (30%).

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.

LAW 351A.001 **Topics in Human Rights** **International Disability Rights Law**
 Term 1 Term 2 Arstein-Kerslake Seminar 1 CREDITS

This intensive seminar meets Tues & Thurs, Jan 22, 24, 29 & 31 in Allard 115; and Thurs, Jan 24 12:30-2:00 PM, Rm TBA. Course conflicts are allowed for this seminar, but you must contact Susan Morin (morin@allard.ubc.ca) to register you in this seminar in that case. Students may be penalized a participation or attendance grade for missing an intensive class or a class that conflicts with the intensive class.

Students will also be required to attend a colloquium January 24, 12:30-2:00 p.m.

Seminar Description:

This course examines the newest United Nations (UN) human rights treaty - the Convention on the Rights of Persons with Disabilities (CRPD). It explores the innovations of the CRPD and their impact on human rights law. We will examine human rights denials experienced by people with disability, such as deprivations of liberty and denials of equal recognition before the law. We will also discuss the effect of multiple forms of marginalization; for example, individuals with disabilities that are members of other minority groups, such as women, transgender people, or racial minorities. Topics will include: mental health law, legacy of eugenics, legal capacity, personhood, accessibility, and universal design.

Evaluation:

Evaluation is based on participation (25%) and a research paper (75%). (This is an intensive seminar and will be graded Honours/Pass/Fail).

Dr Anna Arstein-Kerslake is a Visiting Scholar from Melbourne Law School (MLS) at the University of Melbourne (UoM). She holds a PhD in Law from the National University of Ireland (NUIG), a JD from the City University of New York (CUNY), and a BA in Sociology from San Diego State University (SDSU). She founded and currently directs the Disability Human Rights Clinic at MLS. Her book, 'Restoring Voice to People,' was published by Cambridge University Press in 2017. Her work on the right to equal recognition before the law has led to invitations to consult with the United Nations Committee on the Rights of Persons with Disabilities, the World Health Organisation, and several different governments around the world.

LAW 351D.001 **Topics in Human Rights** **Law and Policy in Asia**
 Term 1 Term 2 Potter Seminar 3 CREDITS

CHANGE August 1, 2018: Seminar description and evaluation method added.

This seminar is intended to provide advanced law students, graduate students in social science disciplines, and students at UBC's Policy School with opportunities for policy research, analysis and writing on issues on the coordination of international trade and human rights performance, with a view toward developing tools for program and policy development and analysis. The seminar will meet on weekly basis, with each session devoted to guided seminar discussion, student presentations, and lab assignments. Attendance and participation are mandatory. Students are expected to read and be prepared to discuss all of the required readings and one of the suggested readings for each class.

Evaluation:

Grade will be based on the Instructor's assessment of a policy paper completed by the student on a topic related to Coordinating Compliance with International Trade and Human Rights Standards.

Professor Pitman Potter is a member of the Peter A. Allard School of Law and Director of the UBC Institute of Asian Research.

LAW 352.001 **Aboriginal Peoples and Canadian Law** Term 1 Term 2

Johnston

Course

3 CREDITS

As a matter of Canadian constitutional law, under s.91(24) of the Constitution Act, 1867, legislative authority over "Indians, and Lands reserved for the Indians" is assigned to the Parliament of Canada. The so-called "Indians" were not consulted in this matter and have been subjected to the the far-reaching provisions of the Indian Act without their consent. Although aspects of the Indian Act continue to constrain the autonomy of most First Nations in Canada, several legislative alternatives have been developed and implemented. This course examines the current legislative regime affecting First Nations. The course materials are largely based on federal statutes such as the Indian Act, the First Nations Land Management Act, the First Nations Election Act, and the Family Homes on Reserves and Matrimonial Interests and Rights Act. A number of First Nations laws and codes will be examined, as well as Final Agreements generated through the British Columbia Treaty Commission.

Evaluation:

100% final examination.

*Associate Professor Darlene Johnston 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

CHANGE June 21, 2018: Teaching format.

The law now recognizes that aboriginal title exists in British Columbia. It exists beyond the borders of Indian Reserves and is not confined to areas defined by treaties. The law on aboriginal title continues to develop and evolve. Most recently the Supreme Court of Canada has pronounced on the test for proof of aboriginal title, what aboriginal rights and title confers to the holder, and what the constitutional constraints are on provincial regulation of land that is subject to aboriginal title. We will look at these issues as well as reconciliation as that term is understood in aboriginal law. We will discuss the remedies that flow from breaches of aboriginal rights and title. We will discuss consultation and accommodation and the honour of the Crown in this area of the law.

Evaluation:

This is a 3 credit course. This is an advanced course which will require a significant amount of reading and analytical thought. There will be a final exam.

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 M. 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 a large downtown firm. Since 1980 he has been a partner in the firm which he co-founded. He presently specializes in aboriginal law and class action litigation. 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. Most recently he represented the Tsilhqot'in in the case that has defined aboriginal title for British Columbia and the rest of Canada, Tsilhqot'in Nation v. British Columbia 2014 SCC 44. David has been teaching as an adjunct professor at the University of British Columbia for the last 25 years.

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 be 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 of 1996 and practices as a partner with the Vancouver law firm Callison & Hanna, Barristers & Solicitors. He provides legal representation to aboriginal groups in the aboriginal law area, with a focus on comprehensive and specific land claims, self-government and community development in B.C. and the N.W.T. He is the author of Legal Issues on Indigenous Economic Development (Toronto: LexisNexis, 2017). He is of the Nlaka'pamux Nation from the community of Lytton.

LAW 358D.001 **Topics in First Nations Law****Indigenous Legal Theory** Term 1 Term 2

Christie

Seminar

3 CREDITS

Over the last decade or so the mass of writings in the field of Indigenous legal theory has greatly expanded. Indigenous theorists (and others) have begun to seriously explore numerous theoretical matters that arise when we step back from Canadian law, Indigenous laws, and their interrelations. These explorations run the gamut from fundamental investigations into the nature of 'the law', to questions about how to understand the nature of the co-existence of Canadian law and Indigenous laws, to questions about how the different systems might be reconciled, to deeply prescriptive questions about what paths we should construct and follow over the next few generations. This course looks closely at ruminations by theorists working in this field, but does so with very specific objectives – to think about how we are situated in this complex multi-juridical world, how we came to find ourselves in the current situation, and about what concrete steps would best lead us toward a better world.

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

LAW 358D.002 Topics in First Nations Law*An Introduction to Indigenous Legal Orders within the Settler State* Term 1 Term 2

Mack

Seminar

3 CREDITS

CHANGE July 23, 2018: Classroom.

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%)

Assistant Professor Johnny Mack is a full time member of the Peter A. Allard School of Law.

LAW 358D.003 Topics in First Nations Law*Metis Law* Term 1 Term 2

Barkaskas

Seminar

3 CREDITS

CHANGE June 6, 2018: Seminar added.

The course will trace the development of Métis Law from inception to the present, examining how Métis law intersects with First Nations law and how it has developed into its own unique branch of aboriginal law. Weekly lectures will cover identity, harvesting rights, title and land claims, constitutional interpretation, human rights, administrative law, fiduciary duty, honour of the crown and consultation. Materials will include Metis Law in Canada, case law and supplementary readings that explore the unique issues Métis raise in Canadian law.

Evaluation:

- 10% for attendance/participation
- 10% for leading a facilitation
- 20% for a research memo
- 60% for an opinion letter

Patricia Barkaskas earned a M.A. in History, with a focus on Indigenous histories in North America, and a J.D., with a Law and Social Justice Specialization, from the University of British Columbia. She is currently a faculty member in the Peter A. Allard School of Law where she holds the following positions: Academic Director of the Indigenous Community Legal Clinic (ICLC), Coordinator of the Judicial Externship program and Lecturer. She has practiced in the areas of child protection (as parent's counsel), criminal, family, as well as civil litigation and prison 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. Patricia's research and teaching focus on clinical legal education, decolonizing and Indigenizing legal education (including the value of Indigenous pedagogies) and experiential learning in law. As a Métis woman, she is particularly interested in examining Indigenous issues within the law and how legal processes can assist the advancement of Indigenous peoples in Canadian society. Patricia was born in Alberta and is Métis descended from families of the Lac Ste. Anne Cree/Métis and Red River Métis communities.

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

Course 4 CREDITS

Course Description:

This course introduces students to the regulation of families in Canada. The Divorce Act, Family Law Act, Adoption Act, Civil Code of Québec, Children's Law Reform Act and other applicable legislation will be studied, in addition to relevant Canadian case law. We will critically assess what is a family in law, why are certain relationships considered 'familial' and not others, and what is the impact of being considered a family in the eyes of the law. Topics covered include: parentage and other arrangements (co-parenting and multi-parenting); adoption; cohabitation, marriage, and other arrangements (LAT [living apart together]); property division; support; custody; alternative dispute resolution; and more. The course is critical, historical and comparative in nature. It is about theoretical underpinnings for intimate regulation. If you want something highly technical/practical, I recommend taking Family Law with someone else.

Evaluation:

- Open book final exam (100%).

Professor Régine Tremblay is a full time member of the UBC Faculty of Law.

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

Course 4 CREDITS

This course introduces students to the basic doctrines and theories that govern legal regulation of families in Canada and abroad, with a particular focus on British Columbia, from critical, historical, comparative, and practical perspectives. Principally, the course provides an introduction to the legal regulation both of intimate adult relationships and of the parent-child relationship. Investigating underlying principles, the course examines the ways in which family structures and values have changed during the late 20th and early 21st centuries, and considers the challenges that the law has faced in responding to these changes. Topics covered include: parenting arrangements (including co-parenting and multi-parenting); adoption; cohabitation, marriage, and other adult relationships; property division, support, and custody; and alternative dispute resolution.

Evaluation:

100% final open-book exam

Assistant Professor Erez Aloni is a full time member of the Peter A. Allard School of Law.

LAW 360D.001 **Children & the Law** Term 1 Term 2 Turpel-Lafond

Seminar 3 CREDITS

SEMINAR CANCELLED.

This seminar course will examine legal issues for children and youth in Canada with a focus on British Columbia, Ontario and Canada including exploring child welfare, adoption, medical and personal consent, youth justice, family law, advocacy and youth participation and emerging human rights issues. The materials and treatment of these issues will promote dialogue on divergent lived experiences of children and youth, such as Indigenous children and youth and children in foster care.

Evaluation:

The assessment will be based on class presentation participation (30%) and preparation of an essay from a list of topics that is not to exceed 20 double spaced pages. (70%).

Professor Mary-Ellen Turpel-Lafond is a full time member of the Peter A. Allard School of Law.

LAW 362D.001 **Topics in Family Law** **What's Trending in Family Law in 2018**
 Term 1 Term 2 Redmond Seminar 3 CREDITS

Law 362D is an advanced family law course dealing specifically with current issues and trends in family law including property division, spousal and child support, custody and guardianship and related parenting issues. The seminar will be limited to 12 - 15 students and will be taught one evening per week for three hours from 5:30 pm to 8:30 pm. We will be focusing almost exclusively on recent cases and examining hot topics and current trends in family law in British Columbia. There will also be a focus on Dispute Resolution including mediation, arbitration and Collaborative Divorce. This is an interactive seminar where students will be required to actively engage in a discussion of the issues and cases. Topics for final papers are chosen by students with approval of instructor.

Students will be expected to read the cases and provide case summaries which will be submitted prior to each class.

Evaluation:

Evaluation will be based on class participation 20%, case summaries 20%, and a final paper 60%.

Textbook provided by instructors:

Annotated Family Practice 2017-2018 published by CLEBC.

Pre-requisite: LAW 359 Family Law is required unless permission is granted by the instructor.

Karen Redmond (B.A. (University of Western Ontario); B.Ed. (UBC); LL.B. (UBC)) was called to the Bar of British Columbia in 2004. Ms. Redmond practices family law as a mediator, litigator and Collaborative Divorce lawyer. She is a member of the Trial Lawyers Association Executive Committee and has served on the board of Collaborative Divorce Vancouver since 2012. She is a member of the Family Roster for Mediate BC as well as the BC Collaborative Roster Society. Ms. Redmond provides pro bono mediation services through BC Supreme Court and currently writes for a number of Law Journals as well as the JP Boyd Blog on Family Law.

LAW 367.001 **Reproduction & Law** **Course**
 Term 1 Term 2 Tremblay Course 3 CREDITS

Course Description:

What is reproduction? How is reproduction regulated? What is the state's role in promoting or discouraging certain reproductive or sexual behaviour? What is the state's role in balancing rights individuals' rights and interests when it comes to reproduction? This seminar will investigate the many meanings of reproduction and its regulation in Canada and beyond. Special attention will be devoted to analyzing how certain groups have been disproportionately affected by state policies. Topics explored will include: fertility/infertility; assisted reproduction; surrogacy; gamete and embryo donation; eugenics; abortion; and more. Critical, historical and comparative perspectives.

Prerequisites:

There is no strict prerequisite for taking this course. However, some knowledge of family law is desirable.

Evaluation:

- Attendance and presentation: 20%
- Paper: 80% (Annotated Bibliography: 20% + First Draft: 10% + Paper: 50%)

Professor Régine Tremblay is a full time member of the UBC Faculty of Law.

LAW 372.001 **Administrative Law** Term 1 Term 2

Liston

Course

4 CREDITS

Cross-listed with LAW 509.001.

Administrative law is deeply implicated in our everyday lives. It is also key to the study of other areas of law such as immigration and refugee, human rights, environmental protection, labour relations, municipal governance, natural resources, social benefits, health and safety, professional self-governance, and licensing. As an advanced public law course, administrative law focuses on how courts are used to access government benefits and goods or to challenge abuses of public power. As part of the common law, administrative law permits judges to review the procedures and decisions of a variety of government decision-makers (e.g., agencies, arbitrators, boards, commissions, Ministers, municipalities, and tribunals) to ensure compliance with the rule of law. Two major themes structure this course: the legal requirements of the rule of law and the appropriate role of the courts given their strengths and limits.

Content covered includes:

- administrative procedures and the right to be heard such as the right of individuals to participate in decisions affecting them;
- the right to an independent, impartial and unbiased decision-maker;
- the standards of review used by courts to examine the merits of administrative decisions on the grounds of statutory misinterpretation, factual error, or because a decision-maker exercised discretion improperly or unreasonably;
- the principle of proportionality in administrative law;
- Aboriginal administrative law;
- policies, regulations, and soft law;
- common law and statutory remedies;
- principles of statutory interpretation;
- British Columbia's Administrative Tribunals Act; and,
- recent administrative law reform in British Columbia.

Evaluation:

Students can choose either: (a) a 3-hour 100% open-book exam: or, (b) a 2-hour 70% open-book exam and an assignment worth 30%.

Professor Mary Liston is a full time member of the Peter A. Allard School of Law.

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

Stacey

Course

4 CREDITS

Cross-listed with LAW 509.002.

Virtually every facet of modern life is affected in some way by the administrative state from labour relations to immigration to professional governance to environmental protection. These laws are administered primarily by administrative agencies, not courts. This course provides an introduction to the rules, principles and policy considerations that shape the powers of these administrative decision-makers. 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 administrative law issues in British Columbia such as the Administrative Tribunals Act and Aboriginal administrative law.

Evaluation:

A combination of participation, mid-term assessment and open-book final examination.

Assistant Professor Jocelyn Stacey is a full time member of the UBC Faculty of Law.

LAW 372.003 Administrative Law Term 1 Term 2 Stacey

Course 4 CREDITS

Cross-listed with LAW 509.003.

Virtually every facet of modern life is affected in some way by the administrative state from labour relations to immigration to professional governance to environmental protection. These laws are administered primarily by administrative agencies, not courts. This course provides an introduction to the rules, principles and policy considerations that shape the powers of these administrative decision-makers. 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 administrative law issues in British Columbia such as the Administrative Tribunals Act and Aboriginal administrative law.

Evaluation:

A combination of participation, mid-term assessment and open-book final examination.

Assistant Professor Jocelyn Stacey is a full time member of the UBC Faculty of Law.

LAW 373D.001 Topics in Administrative Law**Advanced Legal Ethics** Term 1 Term 2 Martin, A.

Seminar 3 CREDITS

SEMINAR CANCELLED

Canadian legal ethics is a young field in an exciting period of growth. This seminar builds on LAW 468 Ethics and Professionalism to allow students to immerse themselves in thoughtful exploration of the special topics and current issues that are shaping the practice of law in BC and elsewhere in Canada. Through a combination of literature and case law, we will consider the challenges facing Canada's law societies in the effective and responsive self-regulation of the legal profession. This is a seminar not only about legal ethics but also about effective academic writing.

Topics may include: civility; good character; mental health; advertising; criminal law; the Attorney General; government lawyers; lawyer-politicians; and class actions.

Graduate students are particularly welcome.

Evaluation:

20% participation (includes attendance, short informal update(s) on the progress of your research project, one longer presentation of your research project, etc)

80% research project on a topic approved by the instructor (includes topic proposal, etc, and a final paper of 4000-5000 words)

Pre-requisite: LAW 468 Ethics and Professionalism (for grad students, an equivalent course or permission of the instructor)

Assistant Professor Andrew Flavelle Martin is a full time member of the Peter A. Allard School of Law.

LAW 374.001 **Municipal Law** Term 1 Term 2

Manhas

Course

3 CREDITS

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

Evaluation:

Evaluation will be by examination.

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

Kaushal

Course

3 CREDITS

Immigration law determines who gets into Canada and on what terms. This course will examine the framework for entry, residence, and citizenship established by the Immigration and Refugee Protection Act. Students will learn the criteria for the various immigration classes. Topics will include: family immigration, skilled workers, investors and entrepreneurs, international students, temporary foreign workers, provincial nominee programs, criminal and medical inadmissibility, and removals (including detention and deportation). We will also examine the intersection between immigration law and other fields of law such as international law and constitutional law. This course focuses primarily on the Immigration and Refugee Protection Act and its regulations and case law, but attention will be paid throughout to the historical, philosophical, and normative aspects of immigration law. Students will be asked to think critically about how immigration law treats different classes of people.

Law 378C covers refugee law. The two courses complement each other and students interested in research or practice in this field are advised to take both courses.

Evaluation:

Students may choose between a 100% final exam OR a 70% final exam and 30% case comment.

Assistant Professor Asha Kaushal is a full-time member of the Peter A. Allard School of Law.

LAW 378D.001 **Issues in Immigration & Refugee Law** **Refugee Law** Term 1 Term 2

Arbel

Seminar

3 CREDITS

Description: This seminar provides an overview of international refugee law as applied in Canada. The seminar will encourage students to think critically and analytically about refugee law and refugee rights, as well as Canada's role in refugee protection. Some of the topics covered will include: how refugees are defined, who is excluded from refugee protection, border laws and policies as they pertain to refugees, the law and practice of immigration detention, as well as an introduction to the key aspects of refugee law practice in Canada.

Evaluation: This seminar will be taught through a combination of lectures, discussions, class exercises, and guest presentations by government, members of the refugee bar, and support workers. It may also include visits to the Immigration and Refugee Board. Evaluation will be based on class participation (10%), short reaction papers reflecting on assigned readings (40%), and a final assignment (50%). Students will be asked to select their own topics and format for the final assignment in consultation with the instructor.

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

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

LAW 379B.001 **Externship** **Business Law Clinic** Term 1 Term 2

Baron

Chow

Clinical

4 CREDITS

Registration by permission only.

The Business Law Clinic, or Law 379B.001/Law380A.001 is a clinical program comprised of 6 credits. 4 credits are based on the practical clinic component and 2 credits are based on the academic component. The practical component is evaluated on a pass/fail basis and the academic component is comprised of reflective journal presentations, participation in seminar discussions and a written assignment.

379B.001

Students will learn how to provide business oriented legal advice to small business owners, entrepreneurs, non-profit organizations, and individuals meeting certain criteria. Students will practice law firm management, professional ethics, professional responsibility, client intake and file management under the supervision of practicing lawyers. Students will have direct hands-on experience, under clinical supervision, to interview clients, conduct commercial law files, and give advice. Students will research, draft documents, and report back to their client at follow-up appointments.

Evaluation:

Students will be evaluated on their attendance, the progression of their skills and the quality of their work product, on a pass/fail basis. Students must complete each part of their assigned file work and must earn a passing grade on each part of their assigned file work in order to pass Law 379B.001.

Pre-requisite: LAW 459 Business Organizations

Co-requisite: LAW 380A.001 Externship Reflection: Business Law Clinic Reflection

Christine Baron (B.A. 2000 (UBC), LL.B. 2003 (UBC)) has practiced law as a general solicitor since 2004. She assists entrepreneurs and small businesses with a variety of matters including incorporations, contracts and business succession planning. She has helped many not-for-profit societies with their constitutions, bylaws and operational matters. She also practices estate planning and estate administration.

Catherine Chow (B.A. 1994 (University of Calgary), LL.B. 1997 (University of Calgary), LL.M. 2007 (UBC)) is Vice President and General Counsel at Keg Restaurants Ltd. Ms. Chow is responsible for a broad portfolio of legal matters across Canada and US for 100+ locations in The Keg estate: financing, real estate, business development, franchising, key partnership agreements, risk management, litigation, trademark protection, and compliance. Before joining The Keg in 2006, she had a thriving private practice as a commercial and real property lawyer in Alberta and British Columbia.

LAW 379B.002	<u>Externship</u>		<u>Business Law Clinic</u>	
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Baron	Chow	Clinical 4 CREDITS

Registration by permission only.

The Business Law Clinic, or Law 379B.002/Law380A.002 is a clinical program comprised of 6 credits. 4 credits are based on the practical clinic component and 2 credits are based on the academic component. The practical component is evaluated on a pass/fail basis and the academic component is comprised of reflective journal presentations, participation in seminar discussions and a written assignment.

379B.002

Students will learn how to provide business oriented legal advice to small business owners, entrepreneurs, non-profit organizations, and individuals meeting certain criteria. Students will practice law firm management, professional ethics, professional responsibility, client intake and file management under the supervision of practicing lawyers. Students will have direct hands-on experience, under clinical supervision, to interview clients, conduct commercial law files, and give advice. Students will research, draft documents, and report back to their client at follow-up appointments.

Evaluation:

Students will be evaluated on their attendance, the progression of their skills and the quality of their work product, on a pass/fail basis. Students must complete each part of their assigned file work and must earn a passing grade on each part of their assigned file work in order to pass Law 379B.002.

Pre-requisite: LAW 459 Business Organizations

Co-requisite: LAW 380A.002 Externship Reflection: Business Law Clinic Reflection

Christine Baron (B.A. 2000 (UBC), LL.B. 2003 (UBC)) has practiced law as a general solicitor since 2004. She assists entrepreneurs and small businesses with a variety of matters including incorporations, contracts and business succession planning. She has helped many not-for-profit societies with their constitutions, bylaws and operational matters. She also practices estate planning and estate administration.

Catherine Chow (B.A. 1994 (University of Calgary), LL.B. 1997 (University of Calgary), LL.M. 2007 (UBC)) is Vice President and General Counsel at Keg Restaurants Ltd. Ms. Chow is responsible for a broad portfolio of legal matters across Canada and US for 100+ locations in The Keg estate: financing, real estate, business development, franchising, key partnership agreements, risk management, litigation, trademark protection, and compliance. Before joining The Keg in 2006, she had a thriving private practice as a commercial and real property lawyer in Alberta and British Columbia.

LAW 379C.001**Externship****International Justice & Human Rights Clinic** Term 1 Term 2

Barrett

Clinical

8 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 379D.001	<u>Externship</u>			<u>Women's Legal Clinic</u>		
<input checked="" type="checkbox"/> Term 1	<input type="checkbox"/> Term 2	Hawkins, K.	Sood	Clinical		11 CREDITS

Registration by permission only.

The Women's Legal Centre externship is a full term course comprised of 15 credits, 11 based on a practical clinical component and 4 based on an academic component, both of which are required for the externship. The externship is open to upper year law students. The externship takes place at Rise Women's Legal Centre, an independent, social justice community organization. The externship emphasizes the circumstances of women and their experiences within the justice system with a particular focus on family violence.

This program is open to a maximum of six law students each term. Law students must be in their second or third year of law school, and have taken family law as a prerequisite. Through the clinic component, students will gain practical experience in managing client files and representing their clients in negotiations or court, and will also gain exposure to the systemic perspective through the Centre's partnership with West Coast Women Legal Education and Action Fund (West Coast LEAF). The externship is focused on family law though students may also have the opportunity to take cases in other areas of law affecting their clients. The clinic component is based on a pass/fail evaluation of significant practice achievements during the term. The academic component of the externship is a graded course comprised of weekly seminars, journaling, preparation of a research memorandum and reflection essay.

Kim Hawkins (Masters in International Human Rights Law (University of Oxford 2012), J.D. (University of Victoria 2005), B.Sc. (University of Victoria 1999)) is the Executive Director of Rise Women's Legal Centre. She previously worked at the Legal Resources Centre in South Africa, the Yukon Human Rights Commission, and from 2009 to 2014 was a staff lawyer at a busy legal aid clinic in Whitehorse, Yukon Territory, practising in the areas of criminal, family, and child protection and appearing regularly at all levels of Yukon court system. She has travelled extensively in northern Canada with circuit courts, where she worked primarily with Indigenous peoples encountering the justice system. She served as President of the Board of the Yukon Women's Transition Home Society from 2010 to 2014.

Vandana Sood (J.D. (UBC, 2010), M.Sc. (University of Calgary, 1997), B.Sc. (University of Calgary, 1994)) is the Supervising Lawyer of the Rise Women's Legal Centre. Vandana was called to the bar in British Columbia in 2011. Vandana was a solo practitioner for 3 years, and practised primarily in the areas of family law, child protection law (as parent's counsel) and immigration/refugee law, with a focus on assisting women of color who had experienced family violence. Vandana appeared regularly in the Provincial and Supreme Courts of British Columbia, as well as before the Immigration & Refugee Board. Prior to launching her solo practice in 2013, Vandana worked with Indigenous peoples at Donovan & Company, articulated in criminal law with Glen Orris Q.C., and worked as a Mental Health Advocate for the Community Legal Assistance Society (CLAS) during law school.

LAW 379D.002	Externship		<u>Women's Legal Clinic</u>	
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Hawkins, K.	Sood	Clinical 11 CREDITS

Registration by permission only.

The Women's Legal Centre externship is a full term course comprised of 15 credits, 11 based on a practical clinical component and 4 based on an academic component, both of which are required for the externship. The externship is open to upper year law students. The externship takes place at Rise Women's Legal Centre, an independent, social justice community organization. The externship emphasizes the circumstances of women and their experiences within the justice system with a particular focus on family violence.

This program is open to a maximum of six law students each term. Law students must be in their second or third year of law school, and have taken family law as a prerequisite. Through the clinic component, students will gain practical experience in managing client files and representing their clients in negotiations or court, and will also gain exposure to the systemic perspective through the Centre's partnership with West Coast Women Legal Education and Action Fund (West Coast LEAF). The externship is focused on family law though students may also have the opportunity to take cases in other areas of law affecting their clients. The clinic component is based on a pass/fail evaluation of significant practice achievements during the term. The academic component of the externship is a graded course comprised of weekly seminars, journaling, preparation of a research memorandum and reflection essay.

Kim Hawkins (Masters in International Human Rights Law (University of Oxford 2012), J.D. (University of Victoria 2005), B.Sc. (University of Victoria 1999)) is the Executive Director of Rise Women's Legal Centre. She previously worked at the Legal Resources Centre in South Africa, the Yukon Human Rights Commission, and from 2009 to 2014 was a staff lawyer at a busy legal aid clinic in Whitehorse, Yukon Territory, practising in the areas of criminal, family, and child protection and appearing regularly at all levels of Yukon court system. She has travelled extensively in northern Canada with circuit courts, where she worked primarily with Indigenous peoples encountering the justice system. She served as President of the Board of the Yukon Women's Transition Home Society from 2010 to 2014.

Vandana Sood (J.D. (UBC, 2010), M.Sc. (University of Calgary, 1997), B.Sc. (University of Calgary, 1994)) is the Supervising Lawyer of the Rise Women's Legal Centre. Vandana was called to the bar in British Columbia in 2011. Vandana was a solo practitioner for 3 years, and practised primarily in the areas of family law, child protection law (as parent's counsel) and immigration/refugee law, with a focus on assisting women of color who had experienced family violence. Vandana appeared regularly in the Provincial and Supreme Courts of British Columbia, as well as before the Immigration & Refugee Board. Prior to launching her solo practice in 2013, Vandana worked with Indigenous peoples at Donovan & Company, articulated in criminal law with Glen Orris Q.C., and worked as a Mental Health Advocate for the Community Legal Assistance Society (CLAS) during law school.

LAW 379D.003 **Externship** **Judicial Externship**
 Term 1 Term 2 Cunliffe *Clinical* **11 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.

Professor Emma Cunliffe is a full time member of the Peter A. Allard School of Law.

LAW 379D.004 **Externship** **Judicial Externship**
 Term 1 Term 2 Cunliffe *Clinical* **11 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.

Professor Emma Cunliffe is a full time member of the Peter A. Allard School of Law.

LAW 379E.001**Externship****Corporate Counsel Externship**
 Term 1 Term 2

Tse

Clinical

5 CREDITS

Registration by permission only. Fall Term Placement: September 10 - November 30, 2018 (excluding Mid-Term Break: November 8 & 9, 2018).

CHANGE June 25, 2018: Description.

The Corporate Counsel Externship is a clinical program within the Centre for Business Law that will commence in the 2018-19 academic year and will operate in both the fall and spring terms. Six upper-year J.D. students are admitted to the Externship (Law 379E) and the accompanying graded course component (Law 380A).

The purpose of the Externship is to provide students with an opportunity to:

- learn directly from experienced in-house counsel in a supervised educational environment;
- apply theoretical concepts learned in the classroom to practical legal and business matters in a particular industry;
- gain solicitor's practice based experience in a supervised environment; and
- develop a deeper understanding of professional ethics and professional responsibility in practice.

The Externship is comprised of seven credits in total. Five credits are allocated to the clinical component (Law 379E) and two credits are allocated to the academic component (Law 380A).

Law 379E: Externship (5 credits):

Students enrolled in the program will be placed in the legal department of an organization in the private or public sector on a part-time basis (16 hours per week) for one term (12 weeks). The student and principal can mutually determine the student's weekly work schedule.

This is a pass/fail course based on the following:

- a.Principal Evaluation (50%): Non-graded evaluation by the student's principal who will assess the student on his/her attendance, effort, professionalism, and the quality of his/her work (timely, accurate, and succinct).
- b.Research Project (25%): Non-graded evaluation by the student's principal who will assess the research project based on timeliness and quality of work.
- c.Bi-weekly Reflective Journals (25%): Journals will be graded for their written clarity and depth of personal examination. Quality of the written submission will be highly scrutinized and students are advised to carefully review their work product prior to submission.

Final marks will be recorded as pass/fail on students' transcripts.

Erika Tse holds a law degree from Dalhousie University, a Bachelor of Commerce degree from UBC, and her ICD.D (directors education program) from the Institute of Corporate Directors, Rotman School of Management at the University of Toronto. Erika has also completed the Financial Literacy Program and Strategic Human Resources Management Program from Rotman School of Management at U of T, and the Executive Development Program from Wharton, University of Pennsylvania. Ms. Tse has been practicing law for 24 years and has extensive in-house counsel experience in various industries including forest products (Weyerhaeuser) and grocery retail (Overwaitea Food Group, a Jim Pattison company). Currently, she is Chief Legal Officer, Corporate Secretary, and Vice-President of Human Resources for GLENTEL Inc., a large independent multi-carrier mobile phone retailer in Canada operating under the banners "WirelessWave", "TBooth" and "Wireless Etc." (Costco).

LAW 379E.002**Externship****Corporate Counsel Externship**

Term 1 Term 2 Tse

Clinical

5 CREDITS

Registration by permission only. Spring Term Placement: January 7 - April 4, 2019 (excluding Reading Week: February 18-22, 2019).

CHANGE June 25, 2018: Description.

The Corporate Counsel Externship is a clinical program within the Centre for Business Law that will commence in the 2018-19 academic year and will operate in both the fall and spring terms. Six upper-year J.D. students are admitted to the Externship (Law 379E) and the accompanying graded course component (Law 380A).

The purpose of the Externship is to provide students with an opportunity to:

- learn directly from experienced in-house counsel in a supervised educational environment;
- apply theoretical concepts learned in the classroom to practical legal and business matters in a particular industry;
- gain solicitor's practice based experience in a supervised environment; and
- develop a deeper understanding of professional ethics and professional responsibility in practice.

The Externship is comprised of seven credits in total. Five credits are allocated to the clinical component (Law 379E) and two credits are allocated to the academic component (Law 380A).

Law 379E: Externship (5 credits):

Students enrolled in the program will be placed in the legal department of an organization in the private or public sector on a part-time basis (16 hours per week) for one term (12 weeks). The student and principal can mutually determine the student's weekly work schedule.

This is a pass/fail course based on the following:

- a.Principal Evaluation (50%): Non-graded evaluation by the student's principal who will assess the student on his/her attendance, effort, professionalism, and the quality of his/her work (timely, accurate, and succinct).
- b.Research Project (25%): Non-graded evaluation by the student's principal who will assess the research project based on timeliness and quality of work.
- c.Bi-weekly Reflective Journals (25%): Journals will be graded for their written clarity and depth of personal examination. Quality of the written submission will be highly scrutinized and students are advised to carefully review their work product prior to submission.

Final marks will be recorded as pass/fail on students' transcripts.

Erika Tse holds a law degree from Dalhousie University, a Bachelor of Commerce degree from UBC, and her ICD.D (directors education program) from the Institute of Corporate Directors, Rotman School of Management at the University of Toronto. Erika has also completed the Financial Literacy Program and Strategic Human Resources Management Program from Rotman School of Management at U of T, and the Executive Development Program from Wharton, University of Pennsylvania. Ms. Tse has been practicing law for 24 years and has extensive in-house counsel experience in various industries including forest products (Weyerhaeuser) and grocery retail (Overwaitea Food Group, a Jim Pattison company). Currently, she is Chief Legal Officer, Corporate Secretary, and Vice-President of Human Resources for GLENTEL Inc., a large independent multi-carrier mobile phone retailer in Canada operating under the banners "WirelessWave", "TBooth" and "Wireless Etc." (Costco).

LAW 380A.001	<u>Externship Reflection</u>	<u>Business Law Clinic - Reflection</u>
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	Baron Chow	Workshop 2 CREDITS

Registration by permission only.

The Business Law Clinic, or Law 379B.001/Law380A.001 is a new clinical program comprised of 6 credits. 4 credits are based on the practical clinic component and 2 credits are based on the academic component. The practical component is evaluated on a pass/fail basis and the academic component is comprised of reflective journal presentations, participation in seminar discussions and a written assignment.

380A.001

Students will develop their substantive knowledge of business law in a two hour seminar setting. Topics will include giving preliminary advice to small business start-ups, incorporating companies and not-for-profit societies, drafting and advising on a variety of commercial contracts (partnership agreements, shareholders agreements, non-competition agreements, leases and other types of contracts) as well as law firm management, professional ethics, professional responsibility, client intake and file management.

Evaluation:

Students will be graded on reflective journal presentations, class participation in weekly seminar discussions, and one written assignment (drafting a client letter) based on a commercial fact-pattern.

Pre-requisite: LAW 459 Business Organizations

Co-requisite: LAW 379 Externship: Business Law Clinic

Christine Baron (B.A. 2000 (UBC), LL.B. 2003 (UBC)) has practiced law as a general solicitor since 2004. She assists entrepreneurs and small businesses with a variety of matters including incorporations, contracts and business succession planning. She has helped many not-for-profit societies with their constitutions, bylaws and operational matters. She also practices estate planning and estate administration.

Catherine Chow (B.A. 1994 (University of Calgary), LL.B. 1997 (University of Calgary), LL.M. 2007 (UBC)) is Vice President and General Counsel at Keg Restaurants Ltd. Ms. Chow is responsible for a broad portfolio of legal matters across Canada and US for 100+ locations in The Keg estate: financing, real estate, business development, franchising, key partnership agreements, risk management, litigation, trademark protection, and compliance. Before joining The Keg in 2006, she had a thriving private practice as a commercial and real property lawyer in Alberta and British Columbia.

LAW 380A.002	<u>Externship Reflection</u>	<u>Business Law Clinic - Reflection</u>
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	
Baron	Chow	Workshop
		2 CREDITS

Registration by permission only.

The Business Law Clinic, or Law 379B.002/Law380A.002 is a new clinical program comprised of 6 credits. 4 credits are based on the practical clinic component and 2 credits are based on the academic component. The practical component is evaluated on a pass/fail basis and the academic component is comprised of reflective journal presentations, participation in seminar discussions and a written assignment.

380A.002

Students will develop their substantive knowledge of business law in a two hour seminar setting. Topics will include giving preliminary advice to small business start-ups, incorporating companies and not-for-profit societies, drafting and advising on a variety of commercial contracts (partnership agreements, shareholders agreements, non-competition agreements, leases and other types of contracts) as well as law firm management, professional ethics, professional responsibility, client intake and file management.

Evaluation:

Students will be graded on reflective journal presentations, class participation in weekly seminar discussions, and one written assignment (drafting a client letter) based on a commercial fact-pattern.

Pre-requisite: LAW 459 Business Organizations

Co-requisite: LAW 379 Externship: Business Law Clinic

Christine Baron (B.A. 2000 (UBC), LL.B. 2003 (UBC)) has practiced law as a general solicitor since 2004. She assists entrepreneurs and small businesses with a variety of matters including incorporations, contracts and business succession planning. She has helped many not-for-profit societies with their constitutions, bylaws and operational matters. She also practices estate planning and estate administration.

Catherine Chow (B.A. 1994 (University of Calgary), LL.B. 1997 (University of Calgary), LL.M. 2007 (UBC)) is Vice President and General Counsel at Keg Restaurants Ltd. Ms. Chow is responsible for a broad portfolio of legal matters across Canada and US for 100+ locations in The Keg estate: financing, real estate, business development, franchising, key partnership agreements, risk management, litigation, trademark protection, and compliance. Before joining The Keg in 2006, she had a thriving private practice as a commercial and real property lawyer in Alberta and British Columbia.

LAW 380A.003**Externship Reflection****Corporate Counsel Externship - Reflection**

Term 1 Term 2 Tse

Workshop 2 CREDITS

***Registration by permission only. Fall Term Seminar: Saturday & Sunday, September 8th & 9th, 2018 (8am-4pm each day), Saturday, September 15 (2:30pm-5:00pm), and Saturday, November 24th, 2018 (8am-4pm), in Allard room 121.*
CHANGE June 25, 2018: Description. August 27, 2018: Time.**

The Corporate Counsel Externship is a clinical program within the Centre for Business Law that will commence in the 2018-19 academic year and will operate in both the fall and spring terms. Six upper-year J.D. students are admitted to the Externship (Law 379E) and the accompanying graded course component (Law 380A).

The purpose of the Externship is to provide students with an opportunity to:

- learn directly from experienced in-house counsel in a supervised educational environment;
- apply theoretical concepts learned in the classroom to practical legal and business matters in a particular industry;
- gain solicitor's practice based experience in a supervised environment; and
- develop a deeper understanding of professional ethics and professional responsibility in practice.

The Externship is comprised of seven credits in total. Five credits are allocated to the clinical component (Law 379E) and two credits are allocated to the academic component (Law 380A).

Law 380A: Externship Seminar and Reflection (2 credits):

Students will be required to attend lectures and complete certain required readings and exercises. Law 380A is designed to promote reflective practice, enhance experiential learning gained through Law 379E, and ensure a significant academic component to students' learning. The course content will focus on specific topics relevant to in-house practice.

This is a graded course based upon:

- a. Assignments (25%): Assignments are due prior to the commencement of the classes and will be graded based on the student's grasp of the subject matter.
- b. Seminar Participation (25%): Students will be graded on their participation throughout the seminars. Participation means the student comes to the seminar prepared and curious, follows the conversation and is thoughtful about it, asks questions, shares his/her perspective in a productive and supportive manner and is otherwise actively engaged during the class.
- c. Presentation at Completion of Externship (50%): The Presentation will be graded based on the depth of personal examination.

Grading Criteria: the following guidelines will generally be followed with respect to both class participation and course assignment.

80% to 100% (A- to A+): Exceptional/Excellent performance: strong evidence of original thinking; good organization; capacity to analyze and synthesize; superior grasp of subject matter with sound critical evaluations; evidence of extensive knowledge base.

68% to 79% (B- to B+): Competent/Good performance: evidence of grasp of subject matter; some evidence of critical capacity and analytic ability; reasonable understanding of relevant issues; evidence of familiarity with the readings.

50% to 67% (D to C+): Adequate/Satisfactory performance: understanding of the subject matter; ability to develop solutions to simple problems in the material; acceptable but uninspired work, not seriously faulty but lacking style and vigour.

00% to 49% (F): Inadequate performance: little or no evidence of understanding of the subject matter; weakness in critical and analytic skills; limited or irrelevant use of the material in answers.

Erika Tse holds a law degree from Dalhousie University, a Bachelor of Commerce degree from UBC, and her ICD.D (directors education program) from the Institute of Corporate Directors, Rotman School of Management at the University of Toronto. Erika has also completed the Financial Literacy Program and Strategic Human Resources Management Program from Rotman School of Management at U of T, and the Executive Development Program from Wharton, University of Pennsylvania. Ms. Tse has been practicing law for 24 years and has extensive in-house counsel experience in various industries including forest products (Weyerhaeuser) and grocery retail (Overwaitea Food Group, a Jim Pattison company). Currently, she is Chief Legal Officer, Corporate Secretary, and Vice-President of Human Resources for GLENTEL Inc., a large independent multi-carrier mobile phone retailer in Canada operating under the banners "WirelessWave", "TBooth" and "Wireless Etc." (Costco).

LAW 380A.004**Externship Reflection****Corporate Counsel Externship - Reflection**

Term 1 Term 2 Tse

Workshop 2 CREDITS

***Registration by permission only. Spring Term Seminar: Saturday & Sunday, January 5th & 6th, 2019 (8am-4pm each day) and Saturday, March 30th, 2019 (8am-4pm), in Allard room 121.*
CHANGE June 25, 2018: Description. August 27, 2018: Time.**

The Corporate Counsel Externship is a clinical program within the Centre for Business Law that will commence in the 2018-19 academic year and will operate in both the fall and spring terms. Six upper-year J.D. students are admitted to the Externship (Law 379E) and the accompanying graded course component (Law 380A).

The purpose of the Externship is to provide students with an opportunity to:

- learn directly from experienced in-house counsel in a supervised educational environment;
- apply theoretical concepts learned in the classroom to practical legal and business matters in a particular industry;
- gain solicitor's practice based experience in a supervised environment; and
- develop a deeper understanding of professional ethics and professional responsibility in practice.

The Externship is comprised of seven credits in total. Five credits are allocated to the clinical component (Law 379E) and two credits are allocated to the academic component (Law 380A).

Law 380A: Externship Seminar and Reflection (2 credits):

Students will be required to attend lectures and complete certain required readings and exercises. Law 380A is designed to promote reflective practice, enhance experiential learning gained through Law 379E, and ensure a significant academic component to students' learning. The course content will focus on specific topics relevant to in-house practice.

This is a graded course based upon:

- a. Assignments (25%): Assignments are due prior to the commencement of the classes and will be graded based on the student's grasp of the subject matter.
- b. Seminar Participation (25%): Students will be graded on their participation throughout the seminars. Participation means the student comes to the seminar prepared and curious, follows the conversation and is thoughtful about it, asks questions, shares his/her perspective in a productive and supportive manner and is otherwise actively engaged during the class.
- c. Presentation at Completion of Externship (50%): The Presentation will be graded based on the depth of personal examination.

Grading Criteria: the following guidelines will generally be followed with respect to both class participation and course assignment.

80% to 100% (A- to A+): Exceptional/Excellent performance: strong evidence of original thinking; good organization; capacity to analyze and synthesize; superior grasp of subject matter with sound critical evaluations; evidence of extensive knowledge base.

68% to 79% (B- to B+): Competent/Good performance: evidence of grasp of subject matter; some evidence of critical capacity and analytic ability; reasonable understanding of relevant issues; evidence of familiarity with the readings.

50% to 67% (D to C+): Adequate/Satisfactory performance: understanding of the subject matter; ability to develop solutions to simple problems in the material; acceptable but uninspired work, not seriously faulty but lacking style and vigour.

00% to 49% (F): Inadequate performance: little or no evidence of understanding of the subject matter; weakness in critical and analytic skills; limited or irrelevant use of the material in answers.

Erika Tse holds a law degree from Dalhousie University, a Bachelor of Commerce degree from UBC, and her ICD.D (directors education program) from the Institute of Corporate Directors, Rotman School of Management at the University of Toronto. Erika has also completed the Financial Literacy Program and Strategic Human Resources Management Program from Rotman School of Management at U of T, and the Executive Development Program from Wharton, University of Pennsylvania. Ms. Tse has been practicing law for 24 years and has extensive in-house counsel experience in various industries including forest products (Weyerhaeuser) and grocery retail (Overwaitea Food Group, a Jim Pattison company). Currently, she is Chief Legal Officer, Corporate Secretary, and Vice-President of Human Resources for GLENTEL Inc., a large independent multi-carrier mobile phone retailer in Canada operating under the banners "WirelessWave", "TBooth" and "Wireless Etc." (Costco).

LAW 380B.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 380C.001	<u>Externship Reflection</u>	<u>Judicial Externship</u>		
<input checked="" type="checkbox"/> Term 1	<input type="checkbox"/> Term 2	Locke	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.

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.

LAW 380C.002	<u>Externship Reflection</u>	<u>Judicial Externship</u>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Locke	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.

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.

LAW 380C.003**Externship Reflection****Women's Legal Clinic**

Term 1 Term 2 Hawkins, K. Sood Mangat Seminar 4 CREDITS

Registration by permission only. This seminar will take place at the Women's Legal Centre at 201-456 West Broadway, Vancouver, BC.

The Women's Legal Centre externship is a full term course comprised of 15 credits, 11 based on a practical clinical component and 4 based on an academic component, both of which are required for the externship. The externship is open to upper year law students. The externship takes place at Rise Women's Legal Centre, an independent, social justice community organization. The externship emphasizes the circumstances of women and their experiences within the justice system with a particular focus on family violence.

This program is open to a maximum of six law students each term. Law students must be in their second or third year of law school, and have taken family law as a prerequisite. Through the clinic component, students will gain practical experience in managing client files and representing their clients in negotiations or court, and will also gain exposure to the systemic perspective through the Centre's partnership with West Coast Women Legal Education and Action Fund (West Coast LEAF). The externship is focused on family law though students may also have the opportunity to take cases in other areas of law affecting their clients. The clinic component is based on a pass/fail evaluation of significant practice achievements during the term. The academic component of the externship is a graded course comprised of weekly seminars, journaling, preparation of a research memorandum and reflection essay.

Kim Hawkins (Masters in International Human Rights Law (University of Oxford 2012), J.D. (University of Victoria 2005), B.Sc. (University of Victoria 1999)) is the Executive Director of Rise Women's Legal Centre. She previously worked at the Legal Resources Centre in South Africa, the Yukon Human Rights Commission, and from 2009 to 2014 was a staff lawyer at a busy legal aid clinic in Whitehorse, Yukon Territory, practising in the areas of criminal, family, and child protection and appearing regularly at all levels of Yukon court system. She has travelled extensively in northern Canada with circuit courts, where she worked primarily with Indigenous peoples encountering the justice system. She served as President of the Board of the Yukon Women's Transition Home Society from 2010 to 2014.

Vandana Sood (J.D. (UBC, 2010), M.Sc. (University of Calgary, 1997), B.Sc. (University of Calgary, 1994)) is the Supervising Lawyer of the Rise Women's Legal Centre. Vandana was called to the bar in British Columbia in 2011. Vandana was a solo practitioner for 3 years, and practised primarily in the areas of family law, child protection law (as parent's counsel) and immigration/refugee law, with a focus on assisting women of color who had experienced family violence. Vandana appeared regularly in the Provincial and Supreme Courts of British Columbia, as well as before the Immigration & Refugee Board. Prior to launching her solo practice in 2013, Vandana worked with Indigenous peoples at Donovan & Company, articulated in criminal law with Glen Orris Q.C., and worked as a Mental Health Advocate for the Community Legal Assistance Society (CLAS) during law school.

Raji Mangat (J.D. (University of Victoria, 2004), M.A. International Affairs (Carleton University, 1999), B.A. University of British Columbia, 1997)) is the Director of Litigation at West Coast Women's Legal Education and Action Fund (West Coast LEAF). She conducts litigation for the organization and oversees the management and strategic direction of West Coast LEAF's litigation portfolio on a range of cases that impact substantive equality for women in BC. As part of her work at West Coast LEAF, Raji also serves as Liaison Counsel to the Rise Women's Legal Centre where her work is aimed at identifying and litigating systemic issues in family law and child protection. Prior to joining West Coast LEAF, Raji was counsel at the BC Civil Liberties Association, where she worked generally on litigation and policy matters with a particular focus on criminal justice system reform, civil forfeiture and voting rights. She has also consulted on a wide range of advocacy projects for international non-profit organizations. Raji currently sits on the board of Access Pro Bono.

LAW 380C.004**Externship Reflection****Women's Legal Clinic**

Term 1 Term 2 Hawkins, K. Sood Mangat Seminar 4 CREDITS

Registration by permission only. This seminar will take place at the Women's Legal Centre at 201-456 West Broadway, Vancouver, BC.

The Women's Legal Centre externship is a full term course comprised of 15 credits, 11 based on a practical clinical component and 4 based on an academic component, both of which are required for the externship. The externship is open to upper year law students. The externship takes place at Rise Women's Legal Centre, an independent, social justice community organization. The externship emphasizes the circumstances of women and their experiences within the justice system with a particular focus on family violence.

This program is open to a maximum of six law students each term. Law students must be in their second or third year of law school, and have taken family law as a prerequisite. Through the clinic component, students will gain practical experience in managing client files and representing their clients in negotiations or court, and will also gain exposure to the systemic perspective through the Centre's partnership with West Coast Women Legal Education and Action Fund (West Coast LEAF). The externship is focused on family law though students may also have the opportunity to take cases in other areas of law affecting their clients. The clinic component is based on a pass/fail evaluation of significant practice achievements during the term. The academic component of the externship is a graded course comprised of weekly seminars, journaling, preparation of a research memorandum and reflection essay.

Kim Hawkins (Masters in International Human Rights Law (University of Oxford 2012), J.D. (University of Victoria 2005), B.Sc. (University of Victoria 1999)) is the Executive Director of Rise Women's Legal Centre. She previously worked at the Legal Resources Centre in South Africa, the Yukon Human Rights Commission, and from 2009 to 2014 was a staff lawyer at a busy legal aid clinic in Whitehorse, Yukon Territory, practising in the areas of criminal, family, and child protection and appearing regularly at all levels of Yukon court system. She has travelled extensively in northern Canada with circuit courts, where she worked primarily with Indigenous peoples encountering the justice system. She served as President of the Board of the Yukon Women's Transition Home Society from 2010 to 2014.

Vandana Sood (J.D. (UBC, 2010), M.Sc. (University of Calgary, 1997), B.Sc. (University of Calgary, 1994)) is the Supervising Lawyer of the Rise Women's Legal Centre. Vandana was called to the bar in British Columbia in 2011. Vandana was a solo practitioner for 3 years, and practised primarily in the areas of family law, child protection law (as parent's counsel) and immigration/refugee law, with a focus on assisting women of color who had experienced family violence. Vandana appeared regularly in the Provincial and Supreme Courts of British Columbia, as well as before the Immigration & Refugee Board. Prior to launching her solo practice in 2013, Vandana worked with Indigenous peoples at Donovan & Company, articulated in criminal law with Glen Orris Q.C., and worked as a Mental Health Advocate for the Community Legal Assistance Society (CLAS) during law school.

Raji Mangat (J.D. (University of Victoria, 2004), M.A. International Affairs (Carleton University, 1999), B.A. University of British Columbia, 1997)) is the Director of Litigation at West Coast Women's Legal Education and Action Fund (West Coast LEAF). She conducts litigation for the organization and oversees the management and strategic direction of West Coast LEAF's litigation portfolio on a range of cases that impact substantive equality for women in BC. As part of her work at West Coast LEAF, Raji also serves as Liaison Counsel to the Rise Women's Legal Centre where her work is aimed at identifying and litigating systemic issues in family law and child protection. Prior to joining West Coast LEAF, Raji was counsel at the BC Civil Liberties Association, where she worked generally on litigation and policy matters with a particular focus on criminal justice system reform, civil forfeiture and voting rights. She has also consulted on a wide range of advocacy projects for international non-profit organizations. Raji currently sits on the board of Access Pro Bono.

LAW 382.001 **Health Law** Term 1 Term 2

Bobinski

Course

3 CREDITS

Health care law is a rapidly changing field that touches on important topics for individuals and our society as a whole. This course provides an introduction to the legal and policy issues relating to the health care system, including legal aspects of individual and public health decision-making. Covered topics typically include: the division of authority over health care, health care coverage and rationing, the provider and patient (licensing, consent, conflicts of interest, medical error), beginning and end of life issues (sterilization, abortion, fetal conflicts, assisted reproduction, end of life decision making), and public health law.

Evaluation:

Students will be evaluated based on (1) 10% class participation and (2) 90% a final exam.

Course materials: Erdman, Gruben & Nelson, Canadian Health Law and Policy, 5th Ed. (LexisNexis 2017) and supplementary materials available on Connect.

Professor Mary Anne Bobinski is a full time member of the Peter A. Allard School of Law.

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

Grant

Johnston, L.

Course

3 CREDITS

The course examines legal mechanisms of state intervention and coercion in the lives of people with mental disabilities. We will consider civil detention, legal regimes governing psychiatric treatment, adult guardianship, supported and substitute decision-making tools and procedures, and the criminalization of people with mental disabilities. The course will primarily focus on BC law, but will include consideration of law from other Canadian jurisdictions where relevant, the Canadian Charter of Rights and Freedoms, and international legal sources, such as the UN Convention on the Rights of Persons with Disabilities. The course will be lead by both a professor and a disability rights lawyer, which will provide an opportunity to focus on the professional and practical considerations of representing clients with mental disabilities as well as strategies for improving access to justice to people with mental disabilities and law reform.

Evaluation is by a combination of participation and a final exam during the scheduled exam period, with the option of substituting a paper in place of the final exam. Students will be required to attend a Criminal Code Review Board hearing and to attend a mock review panel hearing adjudicating civil detention.

Professor Isabel Grant is a full-time member of the Peter A. Allard School of Law.

Laura is a lawyer at the Community Legal Assistance Society and works primarily in the areas of disability rights, mental health, and human rights. Laura conducts systemic litigation and engages in research, law reform, and lobbying efforts to improve access to justice and the rights set out in the Canadian Charter of Rights and Freedoms for marginalized populations. Laura regularly provides education to legal and medical professionals on topics that impact adults with mental disabilities, such as the Mental Health Act, the Adult Guardianship Act, and the Health Care (Consent) and Care Facility (Admission) Act. Laura completed an undergraduate degree in psychology at Simon Fraser University, her juris doctorate at the University of British Columbia, and a clerkship at the British Columbia Supreme Court.

LAW 390.001 **Environmental Law Workshop** Term 1 Term 2

Carlson

Workshop

3 CREDITS

This course provides students with an appreciation of the theory and practice of public interest environmental law. Students will become familiar with a range of environmental law issues covered in biweekly seminars, and will gain practical experience in a non-governmental organization (NGO) in association with West Coast Environmental Law. Course topics will be drawn from West Coast's current work on law reform and environmental dispute resolution, such as legal approaches to address climate change, ways to integrate Indigenous law with environmental law to manage resource development more sustainably, reform of environmental assessment, and legal mechanisms to address marine and coastal management. Through the placement with West Coast, students will develop and apply legal research, analytical, and written skills.

Because West Coast Environmental Law is actively engaged in legal and strategic work, students in this course will be required to sign a confidentiality agreement regarding all client information obtained through the student placement at West Coast Environmental Law.

Evaluation:

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

Deborah Carlson is Staff Counsel at West Coast Environmental Law and has been responsible for the Green Communities Program since 2010. Prior to joining West Coast worked as part of the climate change team at the David Suzuki Foundation and as a litigator in Vancouver.

LAW 391D.001 **Topics in Environmental Law****Warrior Lawyers and Green Rights** Term 1 Term 2

Wood, S.

Seminar

3 CREDITS

CHANGE July 23, 2018: Term. May 22, 2018: Classroom.

Description:

Around the world, citizens and lawyers are using law to realize the rights of people to live in a healthy environment, and the rights of nature to exist and flourish. In this seminar, students explore the theory and practice of environmental rights and public interest legal advocacy through real world case studies of lawyers on the front lines of struggles to protect people, species and ecosystems from environmental harm in Canada and beyond. Using a range of sources including documentary film, interviews, guest lectures, biographical materials, news media, case law, legislation and scholarly writing, each student selects a specific lawyer to profile, makes a presentation to the class on that lawyer and her work, and prepares a research paper applying lessons from this case and from the broader theory and practice of environmental rights to a current environmental law issue in Canada or abroad.

No pre- or co-requisites.

Evaluation:

Class participation 15%

Presentation 15%

Research paper 70%

Professor Stepan Wood is a full time member of the Peter A. Allard School of Law. He is the Canada Research Chair in Law, Society and Sustainability and Director of the Centre for Law and the Environment.

LAW 391D.002**Topics in Environmental Law****Major Project Regulation** Term 1 Term 2

Pulleyblank

Seminar

3 CREDITS

This seminar will explore the intersection of environmental, aboriginal, administrative, and constitutional law by studying two proposed projects in depth: the Trans Mountain pipeline expansion and the Jumbo Glacier resort. The class will cover the administrative decision making processes applicable to these projects, examining the regulatory, environmental assessment, and aboriginal consultation requirements. The class will also examine the role of the courts in resolving jurisdictional disputes, reviewing administrative decisions, assessing the sufficiency of aboriginal consultation, and adjudicating injunctions. The seminar will focus in particular on the questions of (1) who has the power to approve, amend, or prevent the projects, and (2) who should have such power. The roles of municipal, provincial, federal, and aboriginal governments in major project regulation will be examined, as will the effect of the media and lobbying efforts in shaping the narrative around these projects.

Students will gain both an in-depth knowledge of these projects, as well as a pragmatic understanding of environmental regulation, aboriginal consultation, and practice before administrative tribunals. Readings will include jurisprudence related to the projects and the governing legal framework, and will also include key documents created in and for the environmental assessment and aboriginal consultation processes for the projects. The class will also look at materials showing how interested parties attempt to use the media and advertising to shape the narrative around the projects. Several guests will join the class, including counsel who represented various interested parties in the process.

Evaluation:

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

Oliver Pulleyblank (B.A. 2005 (McGill University), LL.B. 2009 (UBC)) is the founder of Pulleyblank Law, where he practices administrative, aboriginal, environmental and constitutional law. Previously he worked as a litigator at the Department of Justice in Vancouver. Oliver served as a law clerk at both the the Supreme Court of Canada, for Chief Justice McLachlin, and at the British Columbia Court of Appeal.

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

Armstrong

Course

3 CREDITS

This is a general survey course which will cover law and policy issues in relation to the ownership, management, development and protection of natural resources, including land, water, forests, minerals, coal, oil and gas, wildlife and fisheries. Broadly speaking, Natural Resources Law is the body of legal rules and processes that govern the ownership, development and protection of natural resources. In addition to the basic framework of laws and regulations applying to each type of natural resource, the course will address the processes for environmental assessment and authorization of natural resource projects, and will address the legal framework of Aboriginal rights and interests as they pertain to the ownership, development and protection of natural resources.

Evaluation:

Evaluation will be based 100% on a final exam.

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

LAW 394.001 **Mining Law**

Term 1 Term 2 Collie Monk Course 3 CREDITS

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

Evaluation:
Final exam

Don Collie (B.A. (University of Calgary), LL.B. (University of Toronto), M.A. (University of Toronto)) is a partner at DLA Piper (Canada) LLP. He was called to the Ontario Bar in 1992 and the British Columbia Bar in 1993. He practices in the areas of securities law, corporate finance, mergers & acquisitions, mining and related general corporate and commercial transactions. His mining-related experience includes financing of mining ventures and companies, drafting and negotiating mining joint venture and option agreements, acquisitions and dispositions of mining properties and companies, advising on mineral tenure, and advising on disclosure requirements for mineral projects.

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

LAW 400.001 **Advanced Criminal Procedure**

Term 1 Term 2 Harris, N. Course 3 CREDITS

CHANGE June 22, 2018: Students registered in LAW 400.001 Advanced Criminal Procedure are NOT ALLOWED to register for LAW 468.001/555C.001 Ethics & Professionalism. Exam conflict.

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-and-a-half-hour final examination.

Nikos Harris is a full-time member of the Peter A. Allard School of Law.

LAW 401D.001 **Penal Policy** Term 1 Term 2

Parkes

Seminar

3 CREDITS

CHANGE September 11, 2018: Classroom.

This seminar is designed to give students an understanding of that part of the criminal justice system about which most lawyers know the least - the prison. We will investigate the historical evolution of the prison and critically examine the central role that punishment (particularly through incarceration) plays in Canadian criminal law and society. We will consider the evolution of constitutional and other legal principles and case law governing incarceration, with particular attention to prisoners' rights, oversight and accountability of imprisonment, and avenues for advocacy. Topics include provincial and federal prison law and systems, conditions of confinement, security classification, solitary confinement, parole and other forms of release, and attention to the ways that people experience incarceration differentially depending on race, gender, disability, and sexual orientation or gender identity. The seminar will include visits to local prisons to meet with prisoners and opportunities to hear from lawyers who do prison law.

Evaluation:

Evaluation is based on participation and engagement (25%) and a research paper (75%). In lieu of the research paper, with the approval of the course instructor, students may prepare a research report, memo, or other legal advocacy materials to assist counsel, prisoners, and/or advocacy groups on prison law issues.

Professor Debra Parkes is a full-time faculty member of the UBC Faculty of Law. Debra Parkes is the Chair in Feminist Legal Studies at the Peter A. Allard School of Law, UBC. Before joining the Faculty at Allard Hall, Prof. Parkes was a member of the Faculty of Law, University of Manitoba for 15 years. Her scholarly work examines the challenges and possibilities of framing and adjudicating rights claims, with a particular focus on (in)equality, social and economic rights, and rights in the criminal justice, corrections, and workplace contexts. She was Editor-in-Chief of the Canadian Journal of Women and the Law from 2009-2013.

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 does NOT fulfill the seminar requirement.

This course will cover the law and policy surrounding culpable homicide offences in Canada: murder, manslaughter and infanticide. The course is primarily a web-based course although there will be an initial in-person organizational meeting, a final in-person review class and 2-3 meetings throughout the term to check in with students and review materials covered online. The schedule for these sessions will be made available at the first in-person class.

Each week students will be expected to have read a block of material and to participate in writing in the discussion of fact patterns and policy-based questions based on the week's readings. Each student will be expected to lead the class discussion twice throughout the term.

In addition to dealing with each of the offences, we will cover the sentencing regimes for each offence, defences and a number of policy-based topics including intimate partner homicide and corporate homicide. We will also examine the impact of harsh mandatory minimum sentences for murder.

Evaluation:

Evaluation will be through a combination of one mid-term take-home test, written online participation and final take-home exam which will be written during the examination period.

This is an online course and we will not have weekly in-person meetings. The timeslot has been assigned to this course for a few in-person classes throughout the term which will be announced at our first meeting. Students are expected to be available during this timeslot. Our first class will be on Monday, September 10, 2018. Because we have no class the first week, we will be starting full online participation the week of September 10 and details will be circulated the first week of classes as to how students should participate. Students with questions may contact Professor Grant at grant@allard.ubc.ca

Enrolment is limited to 20 students.

Professor Isabel Grant is a full-time member of the Peter A. Allard School of Law.

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

Cross-listed with LAW 506.001.

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 basic structure of the income tax through a careful reading of the Income Tax Act and 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.

Required Materials:

1. David G. Duff, Benjamin Alarie, Kim Brooks, Geoff Loomer and Lisa Philipps, *Canadian Income Tax Law*, 5th ed. (Toronto: LexisNexis, 2015).
2. *Income Tax Act*, latest edition

Evaluation: 100% exam

Professor David G. Duff is a full time member of the Peter A. Allard School of Law.

LAW 407.002 Taxation Term 1 Term 2 Sheppard

Course

4 CREDITS

Cross-listed with LAW 506.002.

This section of the course is an introduction to Canadian income tax law, including procedural and substantive law. Students will learn how to apply the Income Tax Act, Regulations, treaties, case law and government publications to solve tax problems.

The focus is on the taxation of individuals, emphasizing issues of interest in the general practice of law. The major substantive areas to be dealt with include the tax base, whose income is taxed in Canada and the taxation of employment, property and business income, and capital gains. Teaching will combine lectures, class discussions, and problem solving.

Evaluation:

Evaluation will be determined by the instructor in consultation with the class.

Required materials:

1. Materials on Canadian Income Tax, latest edition
2. Income Tax Act, latest edition

Professor Tony Sheppard is a full time member of the Peter A. Allard School 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.

Required Materials:

1. David G. Duff and Geoff Loomer, Taxation of Business Organization in Canada, (Toronto: LexisNexis, forthcoming), chapters 5-15.
2. Income Tax Act, latest edition

Evaluation: 100% exam

Pre-requisite: Law 407 Taxation or Law 562 Fundamental Concepts in Tax Law

Professor David G. Duff is a full time member of the Peter A. Allard School of Law.

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.

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.

1. David G. Duff and Geoff Loomer, Taxation of Business Organization in Canada, (Toronto: LexisNexis, forthcoming), chapters 5-15.
2. David G. Duff, Supplementary Materials on the Taxation of Trusts (2015), to be distributed electronically.
3. Income Tax Act, latest edition

Evaluation: 100% exam

Pre-requisite: Law 407 Taxation or Law 562 Fundamental Concepts in Tax Law

*Professor David G. Duff is a full time member of the Peter A. Allard School of Law.***LAW 410.001** **International Taxation** Term 1 Term 2 Cui

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, 3d ed. (Toronto: LexisNexis Canada Inc., 2014).
2. Supplementary Materials on International Taxation
3. Income Tax Act, latest edition

Evaluation:

- 10% class participation;
- 5% for small research assignment;
- 85% final exam.

Note: Previous course outlines/CANS are unlikely to be helpful guides to the content of this course, but the required textbook will be a very good starting point for preparing any course summary.

Pre-requisite: Law 407 Taxation

Professor Wei Cui is a full time member of the Peter A. School of Law.

LAW 411D.001 Tax Policy Term 1 Term 2

Cui

Seminar

3 CREDITS

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

This seminar course introduces students to basic conceptual tools for analyzing tax policy. These will include but are not limited to tools of economic analysis, such as the concepts of economic incidence, excess burden, the different types of return to investment (e.g. rent, risk, and riskless return), and welfare economics. We will apply these tools to examine tax policy issues arising from income tax courses that students may have taken and also other tax policy instruments less often taught (such as the VAT/GST). We will also examine some prominent contemporary debates in taxation, including taxation of the digital and sharing economy, taxation and artificial intelligence, and the role of taxation in addressing inequality. Evaluation: Student performance will be evaluated on the basis of class participation (including up to two presentation) counting 30% (45), and the weighted average grade of both short response papers and a longer term paper, counting 70% (55%).

Professor Wei Cui is a full time member of the Peter A. School of Law.

LAW 412.001 Taxation of Trusts and Estates Term 1 Term 2

Weiland

Course

3 CREDITS

CHANGE June 6, 2018: Course added. *Cross-listed with LAW 564.001 Taxation of Trusts and Estates.*

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:

100 per cent for final exam for JD candidates. 100% take home exam for LLM students.

Prerequisite: LAW 407 (previously LAW 220)/LAW 506 Taxation.

Textbook: Taxation of Trusts and Estates: a Practitioner's Guide 2018

Richard Weiland, LL.B., TEP, is a partner with Clark Wilson LLP. His practice has an emphasis on advising business owners and high net worth individuals and families on corporate structuring, tax, and estate planning. He also advises charities and other tax-exempt entities on tax, governance and business structuring matters. Richard has a B.A. from Trinity Western University and an LL.B. from University of Victoria. He is also certified by the international Society of Trust and Estate Practitioners. He has authored chapters for professional publications on estate planning and administration issues and is a regular speaker and author for professional and lay audiences.

LAW 413D.001	<u>Tax Administration and Dispute Resolution</u>	<u>Tax Dispute Resolution and Litigation</u>		
<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.

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 partly illustrated through the use of a case study approach. Participants will learn about tax practice, audit, objection and appeal issues and will apply them to the case study.

Subject to various time constraints, there may be a visit to the Tax Court of Canada and/or comments from a practitioner from the Department of Justice or a judge.

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 and oral presentation, class participation, and one other written assignment.

Enrolment:

The seminar size will be restricted to 20 students.

Prerequisite or co-requisite: LAW 407 - Taxation I

Ed Kroft, Q.C. (J.D. (Osgoode Hall 1978), LL.M. (UBC 1980), CPA (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 courses in tax law, tax policy and tax litigation as an adjunct professor in the Faculty of Law for almost 30 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 the 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, the Queen Elizabeth II Diamond Jubilee Medal and the Adam Albright Award for Excellence in teaching at the Faculty of Law.

LAW 416.001	<u>Labour Law</u>			
<input type="checkbox"/> Term 1 <input checked="" type="checkbox"/> Term 2	Benedet		Course	3 CREDITS

CHANGE June 22, 2018: Students registered in LAW 416.001 Labour Law are NOT ALLOWED to be registered in LAW 455.002 Real Estate Transactions. Exam conflict.

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

Evaluation:

Student evaluation will be based on a partial open-book examination (100%).

Professor Janine Benedet is a full time member of the Peter A. Allard School of Law.

LAW 418D.001 Resolution of Labour Disputes

Term 1 Term 2 Somjen Lyster McHardy Seminar 3 CREDITS

CHANGE June 25, 2018: Seminar added.

This seminar will centre on resolution of labour disputes under collective agreements, including a review of arbitral law as well as statutes, policy and procedure in British Columbia and in the Canadian federal jurisdiction. We will review practice, procedure and jurisprudence including decisions at various court levels, the Labour Relations Board of British Columbia and the BC human Rights Tribunal. There will be reference to other jurisdictions for comparative purposes. There will be a practical component to this course and students will have an opportunity to argue case scenarios and get some "hands on" experience.

Evaluation:

Course evaluation will be 30% class participation and 70% for a research paper of 7,500 words on the process and jurisprudence of labour arbitration.

Gabriel Somjen (B.A. (University of Toronto 1969), J.D. (University of Toronto 1974)) was admitted to the Bar in British Columbia in 1975. Mr. Somjen was a senior counsel in Borden Ladner Gervais' Labour and Employment Group in Vancouver until 2017. He has, on numerous occasions, published articles and delivered lectures on various topics in labour relations, including mandatory retirement, picketing, collective bargaining, grievances and smoking by-laws and often presides as Chairman in labour arbitrations and mediations. Mr. Somjen has experience in all areas of labour and employment law. He was appointed a Queen's Counsel in 2017.

Lindsay M. Lyster (B.A. with distinction (University of Victoria 1987), LL.B. (UBC 1991)) is a partner in the firm of Moore Edgar Lyster, where she practises labour, human rights, employment and administrative law. She also conducts independent investigations and mediations. She was the gold medallist at UBC Law School. Following her graduation from UBC, she clerked for McLachlin, J. at the Supreme Court of Canada. In addition to labour law, she has taught at UBC in the areas of administrative law, federalism, Charter litigation and human rights. Prior to joining Moore Edgar Lyster in 2010, Ms. Lyster was a member of the British Columbia Human Rights Tribunal for eight years. Prior to that, Ms. Lyster was Policy Director of the B.C. Civil Liberties Association. Prior to that she was an associate at a major national firm practising in the areas of Labour, Human Rights, Constitutional Law, Administrative Law and Employment Law. Ms. Lyster is President of the B.C. Civil Liberties Association, and a frequent speaker in all of her areas of practice.

Christopher McHardy (B. Comm, Honours (UBC 1997), LL.B. (UBC 2000)) has focused his practice on labour and employment since his 2001 call to the BC bar. Mr. McHardy is the Practice Group Leader in the Labour & Employment Group at McCarthy Tetrault in Vancouver. He advises employers on a broad range of workplace issues and laws, including:*

- advising local, national and international employers on all aspects of labour, employment, human rights, privacy, health and safety, workers' compensation and immigration laws;*
- advising employers on, and preparing and negotiating, employment and consulting agreements, restrictive covenants; workplace policies, and other employment-related documents;*
- advising employers on union organizing drives, certification and decertification applications, unfair labour practices and representing employers in collective bargaining and at arbitration;*
- defending employers against employee and union claims in federal and provincial courts, administrative tribunals and labour boards, and other administrative bodies; and*
- providing strategic advice to employers on human resource management practices, workplace disputes, investigations, labour relations, and employee hiring, layoffs, discipline and terminations.*

Mr. McHardy is a regular presenter for Continuing Legal Education BC and Lancaster House, and at various other conferences and workshops. He also authors a chapter in the CLEBC's Annual Review of Law & Practice. In 2016, he was recognized as one of the CLEBC's prolific volunteers between 1996 and 2016. He is recognized in the Canadian Legal Lexpert Directory as a leading lawyer in the areas of workplace human rights and employment law. He is also listed in the current editions of Chambers Canada and The Best Lawyers in Canada in the area of labour and employment.

**denotes Law Corporation*

LAW 419C.001 Individual Employment Law

Term 1 Term 2 McLean, P. Mitha 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.

Paul McLean (B.A. (St.F.X. University 1992), LL.B. (UNB 1995)). A partner with Mathews Dinsdale Clark LLP, Paul specializes in workplace law issues for employers and senior executives. He has significant experience in wrongful dismissal litigation, injunctions, CCAA proceedings, occupational health and safety, workplace class actions and executive compensation, including retention and incentive plans. He regularly appears before courts, administrative tribunals and commercial arbitrators in British Columbia and Alberta.

Naz Mitha (B.Comm. (UBC 1987), LL.B. (Dalhousie University 1992)) was called to the British Columbia bar in 1993. Mr. Mitha's primary practice areas are Administrative Law, Employment Litigation, Education Law, Human Rights, Insurance Law, Labour Law, Commercial Litigation. He has extensive experience in civil litigation focusing on work relationships, including employment, human rights and administrative law, and also represents clients with shareholder, oppression and partnership and other commercial disputes. In addition to providing legal representation, he seeks to provide solutions for their organizations. Mr. Mitha has appeared before the various Labour Tribunals, Employment Standard Tribunals, Human Rights Tribunals, and the Supreme Court and Court of Appeal of British Columbia.

LAW 419D.001 Individual Employment Law Law and the Modern Workplace
 Term 1 Term 2 Zwack Vipond Seminar 3 CREDITS

CHANGE June 13, 2018: Time. August 17, 2018: Instructor.

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.

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.

LAW 421D.001 Topics in Labour Law Precarious Labour and the Law
 Term 1 Term 2 Hastie Seminar 3 CREDITS

This seminar critically examines the relationship between law and precarious labour, an issue of increasing urgency both within Canada, and globally. We will engage with questions such as: How precarious labour is defined? What are its causes and consequences? How does the law currently ameliorate or exacerbate precariousness at work? How can the law (better) respond to issues attending precarious labour? This seminar is well-suited to students who are inquisitive, active classroom participants, and interested in issues of justice. Evaluation for this seminar will be based on: course participation; short assignments; and, a major research paper.

Assistant Professor Bethany Hastie is a full time member of the Peter A. Allard School of Law.

LAW 423C.001**Topics in Intellectual Property****Video Game Law**
 Term 1 Term 2

Festinger

Course

3 CREDITS

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 a Director and Immediate Past-Chair of Ronald McDonald House British Columbia. Jon teaches media, communications, corporate and sports law topics. He has taught courses at the UBC Faculty of Law since 1993, 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 a Professor of Professional Practice at Simon Fraser University and a faculty member at the Centre for Digital Media (<http://thecdm.ca>), as well as Honorary Industry Professor, Centre for Commercial Law Studies, Queen Mary University of London School of Law (<http://www.ccls.qmul.ac.uk/>).

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>

Twitter: @jonfestinger

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

PSN: cdmjon

LAW 424.001**Communications Law**
 Term 1

 Term 2

Festinger

Course

3 CREDITS

This course covers the legal and regulatory aspects of telecommunications, broadcasting and the Internet. It is intended as the post-millennial successor to telecommunications and media law courses that have been standard fare for decades. In addition to dealing with the legal and regulatory aspects of statutorily determined quasi-monopoly business environments regulated by the CRTC and subject to administrative law oversight, the course encompasses the digital age of emergent technologies that provide a significant degree of freedom and control to individual users.

This course begins from the reality that telecommunications remains the essential backbone for the carriage of content and data (through the internet or otherwise). From this starting point we will examine the common legal framework for all communications in Canada (including statutory provisions and regulatory policies relating to telecommunications, broadcasting, copyright, privacy, competition law, and free trade). We will then apply that framework to analyze issues as diverse as net neutrality; personal privacy; government and corporate surveillance; cultural and industrial protectionism including ownership restrictions; wireless regulation and oversight; the implications of international laws, treaties and accords; political and economic regulation and policing of the internet; journalism in the post-Snowden age; as well as the future of freedoms of creative and political expression in all of these emergent contexts.

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 a Director and Immediate Past-Chair of Ronald McDonald House British Columbia. Jon teaches media, communications, corporate and sports law topics. He has taught courses at the UBC Faculty of Law since 1993, 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 a Professor of Professional Practice at Simon Fraser University and a faculty member at the Centre for Digital Media (<http://thecdm.ca>), as well as Honorary Industry Professor, Centre for Commercial Law Studies, Queen Mary University of London School of Law (<http://www.ccls.qmul.ac.uk/>).

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>

Twitter: @jonfestinger

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

PSN: cdmjon

LAW 425D.001 Cyberspace Law Term 1 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. This seminar focuses on public law issues among them. The specific issues covered 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 student 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. It would be wonderful if the student already has a basic understanding of Canadian Constitutional Law, but the student can learn the basic principles of Canadian Constitutional Law on the Internet by taking this seminar.

Evaluation:

Class participation 30% and final assignment 70%.

Regular attendance in the class is mandatory. Each student is required to attend the class after reading assigned materials and is encouraged to participate in the class discussions. I will particularly welcome active student participation in the class discussions.

With respect to final assignment, the student can pick any topic he/she may find interesting in relation to cyberspace law. The student can choose the topic covered in the seminar or choose other topics he/she may find interesting so long as the topic is concerned with cyberspace. The guideline for a paper is about 15 pages, double spaced, including footnote or bibliography. The student needs to submit the paper by the deadline, the final day of examination, 4 pm. The paper will be evaluated based on the topic choice, organizing skill, research skill, and writing skill. I will be happy to give the student 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 Peter A. Allard School of Law.

LAW 430.001 Advanced Legal Research Term 1 Term 2

Tsiakos

Workshop

3 CREDITS

Class meets in Rm 208 in the Law Library. This workshop does NOT fulfill the 3 credit seminar requirement. Registration restricted to third year students.

This skills-based course offers upper year students advanced instruction in legal research, writing, and analysis. It builds on skills acquired in Law 281 (Legal Research and Writing). The course focuses on Canadian legal research, but will also touch on researching international law and the laws of other jurisdictions including England, the United States, and the European Union. Instruction in writing focuses on legal analysis and forms of writing common to legal practice. Within this framework, students will develop their research and analytical skills through weekly exercises, two-three written assignments, and close examination of research tools and techniques.

Evaluation:

Weekly attendance, preparation, and participation are mandatory. Each student will be evaluated on two - three assignments focusing on BC and Canada (100%).

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 432D.001	<u>Topics in Private Law</u>	<u>Damages and other Forms of Economic Redress</u>		
<input checked="" type="checkbox"/> Term 1	<input type="checkbox"/> Term 2	Gruber	Seminar	3 CREDITS

From a client's perspective, the question of what exactly can be obtained through litigation is often more important than whether there is a right that can be vindicated. This seminar course explores damages and other economic remedies (including restitutionary relief and recovery of specific property) in the law of obligations, including contracts, torts and property law. It will explore the historical development of different forms of relief, including doctrines within them, the philosophical and public policy bases upon which those doctrines rest, and the economic effects thereof. An exploration of the interaction between the remedies and the rights they seek to vindicate will be part of the analysis. Students will be invited to look critically at decided cases to see whether they actually deliver what the legal principles promise.

Evaluation:

- 70% paper
- 15% in class presentation
- 15% class participation

David Gruber (J.D. (University of Victoria 1996), LL.M. (University of Cambridge 1998)) is a partner of Bennett Jones LLP, where he practices primarily in the areas of commercial litigation & arbitration, insolvency & restructuring, and class actions. He is a Fellow of the Chartered Institute of Arbitrators and a member of the Insolvency Institute of Canada. He is a member of the CBA Law Reform and Access to Justice Committees and the author of a number of papers and articles.

LAW 434.001 Medical Negligence Law

Term 1 Term 2 Osmond Raab Course 3 CREDITS

This class is an introduction to professional negligence law specifically as it relates to physicians, other health care professionals and hospitals. The focus of the class will be on developing an understanding of the components of a medical malpractice action including the doctor-patient relationship, consent, standard of care and causation. We will also 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.

The objective of this course is to expose participants to the foundation of medical legal issues in the civil context. By the end of the course, participants will be in a position to identify legal issues pertaining to physicians, other health care professionals and hospitals.

A case list and course outline will be provided on the first day of class. An optional information source is *Legal Liability of Doctors and Hospitals in Canada*, Robertson & Picard (5th ed 2017).

Class instruction will be lectures based on the cases and course outline. Accordingly, it is expected that all class members will have read the cases and attend at class prepared to participate in discussion.

Evaluation:

The course grade will be determined on the basis of a 100% final examination.

Brenda Osmond (B.Sc. Pharm. (U of M), Pharm. D. (UBC), J.D. (UBC)) is an associate lawyer at Pacific Medical Law. Brenda obtained her law degree from UBC and was called to the bar in 2010. Brenda has a doctoral degree in clinical pharmacy and was a pharmacist before she became a lawyer.

As a pharmacist, Brenda had a distinguished career advocating for the interests of patients. For the last 10 years of her pharmacy career she was Deputy Registrar of the College of Pharmacists of BC where she developed standards for safe pharmacy practice and investigated complaints about the practice of pharmacy. As a lawyer Brenda has appeared at the Supreme Court of BC, and has settled numerous matters for clients without having to go to trial. Throughout her career Brenda has been a speaker at professional development conferences and a frequent contributor to professional publications.

Susanne Raab (B.A. (U. Western Ontario), LL.B. (U. Victoria)) is a lawyer at Pacific Medical Law, and an advocate for people living with disabilities. She has been selected for inclusion by her peers in Best Lawyers in Canada in the area of Medical Negligence and is recognized as a leading practitioner in the Canadian Lexpert Directory in medical malpractice. Susanne is also a Fellow of the Litigation Counsel of America, an honorary trial lawyer society whose membership is limited to less than one-half of one percent of North American lawyers, judges and scholars.

Susanne's practice focuses on representing individuals and families who have suffered injuries as a result of medical malpractice, with a focus on birth injuries and catastrophic brain and spinal cord injuries. Prior to joining Pacific Medical Law, Susanne spent much of her legal career representing physicians in complex medical malpractice actions.

Susanne has appeared before the Provincial Court, Supreme Court and Court of Appeal of British Columbia, as well as the Supreme Court of Canada. Susanne also serves on the Board of Governors of the Trial Lawyers Association of British Columbia.

Susanne is actively involved in advocating for individuals living with disabilities, and serves as the President of the Board of Directors as well as Chair of the Advisory Committee of the Cerebral Palsy Association of British Columbia.

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

Brasil

Hermanson

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), and J. Walker, G. Watson and others: *Class Actions in Canada: Cases, Notes and Materials* (2014, Emond Montgomery Publications, Toronto, Canada).

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. Luciana is recognized as a leading practitioner in the area of class actions in Lexpert's 2014 Canadian Legal Expert Directory and a "future star" in the 2014 edition of Benchmark Litigation. She has been involved in various cross-border class actions involving product liability and price-fixing allegations. 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 and is a contributing author to a class actions casebook.

*Chelsea Hermanson (B.A. 2007 (University of Calgary), J.D. 2011 (University of Ottawa)) is a litigation associate with Branch MacMaster. She joined the firm in April 2014 and has experience in a wide range of civil litigation, including commercial contractual disputes, medical malpractice, and employment matters. Chelsea has advised clients on a variety of issues and has represented clients before the Provincial and Superior Courts in Alberta and British Columbia. Since 2014, Chelsea has practiced primarily in the area of class actions, working on cases such as *Watson v. Bank of America et al* (credit card interchange fee price-fixing), *Majestic Mattress Mfg. Ltd. v. Vitafoam Products Canada Limited et al* (polyurethane foam price fixing), *Jardine v. Certainteed Corporation* (defective siding), *Condon v. Canada* (student loans privacy breach), and *Douez v. Facebook Inc.* (Facebook ad privacy breach).*

LAW 436D.001	<u>Restitution</u>	<u>Essential Private Law All Civil and Family Lawyers Must Know (But Don't)</u>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Gomery	Senkpiel	Seminar 3 CREDITS

CHANGE June 22, 2018: Evaluation method.

Course Description:

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 paper of approximately 7500 words worth 80% and class participation 20%; or (2) two take home assignments of 3750 words worth 40% each, and class participation 20%.

*Geoffrey Gomery (LL.B (University of Toronto), B.C.L. (Oxford University)) is a judge of the Supreme Court of British Columbia, appointed in 2018. Prior to his appointment, Justice Gomery was a partner of Nathanson, Schachter & Thompson LLP where his practice was confined to civil litigation and administrative law. He 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, 2016)* and various papers and articles. He was the co-chair of the CLEBC Restitution Conference (2009 and 2014).*

*Peter Senkpiel (J.D. (University of Toronto)) is a partner 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 *Civil Appeal Handbook*, and co-chair of CLEBC's Restitution Conference (2014).*

LAW 437.001	<u>Commercial Transactions</u>			
<input checked="" type="checkbox"/> Term 1	<input type="checkbox"/> 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 Peter A. Allard School 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 the Managing Partner of Singleton Urquhart Reynolds Vogel LLP (operating as Singleton Reynolds) in Vancouver. Mr. Singleton has spent his entire career, spanning more than 47 years in the practice of construction and insurance law and is a widely published author on topics in these areas. He has also presented this course at Stanford University to law, engineering and MBA students. Mr. Singleton's practice includes acting as a mediator, arbitrator and a fairness monitor on some of BC's major infrastructure projects. The law firm of Singleton Reynolds operates on a national platform in Vancouver and Toronto. It has recently received the credit of Canada's leading construction law firm by Benchmark Canada.

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

CHANGE June 22, 2018: Students registered in LAW 440.001 Insurance Law are NOT ALLOWED to register for LAW 463.002 Securities Regulation. Exam conflict.

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 442.001 **Condominium Law**

Term 1 Term 2 Harris, D. Course 3 CREDITS

Change January 21, 2019: Classroom.

This course provides an opportunity to analyze and develop an understanding of statutory condominium as a legal framework for owning interests in land and governing uses of land. It focuses on the condominium statute in British Columbia—the Strata Property Act—and on the manner in which it combines private property and co-ownership of common property with a governing body to oversee the uses of the interests in land that it creates.

The two classes each week will be built around a mix of lectures, discussion, small group work, and guest lectures.

Evaluation:

Students will be evaluated on the basis of a short written assignment and a final examination, each worth 50% of the final grade. The written assignment will provide students with an opportunity to analyze some aspect of condominium law in detail, or in historical or comparative perspective. The final examination will allow students an opportunity to demonstrate their overall understanding of condominium law and related legal issues in British Columbia.

Professor Doug Harris is a full time member of the Peter A. Allard School of Law.

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. There are no prerequisites for Creditors' Remedies.

This is a PLTC subject.

Evaluation:
By examination.

Professor Liz Edinger is a full time member of the Peter A. Allard School of Law.

LAW 444.001 **Insolvency Law** Term 1 Term 2 Sarra*Course* **3 CREDITS**

As a business begins to experience financial distress, its directors, officers, creditors, and other stakeholders need to understand their rights and remedies. Insolvency law includes mechanisms to restructure the business to avoid bankruptcy or to liquidate the business, and offers an organized framework to address creditors' secured and unsecured claims, including outstanding employee wage and pension claims. 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 insolvency system. The course is primarily aimed at exploring business insolvency and bankruptcy law; however, it does provide an introduction to the personal insolvency statutory regime. The class will explore fiduciary obligations of corporate officers, and the relationship between the corporate board, insolvency officers, creditors and employees in governance of the financially distressed corporation, creditor rights and remedies, and developments in international and cross-border insolvency. Considerable time will be spent on 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. The teaching methodology includes lectures, small group problem-solving exercises and class discussion. Students must participate in a restructuring simulation, which includes an appearance before the court on initial motions.

Required materials will be posted on-line.

Evaluation:
50% of the course mark is a paper of 3,000 words, due November 12, 2018, on a subject selected by the student and agreed upon with the professor; 40% is participation in a restructuring simulation; and 10% is based on participation in class.

Professor Janis Sarra is a full time member of the Peter A. Allard School of Law.

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 Peter A. Allard School of Law.

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 Peter A. Allard School of Law.

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 Peter A. Allard School 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 May 22, 2018: Course description.

Trusts have become ubiquitous in modern commercial and wealth planning practice. This course aims to provide a grounding in the theory and operation of many aspects of the Canadian law of trusts, which is predominantly a case law subject. The limited statutory material focusses on B.C. We will first cover the establishment of express private trusts. Duties and powers of trustees of such trusts, and breaches of trust duties and their consequences, will be addressed in some detail, together with the role of the Courts in these matters. We will then study resulting and constructive trusts and related concepts, including fiduciary relationships and unjust enrichment, and remedies for breach of trust and fiduciary duty. Breach of fiduciary duty and unjust enrichment are frequently pleaded in commercial and family disputes, often as a basis for seeking a trust remedy.

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. This will be the seventh year John has taught the Trusts course at Allard Hall, starting in 2013. While he is not primarily a trusts and estates practitioner, a significant number of his engagements involve trusts and related concepts. Prior to 1981 he taught law (including trusts) for six years, which included two years at UBC from 1975-77. He has very broad experience dealing with business law issues for over 35 years in relation to many of British Columbia's leading enterprises, with clients ranging from large corporations to family companies to fiduciaries, across many industries. He has been involved in significant public projects including construction of the Canada Line and acquisition of the Arbutus Corridor by the City of Vancouver. He has been recognized in various directories including the Lexpert/ALM Guide to the Leading 500 Lawyers in Canada, Woodward/White's The Best Lawyers in Canada and Chambers Canada. He was Lawson Lundell's managing partner from 2007 to 2009 and continues in his role as Chair of the firm's Conflicts and Ethics Committee.

LAW 452.001**Succession**

Term 1 Term 2 Francis, A. Taylor, G. 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.

Amy D. Francis (B.A., Honours (UBC 1994), LL.B. (University of Toronto 1999)) was called to the bars of British Columbia and Ontario in 2001. Ms. Francis has practiced in the litigation departments of national law firms in both Toronto and Vancouver. Prior to joining Legacy Tax + Trust Lawyers, she worked as a tax litigator for the federal Department of Justice. She is now a principal of Legacy.

Ms. Francis advises clients on wills variation claims, validity of wills actions, trust claims, contentious administration issues, and committeeships.

Genevieve N. Taylor (B.A., Honours (UBC 1995), LL.B. (Dalhousie University 1998)) is a principal of Legacy Tax + Trust Lawyers and has practiced at that firm since it began in 2000. She was called to the bar in British Columbia in 1999 and has worked since then in all aspects of trust and estate planning and administration. Her work includes crafting estate plans, preparing applications for probate or administration and advising executors, trustees and beneficiaries in contentious and non-contentious matters. She is a frequent writer and speaker in the area of wills, estates, trusts and adult guardianship.

LAW 455.002 **Real Estate Transactions**

Term 1 Term 2 Chisholm Course 3 CREDITS

CHANGE June 22, 2018: Students registered in LAW 455.002 Real Estate Transactions are NOT ALLOWED to be registered in LAW 416.001 Labour Law or LAW 316.001 International Law. Exam conflict.

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, mortgagers and mortgagees, as well as the role and duties of real estate agents.

Evaluation:
100% final exam.

Partner and Co-Chair of the Commercial Real Estate group. Damon's practice focuses on all aspects of commercial real estate, including development, subdivisions, stratifications, acquisitions, dispositions, financing and leasing of commercial properties. Damon's experience includes acting for parties in complex project financing and acquisitions, purchasers and vendors of large commercial developments, including land acquisitions, hotels, apartment buildings and industrial and office complexes. This experience extends to the preparation and filing of Disclosure Statements under the Real Estate Development Marketing Act and advising developer clients on Strata Property Act compliance issues.

Education:

- Called to the British Columbia bar - 2003
- International Air Transport Association (IATA) Training and Development Institute - Certificate with Distinction, Aircraft Acquisition and Financing - 2016
- University of Calgary, LLB - 2002
- University of Calgary, BA - 1999

Directorships and Associations:

- Canadian Bar Association (British Columbia Branch) - Real Estate and Banking subsections
- Vancouver Bar Association
- Mortgage Investment Association of British Columbia
- Vancouver Solicitors' Legal Opinions Subcommittee (Real Estate)

LAW 457.001 **Real Estate Development**

Term 1 Term 2 Sherrott Course 3 CREDITS

Pre-requisite of LAW 456 is waived. Priority enrolment to third year students unless there are seats remaining after July 11.

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 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 Liao

Course 4 CREDITS

Cross-listed with LAW 508D.001.

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. Topical issues including corporate social responsibility and human rights, social enterprises, and First Nations business structures will also be addressed. There will be minimal coverage of securities law.

Required Materials:

1. Yalden, et al., Business Organizations: Practice, Theory, and Emerging Challenges (2nd ed., 2017) 2. Business Corporations Act S.B.C. 2002, c. 57 3. Canada Business Corporations Act, R.S.C. 1985, c. C-44 4. Partnership Act, R.S.B.C. 1996, c. 348

Evaluation:

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

Carol Liao is a full time member of the Peter A. Allard School of Law and the UBC Sauder Distinguished Scholar of the Peter P. Dhillon Centre for Business Ethics at the Sauder School of Business.

LAW 459.002 **Business Organizations** Term 1 Term 2 Hutchison

Course 4 CREDITS

CHANGE June 13, 2018: Instructor and description. *Cross-listed with LAW 508D.002.*

This course provides an overview of the law of business organizations. Although the course focuses on Canadian law, other jurisdictions (particularly the state of Delaware) will also be addressed. Topics covered will include (1) the history of corporate law, (2) the nature of the corporate form, (3) organizational choice and forming a corporation, (4) investment securities and corporate finance, (5) directors' duties and corporate governance, (6) control transactions, and (7) shareholder rights and remedies. Special emphasis will be placed on the legal and business considerations necessary to performing the role of corporate counselor.

Required textbook: Poonam Puri et al., Cases, Materials and Notes on Partnerships and Canadian Business Corporations, 6th ed (Toronto: Carswell, 2016).

Evaluation:

Final examination (three hours, open book) - 95%

Class participation - 5%

Assistant Professor Camden Hutchison is a full time member of the Peter A. Allard School of Law.

LAW 462.001T2 **Close Corporations** **Corporations: From Beginning to End**
 Term 1 Term 2 Robertson, S. Hennigar *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.

Stephen P. Robertson (B.A., Criminology and Psychology Joint (Simon Fraser University 2004), LL.B. (U. Manitoba 2007)) is a Partner in the Securities and Capital Markets group of Borden Ladner Gervais LLP, dealing with public and private financings, mergers and acquisitions, and investment funds.

Andrew Hennigar (B. Comm., Strategy (McGill University 2003), J.D. (U. Toronto 2006)) is Counsel in the Corporate Commercial group of Borden Ladner Gervais LLP, dealing primarily with private company mergers and acquisitions and corporate finance transactions, as well as general corporate and commercial matters.

LAW 463.001 **Securities Regulation**
 Term 1 Term 2 Sollis Waters *Course* 3 CREDITS

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

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

Evaluation:

Evaluation will be by final examination.

Prerequisite:

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

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 465.001 **Introduction to Corporate Finance** Term 1 Term 2

Sarra

Course

3 CREDITS

This course is designed to introduce students to the interdisciplinary elements of corporate finance and law. The course will provide law students with a solid introduction to corporate finance, both theories and practice. It will instill an understanding of the regulatory framework in which corporate financing operates. Increasingly, members of the legal profession are called on to advise clients in respect of major transactions that have both financial and legal implications. One expected learning outcome is that law students who have had little exposure to corporate finance and accounting will acquire a basic understanding of the normative and practical implications of our current system. It will allow students to acquire basic skills in reading financial statements and other critically important financial documents. It will provide a basic introduction to new developments in risk management financing, derivatives, development financing, and Fintech. The course will also examine some of the policy issues arising out of continuing sovereign and financial crises internationally.

Prerequisite:

LAW 459 Business Organizations

Evaluation:

80% of the course mark is a paper of 3,500 words, due November 19, 2018, on a subject selected by the student and agreed upon with the professor. A list of possible topics will be given out first class, but students are not limited to these topics. 20% of the course mark is based on participation in class, including in-class exercises, small group problem-solving activities and one in-class presentation.

Professor Janis Sarra is a full time member of the Peter A. Allard School of Law.

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

Gauthier

Course

3 CREDITS

Registration by permission only. Class will be held at UBC Robson: Rm C400 on Jan 3, 24, 31, Feb 14, 28, Mar 7, 14, 21, 28, Apr 4; Rm C680 on Jan 10; Rm C600 on Jan 17; Rm 1.150 Gallery on Feb 7.

The course is designed to build upon concepts learned in Business Organizations, with a specific emphasis on advanced corporate, securities and tax laws. Students will be grouped into teams whereby they will provide strategic advance to a publicly traded mining company in the context of potential M&A scenarios. Topics covered will include confidentiality agreements, capital raising, mergers & acquisitions, joint ventures, tax considerations, defensive tactics, investment protection, corporate social responsibility, and stock exchange requirements. 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 407 Taxation, LAW 459 Business Organizations, LAW 463 Securities Regulation, and 6 credits of other courses from the Concentration are prerequisites.

Evaluation:

Evaluation will be 100% assignments and class participation.

Christian Gauthier

LAW 467C.001	<u>Topics in Corporate Law</u>	<u>Corporate Solicitors' Workshop</u>	
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	TO BE ASSIGNED	Workshop 3 CREDITS

WORKSHOP CANCELLED JUNE 21, 2018.

This course is a practical workshop designed to introduce students to the work of a corporate solicitor. The course is taught in a seminar format and introduces students to various aspects of a commercial transaction, such as the purchase and sale of a business. The course will review the various legal, professional, practice and practical issues involved in such transactions from start to finish and will provide practical experience analyzing issues, drafting documents and negotiating on behalf of various parties involved in the transaction. Students will complete the negotiation of the transaction outlined in the course fact pattern at a one-day workshop (to be held on a weekend day in March, 2019).

Students are cautioned that the completion of weekly drafting assignments and attendance at and active participation in all classes and at the one day workshop are mandatory.

Prerequisites:

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

Graded Pass/Fail.

LAW 467C.002	<u>Topics in Corporate Law</u>	<u>Financial Accounting in Legal Practice</u>	
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Jawanda	Course 3 CREDITS

CHANGE October 18, 2018: Classroom.

The purpose of this course is to provide law students with the skills to understand basic financial accounting principles, to read financial statements, and to apply accounting concepts in some of the legal contexts in which they arise. The course will cover basic accounting concepts and issues, basic financial concepts, key concepts in business and asset valuation and their impact on law, valuation and accounting in various areas of law (e.g., corporate and securities law, family law, income tax, commercial real estate), and lawyers' professional relationships to financial experts and accountants. It will also cover some related topics such as risk management, financial disclosure obligations and financing arrangements in M&A. Please note this course is designed as an introductory course for students without degrees or significant experience in accounting and finance.

Evaluation:

75% exam, 5% participation and 10% for an in-class presentation.

Pavan Jawanda

LAW 467D.001 **Topics in Corporate Law** **History of Capitalism**
 Term 1 Term 2 Hutchison Seminar 3 CREDITS

SEMINAR CANCELLED June 13, 2018.

This course is a specialized legal history seminar focusing on the history of capitalism. The goal of the course is to understand why and how capitalism emerged from more traditional economic systems and how it has shaped nearly all aspects of modern life. Each week's readings will focus on a different topic in the history of capitalism, with students being expected to discuss the readings critically during seminar. Specific topics to be covered include the origins of capitalism in northwestern Europe, the rise of large-scale industrial capitalism in North America, the role of the market in determining individual and social priorities, and many others. The course will incorporate a variety of economic and political perspectives on capitalism, ranging from conservative to radical. Although the emphasis will be on the North American experience, the course will attempt to provide a global perspective. The major assignment in the course will be a research paper on a relevant topic of each student's choosing. No specific background in either business law or legal history is required.

Readings: weekly readings to be determined.

Evaluation:

Research paper - 75%

Participation in seminar - 25%

Assistant Professor Camden Hutchison is a full time member of the Peter A. Allard School of Law.

LAW 467D.002 **Topics in Corporate Law** **White Collar Crime**
 Term 1 Term 2 Narwal Seminar 3 CREDITS

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

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

Evaluation:

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

Joven Narwal (B.A.(UBC), LL.B (UBC), LL.M (Columbia University)) is the founder of Narwal Litigation LLP, Adjunct Professor at Allard Hall, Past-President of the Vancouver Bar Association, and a former Crown prosecutor. His practice is devoted primarily to complex criminal litigation, professional disciplinary matters, administrative hearings before provincial regulators such as the BC Securities Commission, and civil matters with criminal overtones involving fraud or other intentional tortious conduct.

LAW 468.001 Ethics and Professionalism Term 1 Term 2 DelBigio

Course

3 CREDITS

Cross-listed with LAW 555C.001.**CHANGE: Students registered in LAW 468.001/555C.001 Ethics & Professionalism are NOT ALLOWED to register for LAW 400.001 Advanced Criminal Procedure. Exam conflict.**

In Canada, the legal profession is self-governing and law societies are tasked with the authority to set professional standards, to govern and regulate the profession and to bring disciplinary measures when required.

It is inevitable that ethical quandaries, challenges and questions will arise in any practice. In this course, we will consider and discuss the ethical standards which have been chosen to guide professional conduct. This will include consideration of: solicitor-client privilege and confidentiality; civility; conflicts of interest; marketing of legal services; advocacy and anti-money laundering.

This course is designed to prepare those who plan to enter the practice of law and to bring an appreciation and understanding of the highly regulated nature of the legal profession.

Each session will consist of both a lecture and classroom discussion and, where possible, there will be guest lecturers such as judges, practicing lawyers or representatives of the Law Society to provide their particular insights.

We will refer to law society rules of professional conduct, academic writing and disciplinary and judicial decisions.

Evaluation:

Classroom participation will be fully encouraged and students will be evaluated on a final examination worth 100% of the grade.

Greg DelBigio, Q.C., (graduate work in Philosophy (University of Western Ontario), LL.B. (University of Toronto)) has practiced in the area of criminal law since 1992 and in that time has appeared before all levels of court in Canada and been involved in law reform.

LAW 468.002 Ethics and Professionalism Term 1 Term 2 Benedet

Course

3 CREDITS

Cross-listed with LAW 555C.002.

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 (25%) and a final examination (75%).

Professor Janine Benedet is a full time member of the Peter A. Allard School of Law.

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

Salter

Course

3 CREDITS

Cross-listed with LAW 555C.003.

Legal ethics is the body of rules which governs the professional obligations of lawyers. These rules are found in legislation, case law, the Law Society of BC's policies, and the general ethical standards that guide our behaviour as people of integrity.

This class will explore framework for legal ethics and the professional regulation of lawyers in British Columbia, with a focus on class discussions, guest lectures from experts in various areas of legal practice and regulation, and an examination of some of the many controversial and often ambiguous ethical issues facing lawyers today.

Evaluation:

You will be evaluated in this course based on the following:

JD students

Evaluation in this course involves 2 components:

- Class participation and student presentations (20%); and,
- Final examination (80%).

LLMCL students

- Class participation and student presentations (20%);
- Final examination (65%); and
- A 4-5 page, double-spaced case comment, on a Canadian court case about legal ethics or legal regulation, ideally from the last two years (15%).

Class Attendance and Participation

Students are expected to have read the required readings and be prepared to initiate and participate thoughtfully and respectfully in class discussions. The participation portion of your grade will be based on regular attendance, the quality of your contributions in class, and your student presentation.

Shannon Salter (B.A. (UBC 2001), LL.B. (UBC 2005), LL.M. (University of Toronto 2011)) is the Chair of the Civil Resolution Tribunal. Ms. Salter clerked with the British Columbia Supreme Court, practiced litigation at a large Vancouver law firm for several years, and has served as a vice chair of the Workers' Compensation Appeal Tribunal. Ms. Salter is also a commissioner of the Financial Institutions Commission, vice president of the British Columbia Council of Administrative Tribunals, and a past board member of the College of Registered Nurses of British Columbia. She has been actively involved in providing pro bono legal advice and representation throughout her career. She is a member of the Law Society of British Columbia.

LAW 468.005 Ethics and Professionalism Term 1 Term 2

Martin, A.

*Course***3 CREDITS*****Cross-listed with LAW 555C.005.*****CHANGE August 17, 2018: Evaluation method.**

This course provides an introduction to the major ethical issues facing lawyers in BC and elsewhere in Canada and the structures of professional regulation in which those ethical issues play out. Lawyers have obligations not only to the client but also to the court, the profession, and the administration of justice more generally. Successful practice requires lawyers to fulfill these obligations in a conscious and proactive way.

Core topics will include the lawyer-client relationship, confidentiality and privilege, loyalty and conflicts, advocacy (including civility), and criminal law. Additional topics may include advertising and mental health.

Evaluation:

70% final written examination; 30% one written reflection assignment.

Assistant Professor Andrew Flavelle Martin is a full time member of the Peter A. Allard School of Law.

LAW 469.001**Civil Procedure**

Term 1 Term 2 Greenberg Mitretodis Course 3 CREDITS

CHANGE June 18, 2018: Instructor.

Course Description:

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:

Casebook: Civil Litigation, updated July 2018, available electronically on Connect

Evaluation:

Exam worth 95% and written assignments 5%

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 Past President and a member of the Board of the Greater Vancouver Law Students Legal Advice Society. Mr. Greenberg is also an elected Bencher of the Law Society of British Columbia for Vancouver County.

Alexandra Mitretodis (B.A., Honours (York University), M.A. (Queen's University), J.D./LL.L. (University of Ottawa)), is a litigation and dispute resolution lawyer in Vancouver with a practice in commercial litigation and arbitration. She works on complex files that often have a multi-jurisdictional or international dimensions. Ms. Mitretodis' experience also includes obtaining, executing and enforcing Anton Piller orders to preserve assets at the outset of litigation. She has appeared as counsel before all levels of court in British Columbia, as well as the Federal Court. Knowledgeable of a variety of arbitration rules, Ms. Mitretodis' expertise includes the International Chamber of Commerce (ICC), the London Court of International Arbitration (LCIA), the United Nations Commission on International Trade Law (UNCITRAL), the International Centre for Settlement of Investment Disputes (ICSID), and the British Columbia International Commercial Arbitration Centre (BCICAC).

LAW 469.002**Civil Procedure** Term 1 Term 2

Cameron, G.

Fancourt-Smith

Course

3 CREDITS

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 Gavin Cameron, Law 469 Civil Litigation Casebook, 2018 edition.
2. Janet Walker, et al. The Civil Litigation Process: Cases and Materials, 8th ed. (Toronto: Emond Montgomery Publications Ltd., 2016).
3. Supreme Court Civil Rules: Any of these sources:
 - Bouck, Dillon, and Turriff, British Columbia Annual Practice 2018 (Canada Law Book Inc.) (the "White Book");
 - Seckel & MacInnis, Supreme Court Rules Annotated 2018 (Carswell) (the "Black Book"); or
 - Online: http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/168_2009_01

Evaluation:

The evaluation method in this course will be by a 90% 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.

Gavin Cameron (LL.B. (UBC, 2009)) is a partner in the Vancouver office of Fasken Martineau DuMoulin LLP. He practices primarily in the area of commercial litigation, with a focus on shareholder disputes, commercial fraud and professional negligence actions. He has published articles in academic journals and trade publications, and has contributed to continuing legal education programs. Mr. Cameron regularly volunteers as a supervising lawyer with the UBC Law Student's Legal Advice Program.

Mark Fancourt-Smith (LL.B. (UBC, 2002), B.A. (Hons) (Queens University, 1994)) is a partner in the Litigation and Dispute Resolution department at Lawson Lundell LLP. His practice encompasses a broad range of commercial disputes including technology and intellectual property litigation, breaches of fiduciary obligation, and defamation. He has particular experience with injunctions, mining disputes involving intellectual property, and commercial and IP disputes in the wine industry. Mark has published articles in media and industry publications, contributed to CLE courses and publications, and writes regularly on Lawson Lundell LLP's Commercial Litigation and Dispute Resolution Blog.

LAW 469.003**Civil Procedure**

Term 1 Term 2 Goulden Kuntz Course 3 CREDITS

We will study the conduct of civil proceedings in the B.C. Supreme Court. Students will become acquainted with the Supreme Court Rules of Court and the common law governing those civil proceedings. Our focus will be on understanding the workings of the Rules, and considering strategic and ethical issues in order to conduct a civil action effectively. The emphasis will be upon the pre-trial stages of actions, although the conduct of trials and other proceedings (primarily from a procedural perspective) will also be reviewed. Memorizing the Rules and procedure will not be necessary, but an understanding of the basic structure of a civil lawsuit, including the recognition of procedural problems and the tools available to deal with those problems will be expected.

Required Materials:

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

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 Norton Rose Fulbright Canada LLP (formerly known in Vancouver as Bull Housser LLP). Mr. Goulden's practice is focused in the areas of commercial, securities, land, administrative and local government litigation. Mr. Goulden has conducted a broad range of cases at all levels of court in British Columbia, the Federal Court of Canada and various administrative tribunals.

Kimberly A. Kuntz (B.A. (Hons.)(Queen's University 1996), LL.B. (Queen's University 1999)) is a partner in the dispute resolution and litigation department at Norton Rose Fulbright Canada LLP. Ms. Kuntz's practice is focused on estate and trust-related disputes. She also acts as counsel on cases involving product liability, negligence actions, complex jurisdictional and cross-border disputes. Ms. Kuntz is a frequent speaker and presenter at conferences and seminars dealing with estates and trusts litigation and the discovery obligations of litigants.

LAW 470.001T1 The Innocence Project Term 1 Term 2

Levy

Clinical

3 CREDITS

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

The UBC Innocence Project is a clinical program which focuses on the review of claims of wrongful conviction. Students participate in investigative casework, office administration, an academic seminar and weekly meetings to which a variety of guest speakers are invited. Casework includes reviewing homicide files (predominantly) from the initial investigation through the trial and appeal process, investigation of potential new evidence pointing to innocence, and assessment of whether the Project will assist in drafting an application to the Minister of Justice under s. 696.1 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@allard.ubc.ca.

Pre-requisite or Co-requisite:
LAW 476 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 471D.001.)

See above description.

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

LAW 471D.001 Preventing Wrongful Convictions

Term 1 Term 2 Scott Paisana Seminar 3 CREDITS

This course is required for Students in LAW 470.001 Innocence Project.

This seminar is designed to explore the phenomenon of wrongful convictions. The broad focus will be the legal rules and principles designed to prevent wrongful convictions, including the evolution of those rules and principles. More specific areas to be covered will include notable wrongful convictions in the Canadian context, eyewitness (mis)identification, the Crown's disclosure obligations, expert evidence, false confessions, and unsavoury witnesses, amongst others. Emphasis will be placed on the high standard required for successful appeals and applications in this area of the law. The instructors will relate the topics to the actual practice of criminal law. Guest speakers, drawn from justice system participants, will provide additional perspectives.

Co-requisite:

This course is required for students in the Innocence Project.

Evaluation:

Evaluations will be based upon a research paper (75%), class participation (15%), and a class presentation (10%).

Matthew Scott is Crown counsel with the provincial Ministry of Justice and Attorney General. He has undergraduate and graduate degrees in philosophy and received his J.D. (Honours) from the University of Toronto in 2008. He clerked at the Court of Appeal for British Columbia and has worked as a criminal defence lawyer, a trial prosecutor and, since 2015, appellate counsel for the Crown.

Tony Paisana (B.A. Honours (UBC), J.D. (UBC)) is a criminal defence lawyer with Peck and Company Barristers. He has represented clients at all levels of court including the Supreme Court of Canada. He is currently the Chair of the Law Reform Committee for the National Criminal Justice Section of the Canadian Bar Association. He is a founding member of the Criminal Defence Advocacy Society, as well as a supervising lawyer with the UBC Innocence Project. This upcoming year, Mr. Paisana will also serve as Chair of the Vancouver subsection of the CBABC Criminal Justice Section.

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

Term 1 Term 2 McEwan Francis *Workshop* 3 CREDITS

CHANGE May 22, 2018: Workshop description. *Priority registration to third-year students. Remaining seats open to second-year students.*

This course, supervised by Kenneth McEwan, Q.C. and Jennifer Francis 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.

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 presided over by judges of the Supreme Court and Provincial Court. Thorough knowledge of the applicable materials and diligent preparation for each session is essential.

The course is conducted at the Vancouver Law Courts.

Prerequisites:

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

Evaluation:

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

Ken McEwan, Q.C. is senior trial, appellate and arbitration counsel, with a practice focusing on complex commercial, securities and competition matters, including class actions. He has also acts as an arbitrator and mediator of commercial disputes. Mr. McEwan was appointed Queen's Counsel by the Attorney General of British Columbia in 2004. He is a member of the Board of Governors of the International Society of Barristers and a Fellow of the American College of Trial Lawyers. He has been appointed by the Law Society of British Columbia to the Committee on Relations with the Judiciary and served on the Attorney General's Rules Revision Committee for approximately 15 years, until April 2016. Mr. McEwan is author of the third edition of Sopinka on the Trial of an Action, and is co-author of Commercial Arbitration in Canada: A Guide to Domestic and International Arbitrations. He a frequent lecturer for Continuing Legal Education on topics related to litigation and arbitration. He also chairs a panel of the British Columbia Inns of Court project which was established to foster professionalism among young lawyers.

Jennifer Francis is a partner in the Litigation and Dispute Resolution Group of Fasken Martineau DuMoulin LLP. Her practice focusses on complex commercial disputes, including shareholder, corporate, property and general contractual disputes. Ms. Francis received her LL.B. from the University of British Columbia in 2000 and completed graduate studies in law at the University of Oxford. She clerked at the BC Supreme Court from 2000-2001. Ms. Francis was an Adjunct Professor at UBC from 2006-2011, teaching Civil Procedure. She is a frequent contributor to Continuing Legal Education courses related to litigation and trial advocacy topics and has been a contributor to the organization and teaching of the McEachern Course in Trial Advocacy since 2003.

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.

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

Sutherland, J.

Course

3 CREDITS

Note: Total credit value for this course is 3 (lecture AND lab inclusive).

This course focuses on advocacy in trial courts. The emphasis is on pre-trial preparation, methods of developing facts through the examination of witnesses, and the development and presentation of legal argument. Procedural, evidentiary, and substantive law is considered as it relates to these areas. Professionalism, and ethics are also addressed.

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 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 was called to the Bar of British Columbia in 1990 after which he practiced labour law for two years before joining 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. As counsel, Judge Sutherland appeared in the Supreme Court of Canada, all levels of court in British Columbia and Saskatchewan, as well as courts in Alberta and the Yukon. He is a frequent speaker at continuing legal education programs and is a previous recipient of the UBC Law Adjunct Professor Outstanding Achievement Award.

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

Nugent

Vos

CREDITS

Advocacy Practice Simulation Lab to accompany lecture component 474.001.

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 defense oriented.

Terry Vos (B.Com. (UBC), LL.B. (Uvic), LL.M. (LSE)) is a B.C. Supreme Court Master. He was called to the British Columbia Bar in 1981. He practiced civil litigation and also acted as a mediator on civil litigation matters. Master Vos was appointed to the Supreme Court in March 2017.

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.***

The Honourable Judge Mark Jette is a criminal lawyer practising in Vancouver. 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 Gillespie

CREDITS***Advocacy Practice Simulation Lab to accompany lecture component 474.001.****Janet Winteringham, Q.C.*

In 2009, Janet Winteringham, Q.C., and Andi MacKay opened the doors of a boutique litigation firm in Gastown engaging, with two other lawyers, in criminal, civil and constitutional cases. Janet's interest in criminal and constitutional matters began at Simon Fraser University where she majored in Criminology and continued at the University of British Columbia where she obtained her LLB in 1991.

Her litigation practice started at a medium sized firm in Vancouver and consisted predominantly of civil litigation matters. She later cultivated a criminal law practice in a small partnership with J.J. McIntyre. Although the focus of her practice is criminal defence, she regularly acts for the Crown as an ad hoc and special prosecutor. Janet also defends clients facing discipline by professional or regulatory bodies as a result of criminal charges.

In recent years, Janet has been involved in several constitutional cases including a constitutional reference on the criminal prohibition against polygamy, a constitutional challenge to the cancellation of the mother-baby program at the Alouette Correctional Centre for Women and litigation involving competing Charter rights in Trinity Western University v Law Society of B.C. She also appeared as counsel to an individual at the Missing Women Commission of Inquiry.

Janet is an adjunct professor at U.B.C. where she serves as a lab instructor in the Trial Advocacy course. She is a frequent lecturer at law conferences including the CLE Winning Advocacy Skills Workshops, the CBA National Criminal Law Conference and B.C. Civil Liberties Association Conference on Constitutional Issues in Criminal Law. Since 2004 she has been an instructor at the U.B.C. Advanced Advocacy Course for sessions relating to Provincial Court Practice and Criminal Law. She is one of the discussion leaders at the Inns of Court session addressing ethical problems in Criminal Law.

In 2012 and 2013, Janet travelled to Addis Ababa, Ethiopia to assist with training of judges, prosecutors, police and public defenders as part of a program developed by the Justice Education Society.

In 2014, she was appointed a fellow of the International Society of Barristers. She is a member of the Canadian Bar Association and Trial Lawyers Association of British Columbia.

Acting Chief Judge Melissa Gillespie

Melissa Gillespie graduated from the University of Toronto Law School in 1989. She articulated with a large firm in downtown Vancouver and was called to the British Columbia bar in 1991. After articles, Melissa became Crown counsel in the Fraser Region ultimately serving as Regional Crown counsel from 2005-2012. In 2009 Melissa was appointed Queen's Counsel. In 2012 Melissa was appointed as a provincial court Judge in Surrey, BC. In 2016 she became an Associate Chief Judge of the Provincial Court and has been the Acting Chief Judge of the court since May 7, 2018.

Melissa has been a board member of the Justice Education Society [JES] from 2011-2012 and again in 2014 -present. She has attended to Guyana on numerous occasions from 2015-present in programs designed to strengthen the justice system in Guyana. Primarily Melissa has been working in collaboration with the Magistrate's court in Guyana to assist them in judicial education and the use of forensic evidence in criminal cases.

Melissa is actively involved in education of the bench and bar participating in seminars and educational programs for organizations including CLE, CBA, the Trials Lawyers Association and the Advocates Society.

LAW 476.001 **Evidence** Term 1 Term 2 Elwood*Course* **4 CREDITS*****Cross-listed with LAW 507.001.***

Students contemplating a career in litigation will benefit from an understanding of the foundational rules of evidence, regardless of their particular area of interest. This course offers an overview of the law of evidence, with an emphasis on the principles of admissibility and related Charter issues. Topics will include relevance, hearsay, confessions, opinion and privilege. Current and emerging issues will be canvassed through a combination of lectures and class discussion of court decisions and sample fact patterns.

Students will also learn about various methods of introducing evidence in court, including viva voce testimony, documentary evidence, expert reports and affidavits. Lectures will include practical advice on preparing a case for trial, examination and cross-examination of witnesses, evidentiary objections and advocacy as it relates to evidentiary issues.

Evaluation:

Final examination (100%).

Bruce Elwood (B.Sc. (Queens University), LL.B. (UBC)) practices civil and constitutional litigation with the Ministry of Justice for British Columbia. Prior to joining the Ministry, Bruce worked for a large national law firm and boutique litigation firms. He has appeared as counsel and co-counsel in all levels of court in British Columbia and the Supreme Court of Canada. His experience includes commercial litigation, aboriginal law, constitutional litigation, administrative law, medical malpractice, estates litigation and municipal law.

LAW 476.002 **Evidence** Term 1 Term 2 Harris, N.*Course* **4 CREDITS*****Cross-listed with LAW 507.002***

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 is a full-time member of the Peter A. Allard School of Law.

LAW 481D.001	<u>Topics in Litigation, Dispute Resolution & Administration of Justice</u>	<u>Theory & Practice of Dispute Resolution</u>
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	LeBaron
		Seminar
		3 CREDITS

SEMINAR CANCELLED June 13, 2018.

This seminar 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 Peter A. Allard School of Law and is the Director of the Dispute Resolution Program.

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

Registration by permission only.

The Indigenous Community Legal Clinic (Law 488/489) is a full term course comprised of 15 credits, 11 based on the practical component and 4 based on the academic component of the program. Students commit to one full term, which they spend primarily at the ICLC's location on Alexander Street in the downtown eastside of Vancouver. Students cannot take other courses during the term, except in special circumstances with permission. Enrollment is limited to 7 students per term. Students at the ICLC are temporarily articulated under the Rules of the Law Society of British Columbia. There is a weekly lecture on Thursday mornings from 9:30 am – 12:30 pm held at the Peter A. Allard School of Law. Students will also attend North Vancouver First Nations Court regularly throughout the term (scheduled once/month on a Wednesday) and at New Westminster First Nations Court once per term (scheduled once/month on a Thursday).

The practical component of the clinical term is based on pass/fail evaluation of significant practice achievements during the term. Students are expected to manage client files and the aim for the practical component of the course is to learn how to conduct client intakes and interviews, practice client management, conduct various court appearances, and negotiate and work with Crown and other lawyers in a variety of settings, among other practical components. Students are expected to conduct themselves professionally at all times.

The clinical learning environment is unique in many ways, and the pedagogy is designed to integrate experiential learning of the practice of law in a legal clinic setting with learning to apply ideas and theory about decolonization and Indigenizing law to that practice. The ICLC program is designed to explore how the legal system functions in relation to Indigenous people. It provides experiential learning to law students while providing the underserved Indigenous community in the Lower Mainland with access to justice through the provision of pro-bono legal services.

For a detailed description of the academic component of the course see Law 489: Clinical term: Paper.

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 Law and Social Justice Specialization, from the University of British Columbia. She is currently a faculty member in the Peter A. Allard School of Law where she holds the following positions: Academic Director of the Indigenous Community Legal Clinic (ICLC), Coordinator of the Judicial Externship program and Lecturer. She has practiced in the areas of child protection (as parent's counsel), criminal, family, as well as civil litigation and prison 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. Patricia's research and teaching focus on clinical legal education, decolonizing and Indigenizing legal education (including the value of Indigenous pedagogies) and experiential learning in law. As a Métis woman, she is particularly interested in examining Indigenous issues within the law and how legal processes can assist the advancement of Indigenous peoples in Canadian society. Patricia was born in Alberta and is Métis descended from families of the Lac Ste. Anne Cree/Métis and Red River Métis communities.

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

Registration by permission only.

The Indigenous Community Legal Clinic (Law 488/489) is a full term course comprised of 15 credits, 11 based on the practical component and 4 based on the academic component of the program. Students commit to one full term, which they spend primarily at the ICLC's location on Alexander Street in the downtown eastside of Vancouver. Students cannot take other courses during the term, except in special circumstances with permission. Enrollment is limited to 7 students per term. Students at the ICLC are temporarily articulated under the Rules of the Law Society of British Columbia. There is a weekly lecture on Thursday mornings from 9:30 am – 12:30 pm held at the Peter A. Allard School of Law. Students will also attend North Vancouver First Nations Court regularly throughout the term (scheduled once/month on a Wednesday) and at New Westminster First Nations Court once per term (scheduled once/month on a Thursday).

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For a detailed description of the academic component of the course see Law 489: Clinical term: Paper.

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 Law and Social Justice Specialization, from the University of British Columbia. She is currently a faculty member in the Peter A. Allard School of Law where she holds the following positions: Academic Director of the Indigenous Community Legal Clinic (ICLC), Coordinator of the Judicial Externship program and Lecturer. She has practiced in the areas of child protection (as parent's counsel), criminal, family, as well as civil litigation and prison 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. Patricia's research and teaching focus on clinical legal education, decolonizing and Indigenizing legal education (including the value of Indigenous pedagogies) and experiential learning in law. As a Métis woman, she is particularly interested in examining Indigenous issues within the law and how legal processes can assist the advancement of Indigenous peoples in Canadian society. Patricia was born in Alberta and is Métis descended from families of the Lac Ste. Anne Cree/Métis and Red River Métis communities.

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

Registration by permission only. This course does NOT fulfill the 3 credit seminar requirement.

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

Evaluation Method:
 10% Participation
 10% Weekly Journal
 80% Paper

The academic component of the course focuses on decolonizing and Indigenizing law. Students read and are encouraged to 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. Students read current scholarly publications, such as works examining decolonization and Indigenous legal orders, as well as new studies on clinical legal education. The course incorporates Indigenous pedagogies, including storytelling and talking circles, to advance new ways of learning law.

The academic component is comprised of weekly reflective journaling, participation in rounds, class discussions based on the weekly readings, attendance at lectures, and a substantial research paper. The graded term paper is an independent legal research and critical reflection paper, including analysis of the student's experiential learning at the ICLC and discussions during lectures throughout the term.

Examples of themes we explore in the academic program include: access to justice, advocacy, antiracism, agency, argument, authority, cultural competency, cross-cultural understanding, decolonization, evidence, experience, Indigenous legal traditions, Indigenous legal theory, Indigenous feminisms, Indigenous methodologies, language, reconciliation representation, resistance, self-determination, sovereignty and trauma-informed practice.

Patricia Barkaskas earned a M.A. in History, with a focus on Indigenous histories in North America, and a J.D., with a Law and Social Justice Specialization, from the University of British Columbia. She is currently a faculty member in the Peter A. Allard School of Law where she holds the following positions: Academic Director of the Indigenous Community Legal Clinic (ICLC), Coordinator of the Judicial Externship program and Lecturer. She has practiced in the areas of child protection (as parent's counsel), criminal, family, as well as civil litigation and prison 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. Patricia's research and teaching focus on clinical legal education, decolonizing and Indigenizing legal education (including the value of Indigenous pedagogies) and experiential learning in law. As a Métis woman, she is particularly interested in examining Indigenous issues within the law and how legal processes can assist the advancement of Indigenous peoples in Canadian society. Patricia was born in Alberta and is Métis descended from families of the Lac Ste. Anne Cree/Métis and Red River Métis communities.

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

Registration by permission only. This course does NOT fulfill the 3 credit seminar requirement.

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

Evaluation Method:
 10% Participation
 10% Weekly Journal
 80% Paper

The academic component of the course focuses on decolonizing and Indigenizing law. Students read and are encouraged to 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. Students read current scholarly publications, such as works examining decolonization and Indigenous legal orders, as well as new studies on clinical legal education. The course incorporates Indigenous pedagogies, including storytelling and talking circles, to advance new ways of learning law.

The academic component is comprised of weekly reflective journaling, participation in rounds, class discussions based on the weekly readings, attendance at lectures, and a substantial research paper. The graded term paper is an independent legal research and critical reflection paper, including analysis of the student's experiential learning at the ICLC and discussions during lectures throughout the term.

Examples of themes we explore in the academic program include: access to justice, advocacy, antiracism, agency, argument, authority, cultural competency, cross-cultural understanding, decolonization, evidence, experience, Indigenous legal traditions, Indigenous legal theory, Indigenous feminisms, Indigenous methodologies, language, reconciliation representation, resistance, self-determination, sovereignty and trauma-informed practice.

Patricia Barkaskas earned a M.A. in History, with a focus on Indigenous histories in North America, and a J.D., with a Law and Social Justice Specialization, from the University of British Columbia. She is currently a faculty member in the Peter A. Allard School of Law where she holds the following positions: Academic Director of the Indigenous Community Legal Clinic (ICLC), Coordinator of the Judicial Externship program and Lecturer. She has practiced in the areas of child protection (as parent's counsel), criminal, family, as well as civil litigation and prison 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. Patricia's research and teaching focus on clinical legal education, decolonizing and Indigenizing legal education (including the value of Indigenous pedagogies) and experiential learning in law. As a Métis woman, she is particularly interested in examining Indigenous issues within the law and how legal processes can assist the advancement of Indigenous peoples in Canadian society. Patricia was born in Alberta and is Métis descended from families of the Lac Ste. Anne Cree/Métis and Red River Métis communities.

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 476 Evidence and LAW 400 Advanced Criminal Procedure.

Evaluation:

This is a Pass/Fail course.

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

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

LeBaron

Seminar

4 CREDITS

Enrolment restricted to LL.M. students only.

This seminar introduces students to some conceptual approaches to the study of law as well as to practical skills of legal research. The first part of this course exposes students to various positive and normative theories of law as well as current trends in legal and interdisciplinary scholarship. Through seminar participation, students will become familiar with giving and receiving critical feedback--skills that are integral to graduate studies. The second part introduces students to practical skills that are useful for writing a research project including: understanding the process of writing a dissertation; evaluating information sources; becoming familiar with useful digital research tools; conducting a good literature review; understanding scholarship publication.

This seminar requires and depends on participation from every one. Attending class prepared means completing readings, preparing questions arising from the readings and engaging with others in discussion. As in the practice of law or other law-related careers, participants have responsibility as members of this learning community to do advance work, show leadership and engage with others in constructive and collaborative ways. Each class member will also be required to lead discussion and a class activity at least once during the term.

Evaluation is as follows:

Class presentation and participation: 30% Term 1: Short paper 70% Term 2: Short paper 70%

Michelle LeBaron is a full time member of the Peter A. Allard School of Law and is the Director of the Dispute Resolution Program.

LAW 503E.99C**Tort Law** Term 1 Term 2

Russo

Web-based

5 CREDITS

Part of UBC Law's Distance Learning Program. Enrolment is limited to LLMCL and Unclassified students only. For more information on eligibility and enrolment, please visit <http://www.allard.ubc.ca/admissions/distance-learning-program>.

See <http://www.allard.ubc.ca/admissions/distance-learning-program>

Robert Russo Russo (J.D., LL.M., and Ph.D. in Law (UBC)) has taught Tort Law and Transnational Law to J.D. students at UBC as well as conducting legal seminars on labour law and migrant workers for Continuing Legal Education programs. Over the course of his doctoral studies he has held a SSHRC scholarship and has been invited to present to the Royal Society of Canada in Ottawa. He has published in Canadian, American and European law journals, including co-authoring an article with Professor Wesley Pue on official discretion in criminal law relating to Canada's Anti-Terrorism Act ("The Problem of Official Discretion in Anti-Terrorism Law: A Comment on R. v. Khawaja" (Vol. 24: 2008)) More recently he has been employed with the Federal Government of Canada for over nine years as one of the government's senior representatives at tribunal hearings dealing with civil claims of serious physical and sexual abuse at government operated Indian Residential Schools.

LAW 504.99A Property Law Term 1 Term 2

Litchfield

Web-based

5 CREDITS

Part of UBC Law's Distance Learning Program. Enrolment is limited to LLMCL and Unclassified students only. For more information on eligibility and enrolment, please visit <http://www.allard.ubc.ca/admissions/distance-learning-program>.

See <http://www.allard.ubc.ca/admissions/distance-learning-program>

Michael Litchfield (B.A. (UBC), J.D. (UBC), LL.M. (University of Victoria)) is a lawyer and management consultant and is the Managing Director of Thinklab Consulting. His practice is focused on the delivery of human resources management and project management services to clients in a wide range of industries. Michael is the Director of the Business Law Clinic at the University of Victoria and has taught professional development courses for numerous organizations including the Canadian Bar Association and Professional Association of Managing Agents. Michael has also sat on numerous government Boards and Tribunals and is currently appointed to the Property Assessment Appeal Board and the Civil Resolution Tribunal.

LAW 505.99A Canadian Public Law Term 1 Term 2

Russo

Web-based

5 CREDITS

Part of UBC Law's Distance Learning Program. Enrolment is limited to LLMCL and Unclassified students only. For more information on eligibility and enrolment, please visit <http://www.allard.ubc.ca/admissions/distance-learning-program>.

See <http://www.allard.ubc.ca/admissions/distance-learning-program>

Robert Russo Russo (J.D., LL.M., and Ph.D. in Law (UBC)) has taught Tort Law and Transnational Law to J.D. students at UBC as well as conducting legal seminars on labour law and migrant workers for Continuing Legal Education programs. Over the course of his doctoral studies he has held a SSHRC scholarship and has been invited to present to the Royal Society of Canada in Ottawa. He has published in Canadian, American and European law journals, including co-authoring an article with Professor Wesley Pue on official discretion in criminal law relating to Canada's Anti-Terrorism Act ("The Problem of Official Discretion in Anti-Terrorism Law: A Comment on R. v. Khawaja" (Vol. 24: 2008)) More recently he has been employed with the Federal Government of Canada for over nine years as one of the government's senior representatives at tribunal hearings dealing with civil claims of serious physical and sexual abuse at government operated Indian Residential Schools.

LAW 505.99C Canadian Public Law Term 1 Term 2TO BE
ASSIGNED

Web-based

5 CREDITS

Part of UBC Law's Distance Learning Program. Enrolment is limited to LLMCL and Unclassified students only. For more information on eligibility and enrolment, please visit <http://www.allard.ubc.ca/admissions/distance-learning-program>.

See <http://www.allard.ubc.ca/admissions/distance-learning-program>

LAW 506.001 **Taxation** Term 1 Term 2 Duff*Course* **4 CREDITS*****Cross-listed with LAW 407.001Taxation.***

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 basic structure of the income tax through a careful reading of the Income Tax Act and 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.

Required Materials:

1. David G. Duff, Benjamin Alarie, Kim Brooks, Geoff Loomer and Lisa Philipps, Canadian Income Tax Law, 5th ed. (Toronto: LexisNexis, 2015).
2. Income Tax Act, latest edition

Evaluation: 100% exam

*Professor David G. Duff is a full time member of the Peter A. Allard School of Law.***LAW 506.002** **Taxation** Term 1 Term 2 Sheppard*Course* **4 CREDITS*****Cross-listed with LAW 407.002.***

This section of the course is an introduction to Canadian income tax law, including procedural and substantive law. Students will learn how to apply the Income Tax Act, Regulations, treaties, case law and government publications to solve tax problems.

The focus is on the taxation of individuals, emphasizing issues of interest in the general practice of law. The major substantive areas to be dealt with include the tax base, whose income is taxed in Canada and the taxation of employment, property and business income, and capital gains. Teaching will combine lectures, class discussions, and problem solving.

Evaluation:

Evaluation will be determined by the instructor in consultation with the class.

Required materials:

1. Materials on Canadian Income Tax, latest edition
2. Income Tax Act, latest edition

Professor Tony Sheppard is a full time member of the Peter A. Allard School of Law.

LAW 507.001 **Evidence** Term 1 Term 2 Elwood

Course 4 CREDITS

**CHANGE June 18, 2018: Cross-listing.
*Cross-listed with LAW 476.001.***

Students contemplating a career in litigation will benefit from an understanding of the foundational rules of evidence, regardless of their particular area of interest. This course offers an overview of the law of evidence, with an emphasis on the principles of admissibility and related Charter issues. Topics will include relevance, hearsay, confessions, opinion and privilege. Current and emerging issues will be canvassed through a combination of lectures and class discussion of court decisions and sample fact patterns.

Students will also learn about various methods of introducing evidence in court, including viva voce testimony, documentary evidence, expert reports and affidavits. Lectures will include practical advice on preparing a case for trial, examination and cross-examination of witnesses, evidentiary objections and advocacy as it relates to evidentiary issues.

Evaluation:

Final examination (100%).

Bruce Elwood (B.Sc. (Queens University), LL.B. (UBC)) practices civil and constitutional litigation with the Ministry of Justice for British Columbia. Prior to joining the Ministry, Bruce worked for a large national law firm and boutique litigation firms. He has appeared as counsel and co-counsel in all levels of court in British Columbia and the Supreme Court of Canada. His experience includes commercial litigation, aboriginal law, constitutional litigation, administrative law, medical malpractice, estates litigation and municipal law.

LAW 507.002 **Evidence** Term 1 Term 2 Harris, N.

Course 4 CREDITS

Cross-listed with LAW 476.002.

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 is a full-time member of the Peter A. Allard School of Law.

LAW 508D.001 **Business Organizations** Term 1 Term 2 Liao

Course 4 CREDITS

Cross-listed with LAW 459.001.

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. Topical issues including corporate social responsibility and human rights, social enterprises, and First Nations business structures will also be addressed. There will be minimal coverage of securities law.

Required Materials:

1. Yalden, et al., Business Organizations: Practice, Theory, and Emerging Challenges (2nd ed., 2017) 2. Business Corporations Act S.B.C. 2002, c. 57 3. Canada Business Corporations Act, R.S.C. 1985, c. C-44 4. Partnership Act, R.S.B.C. 1996, c. 348

Evaluation:

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

Carol Liao is a full time member of the Peter A. Allard School of Law and the UBC Sauder Distinguished Scholar of the Peter P. Dhillon Centre for Business Ethics at the Sauder School of Business.

LAW 508D.002 **Business Organizations** Term 1 Term 2 Hutchison

Course 4 CREDITS

CHANGE June 13, 2018: Instructor and description. *Cross-listed with LAW 459.002.*

This course provides an overview of the law of business organizations. Although the course focuses on Canadian law, other jurisdictions (particularly the state of Delaware) will also be addressed. Topics covered will include (1) the history of corporate law, (2) the nature of the corporate form, (3) organizational choice and forming a corporation, (4) investment securities and corporate finance, (5) directors' duties and corporate governance, (6) control transactions, and (7) shareholder rights and remedies. Special emphasis will be placed on the legal and business considerations necessary to performing the role of corporate counselor.

Required textbook: Poonam Puri et al., Cases, Materials and Notes on Partnerships and Canadian Business Corporations, 6th ed (Toronto: Carswell, 2016).

Evaluation:

Final examination (three hours, open book) - 95%

Class participation - 5%

Assistant Professor Camden Hutchison is a full time member of the Peter A. Allard School of Law.

LAW 509.002 Administrative Law Term 1 Term 2 Stacey*Course* **4 CREDITS*****Cross-listed with LAW 372.002.***

Virtually every facet of modern life is affected in some way by the administrative state from labour relations to immigration to professional governance to environmental protection. These laws are administered primarily by administrative agencies, not courts. This course provides an introduction to the rules, principles and policy considerations that shape the powers of these administrative decision-makers. 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 administrative law issues in British Columbia such as the Administrative Tribunals Act and Aboriginal administrative law.

Evaluation:

A combination of participation, mid-term assessment and open-book final examination.

Assistant Professor Jocelyn Stacey is a full time member of the UBC Faculty of Law.

LAW 509.003 Administrative Law Term 1 Term 2 Stacey*Course* **4 CREDITS*****Cross-listed with LAW 372.003.***

Virtually every facet of modern life is affected in some way by the administrative state from labour relations to immigration to professional governance to environmental protection. These laws are administered primarily by administrative agencies, not courts. This course provides an introduction to the rules, principles and policy considerations that shape the powers of these administrative decision-makers. 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 administrative law issues in British Columbia such as the Administrative Tribunals Act and Aboriginal administrative law.

Evaluation:

A combination of participation, mid-term assessment and open-book final examination.

Assistant Professor Jocelyn Stacey is a full time member of the UBC Faculty of Law.

LAW 524D.001 Methodologies in Law and Policy Legal Methodologies Term 1 Term 2 LeBaron*Seminar* **4 CREDITS*****Enrolment restricted to LL.M., LL.M.CL. and Ph.D. students only.***

Michelle LeBaron is a full time member of the Peter A. Allard School of Law and is the Director of the Dispute Resolution Program.

LAW 525.001 **Canadian Criminal Law and Procedure**

Term 1 Term 2 Mann, P. Course 5 CREDITS

This course is open to LLMCL students only.

Criminal Law and Procedure 525 will focus on the practical application of criminal law and aims to be a foundation for practicing criminal law in B.C. The course will examine the role of counsel, how a prosecution unfolds, and the core legislation and common law relevant to each stage. Students will learn to identify the elements of a criminal offence and common defences, and burdens and presumptions relevant to their application. Students will also explore how courts apply the Canadian Charter of Rights and Freedoms to strike down law, exclude evidence, or provide for other remedies.

Evaluation:

Course evaluation is based on:

- mid-term exam for 35% of the final grade
- a final exam for 65% of the final grade

Text: Roach, Berger, Cunliffe, and Stribopoulos, *Criminal Law and Procedure: Cases and Materials* (11th ed., 2015). ["RBCS"]

Perbeen Mann is a practicing lawyer and Crown Counsel. Perbeen is a graduate of the University of Alberta law school. Perbeen is also an alumni of University of Victoria, having received Bachelor of Arts (with distinction) and Master of Arts degrees. She was called to the Bar in British Columbia in 2001 and the Bar in Alberta in 2007. She is a member of the National Security & Organized Crime Prosecutions Team with Public Prosecution Service of Canada (PPSC), specializing in drug offences and organized crime related prosecutions. Perbeen is the past recipient of two Public Prosecution Service of Canada Team Achievement Merit Awards and appears routinely throughout British Columbia in Provincial Court and Supreme Court. Perbeen is active in the community with various volunteering commitments. As a Board Trustee with Surrey Crime Prevention Society, Perbeen promotes youth leadership in crime reduction initiatives and strategies. Perbeen is also a past Director of Surrey Libraries, having served as an advocate for life-long learning and equitable access of resources for library patrons, including offenders housed in Correctional facilities. Perbeen's interest areas include promoting equity-diversity in the federal service and improved accessibility for participants in the criminal justice system.

LAW 525.99A **Canadian Criminal Law and Procedure**

Term 1 Term 2 Davey Web-based 5 CREDITS

Part of UBC Law's Distance Learning Program. Enrolment is limited to LLMCL and Unclassified students only. For more information on eligibility and enrolment, please visit <http://www.allard.ubc.ca/admissions/distance-learning-program>.

See <http://www.allard.ubc.ca/admissions/distance-learning-program>

Samantha Davey (UVIC 1998 (Bachelor of Commerce), LL.B. 2002 (UBC)) has practiced criminal law as a Federal Crown prosecutor for the entirety of her career and appears regularly in both B.C. Provincial and B.C. Supreme Court. She has extensive experience assessing police reports for charge approval, litigating applications made under the Canadian Charter of Rights and Freedoms, and conducting trials. Outside of her role as Crown Counsel, Ms. Davey is an active member of the British Columbia branch of the Canadian Bar Association. She sits as Chair of the Criminal Justice Sub-Section (Vancouver) and is an elected member of Provincial Council. Ms. Davey is also a regular guest instructor at the Law Society of British Columbia's Professional Legal Training Course.

LAW 525.99C **Canadian Criminal Law and Procedure** Term 1 Term 2

Davey

Web-based

5 CREDITS

Part of UBC Law's Distance Learning Program. Enrolment is limited to LLMCL and Unclassified students only. For more information on eligibility and enrolment, please visit <http://www.allard.ubc.ca/admissions/distance-learning-program>.

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

Tsiakos

Workshop

4 CREDITS

Enrolment priority to LLMCL students, then open to LLM and PhD students. 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: 40% 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 555C.003 Topics in Common Law Theory and Practice Term 1 Term 2

Salter

Course

3 CREDITS

Cross-listed with LAW 468.003.

Legal ethics is the body of rules which governs the professional obligations of lawyers. These rules are found in legislation, case law, the Law Society of BC's policies, and the general ethical standards that guide our behaviour as people of integrity.

This class will explore framework for legal ethics and the professional regulation of lawyers in British Columbia, with a focus on class discussions, guest lectures from experts in various areas of legal practice and regulation, and an examination of some of the many controversial and often ambiguous ethical issues facing lawyers today.

Evaluation:

You will be evaluated in this course based on the following:

JD students

Evaluation in this course involves 2 components:

- Class participation and student presentations (20%); and,
- Final examination (80%).

LLMCL students

- Class participation and student presentations (20%);
- Final examination (65%); and
- A 4-5 page, double-spaced case comment, on a Canadian court case about legal ethics or legal regulation, ideally from the last two years (15%).

Class Attendance and Participation

Students are expected to have read the required readings and be prepared to initiate and participate thoughtfully and respectfully in class discussions. The participation portion of your grade will be based on regular attendance, the quality of your contributions in class, and your student presentation.

Shannon Salter (B.A. (UBC 2001), LL.B. (UBC 2005), LL.M. (University of Toronto 2011)) is the Chair of the Civil Resolution Tribunal. Ms. Salter clerked with the British Columbia Supreme Court, practiced litigation at a large Vancouver law firm for several years, and has served as a vice chair of the Workers' Compensation Appeal Tribunal. Ms. Salter is also a commissioner of the Financial Institutions Commission, vice president of the British Columbia Council of Administrative Tribunals, and a past board member of the College of Registered Nurses of British Columbia. She has been actively involved in providing pro bono legal advice and representation throughout her career. She is a member of the Law Society of British Columbia.

LAW 555C.004 Topics in Common Law Theory and Practice

Term 1 Term 2 Armour, D. Hume, G. Course 3 CREDITS

Cross-listed with LAW 468.004.

Course Description:

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 must 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: legal regulation, lawyer/client confidentiality and privilege, the duty of loyalty (which encompasses conflicts of interest), guiding principles related specifically to criminal and civil advocacy (e.g. dealing with the lying client or witness, duties to the court, withdrawal from a file), solicitors' ethical issues, what it means to be a competent lawyer, ethical issues relating to in house lawyers, a lively current debate about the appropriate balance to be struck in attempting to regulate standards of civility, admission to the profession, access to justice and other issues generally related to self-regulation, such as the obligation to report the conduct of other lawyers.

Guest lecturers may include judges and lawyers from both private practice and other arenas.

It is hoped that this will be a highly engaging class with open and frequent discussion.

Evaluation:

Grading will be based as follows: 10% class participation; 5% attendance; 15% student presentations; and 70% final exam.

Deborah Armour, QC is Chief Legal Officer of the Law Society of British Columbia with overall responsibility for professional conduct, investigations, discipline, custodianships and unauthorized practice of law. She is actively involved with committees and working groups of the Federation of Law Societies of Canada. She has been a frequent speaker and panelist over the years before a variety of audiences including Continuing Legal Education of BC, the Canadian Bar Association, Allard and University of Victoria Law Schools, the Canadian Corporate Counsel Association, the Inns of Court Program and law firms.

Prior to joining the Law Society in 2010, Deb held executive-level legal, compliance and regulatory positions with various organizations. 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.

This is Deb Armour's fifth term teaching Ethics and Professionalism.

Gavin Hume QC is Associate Counsel at Harris & Company LLP, Western Canada's largest management-side workplace law firm, and he is widely considered one of the country's leading employment and labour law practitioners.

Over a career that spans five decades, Gavin has established himself as a practitioner who acts at the highest level of integrity and professional conduct. He has served as President of the Law Society of British Columbia, and sat on their Ethics Committee, and was past chair of the Federation of Law Societies Standing Committee on the Model Code of Conduct, while also serving as the organization's BC representative. In addition to an extensive collection of awards and accolades for his legal prowess, Gavin is a steadfast volunteer who has been recognized for his numerous contributions to the YMCA, the Continuing Legal Education Society of BC, and the Canadian Bar Association.

Gavin is an alumni of the Peter A. Allard School of Law where he has also been a guest lecturer. He was appointed Queen's Counsel in 1992.

LAW 555C.005 Topics in Common Law Theory and Practice Term 1 Term 2

Martin, A.

Course

3 CREDITS

Cross-listed with LAW 468.005.**CHANGE August 17, 2018: Evaluation method.**

This course provides an introduction to the major ethical issues facing lawyers in BC and elsewhere in Canada and the structures of professional regulation in which those ethical issues play out. Lawyers have obligations not only to the client but also to the court, the profession, and the administration of justice more generally. Successful practice requires lawyers to fulfill these obligations in a conscious and proactive way.

Core topics will include the lawyer-client relationship, confidentiality and privilege, loyalty and conflicts, advocacy (including civility), and criminal law. Additional topics may include advertising and mental health.

Evaluation:

70% final written examination; 30% one written reflection assignment.

Assistant Professor Andrew Flavelle Martin is a full time member of the Peter A. Allard School of Law.

LAW 561.001 Fundamental Concepts in Tax Law Term 1 Term 2

Duff

Course

2 CREDITS

Course meets August 27, 2:00-3:00 PM and August 28-31, 9:30 AM-4:30 PM in Allard Hall, room 111. Registration only for Tax LLM Program students.**CHANGE August 17, 2018: Times.**

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; and key elements 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 Peter A. Allard School of Law.

LAW 562.001 **Taxation of Corporations & Shareholders** Term 1 Term 2 Duff

Course

4 CREDITS

Cross-listed with LAW 408.001 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.

Required Materials:

1. David G. Duff and Geoff Loomer, *Taxation of Business Organization in Canada*, (Toronto: LexisNexis, forthcoming), chapters 5-15.
2. *Income Tax Act*, latest edition

Evaluation: 100% exam

Pre-requisite: Law 407 Taxation or Law 562 Fundamental Concepts in Tax Law

*Professor David G. Duff is a full time member of the Peter A. Allard School of Law.***LAW 563.001** **Taxation of Partnerships and Other Flow-Through Entities** Term 1 Term 2 Duff

Course

3 CREDITS

Cross-listed with LAW 409.001 Taxation of Partnerships and Other Flow-Through Entities.

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.

1. David G. Duff and Geoff Loomer, *Taxation of Business Organization in Canada*, (Toronto: LexisNexis, forthcoming), chapters 5-15.
2. David G. Duff, *Supplementary Materials on the Taxation of Trusts* (2015), to be distributed electronically.
3. *Income Tax Act*, latest edition

Evaluation: 100% exam

Pre-requisite: Law 407 Taxation or Law 562 Fundamental Concepts in Tax Law

Professor David G. Duff is a full time member of the Peter A. Allard School of Law.

LAW 564.001 **Taxation of Trusts and Estates**

Term 1 Term 2 Weiland *Course* **3 CREDITS**

CHANGE June 6, 2018: Course added. *Cross-listed with LAW 412.001 Taxation of Trusts and Estates.*

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:

100 per cent for final exam for JD candidates. 100% take home exam for LLM students.

Prerequisite: LAW 407 (previously LAW 220)/LAW 506 Taxation.

Textbook: Taxation of Trusts and Estates: a Practitioner's Guide 2018

Richard Weiland, LL.B., TEP, is a partner with Clark Wilson LLP. His practice has an emphasis on advising business owners and high net worth individuals and families on corporate structuring, tax, and estate planning. He also advises charities and other tax-exempt entities on tax, governance and business structuring matters. Richard has a B.A. from Trinity Western University and an LL.B. from University of Victoria. He is also certified by the international Society of Trust and Estate Practitioners. He has authored chapters for professional publications on estate planning and administration issues and is a regular speaker and author for professional and lay audiences.

LAW 565.001 **International Taxation**

Term 1 Term 2 Cui *Course* **4 CREDITS**

Cross-listed with LAW 410.001 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*, 3d ed. (Toronto: LexisNexis Canada Inc., 2014).
2. Supplementary Materials on International Taxation
3. Income Tax Act, latest edition

Evaluation:

- 10% class participation;
- 5% for small research assignment;
- 85% final exam.

Note: Previous course outlines/CANS are unlikely to be helpful guides to the content of this course, but the required textbook will be a very good starting point for preparing any course summary.

Pre-requisite: Law 407 Taxation

Professor Wei Cui is a full time member of the Peter A. School of Law.

LAW 566.001 Tax Policy Term 1 Term 2 Cui

Seminar

3 CREDITS

Cross-listed with LAW 411D.001Tax Law and Policy Workshop.

This seminar course introduces students to basic conceptual tools for analyzing tax policy. These will include but are not limited to tools of economic analysis, such as the concepts of economic incidence, excess burden, the different types of return to investment (e.g. rent, risk, and riskless return), and welfare economics. We will apply these tools to examine tax policy issues arising from income tax courses that students may have taken and also other tax policy instruments less often taught (such as the VAT/GST). We will also examine some prominent contemporary debates in taxation, including taxation of the digital and sharing economy, taxation and artificial intelligence, and the role of taxation in addressing inequality. Evaluation: Student performance will be evaluated on the basis of class participation (including up to two presentations) counting 30% (45%), and the weighted average grade of both short response papers and a longer term paper, counting 70% (55%).

Professor Wei Cui is a full time member of the Peter A. School of Law.

LAW 567.001 Tax Administration and Dispute Resolution Tax Dispute Resolution and Litigation Term 1 Term 2 Kroft

Seminar

3 CREDITS

Cross-listed with LAW 413D.001Tax Administration and Dispute Resolution.

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 partly illustrated through the use of a case study approach. Participants will learn about tax practice, audit, objection and appeal issues and will apply them to the case study.

Subject to various time constraints, there may be a visit the Tax Court of Canada and/or comments from a practitioner from the Department of Justice or a judge.

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 and oral presentation, class participation, and one other written assignment.

Enrolment:

The seminar size will be restricted to 20 students.

Prerequisite or co-requisite: LAW 407 - Taxation I

Ed Kroft, Q.C. (J.D. (Osgoode Hall 1978), LL.M. (UBC 1980), CPA (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 courses in tax law, tax policy and tax litigation as an adjunct professor in the Faculty of Law for almost 30 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 the 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, the Queen Elizabeth II Diamond Jubilee Medal and the Adam Albright Award for Excellence in teaching at the Faculty of Law.

LAW 568A.001 Topics in Taxation Indirect Taxation
 Term 1 Term 2 Proulx Seminar 1 CREDITS

CHANGE February 27, 2019: Seminar added. *Enrolment restricted to LLMT students. This intensive class will meet Mar 18, 2:00-5:30 pm in room 115; Mar 19, 2:00-5:30 pm in room 111; Mar 20, 3:30-6:00 pm in room 115; Mar 21, 2:00-5:30 pm in room 111.*

This course examines the fundamentals of Canada's GST/HST. The course begins with a history of the implementation of the GST/HST and QST in Canada, and with an exploration of the economics, policy underpinnings and common elements value-added taxes (nexus issues, characterization, place-of-supply, input tax credits, self-assessment). It then explores the specifics of the Canadian regime through a detailed examination of the rules relevant to specific sectors and types of transactions. The remainder of the course examines constitutional issues specific to the GST/HST and QST, as well as some of the private law difficulties with the application of these taxes. Finally, we will go over some the challenges posed by the sharing economy and e-commerce to the application and collection of value-added taxes.

Evaluation:

Take-home exam.

Simon Proulx Simon is a partner at KPMG in Toronto and is one of Canada's leading indirect tax advisors, with 17 years of tax experience, mostly in financial services and e-commerce. He advises some of the world's largest insurers and banks on the Canadian GST/HST/QST impact of complex cross-border transactions, including derivatives, reinsurance, securitizations and underwriting. He also helps e-commerce clients (include some of the world's largest travel and transportation intermediaries) with their Canadian indirect tax compliance. Simon headed the HST policy group at the Ontario Ministry of Finance during Ontario's (and British Columbia's) sales tax harmonization. He worked closely with the federal Department of Finance on technical aspects of Ontario's transition to the HST. Simon also spent several years with the tax group of one of Canada's leading law firms, where he assisted Schedule II and Schedule III banks with the Canadian income taxation of intra-group derivatives. Simon also sits on CPA Canada's Commodity Tax Committee.

LAW 568C.001 Topics in Taxation Tax Law in Practice
 Term 1 Term 2 Brayley Course 3 CREDITS

JD students ARE allowed to register for this course. JD student are allowed to register for both LAW 413D.001 and LAW 568C.001.

This course will move beyond the topics covered in courses on taxation of corporations, partnerships and trusts to consider them in light of issues faced by lawyers and accountants in a tax practice. The context for the course will be the life cycle of a business and will include such topics as (i) legal and ethical issues in a tax practice; (ii) solicitor client privilege in the context of a commercial practice; (iii) choice of business form; (iv) reorganizing and combining corporations; (v) selling a business through an asset sale or a share sale; (vi) preserving the business for future generations; and (vii) managing tax disputes from a solicitor's perspective.

Evaluation:

Students will be evaluated on the basis of written assignments (80%) and class participation (20%).

Prerequisites:

LAW 407 Taxation, LAW 506 Taxation or LAW 561 Fundamental Concepts in Tax Law;

Recommended: LAW 408, LAW 562 Taxation of Corporations and Shareholders and LAW 409 , LAW 563 Taxation of Partnerships and Trusts

Enrolment:

The class size will be restricted to 20 students.

Cathie Brayley (LL.B. (Windsor 1983)) is a partner with Miller Thomson LLP and provides advice on taxation issues related to mergers, acquisitions, corporate reorganizations, corporate domestic tax planning, succession planning, trusts, personal tax and estate planning and compliance issues. She also resolves disputes at the audit and appeal levels within the Canada Revenue Agency and provides advice on the Canada Revenue Agency's Voluntary Disclosures Program. Cathie is a frequent speaker on taxation issues at conferences for diverse audiences, was involved in the design of the Canadian Bar Association's Tax Law for Lawyers program, and has been a faculty member in this program since it was established in 1995. She is also a member of the Income Tax Education Committee of CPA Canada, and a former member of the Board of Governors of the Canadian Tax Foundation (2012 – 2015), and chair of the Canadian Tax Foundation Conferences Committee (2013-2016). In 2016 and 2017 she was named by the International Tax Review as one of Canada's Women Leaders in Tax.

LAW 568C.002 Topics in Taxation Survey of United States Taxation
 Term 1 Term 2 Ward Course 3 CREDITS

CHANGE June 8, 2018: Course added. JD students ARE allowed to register in this course. September 11, 2018: Classroom.

The United States presents its citizens and residents with one of the world's most comprehensive systems for revenue collection. US citizens are subject to US income taxation on worldwide income regardless of their residence, subject to US gift taxation on worldwide transfers of wealth at full fair market value if made while alive, and subject to US estate taxation on worldwide transfers of wealth at full fair market value if deferred until death. In addition, the United States imposes dramatically different tax regimes on the revenues of non-electing corporate entities, electing corporate entities, and entities classified as partnerships for US income tax purposes. This course will introduce students to the United States income (individual and business), gift, and estate tax systems as those systems are applied to citizens, residents, and non-residents. Coverage will include income taxation of individuals, corporations, partnerships, trusts, and estates, as well as gift and estate taxation of individuals. Tax traps and planning opportunities will be noted as much of the subject matter will be addressed in case studies in which the students will be encouraged to apply the statutory, regulatory, and common law concepts to which they have been introduced.

Evaluation:

Take-home exam.

Robert E. Ward (B.A. (Northwestern University), J.D. (University of Santa Clara School of Law), and LL.M. Taxation (Boston University School of Law)) has practiced as a tax lawyer for over 37 years. He is the founding stockholder of WardChisholm, P.C., a firm of tax lawyers with offices in Bethesda, Maryland and Vancouver, British Columbia. WardChisholm, P.C. provides tax, business, and estate planning services and represents taxpayers before the Internal Revenue Service and the United States Tax Court. The firm focuses on providing tax planning and representation to owners of privately-held businesses, integrating business succession planning with personal estate planning needs. The firm also assists clients in establishing foreign asset protection trusts, public and private tax-exempt charitable organizations, and all forms of business entities, both domestic and foreign. Working closely with Canadian legal counsel and tax advisors, the firm offers these same services for individuals and businesses residing in Canada who acquire U.S. assets or engage in U.S. investment and business activities. Bob is a member of the state bar associations of Washington, California, and Maryland and is licensed as a practitioner of foreign law by the Law Society of British Columbia. He is a member of the Estate Planning Council of Vancouver and a member of the board of directors of The University of British Columbia American Foundation. Bob is a member of the Advisory Board of the Bloomberg BNA Tax Management International Journal, a frequent lecturer at continuing education programs, and author of over thirty articles on various tax topics appearing in Taxes, Trust Quarterly Review, The Practical Lawyer, The Practical Tax Lawyer, Practical Tax Strategies, and The Journal of Asset Protection Planning.

LAW 569C.001 Topics in International Taxation *Int'l Tax Law & Policy after OECD Project on Base Erosion & Profit Shifting*
 Term 1 Term 2 Gamble Course 3 CREDITS

**CHANGE June 7, 2018: Course added.
 *JD students ARE allowed to register for this course.***

Law 569 –Topics in International Taxation: International Tax Law and Policy after the OECD Project on Base Erosion and Profit Shifting (BEPS)

The OECD's proposed actions on base erosion and profit shifting (BEPS) have been called the most substantial changes to international tax policy since its basic features were defined by the League of Nations in the 1920s. Indeed, the OECD maintains that "the BEPS package of measures represents the first substantial renovation of the international tax rules in almost a century".

This course will examine key aspects of the BEPS package of reforms and their impact on international tax policy, including treaty abuse (Action 6), challenges of the digital economy (Action 1), transfer pricing guidelines (Actions 8-10), countering harmful tax practices (Action 5), the deduction of interest and other financial payments (Action 4), hybrid mismatch arrangements (Article 2), avoidance of permanent establishment status (Article 7), controlled foreign corporation rules (Action 3), mandatory disclosure rules and country-by-country reporting (Actions 12 and 13), and improvements to dispute resolution (Action 14). The course will also examine the multilateral convention (MLI) signed by over 100 countries, which will allow participating jurisdictions to implement all or a portion of the treaty-based BEPS reforms, and the extent to which Canada has implemented these reforms.

Evaluation:
 90% final paper, 10% participation.

Ian Gamble (B.Sc. (McGill), LL.B. (UBC)) was called to the BC Bar in 1990 and the Bar of Ontario in 1999. He is a partner in the national tax law firm of Thorsteinssons, LLP. He practises corporate and international taxation, with a focus on M&A, cross-border structuring, CRA audits, and tax litigation. He has been recognized in Chambers' Global Guide to the World's Best Lawyers and the Guide to the World's Leading Tax Advisers.

LAW 610C.001 Doctoral Seminar I: Issues in Legal Theory
 Term 1 Term 2 Cui Seminar 3 CREDITS

Enrolment restricted to Ph.D. students only.

This seminar will explore contemporary scholarship in legal theory, canvassing three theoretical traditions: (1) the philosophical analysis of the concept of law, (2) normative theories of distributive justice (including traditional welfare economics), and (3) the positive political theory of law. We will see that scholars in these distinct traditions study some of the same fundamental concepts, phenomena, and questions arising from legal systems, such as: the concepts of rule of law and legality; the relationship among self-interest, moral motivation, and legal obligations; the appropriate methods of legal interpretation; and fundamental legal design issues such as the allocation of powers of legislation, enforcement, and adjudication among different institutions and individuals. We will also apply some of these theories to contemporary topics, such as artificial intelligence and the future of law, economic inequality, and maintaining democratic norms in the age of populism. The goal of the seminar is to provide Ph.D. students with a basic grasp of the logic of these traditions and an opportunity to assess how the elaborate theoretical apparatus of each may be relevant to a student's own intended research.

Professor Wei Cui is a full time member of the Peter A. School of Law.

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

Sarrra

*Seminar***3 CREDITS*****Enrolment restricted to Ph.D. students only.***

This seminar will provide a selective overview of a range of approaches to interdisciplinary and comparative research in law. Seminars will be discussion-based, and will focus on selected readings assigned for each week. Seminar participants will circulate short written responses to the readings in advance of each session. 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 engage with a wide range of critical interdisciplinary and comparative research in order to learn more about the diversity of scholarly approaches and methods that can be brought to bear on the study of legal phenomena. This seminar is intended to assist doctoral students as they begin to prepare for comprehensive examinations. A syllabus will be designed in part around participants research interests, with communication commencing at the end of the 2018 Fall term.

Professor Janis Sarra is a full time member of the Peter A. Allard School of Law.
