

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

Moore

Course

3 CREDITS

This course provides an introduction to jurisprudence and legal theory, and to critical approaches to the law. It explores law as a social phenomenon and as a field of intellectual inquiry. The course is designed to give upper year students exposure to different perspectives on the law, to important questions related to its nature, structure and functions, and to critical understandings of its role in society. The course aims to encourage students to reflect on issues in legal philosophy, the relationship between law and other social forces, and connections between different areas of legal thought and doctrine.

Evaluation: 6 hr Take-home Exam at 10 am on April 23, 2021 80% of the final grade (70% if informal participation grade is higher than exam grade); short in-class reading quizzes 10%; participation assignments 10%; informal participation (optional: 10 % to assist only, i.e. counts only if higher than exam grade).

Assistant Professor Marcus Moore is a full time member of the Peter A. Allard School of Law.

LAW 300.002**Jurisprudence and Critical Perspectives** Term 1 Term 2

Goold

Course

3 CREDITS

CHANGE June 23: Take-home exam details added.

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

Evaluation: Students will be given the option of choosing either: (1) a 100% open-book examination; or (2) a 100% 72 hr take-home assignment / examination to be distributed at noon on Tuesday, December 15, and due at noon on Friday, December 18.

Professor Ben Goold is a full time member of the Peter A. Allard School of Law.

LAW 300.003**Jurisprudence and Critical Perspectives** Term 1 Term 2

Christie

Course

3 CREDITS

This course provides an introduction to jurisprudence and legal theory, to law as an aspect of the social world we all inhabit, and to critical approaches to the law. It is designed to give upper year students exposure to different perspectives on the law, to important questions related to the history, structure and functions of varied legal systems and orders, and to critical understandings of the ways these systems and orders can arise and function in different societal settings. The course aims to encourage students to reflect on issues in legal philosophy, on key principles of state and non-state law, on the relationship between law and other social forces, and on connections between different areas of legal thought and doctrine. Note that many of the examples of law and policy used to test theories and argument will be drawn from Canada-Indigenous relations.

Evaluation: 20% class participation and 80% through either a scheduled 3-hour final examination or a take-home 24-hour assignment due when sit-down in-class exam ends.

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

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

Etxabe

Course

3 CREDITS

In some accounts jurisprudence is defined as the field of law that tries to provide a general answer to the question “what is law?,” but a prior jurisprudential question we should be asking is this: “why does the question ‘what is the law?’ even matter?”. As we will see, the stakes are high, for depending on how we respond to it the law that we will be able to teach, learn, and practice—let alone criticize, flaunt, and resist—will be different.

Law is generally considered to be comprised of rules, legal principles, and institutions, but as Robert Cover famously put it, law is also a world in which we live. Therefore, our task as students of jurisprudence will be to explore the rich amalgam of myths, narratives, and social imaginaries that enliven that world and make it meaningful. We will pursue the inquiry with the help of writers that have addressed these questions directly or indirectly, engaging with relevant primary texts. We will learn from key jurisprudential schools (legal positivism, realism, interpretivism, CLS), but we will also inquire into the cultural life of law, different legal traditions, the constitutive role of legal language, the nature and purpose of legal education, the role of emotions and sexual difference, legal consciousness, legal adjudication, and justice.

Because jurisprudence is not simply abstract theorizing, but also a set of activities and practices by which we bring law to life, the course will include regular writing exercises and responses designed to activate your own critical and reflective abilities and to draw from your experience as law students, practitioners, and thinkers.

Evaluation:

Active engagement and participation (15%), short writing responses and activities (25%), and final paper (60%).

Assistant Professor Julen Etxabe 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 comparative, legal-history course endeavours to trace the origins of the law of Western Europe starting with the ancient Near-East influences of early Sumerian (Lipit-Ishtar) and Babylonian (Hammurabi) codes, and later ones from Assyria, the Hittites and the Israelites/Judeans (Exodus and Deuteronomy). Besides comparing selected aspects of these "law codes" the course examines changes wrought by the cultural insinuations and assimilations into the administration of justice by the ancient Greeks and Romans and their influence through the laws of Solon, the Twelve Tables and, much later, Christianized Roman law. The course touches selected "barbarian" codes, the Theodosian and Justinian codes as well as the so-called "Corpus Juris Canonici". In western Europe, developed aspects of the Civil-Law tradition are compared with the Common-Law tradition. Further comparisons turn to forms of social cohesion and control in the quest for order reflected Confucianism and the role of law in imperial China. Cutting across the above historical narrative, the course considers the expansion of law from custom, rule by men and pre-law stages of development to changing understandings of the role of constitutionalism and the rule of law.

Materials for the course will be available on line before the first class. The mode of instruction is seminar format in the framework of "ZOOM" in which class attendance is essential to enable discussion. It is important to read the assigned materials ahead of each class following directions in the course outline.

One of two forms of examination may be chosen: EITHER an essay on a topic approved by the instructor and relating examining some detail of the general matter in the above course description; OR a take-home examination within the exam period.

The essay is due on the last-day of classes (note, not the examination period).

The take-home exam will be December 21 from 9am to 12 pm

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 305D.001 **Law, Society and State** Term 1 Term 2

Young, M.

Seminar

3 CREDITS

This seminar focuses on the use of law by groups and individuals who are interested in social justice. In particular, the course will explore both the potential and the problems of using law in the quest for social justice. Law's role in constructing and maintaining social, economic and political inequalities as well as the potential of law to shift inequalities will be examined.

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

Evaluation Method:

20% participation

80% outline and paper

Professor Margot Young is a full time member of the Peter A. Allard School of Law.

LAW 306D.001 **Corporate Social Responsibility and the Law** Term 1 Term 2

Liao

Seminar

3 CREDITS

This seminar examines the theoretical concepts, legal principles, and case studies relating to the dynamic and evolving field of corporate social responsibility (CSR). The course aims to have students consider the effects and values of the market system in which companies function, and understand the relationship between the law and CSR and the tensions inherent in a corporation's duties to its shareholders and other stakeholders. Weekly topics may include risk management, socially responsible investment and impact investing, climate change and environmental regulation, business and human rights, indigenous relations and reconciliation, access to justice and the business of law, and social enterprises. Students will develop comprehension of an innovative area of law, while advancing their research, writing, and analytical skills.

Evaluation:

30% class participation

70% paper on any topic covered in the course or as approved by the instructor

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 307D.001 **Women, Law and Social Change** Term 1 Term 2

Parkes

Seminar

3 CREDITS

This course examines the relationship between law and social change with a focus on historical and current struggles to make the legal system more responsive to the lived realities of women, taking into account differences among women and diverse gender identities. In Canada, the law has played an important role in the ongoing struggle for equality and social inclusion. Yet not everyone agrees that law has the potential to answer demands for fundamental change or to respond to women's diverse realities. We explore these themes and debates through a series of case studies informed by theoretical perspectives, paying particular attention to diversity among feminist perspectives. Topics include legal personhood, judicial decision-making, sexual assault, criminalization and punishment, work, parenting, sexuality, reproductive rights, Indigeneity, gendered racism, regulation and recognition of relationships, and equality rights.

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 and/or advocacy groups on issues related to the course.

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 310D.001 **Economic Analysis of Law** Term 1 Term 2

Hutchison

*Seminar***3 CREDITS**

This course provides an introduction to the economic analysis of law (also known as “law and economics”). The course will begin with an overview of basic economic concepts, including scarcity, supply and demand, and decision making on the margin. We will then address economic analysis of contract, tort, and property law. The course will conclude by examining the economic justifications (or lack thereof) for government intervention in private decision making. For the final paper, students will be encouraged to research a policy area of their choosing. No background in economics is required.

Required textbook: Robert Cooter & Thomas Ulen, *Law and Economics*, 6th ed (Boston: Addison-Wesley, 2016).

Evaluation:

Research paper - 75%

Class presentation / participation - 25%

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

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

Lin

*Seminar***3 CREDITS**

This course is to introduce students to a fast growing area of legal scholarship and practice—the use of quantitative evidence. The goal of this course is to equip students with skills to critically evaluate quantitative evidence used in legal disputes and public policy debates. This course will cover basic concepts and methodologies in doing quantitative research, including quantitative research designs, data collection, coding and statistical analysis. Students will apply the empirical knowledge and analyze how numbers get misused in court cases. Statistical software (i.e. Excel) will be used to carry out in-class exercises. No prior familiarity with statistics or empirical techniques is required.

Evaluation:

Final paper 70%

Class participation 30%

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

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****Judicial Criticism** Term 1 Term 2

Etxabe

*Seminar***3 CREDITS**

Short of agreeing with the outcome of the case, how can we tell if a given judicial decision is good or bad? Are there standards of excellence to help us identify whether a judicial decision is appropriate, worthy, commendable, even admirable—or the opposite of these things? Do these standards vary from one legal tradition to another? In short, what principles and values should guide the theory and practice of judicial criticism?

The language of criticism we often use is quite limited, circumscribed to checking the consistency and coherence of legal reasoning. This course aims to provide a more holistic assessment of how well a decision responds to democratic ideals in pluralistic societies—inquiring into matters of voice and style, register and intonation, judicial character and virtues. Taking a comparative approach, our emphasis will be on careful close reading of selected decisions of the Supreme Court of Canada, the U.S. Supreme Court, and the European Court of Human Rights among others, learning to develop a language of judicial criticism beyond the expression of agreement or disagreement with the result.

Evaluation:

Active engagement and participation (20%), shorter written exercises (20%), and final essay in consultation with the instructor (60%).

Assistant Professor Julen Etxabe is a full time member of the the Peter A. Allard School of Law.

LAW 316D.001**International Law** Term 1 Term 2

Stewart, J.

*Seminar***3 CREDITS**

This course provides a survey of the substance, structure and identity of public international law. It is divided into three parts. Part I provides students with an in-depth understanding of core concepts in public international law, which are essential tools for working in any branch of the field. These include a critical understanding of legal concepts governing sources of international law, its subjects, and the various institutions that make up the system of global governance. In Part II, we move beyond these core building blocks to address a range of substantive sub-fields of public international law, namely the Legality of the Use of Force, the United Nations Charter, International Human Rights Law and International Environmental Law, among others. Part III of the course then considers remedies and enforcement through judicial and non-judicial avenues alike. Overall, the course will provide you with a leading understanding of these areas from both theoretical and practical perspectives, in ways that will shape your vision of global governance and be critically important for anyone hoping to work in a branch of international law.

Associate Professor James Stewart is a full time member of the Peter A. Allard School of Law.

LAW 319D.001 International Human Rights Term 1 Term 2

Lazarus

*Seminar***3 CREDITS****CHANGE July 8: Evaluation method added.**

The aim of this course is to provide students with a rigorous, critical and practical grounding in the broad field of international (United Nations) and regional (African, ASEAN, European, Inter-American) human rights law in order to equip those exploring further practice in this field.

It will begin with an exploration of critical perspectives on human rights including challenges to the universality of human rights; critiques of the relationship between human rights, imperialism and the colonial legacy; the objection that human rights lack democratic legitimacy and narrowly circumscribe fields of political discourse; and the assertion that human rights represent a narrow political liberalism which has facilitated the global capitalist neo-liberal order. Alongside, these critiques the course will also consider threats to the human rights order posed by the rise of autocratic populism, and attacks by governments, politicians, think tanks, and organised conservative religious groups on human rights institutions and norms. Students will be invited to engage in debates around these issues, and to engage with these ideas as they move through the substantive stage of the course.

The course will then explore the institutions, norms and ideas that have given shape to the international human rights order. The primary aim of this part will be to give students a solid grounding in the substance of applicable human rights and their interpretation and enforcement. The course will outline the core interpretive principles that frame judicial and non-judicial approaches to human rights. It will examine the institutions which are tasked with the interpretation, enforcement and regulation of human rights within international and regional systems, and will give an overview of substantive rights ranging across the core areas of political and civil right rights; economic, social and cultural rights; and group rights. Finally, after consultation within the seminar group, students will apply their learning to existing human rights case studies, including (where possible) contributing to human rights claims or reports in an experiential setting

Evaluation: 20 % participation in class, 80% paper

Professor Liora Lazarus is a full time member of the Peter A. Allard School of Law.

LAW 323D.001 **International Environmental Law** Term 1 Term 2

Mickelson, K.

*Seminar***3 CREDITS**

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

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

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

Evaluation:

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

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

Professor Karin Mickelson is a full time member of the Peter A. Allard School of Law.

LAW 324D.001	<u>Topics in International Law & Transactions</u>	<u>Legal Institutions and Resource Extraction in the Global South</u>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Ghebremusse	Seminar	3 CREDITS

Resource extraction in the Global South is one of the main drivers of the global economy. Oil is needed to fuel industry, while minerals are vital components of the push for green energy. Although natural resources contribute to significant global wealth, communities where extraction is taking place are experiencing environmental, economic and social harm. While local and Indigenous communities seek to hold extractive corporations accountable for these trans, several developing country governments are also trying to claim a greater share of the resource wealth leaving their countries.

Using case studies from Africa, Asia, Latin America and the Pacific, this course will examine how these conflicts arise, and the ways in which state and communities are attempting to resolve them. A range of legal frameworks—including those from public international law, international economic law, home and host states, transnational extractives governance and corporate accountability—will be covered in the course. This course also aims to introduce students to various topics related to historical and emerging trends in resource extraction in the Global South, including the doctrine of permanent sovereignty over natural resources, the right to development (as it relates to resource extraction), transnational and domestic resource governance, Indigenous and community rights in resource extraction, select issues in investor-state arbitration, and recent developments in transnational corporate accountability.

Evaluation:

- Attendance and participation: 15%
- Research paper proposal: 10%
- Research paper presentation: 20%
- Research paper: 55%

Assistant Professor Sara Ghebremusse is a full time member of the Peter A. Allard School of Law.

LAW 324D.002	<u>Topics in International Law & Transactions</u>	<u>International Finance - Law, Governance and Regulation</u>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Peihani	Seminar	3 CREDITS

Taking an integrated approach, this course will examine the global financial system, its governance, and regulation. Students will gain a broad understanding of the evolution of the global financial system, its principal markets and actors, the rules that support its functioning, and the development of key international institutions. The course will also explore ways in which financial crises, increasingly global in nature, have led to structural and substantive reforms in the governance of international finance. Major topics in this course include: banking regulation; the supervision of Systemically Important Financial Institutions; sovereign debt restructuring; derivatives; and the impact of technology on finance and financial regulation.

Evaluation:

(30% participation, 70% research paper)

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

LAW 325.001 Conflict of Laws Term 1 Term 2

Edinger

*Course***3 CREDITS*****Cross-listed with LAW 592.001.***

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

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

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

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

Required text:

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

Evaluation:

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

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

LAW 334.001 **Introduction to Asian Legal Systems** **Asian Legal Systems**

Term 1 Term 2 Matsui Cheng Kim Course 3 CREDITS

EXAM CONFLICT: STUDENTS REGISTERED IN 334.001 OR 400.001 ARE NOT ALLOWED TO BE REGISTERED IN 525.001 OR 416.001, AND VICE VERSA.

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

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 foster a critical understanding of law and governance in contemporary China and to explore the implications for Canada-China relationship. The course examines six main areas of Chinese law: China's legal tradition and legal history; China's contemporary legal hierarchical order and law-making system; dispute resolution and judicial system; private law and market regulation; public law and government structure; social equity and social law. In each session, we will survey the pertinent legal framework, discuss the challenges and complexities in practice and in theory, and reflect on the implications of the legal issues from social, political and economic perspectives.

Evaluation: Evaluation will be based on class participation (10%), short reaction memos reflecting on assigned readings (20%), and a final paper (70%). Students will be asked to select their own topics for the final assignment in consultation with the instructor. The paper should be at least fifteen-pages long with footnotes or bibliography (no less than 5000 words).

*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). <http://www.shgmatsui.com>

Evaluation: Class participation 30% and final assignment 70%.

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

COURSE CANCELLED.

This course provides a systematic comparative study of major legal traditions. The course will examine five areas of comparative law, focusing on civil law and common law traditions: the cultural and economic origins of different legal traditions; functions and organizations of major legal institutions such as the judicial proceedings and statutory interpretation in respective legal tradition; comparative study of the evolution and development of property, contract and tort law; institutional choices in public law; divergence and convergence of legal development. This course takes a functional approach to the comparative study. General presumptions of economic analysis will be used as the tools to assess institutional effectiveness of the legal systems and to have a dialogue with relatively conventional approaches such as formalistic approach and natural law approach.

Evaluation: Evaluation will be based on class participation (10%), short reaction memos reflecting on assigned readings (20%), and a final paper (70%). Students will be asked to select their own topics and format for the final assignment in consultation with the instructor.

*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 342D.001	<u>Topics in Comparative Law</u>	<u>The World Trade System</u>		
<input checked="" type="checkbox"/> Term 1	<input type="checkbox"/> Term 2	Biukovic	<i>Seminar</i>	3 CREDITS

Seminar Description:

This seminar aims to provide students with a brief introduction to the main legal aspects of world trade law by examining the historic context for international trade and foreign direct investment, principles and rationale for international trade, mechanisms for trade and investment dispute resolution, and different forms of economic integration. The seminar topics are divided into three major themes: (a) the WTO law in a nutshell (focusing on the main principles and disciplines of the world trading system relevant for the emergence of free trade and investment agreements; (b) substantive content of bilateral and plurilateral preferential trade and investment agreements such as Comprehensive Trade and Economic Agreement (CETA) concluded between Canada and the European Union, Canada-United States-Mexico Agreement (CUSMA) concluded between Canada, Mexico and the United States, and Canada-China Foreign Investment Promotion and Protection Agreement (FIPPA); and (c) future challenges for the world trading system in times of rising trade protectionism in developed and developing countries.

The Objectives of the Seminar:

The goals of the seminar are threefold: to provide students with knowledge of the key international trade and investment principles and rules (including the typology of preferential trade agreements and functioning of trade and investment dispute settlement mechanisms); to facilitate students' understanding of 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 access thorny regulatory issues related to the linkages between trade and non-trade issues (human rights, environment, labour, etc.). Class participation and discussions are aimed at allowing students to get involved in current debates about the reform of the World Trade Organization and the future challenges for the world trading system.

Evaluation:

35% class participation, 65% essay.

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

LAW 342D.002	<u>Topics in Comparative Law</u>	<u>Introduction to Canadian Civil Law</u>		
<input checked="" type="checkbox"/> Term 1	<input type="checkbox"/> Term 2	Tremblay	<i>Seminar</i>	3 CREDITS

SEMINAR CANCELLED.

This seminar introduces students to Canadian civil law. It provides an overview of Canadian civil law's history and evolution. Basic concepts will be studied and compared with their common law counterparts. The students are encouraged to embrace civilian reasoning and apply civil law to various legal issues. Topics covered include but are not limited to: socio-historical context of civil law in Canada, interpretation and sources, persons, family, property, obligations (contractual and extra-contractual). Buying the Civil Code of Québec (book format) is mandatory. While it is not required, functional bilingualism is desirable.

Evaluation (PLEASE BE AWARE THIS COULD CHANGE GIVEN THE CONTEXT OF COVID-19):

- Attendance and participation: 20%
- Take-home exam: 80%

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

EXAM CONFLICT: STUDENTS REGISTERED IN 468.004/588.004 ARE NOT ALLOWED TO BE REGISTERED IN 343C.001, AND VICE VERSA.

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.

[Http://www.shgmatsui.com](http://www.shgmatsui.com)

Evaluation method:

30% class participation

70% final examination or assignment

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>Crown Liability</u>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Krueger	Hoogstraten	Evans, K. Seminar 3 CREDITS

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

Evaluation:

65% for the final paper, 20% for the mid-term, and 15% for class participation.

Naomi Krueger (JD, University of Ottawa, 2016) is an associate at Alexander Holburn Beaudin + Lang in Vancouver. She represents government and private sector clients through her Administrative Law, Insurance, Local Government and Appellate Advisory Practices, with a focus on municipal and administrative law.

Thea Hoogstraten (JD, UBC, 2010) has a broad litigation practice at Alexander Holburn Beaudin +Lang in Vancouver. She represents government and private sector clients through her Administrative Law, Insurance, Local Government, Defamation + Publication Risk Management, Cannabis and Appellate Advisory Practices. Her practice has a focus on municipal law, defamation and administrative law.

Keith Evans (LLB, UBC, 2010) is legal counsel with the BC Ministry of Attorney General. Since joining the Ministry of Attorney General in 2012 his work has included general civil litigation and constitutional and administrative law. His practice currently focuses on labour and employment matters.

LAW 343D.002	<u>Topics in Public Law</u>	<u>Law and the City</u>		
<input checked="" type="checkbox"/> Term 1	<input type="checkbox"/> Term 2	Flynn		Seminar 3 CREDITS

This course critically examines the legal basis of cities, including the relevant legislation, bylaws and policies that determine municipal power. Part I of the course introduces you to the basics of law and cities, found in constitutional, municipal, and planning law, among other areas of law. Part II focuses on law and cities in action, including understanding how legal issues affect day-to-day lives, as well as legal developments such as Indigenous-municipal relationships. In Part III we will hear about your projects.

Evaluation: Weekly attendance, preparation, and participation are mandatory. Each student will be evaluated on participation and 2 written assignments.

Assistant Professor Alexandra Flynn is a full time member of the Peter A. Allard School of Law.

LAW 344D.001**Innovations in Governance & Regulatory Design** Term 1 Term 2

Ford

Seminar

3 CREDITS

SEMINAR CANCELLED.

The COVID pandemic has been a wakeup call for the justice system and the legal profession. In spring 2020, courts and many tribunals closed their doors, and almost completely stopped functioning. The concept of the court as a place, rather than a service, became untenable. Lawyers, too, were forced to make changes on the fly that upended centuries-old procedures, methods, and assumptions. If no good crisis should be allowed to go to waste, how can the justice sector emerge from this crisis in better shape than it went in?

Well before the pandemic, the system was under pressure. The cost of legal services had risen beyond the reach of middle class people, even as many lawyers struggled to make a living. Self-represented litigants were imposing enormous strain on court and judicial resources. Technological change and new law firm business models were raising some fundamental challenges around what legal practice is (including with a view to wellness and equity considerations), how to train lawyers, and how to protect the public. Regulators had started experimenting with new regulatory approaches, like the regulatory “sandbox”. Meanwhile, across jurisdictions, a profound access to justice problem only got worse. The pandemic amplified many of these concerns, and may have mainstreamed some new ideas that had started gaining traction before then; e.g., human-centred and data-driven design, multidisciplinary approaches to practice, and scalable legal service provision models.

Can we make the justice system more resilient, even antifragile? How we work through this time of change will have implications for access to justice, for legal ethics, for legal education, and for the practice of law at every scale. In this seminar we will consider COVID-era initiatives underway at the BC Law Society, in BC courts and administrative tribunals, and through the Office of the Attorney General. We will consider other jurisdictions’ initiatives. We will examine the intellectual and professional role(s) that legal education should play under conditions of uncertainty and change. The theoretical components of the class will focus especially on what exactly it means to “think like a lawyer” (i.e., what valuable features of legal training must be preserved), what access to justice means post-COVID, and where transformative opportunities may lie going forward. Students will be invited to investigate, and propose potential solutions to, both longstanding challenges and new questions that the pandemic has generated.

Evaluation:

Students will be evaluated based on their attendance/participation and one presentation on the readings over the course of the term (together, 20%), a blogging or journaling exercise (20%), and a final research paper (60%).

Professor Cristie Ford is a full time member of the Peter A. Allard School of Law.

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

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 continues to serve on the faculty of 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, at Shrum Liddle and Heberton (now McCarthy Tetrault). She taught law at the University of British Columbia 1981-97 in areas including Constitutional Law, Evidence, Civil Litigation, and Real Property. She was Dean of the U.B.C. Law Faculty 1991-97. She has published books and articles in the fields of Charter equality rights, civil litigation and evidence, human rights, and women's equality. She is a past Chair of the Law Foundation of British Columbia, the Board of B.C. Women's Hospital, and the Women's Legal Education and Action Fund. She currently serves on the Board of the Vancouver Opera Foundation and of Music in the Morning.

THE HONOURABLE JON SIGURDSON

Jon Sigurdson, B.A. (U.B.C.) LL.B. (U.B.C.) was appointed to the Supreme Court of British Columbia in 1994. He served as a Justice of that Court until his retirement in November, 2017.

He articulated at Bull Housser and Tupper (now Norton Rose) and after working there for a year, practised with Fraser Kelleher Sigurdson Watts and Gudmundseth before rejoining Bull Housser and Tupper in 1981. He had a commercial/civil litigation practice and after 20 years as a lawyer was appointed to the Supreme Court of British Columbia. He was on the Court for 23 years before retiring. He is the former President of the UBC Law Alumni Association and was the co-chair of the New Federally Appointed Judges Program offered by the National Judicial Institute and the Canadian Institute for the Administration of Justice. Presently he is a contributing editor for the Advocate, the B.C. lawyers' magazine, is a part time radio announcer on Crossroads, a blues program, and enjoys writing and taking care of his grandchildren who are ardent Montreal Canadiens fans as is he.

LAW 351D.001**Topics in Human Rights****Human Trafficking** Term 1 Term 2

Barrett

Seminar

3 CREDITS

SEMINAR CANCELLED.

This seminar will explore the rapidly growing phenomenon of human trafficking and consider the history, theory, and practice of addressing human trafficking through the law. It will begin with a critical exploration of the history and definitions of human trafficking and “exploitation,” asking whether exploitation is universal or culturally contingent. As human trafficking is a broad concept, readings and discussions will touch upon themes of sex, gender, human rights, race, colonialism, capitalism, globalization, migration and labor exploitation. The seminar will focus in particular on Canada’s experience with addressing human trafficking, placing this experience in a broader comparative context. This course will appeal to students interested in human rights, criminal law, international law and social justice.

Students are required to write a paper (60%), present the paper to the class (25%) and participate in class discussions (15%).

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 351D.002	<u>Topics in Human Rights</u>	<u>Criminal Justice, Security and Human Rights</u>
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	Lazarus	<i>Seminar</i> 3 CREDITS

SEMINAR CANCELLED.

General Context:

Security, human rights and the rule of law are often cast in an insuperable opposition. Security is described by suspicious human rights and rule of law proponents as 'bare security' - its pursuit and agents operating in a murky and secret world. The rule of law and human rights, on the other hand, are often cast by the security lobby as a technical and dysfunctional constraint on security pursuits, touted by dogmatic and naïve idealists with little knowledge of the real threats we all face. This course pushes against this entrenched dichotomy at a conceptual, disciplinary and practical level. It views the relationship between law and security as both contentious and intrinsic.

General Outline:

This course adopts an international and transnational approach. It covers the development of human rights principles in relation to the criminal justice system and security more broadly (with a particular reference to counter-terrorism). The course will explore the growing body of international (United Nations) and regional norms (the Inter-American Court, the African Union, the European Convention on Human Rights; the European Union; the ASEAN). In this context, it will examine Canadian domestic law and practice alongside other relevant jurisdictions (inter alia: Colombia, Kenya, India, Israel, UK, USA, South Africa).

After exploring the general themes of national security, rights balancing, exceptionalism theory, identity, citizenship and religion, the course examines a number of discrete topics. It explores the normative hinterland; the reasoning adopted by courts and other non-judicial institutions, as well as the practical implications for criminal justice and security policy. Topics will vary each year in line with this fast-changing field. Specific topics covered can include: the development of positive obligations to security; policing, lethal force and targeted killing; torture, citizenship deprivation and non-refoulement; privacy and data protection in relation to mass surveillance and artificial intelligence; detention, imprisonment and liberty; the relationship between fair trial procedures, intelligence gathering and secrecy; and the right to truth, historic accountability and extraordinary rendition.

Professor Liora Lazarus is a full time member of the Peter A. Allard School of Law.

LAW 352.001	<u>Aboriginal Peoples and Canadian Law</u>	
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	Christie	<i>Course</i> 3 CREDITS

CHANGE June 8: Description added

This course builds on the module on Aboriginal and treaty rights in Constitutional Law, focusing on some issues covered in that course in more detail and looking at topics not usually covered in the constitutional law context (such as issues that come up under the Indian Act, the content of modern treaties, the negotiation of impact benefit agreements, matters of child and family welfare and problems plaguing the criminal justice system).

Evaluation: Two in-class quizzes (at 4 weeks and 8 weeks) each worth 20%, and a final examination worth the remaining 60%.

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

LAW 353D.001	<u>Aboriginal & Treaty Rights</u>	<u>Aboriginal and Treaty Rights Litigation</u>	
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Jackson	<i>Seminar</i> 3 CREDITS

A distinguished lawyer once coined the word “appelatitis” to refer to the affliction imposed by law professors on law students of understanding the law primarily from the judgments of appellate courts. While not promising a complete cure from this affliction or exemption from rereading the cases, this seminar adopts a different format in the area of Aboriginal and Treaty rights, a subject you will be familiar with from your reading the judgments of the Supreme Court of Canada in your first or second year coursework.

We will trace the evolution of this important body of jurisprudence by selecting some of the leading cases and hearing from those who were deeply involved in bringing them before the courts. In doing so we will explore the legal and political challenges that these cases present, some of the strategic decisions that had to be made during the course of litigation and the contribution and legacy that the cases have made to the development of the law and to the settlement of modern treaties.

Each week I will be joined by counsel representing Indigenous nations, together with counsel from the Department of Justice, the Attorney General of BC and other lawyers who have represented third-party interests, to discuss “the case of the week”. In some cases the discussion will extend over several seminars. For some of the seminars we will be joined by leaders from Indigenous nations who have been involved in these cases to give you a sense of the way in which Aboriginal title and rights are deeply embedded in law, history and politics. Because the seminar requires coordinating the busy schedules of many people the cases that will be the subject of the seminar has not yet been finalized but will likely include these cases:

Calder (1973) -The first SCC case in the modern era reviving the concept of aboriginal title;
 Claxton v Saanichton Marina (1989) - The decision of the BC Court of Appeal affirming injunctive relief to protect aboriginal fishing rights under the 1850's Douglas treaties;
 Sparrow (1990) - The first SCC case interpreting section 35 of the Constitution Act 1982;
 Van der Peet (1996) -the first SCC case defining the meaning of an aboriginal right under section 35;
 Delgamuukw (1997) -The first in which SCC defined the meaning of aboriginal title under section 35 and recognizing the importance of oral histories;
 Haida Nation (2003) -first Supreme Court case and still a leading case in defining the scope of the duty of consultation and accommodation;
 Aousaht Nation v. Canada - (2009-19) - one of the most complex and still ongoing cases defining the scope of aboriginal fishing rights;
 Manitoba Metis Federation Inc. v. Canada (2013) – the decision of the Supreme Court of Canada interpreting the scope of Métis land rights under the Manitoba Act 1870 and the scope and application of the principle of the honour of the Crown;
 Tsilqot'in Nation v British Columbia (2014) – the most recent Supreme Court case defining the meaning of aboriginal title and the first case in which a declaration of aboriginal title was affirmed;
 Gitxaala Nation et al v Canada (2016) -the judicial review brought by a coalition of Coastal First Nations successfully challenging the Governor in Council decision to approve the Northern Gateway pipeline for breach of the duty to consult and accommodate;
 Restoule v Canada (2018) -an important decision of the Ontario High Court defining the principles of treaty interpretation arising from the annuity clause of the Robinson Huron and Robinson Superior treaties of 1850
 Haida Nation v AGBC (2019) -the current Haida Nation title case before the BC Supreme Court.

Depending upon developments in this evolving and dynamic area of the law other cases may be included.

The readings for this seminar will be a review of the judgments of the case we will be discussing, together with supplementary materials that will be supplied online.

Evaluation:

The method of evaluation will be by a research paper related to the subject matter of the seminar or to an alternative project which can include mixed media agreed upon between the instructor and student. If you elect this alternative project it will need to be accompanied by a paper documenting the work and its relationship to the seminar in accordance with University requirements.

LAW 200 is NOT a pre-requisite to LAW 353D.001.

Professor Michael Jackson is Emeritus Professor of the Peter A. Allard School of Law. He has taught courses and seminars on Aboriginal and treaty rights in the Law School since 1972. His Native Rights course and Prisoners' rights seminar in 1972 were the first of their kind in any Canadian law school. Professor Jackson has represented indigenous peoples and prisoners in leading cases before the Supreme Court of Canada.

Professor Jackson has been co-counsel in some of the most important aboriginal and treaty rights cases to come before the Supreme Court including Delgamuukw, Haida Nation, and Morris and Olsen, and the Haida Nation case, and is co-counsel for the Haida Nation in their current aboriginal title litigation. He has published extensively and has been a consultant to various commissions of inquiry including the Royal Commission on Aboriginal Peoples.

2019 marks the 50th year of Professor Jackson's professorship at the Law school.

LAW 356.001 **First Nations & Economic
Development**

Term 1 Term 2 Hanna *Course* 3 CREDITS

The economies of Indigenous 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 Indigenous people is considered one of the means towards self-sufficiency. Recent legal developments aimed at reconciliation, accommodation and regulatory improvement will assist Indigenous 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 Indigenous 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 Indigenous 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 Indigenous groups in the Indigenous 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 358C.001	<u>Topics in First Nations Law</u>	<u>Indigenous Settler Legal Relations</u>	
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	Barkaskas	Course	3 CREDITS

This course builds on the recommendations of the Truth and Reconciliation Commission of Canada, including the Calls to Action, and in particular Call to Action 28, which states:

We call upon law schools in Canada to require all law students to take a course in Aboriginal people and the law, which includes the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

In order to address and build on these imperatives, this course seeks to foster a decolonized understanding of law, legal institutions, and legal processes in Canada. Throughout the course, students will engage with Indigenous perspectives on the proposed topics and critically examine the history and legacy of colonial legal orders that worked to suppress and erase Indigenous peoples. Understanding the multiple ways that law was used as a mechanism for dispossession, cultural suppression and population control is a key first step in reconciling Canada's legal history. Students will be exposed to examples of Indigenous law in practice over time as well as the current resurgence of Indigenous law and will consider the context and rationale for Indigenous and colonial legal orders to exist in new relations to each other. Students will also study and reflect on possibilities for Indigenous and colonial legal orders to co-exist, and the legal and social dynamics that would facilitate these much-needed changes.

Evaluation:

20% Attendance and participation

30% Weekly reflective journals

10% Final reflective journal

40% Written research paper with critical self-reflection component

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

LAW 358D.001	<u>Topics in First Nations Law</u>	<u>An Introduction to Indigenous Legal Orders within the Settler State</u>	
<input checked="" type="checkbox"/> Term 1	<input type="checkbox"/> Term 2	Mack	Seminar 3 CREDITS

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.002	<u>Topics in First Nations Law</u>	<u>Indigenous Children & Youth: Addressing the Legacy of Residential Schools</u>	
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Turpel-Lafond	Seminar 3 CREDITS

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

LAW 358D.003	<u>Topics in First Nations Law</u>	<u>Historical and Contemporary Issues</u>	
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	Mclvor	Seminar	3 CREDITS

CHANGE JUNE 1: Course description

Students in this seminar will acquire an understanding of the legal history, critical contemporary issues and possible future direction of Aboriginal law in Canada. Topics will include: European legal doctrines during the early years of colonization, Treaties, Aboriginal title, the oppression of Indigenous governance and legal systems, Indigenous resistance, the constitutionalization of Aboriginal rights, the Supreme Courts of Lamer and McLachlin, and the relationship between Aboriginal and Indigenous law.

An important objective of this course is to critically reflect on the social, political and economic forces that have and continue to influence the development of Aboriginal law in Canada. You are encouraged to enter fully into this process of critical reflection, with the aim of generating a respectful conversation about the underlying forces behind the historical and future development of Aboriginal law.

Readings will be a combination of legal and historical sources.

Class participation 20%

Class presentations 20%

Case comment (500 words) 20%

Final paper (2,500 words) 40%

Dr. Bruce Mclvor, lawyer and historian, is principal of First Peoples Law Corporation, a law firm dedicated to defending and advancing Aboriginal title, Aboriginal rights and treaty rights. His work includes both litigation and negotiation on behalf of Indigenous Peoples across Canada. Bruce is recognized nationally and internationally as a leading practitioner of Aboriginal law in Canada. Bruce is a proud Métis from the Red River in Manitoba. He holds a law degree, a Ph.D. in Aboriginal and environmental history and is a Fulbright Scholar.

LAW 358D.004**Topics in First Nations Law****Indigenous Law and Climate Change**
 Term 1 Term 2

Clifford

Seminar

3 CREDITS

The topic and relevance of Indigenous law continues to gain attention, still we often remain unclear about what the revitalization of Indigenous law entails, and vague regarding the context and goals of that revitalization. Similarly, it is as clear as ever that climate change stands as the most pressing and important issue facing all of us (human and more-than-human), yet there is far less unanimity in terms of understanding and responding to these challenges. This course will begin with the premise that these two seemingly intractable issues are not disparate. In this class we will explore the premise that both our theory and methodology of Indigenous law, and our diagnosis and approaches to climate change, can, and should be, intricately entwined and mutually reflective. Throughout the class we will draw upon works in political ecology, Indigenous law, and Indigenous studies. We will bring a critical lens to the 'Anthropocene', colonialism, and Indigenous law revitalization, both in Canada and elsewhere. In doing so, our discussions will circle around Indigenous knowledge and perspectives (particularly my own W̱SÁNEĆ tradition), capitalism and sovereignty, the binary between nature/society, and the agency and/or rights of the more-than-human world. This course will be in a seminar format, however, given its connections with Indigenous law, we will also bring in elements of Indigenous pedagogy and experiential learning where and when possible.

Evaluation Methods:

Attendance and Participation (20%)

-Attendance and preparedness is key to successful seminar courses, and to the process of learning from one another. Participating in short and informal personal introductions and reflections, circle discussions or debriefs, and the like, will foster group cohesiveness, honour Indigenous protocols, and aide in mutual learning and respect throughout the course.

Student Led Presentations or Discussions (30%)

-As mentioned in the course description, this class will touch on a number of themes and topics relating to Indigenous law and climate change. In small groups, students will select a topic within the course syllabus to present or facilitate discussion on during the class in which that topic is covered. Approaches to this presentation may vary. For example, students may lead a more traditional seminar course on the topic, introduce a contemporary case study and discussion relating to the topic, or have the class attend a place or participate in an event that exemplifies the issues at play. Students should feel free to be creative in this exercise of embodied learning and engagement.

Final Paper or Project (50%)

-A final academic paper directed to the instructor (20-25 pages) or the optional choice to undertake an Indigenous law or climate action project along with a written reflection on the project (10-15 pages).
 -The content of the paper is your choosing, so long as you engage with the content and general themes of the course. The paper may be written narrowly on a particular issue or contemporary event, a broader examination or critical reflection on climate change and Indigenous law, it could focus on a particular aspect of Indigenous law that struck you, or be a self-reflection of your own learning and experience. I invite creativity and please feel free to write and express yourself in a way you find most powerful and appropriate for your topic.
 -Similarly, the option to undertake an Indigenous law or climate action project is also open to your choosing, although the written reflection should connect the project back to your learning and the themes of the course in concrete ways.

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

LAW 358D.005 **Topics in First Nations Law** **Metis Law**
 Term 1 Term 2 Teillet, C. Seminar 3 CREDITS

CHANGE July 6: Course 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

Carly Teillet is Métis from the Red River Métis community (Winnipeg). She is the Community Lawyer at the BC Civil Liberties Association. Carly acted as counsel for the Vancouver Sex Workers Rights Collective and the Liard Aboriginal Women's Society, two parties with standing in the National Inquiry into Murdered and Missing Indigenous Women and Girls. She has represented Indigenous clients in child protection and criminal matters, worked as the inaugural Gladue Lawyer for Legal Services Society of BC, and written Gladue Reports for Provincial and Supreme Courts of British Columbia matters. She is a board member of Wish Drop In Centre Society and Vice President of the Rise Women's Legal Center board.

LAW 359.001 **Family Law**
 Term 1 Term 2 Tremblay Course 4 CREDITS

Cross-listed with LAW 559D.001.**CHANGE June 17: Take-home exam date.**

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 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 but are not limited to: parentage and other arrangements (co-parenting and multi-parenting); adoption; cohabitation; marriage; property division; support; custody; alternative dispute resolution. 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 (PLEASE BE AWARE THIS COULD CHANGE GIVEN THE CONTEXT OF COVID-19):

- Attendance and participation: 15%
 - Take-home exam 10 a.m. - 4:00 p.m. on December 16: 85%

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

Cross-listed with LAW 559D.002.

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 363D.001 **Racism & Law** Term 1 Term 2

Kaushal

Seminar

3 CREDITS

This course will examine the multivalent relationship between race and law. It aims to provide students with theoretical and critical frameworks for thinking about this relationship, as well as specific legal sites for further study and application. We will begin by examining race as a social construct, placing it in socio-legal context. In the early part of the course, we will work on theoretical approaches to this relationship, including liberal legal theory, critical race theory, and post-colonial theory. We will also examine some of the key concepts that continue to animate race in the legal context, including slavery, segregation, and immigration. The course will then shift to the particular roles that law has played in constructing and adjudicating race. Focusing on Canadian examples whenever possible, we will study the following legal contexts: race and equality/anti-discrimination law; race and international law; race and property law; race, policing, and criminal justice; race and the judiciary; race, culture, and religion; and Indigenous peoples, race, and reconciliation. The assembled course materials will consist of case law and secondary sources.

The course will be taught as a seminar with a mix of lectures, student presentations, and class discussion. Evaluation will consist of a seminar presentation and an individual paper.

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

LAW 367.001 **Reproduction & Law** Term 1 Term 2

Tremblay

Course

3 CREDITS

CHANGE June 17: take-home exam date.

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 investigates the many meanings of reproduction and its regulation in Canada and beyond. Special attention is devoted to analyzing how certain groups have been disproportionately affected by state policies. Topics covered include but are not limited to: 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 seminar. However, some knowledge of family law is desirable.

Evaluation (PLEASE BE AWARE THIS COULD CHANGE GIVEN THE CONTEXT OF COVID-19):

- Attendance and participation: 20%
- Take-home exam (10:00 a.m. - 2:00 p.m. on April 19): 80%

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

LAW 368D.001 **Sexuality & Law** Term 1 Term 2

Aloni

Seminar

3 CREDITS

The seminar examines the legal and social constructions that enable legal regulation of human sexuality. Human sexuality is governed by a broad range of laws, norms, and economic structures rather than by a single, independent body of laws. Thus, understanding the way law has contended with sexuality involves the study of the intersection of various seemingly disparate fields of law, such as contracts, tax, property, health, administrative, criminal, employment, and constitutional. In recognition of this complexity, this seminar takes a fundamentally interdisciplinary approach and examines major topics in the intersection of law and sexuality from domestic, international, and comparative perspectives.

The seminar will explore both established and important cutting-edge issues in the field. Topics we may cover include sex and sexual orientation–based discrimination in the workplace; nonreproductive sexuality; trans identity and politics; religious liberty versus LGBTQ equality; legal issues affecting the lives of unmarried couples; potential legal recognition of multiple partners and of nonconjugal relationships; and singlism and the law. The seminar will also examine the deeper issues and theoretical questions these topics raise, such as when, why, and how nations began to regulate sex; the perception of sex, gender, and sexual orientation as binary categories; modern and postmodern theories of gender and sexuality; arguments about the state's interests in regulating relationships; and debates about economic inequality and its connection to gender and sexuality. I may add further topics, depending on recent legal developments and students' interest.

Evaluation:

- 15% for class participation
- 15% for book review from a list offered by the instructor
- 70% for one term paper on a topic approved by the instructor

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

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

Liston

Course

4 CREDITS

Cross-listed with LAW 509.001.**CHANGE June 23: Take-home exam details added.**

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: A combination of participation, in-term assessment, and a 6 hr take-home final examination to be distributed at 9:00 a.m. and due at 3:00 p.m. on December 15.

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.

This course is designed around students' active engagement with the course materials. The assessment methods reflect this engagement. Multiple forms of assessment may result in an overall higher workload than for a course with a 100% final, but will provide multiple opportunities for students to demonstrate their knowledge and improve their legal writing.

Evaluation:

Mandatory participation (P/F); Take-home midterm exam (30%), 2-hour open-book final examination (40%), and take-home final assignment during the exam period (30%).

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

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

Flynn

Course

4 CREDITS

Cross-listed with LAW 509.003.

Administrative agencies are a powerful part of modern government and crucial to our daily lives. Building on knowledge

from the first-year course on the regulatory state, this course surveys the legal framework of administrative bodies. This course examines how courts review statutorily authorized public bodies and determine the applicable principles and rules that constrain decision-making made by government agencies, boards, commissions, and tribunals. This course introduces the rules, principles, and policy considerations that shape the powers of these administrative decision-makers in areas such as diverse as human rights, municipal law, Indigenous governance, professional self-governance, and environmental protection. Major topics will include: administrative law remedies, procedural fairness, bias and independence, and standards under which courts may review administrative decision-making.

The evaluation will be based on: one take-home mid-term and one final exam.

Assistant Professor Alexandra Flynn 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

Cross-listed with LAW 577.001.

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, 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 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 either: (a) a 100% final exam or (b) a 30% case comment and a 70% final exam.

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 Term 1 Term 2

Arbel

*Seminar***3 CREDITS*****Cross-listed with LAW 578.001.***

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 online lectures and discussions, video exercises, and at home exercises. If pandemic conditions allow, we will also visit the Immigration and Refugee Board and coordinate guest lectures by lawyers and government workers. Evaluation will be based on class attendance and participation (10%), three short reaction papers reflecting on the course materials (30%), and a final assignment (60%). 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 379A.001T1 Externship**International Justice & Human Rights Clinic** Term 1 Term 2

Barrett

Clinical

3 CREDITS

Registration by permission only. This clinic fulfills the Experiential Learning requirement.
CHANGE June 1: Added daytime.

The International Justice and Human Rights Clinic gives upper-year law students the opportunity to work on pressing human rights and global justice concerns through hands-on work on international cases and projects. Students gain experience applying international human rights law, international criminal law and/or international humanitarian law 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. The year-long clinic is for second and third-year students, as well as LLM students, at Allard School of Law. The clinic includes a 3-unit seminar and 3-unit clinic in the Fall semester, followed by a 6-unit clinic in the Spring semester.

In the Fall seminar, students study international human rights, international humanitarian and international criminal law and consider several human rights case studies. The seminar provides students with the substantive legal foundation necessary to undertake the Fall and Spring case/project work with competence and professionalism. Evaluation is based on a paper, a presentation and class participation.

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 379B.001 **Externship** **Business Law Clinic**
 Term 1 Term 2 Black, R. Gratton *Clinical* 4 CREDITS

Registration by permission only. This clinic fulfills the Experiential Learning requirement.

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

Ryan Black

Tyson Gratton

LAW 379B.002 **Externship** **Business Law Clinic**
 Term 1 Term 2 Black, R. Gratton *Clinical* 4 CREDITS

Registration by permission only. This clinic fulfills the Experiential Learning requirement.

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

Ryan Black

Tyson Gratton

LAW 379D.001**Externship****Women's Legal Clinic** Term 1 Term 2

Hawkins, K.

Sood

Mangat

Clinical

11 CREDITS

Registration by permission only. This clinic fulfills the Experiential Learning requirement.

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 Evidence 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.

Pre-requisites: LAW 476 Evidence.

Recommended: LAW 359 Family Law

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 before joining Rise, and practiced primarily in the areas of family law, child protection law (as parent's counsel) and immigration & refugee law, with a focus on assisting women who had experienced family violence. Vandana also has experience in the areas of aboriginal law, criminal law and mental health law. She currently serves on the board of Yoga Outreach.

Raji Mangat (J.D. (University of Victoria 2003), M.A. (Carleton University, 1999), B.A. (University of British Columbia, 1997)) is the Executive Director of West Coast LEAF. Prior to taking on this role, she was West Coast LEAF's Director of Litigation. Raji is called to the bar in Ontario, New York State and BC. Her legal career spans private practice, work at an international tribunal and at several non-profit organizations. She teaches an upper-level course on civil liberties and the Charter at the University of Victoria's Faculty of Law. She also serves on the boards of the Vancouver Public Library, Health Justice and Access Pro Bono.

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

Registration by permission only. This clinic fulfills the Experiential Learning requirement.

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 Evidence 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.

Pre-requisites: LAW 476 Evidence.

Recommended: LAW 359 Family Law

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 before joining Rise, and practiced primarily in the areas of family law, child protection law (as parent's counsel) and immigration & refugee law, with a focus on assisting women who had experienced family violence. Vandana also has experience in the areas of aboriginal law, criminal law and mental health law. She currently serves on the board of Yoga Outreach.

Raji Mangat (J.D. (University of Victoria 2003), M.A. (Carleton University, 1999), B.A. (University of British Columbia, 1997)) is the Executive Director of West Coast LEAF. Prior to taking on this role, she was West Coast LEAF's Director of Litigation. Raji is called to the bar in Ontario, New York State and BC. Her legal career spans private practice, work at an international tribunal and at several non-profit organizations. She teaches an upper-level course on civil liberties and the Charter at the University of Victoria's Faculty of Law. She also serves on the boards of the Vancouver Public Library, Health Justice and Access Pro Bono.

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. This clinic fulfills the Experiential Learning requirement.
THIS COURSE WILL MEET IN-PERSON.

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 Evidence is required.

The following courses are highly recommended: LAW 400 Advanced Criminal Procedure, LAW 359 Family Law, and LAW 469 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. This clinic fulfills the Experiential Learning requirement.
THIS COURSE WILL MEET IN-PERSON.

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 Evidence is required.

The following courses are highly recommended: LAW 400 Advanced Criminal Procedure, LAW 359 Family Law, and LAW 469 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 8 - December 4, 2020 (excluding Mid-Term Break: November 9 & 10, 2020. This clinic fulfills the Experiential Learning requirement.

The Corporate Counsel Externship is a clinical program within the Centre for Business Law that will operate in both the fall and spring terms. Eight 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 attendance, professionalism, and other core competencies including: interest in work, ability to learn, quality of work, problem solving, teamwork, dependability, response to supervision, reflection, business judgment, ethical behaviour, entrepreneurship, written and oral communication, interpersonal skills, leadership qualities, adaptability, organization/planning skills.
- b. Research Project (50%): Non-graded evaluation by the student's principal who will assess the research project based on timeliness and quality of work.

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. Ms. Tse 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 25 years and has extensive in-house counsel experience in various industries including forest products (Weyerhaeuser) and grocery retail (Save-On Foods, a Jim Pattison company). Currently, she is Chief Legal Officer, Corporate Secretary, and Vice-President of Human Resources for GLENTEL Inc., a subsidiary of BCE Inc. and Rogers Communications Inc., and the largest multi-carrier mobile phone retailer in Canada, operating as WirelessWave, Tbooth wireless, and Wireless etc. (Costco). Glentel has 1900 employees and operates 350 retail stores in shopping centres and Costco stores across Canada.

LAW 379E.002**Externship****Corporate Counsel Externship** Term 1 Term 2

Tse

Clinical

5 CREDITS

Registration by permission only. Spring Term Placement: January 4 - April 1, 2021 (excluding Reading Week: February 16-19, 2021). This class fulfills the Experiential Learning requirement.

The Corporate Counsel Externship is a clinical program within the Centre for Business Law that will operate in both the fall and spring terms. Eight 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 attendance, professionalism, and other core competencies including: interest in work, ability to learn, quality of work, problem solving, teamwork, dependability, response to supervision, reflection, business judgment, ethical behaviour, entrepreneurship, written and oral communication, interpersonal skills, leadership qualities, adaptability, organization/planning skills.
- b. Research Project (50%): Non-graded evaluation by the student's principal who will assess the research project based on timeliness and quality of work.

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. Ms. Tse 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 25 years and has extensive in-house counsel experience in various industries including forest products (Weyerhaeuser) and grocery retail (Save-On Foods, a Jim Pattison company). Currently, she is Chief Legal Officer, Corporate Secretary, and Vice-President of Human Resources for GLENTEL Inc., a subsidiary of BCE Inc. and Rogers Communications Inc., and the largest multi-carrier mobile phone retailer in Canada, operating as WirelessWave, Tbooth wireless, and Wireless etc. (Costco). Glentel has 1900 employees and operates 350 retail stores in shopping centres and Costco stores across Canada.

LAW 379G.001T2 Externship**International Justice & Human Rights Clinic** Term 1 Term 2

Barrett

Clinical

6 CREDITS

Registration by permission only. This clinic fulfills the Experiential Learning requirement.

The International Justice and Human Rights Clinic gives upper-year law students the opportunity to work on pressing human rights and global justice concerns through hands-on work on international cases and projects. Students gain experience applying international human rights law, international criminal law and/or international humanitarian law 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. The year-long clinic is for second and third-year students, as well as LLM students, at Allard School of Law. The clinic includes a 3-unit seminar and 3-unit clinic in the Fall semester, followed by a 6-unit clinic in the Spring semester.

In the Fall seminar, students study international human rights, international humanitarian and international criminal law and consider several human rights case studies. The seminar provides students with the substantive legal foundation necessary to undertake the Fall and Spring case/project work with competence and professionalism. Evaluation is based on a paper, a presentation and class participation.

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 380A.001	<u>Externship Reflection</u>	<u>Business Law Clinic - Reflection</u>	
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	Black, R.	Gratton	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

*Ryan Black**Tyson Gratton*

LAW 380A.002	<u>Externship Reflection</u>	<u>Business Law Clinic - Reflection</u>	
<input type="checkbox"/> Term 1 <input checked="" type="checkbox"/> Term 2	Black, R.	Gratton	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

*Ryan Black**Tyson Gratton*

LAW 380A.003**Externship Reflection****Corporate Counsel Externship - Reflection**
 Term 1 Term 2 Tse

Workshop

2 CREDITS

Registration by permission only. Fall Term Seminar: September 12, 13, 19 and November 28, 2020 (9:00am-4:30pm each day).

The Corporate Counsel Externship is a clinical program within the Centre for Business Law that will commence in the 2019-20 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 (20%): Assignments are due prior to the commencement of the classes (or following class) and will be graded based on the student's grasp of the subject matter.
- b. Seminar Participation (15%): 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. Bi-weekly Reflective Journals (15%): Journals will be graded for 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.
- d. Presentation at Completion of Externship (50%): The Presentation will be graded based on (a) quality of the presentation content (eg. material is clear, concise, organized, coherent, appropriate use of graphics, meets required components, etc.), (b) delivery of the presentation (eg. good presentation flow, good eye contact, dynamic and engaging presentation, etc.), (c) the quality of reflection (eg. in-depth personal examination, student risks asking probing questions about self, effectively criticizes own performance, able to identify strengths and weakness in own performance), and (d) personal development (eg. student makes clear connections between experience and theories, applies experience to life and/or future goals, gains insights about their future role as a lawyer and has grown personally as a legal professional).

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.

Pre-requisite: LAW 459 Business Organizations

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. Ms. Tse 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 25 years and has extensive in-house counsel experience in various industries including forest products (Weyerhaeuser) and grocery retail (Save-On Foods, a Jim Pattison company). Currently, she is Chief Legal Officer, Corporate Secretary, and Vice-President of Human Resources for GLENTEL Inc., a subsidiary of BCE Inc. and Rogers Communications Inc., and the largest multi-carrier mobile phone retailer in Canada, operating as WirelessWave, Tbooth wireless, and Wireless etc. (Costco). Glentel has 1900 employees and operates 350 retail stores in shopping centres and Costco stores across Canada.

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

Term 1 Term 2 Tse

Workshop

2 CREDITS

Registration by permission only. Spring Term Seminar: January 9, 10, 16 and March 27, 2021 (9:00am-4:30pm each day).

The Corporate Counsel Externship is a clinical program within the Centre for Business Law that will operate in both the fall and spring terms. Eight 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 (20%): Assignments are due prior to the commencement of the classes (or following class) and will be graded based on the student's grasp of the subject matter.

b. Seminar Participation (15%): 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. Bi-weekly Reflective Journals (15%): Journals will be graded for 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.

d. Presentation at Completion of Externship (50%): The Presentation will be graded based on (a) quality of the presentation content (eg. material is clear, concise, organized, coherent, appropriate use of graphics, meets required components, etc.), (b) delivery of the presentation (eg. good presentation flow, good eye contact, dynamic and engaging presentation, etc.), (c) the quality of reflection (eg. in-depth personal examination, student risks asking probing questions about self, effectively criticizes own performance, able to identify strengths and weakness in own performance), and (d) personal development (eg. student makes clear connections between experience and theories, applies experience to life and/or future goals, gains insights about their future role as a lawyer and has grown personally as a legal professional). 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.

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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.

Pre-requisite: LAW 459 Business Organizations

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. Ms. Tse 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 25 years and has extensive in-house counsel experience in various industries including forest products (Weyerhaeuser) and grocery retail (Save-On Foods, a Jim Pattison company). Currently, she is Chief Legal Officer, Corporate Secretary, and Vice-President of Human Resources for GLENTEL Inc., a subsidiary of BCE Inc. and Rogers Communications Inc., and the largest multi-carrier mobile phone retailer in Canada, operating as WirelessWave, Tbooth wireless, and Wireless etc. (Costco). Glentel has 1900 employees and operates 350 retail stores in shopping centres and Costco stores across Canada.

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 upper-year law students the opportunity to work on pressing human rights and global justice concerns through hands-on work on international cases and projects. Students gain experience applying international human rights law, international criminal law and/or international humanitarian law 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. The year-long clinic is for second and third-year students, as well as LLM students, at Allard School of Law. The clinic includes a 3-unit seminar and 3-unit clinic in the Fall semester, followed by a 6-unit clinic in the Spring semester.

In the Fall seminar, students study international human rights, international humanitarian and international criminal law and consider several human rights case studies. The seminar provides students with the substantive legal foundation necessary to undertake the Fall and Spring case/project work with competence and professionalism. Evaluation is based on a paper, a presentation and class participation.

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).*
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LAW 380C.001 Externship Reflection Judicial Externship
 Term 1 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 areas of estate litigation and elder law.

LAW 380C.002 Externship Reflection Judicial Externship
 Term 1 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 areas of estate litigation and elder law.

LAW 380C.003	<u>Externship Reflection</u>	<u>Women's Legal Clinic</u>	
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	Hawkins, K. Sood	Mangat	Seminar 4 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 Evidence 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.

Pre-requisites: LAW 476 Evidence.

Recommended: LAW 359 Family Law

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 before joining Rise, and practiced primarily in the areas of family law, child protection law (as parent's counsel) and immigration & refugee law, with a focus on assisting women who had experienced family violence. Vandana also has experience in the areas of aboriginal law, criminal law and mental health law. She currently serves on the board of Yoga Outreach.

Raji Mangat (J.D. (University of Victoria 2003), M.A. (Carleton University, 1999), B.A. (University of British Columbia, 1997)) is the Executive Director of West Coast LEAF. Prior to taking on this role, she was West Coast LEAF's Director of Litigation. Raji is called to the bar in Ontario, New York State and BC. Her legal career spans private practice, work at an international tribunal and at several non-profit organizations. She teaches an upper-level course on civil liberties and the Charter at the University of Victoria's Faculty of Law. She also serves on the boards of the Vancouver Public Library, Health Justice and Access Pro Bono.

LAW 380C.004	<u>Externship Reflection</u>	<u>Women's Legal Clinic</u>	
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Hawkins, K.	Sood
		Mangat	Seminar
			4 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 Evidence 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.

Pre-requisites: LAW 476 Evidence.

Recommended: LAW 359 Family Law

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 before joining Rise, and practiced primarily in the areas of family law, child protection law (as parent's counsel) and immigration & refugee law, with a focus on assisting women who had experienced family violence. Vandana also has experience in the areas of aboriginal law, criminal law and mental health law. She currently serves on the board of Yoga Outreach.

Raji Mangat (J.D. (University of Victoria 2003), M.A. (Carleton University, 1999), B.A. (University of British Columbia, 1997)) is the Executive Director of West Coast LEAF. Prior to taking on this role, she was West Coast LEAF's Director of Litigation. Raji is called to the bar in Ontario, New York State and BC. Her legal career spans private practice, work at an international tribunal and at several non-profit organizations. She teaches an upper-level course on civil liberties and the Charter at the University of Victoria's Faculty of Law. She also serves on the boards of the Vancouver Public Library, Health Justice and Access Pro Bono.

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

Washington

Sachedina

Course

3 CREDITS

Health care law deals with some of the most important issues for both individuals and society. 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 the issue of medical necessity, the provider and patient (licensing, privileging, consent, conflicts of interest, quality assurance and medical error), beginning and end of life issues (sterilization, abortion, assisted reproduction, end of life decision making, including medical assistance in dying), 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.

Penny Washington (LL.B. (UBC 1984)) leads the Health law group at Norton Rose Fulbright in Vancouver. She regularly advises hospitals and health authorities on all aspects of law that affect their operations, including service contracts with private providers, medical assistance in dying, respectful workplace issues, particularly with respect to physicians as members of interdisciplinary teams, privileging and credentialing of health care providers as well as the full range of patient care issues.

Ms. Washington has presented material for a number of Continuing Legal Education Society and Canadian Legal Insight seminars on civil litigation, healthcare consent, privacy and freedom of information issues and has frequently lectured on tort liability, quality assurance protections, human rights and risk management to healthcare workers, physicians, administrators, board of directors, students in the Faculty of Dentistry at the University of British Columbia and students in various healthcare disciplines at the British Columbia Institute of Technology. She has published chapters on consent and freedom of information law in British Columbia.

She advises medical directors and hospital boards on credentialing, conducting disciplinary hearings, on-call compensation and service contracts, and other physician issues, including appeals of privileging decisions to the Hospital Appeal Board. Ms. Washington has appeared before all levels of court in British Columbia as well as before the Human Rights Tribunal of British Columbia.

Zulie Sachedina

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

Johnston, L.

*Course***3 CREDITS**

Civil mental health detention rates and the imposition of involuntary mental health and substance use treatment have been increasing dramatically in recent years in BC. This raises pressing and current questions about when and how the law authorizes coercive care and what impacts it has on the people subject to it. This course will examine the legal mechanisms of state intervention in the lives of people with mental health and substance use issues, and mental disabilities more broadly. We will consider civil mental health detention; legal regimes governing consensual and non-consensual health care treatment; and supported and substitute decision-making for people who are viewed as incapable of making their own decisions. The course will primarily focus on BC law, but will include consideration of law from other Canadian jurisdictions where relevant, the Charter, and international human rights treaties, such as the UN Convention on the Rights of Persons with Disabilities.

The course will be led by a 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 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.

Laura Johnston is a lawyer who works primarily in the areas of disability rights, mental health, and human rights. Laura has conducted systemic litigation, research, and law reform activities to improve access to justice and the rights set out in the Charter for people who experience mental health detention and other forms of coercive care. She is currently the Legal Director of Health Justice, a non-profit organization that engages in systemic advocacy to improve BC's mental health laws and policies. She frequently provides education to legal and health care professionals on topics that impact adults with mental disabilities.

LAW 386D.001 **Sustainable Development Law** Term 1 Term 2

Affolder

*Seminar***3 CREDITS**

The task of redirecting economic development in more sustainable directions is among the preeminent challenges of this century. The law is a critical, if often underappreciated, element of this transformation. We will adapt this highly interactive seminar to the reality of a likely predominantly online context by creating opportunities to engage critically with key legal documents and texts and by working to develop participants' negotiation, speaking, writing, and legal drafting skills. Students will develop a deep knowledge of the complexity of channeling law to respond to sustainability conflicts across a broad range of areas of legal practice spanning corporate law, land use planning, project finance and environmental activism.

Topics we will address include legal responses to climate change at international, local and transnational levels, the use of legal principles in both litigation and regulation, engagement with legal concepts of sustainability by actors within and beyond the state, and the intersection of scientific and legal knowledge. This seminar will be of particular interest to students looking to deepen their understanding of environmental law and natural resource law, in both local and transnational contexts, and to those interested in becoming more effective and reflective negotiators and legal counsel.

Evaluation:

Evaluation will be based on active participation in class exercises, simulations, and seminar discussions (20%) and a research paper (80%).

Professor Natasha Affolder is a full time member of the Peter A. Allard School of Law.

LAW 387C.001 **Environmental Law** Term 1 Term 2

Stacey

Course

3 CREDITS

Cross-listed with LAW 587C.001.

Environmental issues challenge our understanding of law in many ways. Environmental issues are complex scientifically and politically, and temporally and geographically. They require a close examination of the potential and limits of core areas of legal doctrine (e.g. tort, constitutional law, administrative law) and how these doctrines need to be stretched or adapted to account for the complexity of environmental problems.

Accordingly, this course is about how the law changes over time and how lawyers are agents of that change. Students will learn about, for example, environmental assessment law, jurisdiction over the environment, the relationship between environmental law and the constitutional duty to consult and accommodate, and how these areas of law have changed -- slowly or rapidly -- in response to our understanding of environmental issues. The course is designed both for students seeking a concise introduction to the subject-matter as part of a well-rounded legal education, as well as for students seeking to specialize in this growing and substantial area of law, for which Environmental Law 387 provides the starting point for their studies. Note that this course is structured around problem-based learning.

Evaluation:

A combination of participation, mid-term assessment and a final assignment during the examination period.

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

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 focusing in depth on a single project: the Trans Mountain pipeline expansion. The seminar will focus in particular on the questions of (1) who has the power to approve, amend, or prevent such a project, 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 the project. Students will gain an understanding of the regulatory, environmental assessment, and aboriginal consultation requirements which affect regulation of such a project. 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 and enforcing injunctions.

Students will gain both an in-depth knowledge of the project, as well as a pragmatic understanding of environmental regulation, aboriginal consultation, and practice before administrative tribunals. Readings will include jurisprudence related to the project and the governing legal framework, and will also include key documents created in and for the environmental assessment and aboriginal consultation processes for the project. 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 processes.

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 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

LAW 393D.001 **Green Rights & Warrior Lawyers** Term 1 Term 2

Wood, S.

Seminar

3 CREDITS

Around the world, citizens and lawyers are using law to vindicate the human right 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 environmental lawyers and defenders on the front lines of struggles to protect people, species and ecosystems in Canada and beyond. The seminar uses a variety of learning materials including documentary films, video interviews, live guest appearances, biographies, news media, case law, legislation, government documents, non-governmental reports and academic literature. Students facilitate class discussion, research a real "Warrior Lawyer," write a blog post or give a class presentation, and complete a research project applying lessons from the theory and practice of environmental rights to a current environmental law issue.

Evaluation:

Class participation: 15%

Blog post or class presentation: 15%

Research paper or project: 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 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

EXAM CONFLICT: STUDENTS REGISTERED IN 334.001 OR 400.001 ARE NOT ALLOWED TO BE REGISTERED IN 525.001 OR 416.001, AND VICE VERSA.

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

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 403.001 **Principles of Sentencing** Term 1 Term 2

Grant

Web-based

3 CREDITS

This course does NOT fulfill the seminar requirement.

CHANGE June 8: Course description updated. EXAM CONFLICT: STUDENTS REGISTERED IN 468.003/588.003 OR 422.001/570C.001 ARE NOT ALLOWED TO BE REGISTERED IN 403.001, AND VICE VERSA.

Given that most people accused of crime plead guilty, sentencing is the most important aspect of the criminal justice trial process and yet we spend very little time studying the rules and processes that apply to sentencing. This course aims to fill that gap and to provide students with a strong background in the theory and practice of sentencing. We will examine the now codified principles of sentencing, the types of sentences available to a sentencing judge, and the methodology judges use to decide an appropriate sentence. We will also cover a number of pressing issues in sentencing policy such as the over-incarceration of Indigenous persons, the constitutionality of mandatory minimum sentences, dangerous offender designations and long-term supervision orders, and the plea negotiation process. Students will also have the opportunity to participate in a speaking to sentence exercise before a current or retired judge.

This course is being offered as an online course for the first time in the fall of 2020. The course is structured around weekly modules of course content which students will be required to read. Each module has short quizzes to test a student's knowledge of what they have read. Students will also participate in writing to solve hypothetical problems applying the law learned in the weekly module. Students will be required to lead the discussion 1-2 times throughout the term. For those students who have taken Law 404, the format will be similar. There will be one or two in-person (via Zoom) class meetings and individual feedback will be provided during the term.

Evaluation:

This course will be evaluated through a combination of class participation and short exercises (e.g. an online plea negotiation exercise and a speaking to sentence exercise), your weekly written participation, and a final open book exam during the regular exam period.

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

LAW 404.001 **The Law of Homicide** **The Law of Homicide on the Web**
 Term 1 Term 2 Grant *Web-based* 3 CREDITS

COURSE CANCELLED.

This course does NOT fulfill the seminar requirement.

CHANGE JUNE 1: Course description updated; JUNE 17: take-home exam details updated.

This course will cover the law and policy surrounding culpable homicide offences in Canada: murder, manslaughter and infanticide. We will also examine sentencing, defences, party liability and certain thematic topics such as intimate partner homicide and corporate homicide. The course is primarily web-based but there will be an initial in-person organizational meeting and a final in person review class that students are expected to attend. The schedule for the sessions will be made available to students before the beginning of term.

Each week, students will be expected to have read a block of material and to participate in writing in the discussion of hypothetical fact scenarios and policy-based questions based on the week's readings. Each student will be expected to lead the class discussion twice throughout the term. These requirements will be discussed at the first class.

Evaluation:

Evaluation will be as follows with the approximate grade breakdown indicated:

1. A midterm take-home test (25%);
2. Written online participation which will be discussed in the initial class (25%), and
3. A written 48 hr take-home examination at a time of your choosing (within limits) during the exam period, details of which will be discussed at the first class.

In person sessions:

Students are expected to attend both in-person (Zoom) sessions. The introductory class will take place on Tuesday, January 5 at 12:30 PM by Zoom . We will be reviewing all the course logistics and requirements. The final review class will be Tuesday, April 6 at 12:30PM where we will discuss the final exam in detail.

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.**CHANGE June 4: Day and time. June 25: Take-home exam details added.**

The income tax is the largest single source of government revenue in Canada and an important instrument both for the expression of societal values and for the delivery of social and economic policies. This course examines the 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 rules regarding the attribution of income.

Required Materials:

1. David G. Duff, Benjamin Alarie, Kim Brooks, Geoff Loomer and Lisa Philipps, *Canadian Income Tax Law*, 6th ed. (Toronto: LexisNexis, 2018).
2. Income Tax Act, latest edition

Evaluation: take-home exam (100%) December 18, 9 am to 4:30 pm.

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

Taylor, M.

Course

4 CREDITS

Cross-listed with LAW 506.002.

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

Evaluation: Evaluation will be by a 100% final exam. A series of not-for-credit review exercises will be distributed periodically and will be discussed briefly in class.

Reading materials:

1. Canadian Income Tax, 6th edition. Duff, Alarie, Brooks, Loomer, Phillips
2. Income Tax Act, latest edition (to be distributed free of charge)
3. Additional materials available for free online (CanLII, QL, etc.)

Michael Taylor is Senior General Counsel with the Department of Justice in Vancouver. He represents the Canada Revenue Agency in income tax and GST litigation in the federal and B.C. courts. Michael is also a member of the Department of Justice's Supreme Court of Canada practice group, and he appears regularly in that court. He has presented at numerous internal and external tax law conferences and events. Michael taught at UBC in 2012-2013 and 2013-2014, and later served as a practitioner coach for the UBC entry in the Bowman Tax Moot from 2014 to 2018. Michael has an Honors B.A. from the University of Alberta (1996), and LL.B. (1999) and LL.M. (2006) degrees from UBC.

LAW 408.001**Taxation of Corporations & Shareholders**

Term 1 Term 2 Abdulla Swanston Course CREDITS

***Cross-listed with LAW 562.001**

CHANGE June 16: Course added. June 25: Take-home exam details.

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 revenue. 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 the taxation of income received by public and private corporations and the taxation of shareholders on share dispositions, corporate distributions, shareholder benefits and loans, indirect payments, attributed income and the tax on split income (TOSI).

Required Materials:

1. David G. Duff and Geoff Loomer, *Taxation of Business Organization in Canada*, 2nd ed., (Toronto: LexisNexis, 2019), chapters 5-11.
2. Supplementary materials distributed by instructors
3. Income Tax Act, latest edition

Evaluation: Take-home exam (100%) December 16, 9:00 a.m. to 12:00 p.m.

Pre-requisite: Law 407 (Taxation) or Law 561 (Fundamental Concepts in Tax Law)

Asif N. Abdulla is a partner working out of the Vancouver office of Thorsteinssons LLP, Tax Lawyers. Asif practices in the area of domestic and international tax planning for individuals, trusts, corporations and other private enterprises with a view to achieving tax efficiency. Asif's practice is focused on advising individuals and businesses in respect of succession and estate planning, tax-driven corporate reorganizations, mergers/acquisitions, immigration/emigration tax planning, business structuring and cross-border tax planning. Asif also acts for a number of clients who are in dispute with the Canada Revenue Agency.

Asif received his J.D. from the University of Victoria, Faculty of Law in 2012. He was called to the British Columbia bar in 2013 and has since been a member of the Law Society of British Columbia. Asif is an instructor and author of courses offered by the CPA British Columbia and the PBLI. He is also a contributor to Canadian Tax Foundation publications and has completed all three years of the In-Depth Tax Course offered by CPA Canada.

Jill Swanston is a partner at Thorsteinssons L.L.P. Jill has advised both Canadian and international private and public entities in a variety of industries, including real estate, manufacturing, natural resources, entertainment, and transportation. Prior to practicing law, Jill practiced tax as a Chartered Accountant and was a senior manager in the tax group at PricewaterhouseCoopers L.L.P.

In addition to Jill's tax practice, she served in the Canadian Armed Forces (Reserves) for several years as a legal officer with the Office of the Judge Advocate General.

Jill received a B. Applied Arts from Ryerson University (1990) and an L.L.B. from the University of British Columbia (2005). Jill has been a frequent presenter for the Law Society of British Columbia's Professional Legal Training Course.

LAW 409.001 **Taxation of Partnerships** Term 1 Term 2 Duff

Course

3 CREDITS

Cross-listed with LAW 563.001.**CHANGE June 8: Description added. June 25: Take-home exam details.**

Partnerships represent an important legal form through which persons carry on business activity in Canada and most other jurisdictions around the world. This course examines key statutory provisions, judicial decisions and administrative interpretations governing the taxation of partnerships in Canada, considering the characterization of this legal relationship in law and for tax purposes, the computation and taxation of income received by a partnership and its members, the tax treatment of interests in partnerships, the tax implications of distributions of income and capital from a partnership to a member of the partnership, tax rules governing the transfer of property to and from partnerships, tax implications of retirement or withdrawal from a partnership, and tax rules governing the dissolution of a partnership, the merger of two or more partnerships and the incorporation of a partnership.

1. David G. Duff and Geoff Loomer, *Taxation of Business Organization in Canada*, 2nd ed. (Toronto: LexisNexis, 2019), chapters 1-4.
2. Elizabeth Johnston and Geneviève C. Lille, *Understanding the Taxation of Partnerships*, 7th ed. (Toronto: CCH Canadian Ltd., 2018)
3. *Income Tax Act*, latest edition

Evaluation: take-home exam (100%) December 14, 9 am to 4:30 pm.

Pre-requisite: Law 407 Taxation or Law 561 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 Duff

Course

3 CREDITS

Cross-listed with LAW 565.001.**CHANGE June 25: take-home exam details.**

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, tax treaty shopping and transfer pricing. 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. David G. Duff, *International Tax Law in Canada*
2. Jinyan Li, Arthur Cockfield, and J. Scott Wilkie, *International Taxation in Canada: Principles and Practices*, 4th ed. (Toronto: LexisNexis Canada Inc., 2018).
3. *Income Tax Act*, latest edition

Evaluation: take-home exam (100%) April 26, 9 am to 4:30 pm.

Pre-requisite: Law 407 Taxation or Law 561 Fundamental Concepts in Tax Law

Professor David G. Duff is a full time member of the Peter A. Allard 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 will be given in colloquium format. For about 8 out of the 13 weeks, prominent tax specialists and scholars from a variety of disciplines (law, economics, political science, accounting, and others) from Canada, the U.S. and other countries will present their current or recent research on tax law and policy during a colloquium session. A preparatory session will be held before each colloquium session to discuss relevant background reading. Topics will vary depend on the speakers invited. (Past topics and speakers can be view at this link: <http://www.allard.ubc.ca/admissions/graduate-program-admission/llm-taxation/events>) During weeks when there are no speakers, students will be introduced to select conceptual tools for analyzing tax policy. These will include but are not limited to tools of economic analysis, such as the concepts of the economic incidence of taxation, excess burden, the different types of return to investment (e.g. rent, risk, and riskless return), and welfare economics.

Evaluation: Student performance will be evaluated on the basis of class participation (including one presentation) counting 30%, and the weighted average grade of both short response papers and a longer term paper, counting 70%. This seminar will introduce students to some important theories and conceptual tools for analyzing tax law and policy. Key concepts in this area include those of the economic incidence of taxation, excess burden, the different types of return to investment (e.g. rent, risk, and riskless return), social welfare, as well as various notions of social justice and fairness. Increasingly, understandings of other social institutions, such as imperfectly competitive markets, government regulations, international trade, and democratic politics, contribute to improving the analyses of tax policy. We will examine the traditional theories as well as new social scientific findings in the context of current policy debates, such as the public finance response to the COVID-19 pandemic, taxing tech giants, tax policy for stimulating innovation, and place-based tax policies. The course will also identify for students some of the most important tax reform proposals debated in recent years that may substantially change the skill sets expected in the tax profession.

Evaluation: Student performance will be evaluated on the basis of class participation counting 40%, and the weighted average grade of both short response papers and a longer term paper, counting 60%.

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 Nitikman

Course

3 CREDITS

Cross-listed with LAW 564.001 Taxation of Trusts and Estates.**CHANGE June 4: Course added**

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

Evaluation: 100% final exam

Joel Nitikman, B.Sc. (UBC 1982), LL.B. (University of Manitoba 1985), LL.M. (New York University 1994) is a partner in the Tax Group at Dentons Canada LLP in Vancouver. His practice concentrates on representing clients in Provincial, National and International tax disputes. He is the author of numerous tax articles and has spoken at numerous tax conferences.

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.
CHANGE June 4: Course added

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 Bennett Jones 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 414.001**Taxation of Corporate Reorganizations**

Term 1 Term 2 Abdulla Swanston Course 3 CREDITS

Cross-listed with LAW 550.001*CHANGE June 16: Course added. June 25: Take-home exam details.**

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 Canada. This course examines builds upon concepts examined in Law 408/562 (Taxation of Corporations and Shareholders), examining statutory provisions and judicial decisions governing transfers of property to a corporation, reorganizations of capital, amalgamations and windups, and divisive reorganizations.

1. David G. Duff and Geoff Loomer, *Taxation of Business Organization in Canada*, 2nd ed., (Toronto: LexisNexis, 2019), chapters 12-15.
2. Supplementary materials distributed by instructors
3. Income Tax Act, latest edition

Evaluation (Law 414 and Law 550):

- Tax practice assignments: 40%
- Take-home exam: 60%, to be distributed at noon on Tuesday, April 13, with a student submission deadline of noon on Friday, April 16.

Pre-requisite: Law 408/562 (Taxation of Corporations and Shareholders)

Asif N. Abdulla is a partner working out of the Vancouver office of Thorsteinssons LLP, Tax Lawyers. Asif practices in the area of domestic and international tax planning for individuals, trusts, corporations and other private enterprises with a view to achieving tax efficiency. Asif's practice is focused on advising individuals and businesses in respect of succession and estate planning, tax-driven corporate reorganizations, mergers/acquisitions, immigration/emigration tax planning, business structuring and cross-border tax planning. Asif also acts for a number of clients who are in dispute with the Canada Revenue Agency.

Asif received his J.D. from the University of Victoria, Faculty of Law in 2012. He was called to the British Columbia bar in 2013 and has since been a member of the Law Society of British Columbia. Asif is an instructor and author of courses offered by the CPA British Columbia and the PBLI. He is also a contributor to Canadian Tax Foundation publications and has completed all three years of the In-Depth Tax Course offered by CPA Canada.

Jill Swanston is a partner at Thorsteinssons L.L.P. Jill has advised both Canadian and international private and public entities in a variety of industries, including real estate, manufacturing, natural resources, entertainment, and transportation. Prior to practicing law, Jill practiced tax as a Chartered Accountant and was a senior manager in the tax group at PricewaterhouseCoopers L.L.P.

In addition to Jill's tax practice, she served in the Canadian Armed Forces (Reserves) for several years as a legal officer with the Office of the Judge Advocate General.

Jill received a B. Applied Arts from Ryerson University (1990) and an L.L.B. from the University of British Columbia (2005). Jill has been a frequent presenter for the Law Society of British Columbia's Professional Legal Training Course.

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

Reynolds, G.

Course

3 CREDITS

Cross-listed with LAW 570C.001.**EXAM CONFLICT: STUDENTS REGISTERED IN 468.003/588.003 OR 422.001/570C.001 ARE NOT ALLOWED TO BE REGISTERED IN 403.001, AND VICE VERSA.**

This course provides students with an introduction to the legal regimes governing the protection of intellectual property. The course will cover the following specific areas of intellectual property law: copyright, trademarks, and patents. In addition, students will be introduced to the common law actions of passing off and breach of confidence, international intellectual property law, and industrial design.

Evaluation method:

100% final exam

Assistant Professor Graham Reynolds is a full time member of the Peter A. Allard School of Law.

LAW 422.002 **Intellectual Property** Term 1 Term 2

Festinger

Course

3 CREDITS

Cross-listed with LAW 570C.002.**EXAM CONFLICT: STUDENTS REGISTERED IN 468.005/588.005 ARE NOT ALLOWED TO BE REGISTERED IN 422.002/570C.002, AND VICE VERSA.**

This course provides students with an introduction to the legal regimes governing the protection of intellectual property. The course will cover the following specific areas of intellectual property law: copyright, trademarks, and patents. In addition, students will be introduced to the common law actions of passing off and breach of confidence, international intellectual property law, and industrial design.

The website for Intellectual Property Law can be found at <https://ipfest.allard.ubc.ca/>

Evaluation method: 70% final exam, 30% class preparation and participation

Jon Festinger, Q.C. is a Vancouver, British Columbia based counsel and educator.

As an Adjunct Professor, Jon Festinger has taught a wide variety of courses relating to intellectual property law, communications, media & video game law, as well as corporate law over more than 25 years at the Allard School of Law. He is a Professor of Professional Practice at Simon Fraser University and a faculty member of the Centre for Digital Media. He is also Honourary Industry Professor in Centre for Commercial Studies, Queen Mary University of London School of Law. As well Jon is Faculty in Residence at the UBC Emerging Media Lab, Advisory Board Member of the Global Reporting Centre and Co-Chair of the Innovation Committee that is part of the governance structure of the UBC Learning Technology Hub. He has also taught at various times at the UBC Graduate School of Journalism, the Thompson Rivers University Faculty of Law and the University of Victoria Faculty of Law. He is the author of the first edition of Video Game Law published by LexisNexis in 2005, and co-author of the second edition published in 2012, and is Co-editor and Chief of the Interactive Entertainment Law Journal (Edward Elgar Publishing). 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.

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PSN: cdmjon

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, most recently fueled through the rapid expansion of mobile gaming as well as the intense interest in the "Battle Royale" survival game genre. In this environment, Vancouver remains 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. It follows that 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 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/>).

Optional Materials:

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

Evaluation:

Attendance and participation: 40%

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

Jon Festinger, Q.C. is a Vancouver, British Columbia based counsel and educator.

As an Adjunct Professor, Jon Festinger has taught a wide variety of courses relating to intellectual property law, communications, media & video game law, as well as corporate law over more than 25 years at the Allard School of Law. He is a Professor of Professional Practice at Simon Fraser University and a faculty member of the Centre for Digital Media. He is also Honourary Industry Professor in Centre for Commercial Studies, Queen Mary University of London School of Law. As well Jon is Faculty in Residence at the UBC Emerging Media Lab, Advisory Board Member of the Global Reporting Centre and Co-Chair of the Innovation Committee that is part of the governance structure of the UBC Learning Technology Hub. He has also taught at various times at the UBC Graduate School of Journalism, the Thompson Rivers University Faculty of Law and the University of Victoria Faculty of Law. He is the author of the first edition of Video Game Law published by LexisNexis in 2005, and co-author of the second edition published in 2012, and is Co-editor and Chief of the Interactive Entertainment Law Journal (Edward Elgar Publishing). 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.

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

LAW 424.001 **Communications Law**

Term 1 Term 2 Festinger Course 3 CREDITS

Cross-listed with LAW 571.001.

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.

The website for Communications Law (including videos of lectures, course materials and ancillary materials) can be found at <https://allard.coursespaces.ubc.ca/LAW-424-001/>

Evaluation:

Class Preparation & Participation - 40%^{SEP}
 Term Paper of 18-20 pages (5,000 words) - 60%

Jon Festinger, Q.C. is a Vancouver, British Columbia based counsel and educator.

As an Adjunct Professor, Jon Festinger has taught a wide variety of courses relating to intellectual property law, communications, media & video game law, as well as corporate law over more than 25 years at the Allard School of Law. He is a Professor of Professional Practice at Simon Fraser University and a faculty member of the Centre for Digital Media. He is also Honourary Industry Professor in Centre for Commercial Studies, Queen Mary University of London School of Law. As well Jon is Faculty in Residence at the UBC Emerging Media Lab, Advisory Board Member of the Global Reporting Centre and Co-Chair of the Innovation Committee that is part of the governance structure of the UBC Learning Technology Hub. He has also taught at various times at the UBC Graduate School of Journalism, the Thompson Rivers University Faculty of Law and the University of Victoria Faculty of Law. He is the author of the first edition of Video Game Law published by LexisNexis in 2005, and co-author of the second edition published in 2012, and is Co-editor and Chief of the Interactive Entertainment Law Journal (Edward Elgar Publishing). 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.

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 PSN: cdmjon

LAW 425D.001 **Cyberspace Law** Term 1 Term 2

Matsui

Seminar

3 CREDITS

Cross-listed with LAW 572.001

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 in the cyberspace, 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. If the students are interested in legal questions arising from the development of the e-commerce, take LAW447.001 Topics in Commercial Law: e-commerce. <http://www.shgmatsui.com>

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, especially freedom of expression, but the student can learn the basic principles of Canadian Constitutional Law for the cyberspace by taking this seminar.

Evaluation:

Class participation 30% and final assignment 70%.

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

LAW 426D.001 **Topics in Law & Technology****Law, Robotics, and Society** Term 1 Term 2

Thomasen

Seminar

3 CREDITS

CHANGE June 8: Description added.

We are living in an age of advanced robotics, artificial intelligence (AI), and automation. Robots and AI-systems are already operating in our homes, offices, hospitals, streets, skies, courts, and law firms. The automation of tasks formerly performed by people, and the expansion of human capabilities through robotic technology, challenge existing legal doctrine and social policy in sometimes novel and unexpected ways. This seminar explores some of the legal and policy implications of current and near-future robotic and AI-systems, including personal and service robots, drones, automated vehicles, Internet bots, and expert legal systems. The course introduces Law & Technology theory, and focuses on the ways in which automated technologies affect access to justice, legal rights, and the legal and power dynamics between state, corporate, and individual actors. Readings and course material will draw from interdisciplinary sources, with a particular focus on law and policy resources.

Evaluation Methodology:

20% participation (in-class and online)

15% in-class presentation

65% research paper

Assistant Professor Kristen Thomasen 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**

WORKSHOP CANCELLED. *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, written assignments, and close examination of research tools and techniques.

Evaluation:

Completion of a take-home research and writing assignment worth 100% of the final grade. In addition, students will complete a mid-term research and writing assignment that will be evaluated on a pass/fail basis. Any student who fails the mid-term assignment will be downgraded 2 numeric grade points (e.g., from 79 to 77) in their final course grade.

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

LAW 430.002 **Advanced Legal Research** Term 1 Term 2

Flynn

*Workshop***3 CREDITS**

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. 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 writing and research tools and techniques.

Evaluation: Weekly attendance, preparation, and participation are mandatory. Each student will be evaluated on 3-4 written assignments.

Assistant Professor Alexandra Flynn is a full time member of the Peter A. Allard School of Law.

LAW 430.003 Advanced Legal Research

Term 1 Term 2 LeDuc *Workshop* **3 CREDITS**

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. 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 writing and research tools and techniques.

Evaluation:

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

Emilie LeDuc (B.A., LL.B., MLIS) is a research lawyer at Harper Grey LLP. She graduated from Allard Hall in 2008 and practiced general litigation at a top-rated boutique for almost nine years prior to becoming a dedicated research lawyer. Emilie has drafted memoranda, opinions, pleadings, mediation briefs, arguments, leave applications, and facta on complex and high-profile cases for leading lawyers in Vancouver.

LAW 430.004 Advanced Legal Research

Term 1 Term 2 Gordon, B. *Workshop* **3 CREDITS**

This workshop does NOT fulfill the 3 credit seminar requirement. Registration restricted to third year students.

CHANGE JUNE 1: Time

Advanced Legal Research will provide students with the ability to locate and update relevant case law, legislation and commentaries on specific topics. The course is designed to provide students with real, practical and substantial legal research skills used in legal practice, and will provide students with confidence as they undertake research for course work or begin their articles.

The focus will be on practical research skills and legal writing. Training will be provided on researching the law in British Columbia and Canada. The course will also touch on foreign jurisdictions such as the United Kingdom and the United States.

Students will have an opportunity to synthesize information gained through legal research into written documents commonly used in legal practice, and particularly during articles. The emphasis will be on drafting legal memos, pleadings and written submissions. The overall learning experience will include reading assignments, individual and group exercises, and written assignments.

Evaluation: Research Assignments 85%, Weekly Participation 15%

Brady Gordon is a Barrister & Solicitor at Blake, Cassels & Graydon LLP, where he practises international trade law and commercial litigation with a focus on complex commercial matters including contractual disputes, tort claims, public law remedies, class actions, regulatory controversy, and international trade and sanctions law.

Prior to being called to the bar in British Columbia, Dr. Gordon obtained his Ph.D. in Law at Trinity College, the University of Dublin (TCD), where he was an Irish Research Council Ph.D. Scholar specializing in EU financial integration and European constitutional law. In addition to his Ph.D., Dr. Gordon also holds an LL.M from TCD, an LL.B. (Hons) from the University of Manchester, and a B.A. in English Literature and Political Science from the University of British Columbia.

LAW 432D.001 **Topics in Private Law** **Advanced Contract Law**
 Term 1 Term 2 Funt Ohama-Darcus Lockhart Seminar 3 CREDITS

This seminar examines the key principles and jurisprudence relevant to lawyers practicing contract law and commercial litigation. It is designed to build on first-year Contract Law by giving upper-year students exposure to the critical areas of contract law that are litigated on a daily basis in Canada (including issues of good faith, consumer contracts, contracts with government, contractual damages and specific performance). A focus of the seminar will be exploring the current tensions in these various areas of contract law. Students must demonstrate a willingness to engage with the assigned case law reading and contribute to an in-depth discussion of those cases in class. Evaluation for the course will be based on three 1500-word papers and participation.

Evaluation: 30% per paper (90% total), 10% participation

Malcolm Funt is a commercial litigator and a founding partner of Bojtm, Funt & Gibbons LLP. Mr. Funt carries on a general litigation practice with a particular interest in contract and partnership disputes, real estate litigation, securities litigation and environmental contaminated sites litigation. He has appeared as counsel on numerous multi-week trials in the BC Supreme Court and has concluded a number appeals at the BC Court of Appeal. Mr. Funt is a graduate of McGill University and UBC Law School and previously worked as an associate at Nathanson, Schachter & Thompson LLP, and as an associate and articling student in the Vancouver office of Blake, Cassels & Graydon LLP.

Caitlin Ohama-Darcus practises corporate commercial litigation with Nathanson, Schachter & Thompson LLP. Ms. Ohama-Darcus graduated with a J.D. from the University of British Columbia in 2015, graduating as a Wesbrook Scholar. Following graduation, Ms. Ohama-Darcus served as the judicial law clerk to Madam Justice Kirkpatrick and Mr. Justice Goepel of the Court of Appeal for British Columbia. Ms. Ohama-Darcus has acted as counsel in a number of high profile contractual disputes, particularly concerning the law of good faith in negotiations and contracts with municipalities.

Julia Lockhart practises corporate commercial litigation with Nathanson, Schachter & Thompson LLP. Ms. Lockhart graduated with a J.D. from the University of Toronto in 2012. Following graduation, she served as a Law Clerk to Justice Marshall Rothstein at the Supreme Court of Canada. She regularly appears as counsel on contractual disputes, include cases concerning the developing law of good faith, damages and contractual interpretation.

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 a 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. Susanne's practice focuses on representing individuals 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. 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 also serves on the Executive of the Board of the Trial Lawyers Association of British Columbia.

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 435C.001**Topics in Tort Law****Personal Injury Law** Term 1 Term 2

Kazimirski

Kovacs

Course

3 CREDITS

The statistics for personal injury in Canada are daunting: most individuals will suffer a significant personal injury during their lifetime, injury is the leading cause of death for children and young adults, and injury is the dominant cause of disability for Canadians. Personal injury litigation has become increasingly prevalent and accounts for nearly 25% of all civil pleadings filed in the British Columbia Supreme Court. This course examines the structure of personal injury claims and is focused on personal injury advocacy. The first half of the course is devoted to an overview of personal injury claims, the different legislative regimes governing personal injury claims in Canada, the key elements of personal injury claims and the various categories of damages for personal injury claims (non-pecuniary damages, wage loss, future loss of earnings capacity, special damages, future cost of care, and punitive damages). The second half of the course examines the anatomy of a personal injury claim (interviewing the claimant, preliminary investigations, commencing the action, discovery, settlement discussions, trial, and post-trial matters), defences to personal injury claims (liability, causation, intervening events, credibility, and statutory restrictions on claims), and trial advocacy in a personal injury claim.

Course Objectives:

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

- The relevant statutes and key judicial decisions governing personal injury claims in British Columbia and in other Canadian jurisdictions.
- The structure of a personal injury claim including the various heads of damage, the anatomy of a personal injury claim, and defences to a personal injury claim.
- The advocacy skills required to pursue a personal injury claim.

Required Reading Materials:

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

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

Evaluation:

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

- Final Exam (75%)
- Class Participation (25%): students will attend class, participate in class discussion, and email “weekly reflections” commenting on the lecture.

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

Sandy Kovacs (LL.B. (Alberta 2004)) is senior counsel at Kazlaw Trial Lawyers in Vancouver, British Columbia. She is a Past President of both the Vancouver Bar Association and the Lawyers’ Inn Society. Before joining the plaintiffs’ personal injury bar in October 2016, she worked to defend personal injury and wrongful death claims in motor vehicle, aviation, medical malpractice, sexual assault, and occupiers’ liability matters.

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 is a lawyer with the British Columbia Ministry of Attorney General. Prior to joining government, she was an associate at Branch MacMaster LLP. Chelsea practices primarily in the area of class actions and has represented clients before courts across Canada. She has worked on cases such as Watson v. Bank of America et al (credit card interchange fee price-fixing), Quenneville v. Volkswagen (diesel emissions), Condon v. Canada (student loans privacy breach), Douez v. Facebook Inc. (Facebook ad privacy breach), British Columbia v. Apotex (opioid crisis health care costs) and Cragg v. British Columbia (solitary confinement).

LAW 436.001 **Restitution** **Unjust Enrichment**
 Term 1 Term 2 Beswick *Course* **3 CREDITS**

**THIS CLASS WILL MEET IN-PERSON IN ALLARD RM 123 & ONLINE
CHANGE June 5: Evaluation method.**

The law of obligations concerns the legal rights and duties owed between people. Three primary categories make up the common law of obligations: tort (wrongs), contract (agreements), and unjust enrichment (unjustified gains). The law of unjust enrichment steps in when transactions go awry—when a defendant gains a benefit to the detriment of a plaintiff, and “there is no reason in law or justice for the defendant’s retention of the benefit conferred by the plaintiff” (Kerr v. Baranow, 2011 SCC 10, [2011] 1 SCR 269, [40]). Restitution—reversing the transaction—is the typical response to unjust enrichment.

This third category of the law of obligations is significant to all sorts of civil disputes—especially in the areas of mistaken payments or benefits, the division of family property, and failed commercial transactions. It is rapidly being developed in contemporary case law and scholarship. Yet, the law of unjust enrichment and restitution is often overlooked and misunderstood by lawyers. The objective of this course is to provide students with an understanding of the essential legal doctrine and controversies as they exist both in the classroom and courtroom.

Evaluation:

20% class participation and 80% exam

Assistant Professor Samuel Beswick is a full time member of the Peter A. Allard School of Law.

LAW 437.001 **Commercial Transactions**
 Term 1 Term 2 MacDougall, B. *Course* **3 CREDITS**

Cross-listed with LAW 537.001.

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 438.001 **Secured Transactions**
 Term 1 Term 2 MacDougall, B. *Course* **3 CREDITS**

Cross-listed with LAW 538.001.

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

Evaluation:

Compulsory 2.5-hour open-book final examination.

Professor Bruce MacDougall is a full time member of the Peter A. Allard School of Law.

LAW 438.002 **Secured Transactions** Term 1 Term 2 Uteck

Course

3 CREDITS

Cross-listed with LAW 538.002.

This course is designed to provide students with an understanding of the rules, principles and policies underlying personal property security law. It will examine the important features of the Personal Property Security Act. Topics will include: the nature and function of security, the scope of the Act, the form and validity of security agreements, securing interests in personal property, the function of registration, third party disputes – the general and specific priority rules, enforcement of security interests, and conflict of laws issues. An emphasis in this course is the resolution of priority disputes between secured parties and a variety of competing claims. The course will also provide an overview of the Bank Act security device and a brief introduction to the bankruptcy process.

Evaluation:

2.5 hour modified closed book 100% final examination.

Anne Uteck (B.A (Saint Mary's University), LL.B (University of New Brunswick), LL.M (Dalhousie University), LL.D (University of Ottawa)). Prior to joining the faculty at the Peter A. Allard School of Law in 2016, Dr. Uteck practiced law for several years in Nova Scotia before commencing her teaching career. For over 20 years, she has taught extensively in the first year law program, in the areas of corporate/commercial law and privacy law. Dr. Uteck's research interests build on her doctoral work examining issues raised by networked technologies.

LAW 439.001 **Construction Law** Term 1 Term 2 Singleton

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.

LAW 440.001 Insurance Law

Term 1 Term 2 Doyle Bank Course 3 CREDITS

Cross-listed with LAW 540.001

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.

Jordan Bank

LAW 442.001 Condominium Law

Term 1 Term 2 Harris, D. Course 3 CREDITS

THIS CLASS WILL MEET IN-PERSON IN ALLARD RM 106 & ONLINE

Condominium is rapidly becoming the dominant form of residential land ownership for city dwellers in Canada and much of the rest of the world. This course provides students with an opportunity to analyze and develop an understanding of statutory condominium as a legal framework for owning interests in land. It is organized around the lifecycle of a condominium development, from creation to termination, and it focuses on the condominium statute in British Columbia—the Strata Property Act—but will draw on material from provinces across Canada and statutory condominium jurisdictions around the world. The course will also provide students with an opportunity to consider condominium not only as a property interest, but as another level of government that sits alongside municipal government.

Required materials will be available online.

Evaluation:

Students will be evaluated on a writing assignment (60%) and a final exam (40%). The writing assignment will take the form of a case commentary. Students will submit, and receive feedback on, drafts of the writing assignment, and will post the final version of approximately 1500 words to a legal blog. The final exam will cover the material in the course.

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

Cross-listed with LAW 599.001.

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

Sarraf

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 13, 2020, 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 Sarraf is a full time member of the Peter A. Allard School of Law.

LAW 446.001 Corporate Solicitors' Workshop Term 1 Term 2

Chow, C.

Workshop

3 CREDITS

This workshop fulfills the Experiential Learning requirement. Exchange students are NOT allowed to register for this workshop.

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 Business Organizations is a prerequisite.

Evaluation: Graded Pass/Fail.

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 447C.001**Topics in Commercial Law****e-Commerce** Term 1 Term 2

Matsui

Course

3 CREDITS

This course is a new course designed to learn about the various legal issues rising from the development of the e-commerce. The course will start the examination of the general characteristics of e-commerce and the framework of e-commerce law with the background knowledge on computer technology and information network (pre-reading). It will then examine the various legal issues for starting up e-commerce: registration of a company, opening website and/or offering products or service on the platforms, such as online shopping mall, including the legal issues on domain name, management of website and restrictions on offered products or services. Then, the course will turn attention to contractual issues, including application of contract law to e-commerce and the validity of e-signature as well as legal issues on payment. This part also examines the consumer protection measures for on-line customers. The next part will examine the legal issues on on-line advertisement, including un-solicited e-mail and regulation on on-line advertisement. The course will then examine the legal liability for breach of contract and for torts. This part also explores the liability of intermediary and the dispute-resolution mechanism. The course will move on to examination of privacy and data protection. This part will start from the examination of personal information protection legal scheme and then discuss some of the legal issues on protection of personal information for e-commerce and the legal system to secure the network. The final part will cover emergent issues, involving the issues in the sharing economy and cryptocurrency. This course is an experimental course to define the e-commerce law and provide sufficient legal knowledge for students who want to learn about on-going and emerging legal issues in e-commerce.

[Http://www.shgmatsui.com](http://www.shgmatsui.com)

Pre-requisites

There is no pre-requisite for taking this course.

If the students are more interested in the freedom of expression issues in the cyberspace, take LAW425D.001 Cyberspace Law, which focus on freedom of expression and public law issues in the cyberspace. Off course, students can take both courses at the same time as well.

Textbook: Andrew Murray, Information Technology Law (Oxford 2019)

Other textbooks which might be useful for the students (not mandatory)

James Grimmelmann, Internet Law: Cases and Problems (7th ed. Semaphore Press 2017)

Ian J. Lloyd, Information Technology Law (Oxford 2017)

Evaluation:

Class participation 30% and final assignment 70%.

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

LAW 448D.001 **Sports Law** Term 1 Term 2

Moore

Seminar

3 CREDITS

SEMINAR CANCELLED***Cross-listed with LAW 548.001.***

This course surveys law, governance, and regulation relating to sports. In contemporary society, sports are a widely celebrated field of human endeavour. This attracts much attention to issues surrounding sports. These may include topics such as: ethics & integrity, health & safety, education & leadership, labour relations, competition, commerce, IP, culture, and the intersection of private property and public goods. Law, of various kinds and at different levels, seeks to respond to issues like these. This course studies ways in which the law has responded to such issues, critically evaluates the merits and drawbacks of those responses, and reflects on potential alternatives. The course will focus particularly, but not exclusively, on North American professional league sports, especially hockey. Assistant Professor Marcus Moore is a former professional hockey player and a full time member of the Peter A. Allard School of Law.

Evaluation: Research paper assignment (proposal to be approved by instructor) 60%; in-class presentation & handout 30%; participation 10%.

Assistant Professor Marcus Moore 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

Cross-listed with LAW 551.001.

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

Cross-listed with LAW 551.002.

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, followed by remedies for breach of trust. We will then study resulting and constructive trusts and related concepts, including fiduciary relationships and unjust enrichment. 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 Senior Counsel with Lawson Lundell LLP where he has practiced since 1981. This will be the eighth 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 almost 40 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, 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

Dosanjh

Course

3 CREDITS

Cross-listed with LAW 574.001.

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. the requirements of testamentary capacity;
4. basic principles and procedures of probate and estate administration;
5. the interpretation of wills;
6. will contests relating to allegations of lack of capacity and undue influence;
7. the statutory limits to testamentary freedom under legislation such as British Columbia's wills variation legislation;
8. substitutes for wills such as joint accounts and options available to limit the exposure of an estate to probate fees;
9. aboriginal succession;
10. planning for incapacity, including powers of attorney and representation agreements for financial management and health care decision-making; and
11. a high level overview of the principles of taxation on death and family law principles relevant in estate planning.

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.

Evaluation:

There will be a compulsory final examination.

Simi Dosanjh (BA (UBC 2005), JD (University of Calgary 2009)) was called to the Bar in British Columbia in 2010. Ms. Dosanjh is a Will & Estate Consultant with RBC Wealth Management Services in Vancouver, British Columbia. She works with individuals to assist them in developing succession plans that accommodate their unique needs and advises on all aspects of estate and incapacity planning, including wills, trusts, powers of attorney, representation agreements and other means of providing for beneficiaries while minimizing taxes on death. Ms. Dosanjh has completed the CPA Canada In-Depth Tax Course and previously worked as an associate in the tax groups of Dentons Canada LLP and Boughton Law Corporation.

LAW 455.001 **Real Estate Transactions**

Term 1 Term 2 Umbach Yeung Course 3 CREDITS

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

Evaluation:

100% final exam.

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

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

LAW 455.002 **Real Estate Transactions**

Term 1 Term 2 Chisholm *Course* **3 CREDITS**

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

Evaluation:
100% final exam.

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 Chow, Y. *Course* **3 CREDITS**

CHANGE July 13: Course added.

This course is an introduction to legal concepts involved in real estate development. The concepts covered will include real property due diligence, contract of purchase and sale terms, commercial leasing, strata developments, disclosure statements, together with an overview of the municipal development process, and the organization of the real estate licensees in British Columbia.

Evaluation:
Class participation 15%
Take home assignment 30%
24-hour take-home final exam 55% on April 22

Yee Chow (JD (UBC 2011)) is a Senior Course Specialist at the UBC Sauder School of Business. Previously, he practiced in the area of commercial real estate at a large national law firm.

LAW 459.003 **Business Organizations**

Term 1 Term 2 Peihani

Course 4 CREDITS

Cross-listed with LAW 508D.003.

This course is an introduction to the law of business organizations. We will examine several forms of business organization, such as partnerships and corporations. We will look at the legal and organizational rules governing these forms and how they seek to resolve any underlying structural issues such as allocation of risk, return, control, and conflicts of interest. The majority of the semester will be spent on examining key issues concerning the corporate form, including individual and corporate liability, governance, changes in control, and shareholder rights and remedies.

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

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

LAW 460.001 **Advanced Corporate Law** **Advising Public Companies**

Term 1 Term 2 Sangra Talaifar

Course 3 CREDITS

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

Prerequisite:

LAW 459 Business Organizations prerequisite is WAIVED for this course.

Evaluation:

Evaluation will be 100% final exam.

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

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

LAW 461.001 **Corporate Transactions** Term 1 Term 2

Hutchison

*Course***3 CREDITS**

This course focuses on the law and practice of complex corporate transactions, including mergers (amalgamations), acquisitions, divestitures, and corporate restructurings. Special emphasis will be placed on the analytical, drafting, and negotiation skills central to serving as an effective transactional attorney. Notwithstanding this practical focus, we will also address various legal, economic, and even political theories that help explain how corporate transactions are structured and executed. This course draws heavily on Business Organizations, which is a prerequisite for enrollment.

Prerequisite: LAW 459 Business Organizations

Required textbook: Christopher C Nicholls, *Mergers, Acquisitions and Other Changes of Corporate Control*, 3rd ed (Toronto: Irwin Law, 2020).

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 462.001T1 **Close Corporations** **Corporations: From Beginning to End**
 Term 1 Term 2 Hennigar Webber Workshop 2 CREDITS

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

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

Prerequisite:

LAW 459 Business Organizations is a prerequisite.

Evaluation:

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

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.

Shannon D. Webber currently holds the role of Vice President, Legal and Corporate Secretary at Great Panther Mining Limited, a growing gold and silver producer focused on the Americas listed on the TSX and the NYSE American. From 2014-2018, she held the role of General Counsel and Corporate Secretary for Alterra Power Corp., a renewable power public company listed on the TSX. Prior to her tenure at Alterra, Shannon practised for ten years in the areas of securities and capital markets, corporate finance, mergers & acquisitions, mining, and corporate law at Borden Ladner Gervais LLP. She holds a Bachelor of Laws from Osgoode Hall Law School and a Bachelor of Science (Environmental Chemistry) from Simon Fraser University. Shannon is actively involved in the North Vancouver community volunteering in various youth sport programs, including a current role as President and Director of the North Shore Minor Lacrosse Association.

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

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.

Shannon D. Webber currently holds the role of Vice President, Legal and Corporate Secretary at Great Panther Mining Limited, a growing gold and silver producer focused on the Americas listed on the TSX and the NYSE American. From 2014-2018, she held the role of General Counsel and Corporate Secretary for Alterra Power Corp., a renewable power public company listed on the TSX. Prior to her tenure at Alterra, Shannon practised for ten years in the areas of securities and capital markets, corporate finance, mergers & acquisitions, mining, and corporate law at Borden Ladner Gervais LLP. She holds a Bachelor of Laws from Osgoode Hall Law School and a Bachelor of Science (Environmental Chemistry) from Simon Fraser University. Shannon is actively involved in the North Vancouver community volunteering in various youth sport programs, including a current role as President and Director of the North Shore Minor Lacrosse Association.

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

Peihani

Course

3 CREDITS

Cross-listed with LAW 576.001.

This is a specialized corporate law course focusing on the regulation of capital markets in Canada, with a particular focus on the British Columbia context. The main objective of the course is to provide students with a broad understanding of the legal and regulatory framework governing the issuance and trade of securities. This includes public offerings, continuous disclosure obligations, insider trading, takeover bids, as well as public and private enforcement mechanisms for violations of securities laws. In addition to examining the existing regulatory framework, the course will also touch upon recent debates in securities regulation. More specifically, we will explore regulatory reforms following the financial crisis, ongoing efforts to establish a cooperative capital markets regulator, and improving the oversight of systemic risk in Canadian capital markets.

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

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

LAW 463.002 **Securities Regulation** Term 1 Term 2

Ford

Course

3 CREDITS

Cross-listed with LAW 576.002.**CHANGE July 14: Course added.**

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

Evaluation:

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

Prerequisite:

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

Professor Cristie Ford is a full time member of the Peter A. Allard School of Law.

LAW 464.001 **Competition Policy** **Canadian Competition Law**
 Term 1 Term 2 Tougas Wright Course 3 CREDITS

Cross-listed with LAW 556C.002

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

Evaluation:

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

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

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

LAW 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, crowd funding, 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 13, 2020, 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 Lim *Course* 3 CREDITS

***Registration by permission only. ***

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

Kwang Lim

LAW 467C.001 Topics in Corporate Law**Financial Accounting in Legal Practice**

Term 1 Term 2 Jawanda *Course* 3 CREDITS

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.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 a 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 and serious cases where liberty and reputation are at stake, primarily in areas such as criminal litigation, securities litigation and professional discipline.

LAW 468.001 **Ethics and Professionalism**
 Term 1 Term 2 Bird Course 3 CREDITS

Cross-listed with LAW 588.001.
CHANGE July 16: Instructor.

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%).

Assistant Professor Brian Bird is a full-time faculty member at the Peter A. Allard School of Law.

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

Course 3 CREDITS

Cross-listed with LAW 588.003.**EXAM CONFLICT: STUDENTS REGISTERED IN 468.003/588.003 OR 422.001/570C.001 ARE NOT ALLOWED TO BE REGISTERED IN 403.001, AND VICE VERSA.**

Ethical issues are fascinating, complex, challenging, and permeate all aspects of the practice of law. This class introduces students to the defining ethical issues that individual lawyers face in various practice settings as well as some of the larger ethical issues facing the legal profession. This class aims to equip students to navigate difficult issues of ethics and professional responsibility, with an awareness of the legal rules, norms, and expectations, but also with an understanding that the answer to ethical dilemmas may not lie in available rulebooks.

This section of Ethics and Professionalism will also consider issues of professional responsibility that arise in transnational legal practice. Such issues include the cross-cultural dimensions of legal practice, transnational bribery, and corruption threats in international legal practice. These issues are as relevant for lawyers working on international business transactions from a British Columbia, or Canadian base, as they are for those anticipating working outside Canada. This will be an interactive class, combining lectures, simulations, negotiation exercises, case studies, and guest lectures.

Evaluation: The course will be evaluated by means of a final examination (100%) which will include both essay and short answer questions. The exam will draw on the problem-based learning methodology and interactive case study approach of the course.

Graduate Students registered in this course at the 500 level will, in addition to the final exam, be required to submit a 3,000 word research essay from a list of prescribed topics.

Professor Natasha Affolder is a full time member of the Peter A. Allard School of Law.

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

Course 3 CREDITS

Cross-listed with LAW 588.004.**EXAM CONFLICT: STUDENTS REGISTERED IN 468.004/588.004 ARE NOT ALLOWED TO BE REGISTERED IN 343C.001, AND VICE VERSA.**

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, current challenges facing the legal profession such as access to justice and, as well, oversight and regulation of the judiciary. The course will be taught in both a lecture format and through smaller group discussions and presentations.

Evaluation:

The course will be evaluated by means of small group work and class participation (15%) and a final examination (85%).

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

LAW 468.005 Ethics and Professionalism Term 1 Term 2

Salter

Course

3 CREDITS

Cross-listed with LAW 588.005.**EXAM CONFLICT: STUDENTS REGISTERED IN 468.005/588.005 ARE NOT ALLOWED TO BE REGISTERED IN 422.002/570C.002, AND VICE VERSA.**

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, Canada's first online tribunal resolving small claims, condominium disputes, and motor vehicle accident disputes (April 2019). She is also an adjunct professor at the UBC Allard School of Law, teaching administrative law and legal ethics and professional regulation. She earned her BA and LLB from UBC, and her LLM from the University of Toronto. Ms. Salter was a BC Supreme Court judicial law clerk before practicing civil litigation at a large Vancouver firm. She has served as a vice chair of the Workers' Compensation Appeal Tribunal and on the College of Registered Nurses of BC. Ms. Salter is currently a commissioner of the Financial Institutions Commission, vice president of the BC Council of Administrative Tribunals, a Law Society of British Columbia disciplinary hearing panel member, and a board member of the Canadian Legal Information Institute (CanLII). She is a co-author of the BC Administrative Decision Maker's Manual, as well as a number of legal journal articles. In 2017, Ms. Salter was named one of the 25 Top Most Influential Lawyers in Canada, and was previously recognized as one of Canada's New Law Pioneers by the Canadian Bar Association and an Access to Justice All-Star by the National Self-Represented Litigants Project (NSLAP). She is also the 2016 recipient of the Adam Albright award for outstanding teaching by an adjunct professor. Ms. Salter is a frequent speaker at international conferences on online dispute resolution, administrative law, legal education, and the future of law and technology.

LAW 468.006 **Ethics and Professionalism**

Term 1 Term 2 Morris Rusnak Course 3 CREDITS

Cross-listed with LAW 588.006.

This course will examine ethics and professionalism through the lens of the Canons of Legal Ethics and the proposition that a lawyer is a minister of justice, an officer of the courts, a client's advocate and a member of an ancient, honourable and learned profession.

Evaluation:

Course evaluation will be by 80% final open-book examination and 20% paper assignment.

Joel A. Morris (B.A., Hons. (Queen's University 2007), LL.B. (UBC 2010)) is a Partner in Harper Grey's Health Law, Commercial Litigation, Professional Regulation, and Insurance Law practice groups. Mr. Morris' practice focuses on professional liability; commercial litigation, including multi-party cases and class actions; and administrative law. He routinely acts as co-counsel on complex cases and appeals. He has represented clients at all levels of court in British Columbia and before various administrative tribunals.

Mr. Morris acts as pro bono counsel in civil and administrative law matters. He serves as Harper Grey's LSLAP (Law Students' Legal Advice Program) coordinator and volunteers as a supervising lawyer with LSLAP.

Prior to joining Harper Grey, Mr. Morris clerked at the British Columbia Supreme Court.

Christopher M. Rusnak (B.A.Sc. in Chemical Engineering, Hons (Queen's University 1989), LL.B. (University of Victoria 1992)) is a Partner with Harper Grey and has over 24 years' experience with all aspects of civil litigation. The focus of Mr. Rusnak's practice is complex, multi-party disputes. He is counsel in some of Canada's largest and most technically challenging cases in the fields of product liability, environmental contamination and construction.

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

Greenberg

Mitretodis

Course

3 CREDITS

Cross-listed with LAW 590.001

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. She has appeared as counsel before all levels of court in British Columbia, as well as the Federal Court and the Supreme Court of Canada.

LAW 469.002 Civil Procedure

Term 1 Term 2 Cameron, G. Fancourt-Smith Course 3 CREDITS

***Cross-listed with LAW 590.002.**

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. Mark Fancourt-Smith and Gavin Cameron, Law 469 Civil Litigation Casebook, 2020 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

***Cross-listed with LAW 590.003.**

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.) This clinic fulfills the Experiential Learning requirement.* MEETS IN-PERSON IN ALLARD 105.**

The UBC Innocence Project is a clinical program which focuses on the review of claims of wrongful conviction. Students participate in investigative casework, legal file review, drafting of memoranda and submissions, an academic seminar and weekly group 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, and assessment of whether the Project will assist in pursuing a conviction review remedy. Each student works with a practicing criminal lawyer for added guidance and supervision. Inquiries about the program should be sent to the program Director, Tamara Levy, QC 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, QC (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.) This clinic fulfills the Experiential Learning requirement.

See above description.

Tamara Levy, QC (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 Paisana Barrenger 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%).

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.

Michael Barrenger. After clerking at the Ontario Superior Court, Michael Barrenger (B.A. (University of Toronto, 2002), M.A. (London School of Economics, 2004), LL.B. (U.B.C., 2007)) practiced criminal defence in Vancouver at Cobb St. Pierre Lewis, and then joined the Crown in 2009. Mr. Barrenger has prosecuted offences ranging from assault, impaired driving, and fraud, to attempted murder, conspiracy to commit murder, second degree murder, and first degree murder. Mr. Barrenger is a member of the Crown Law Division, which conducts organized crime prosecutions.

LAW 472.001**The Allan McEachern Course in
Trial Advocacy** Term 1 Term 2

McEwan

Francis

Workshop

3 CREDITS

Priority registration to third-year students. Remaining seats open to second-year students. This workshop fulfills the Experiential Learning requirement.

THIS COURSE WILL MEET IN-PERSON DOWNTOWN.

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 fulfills the Experiential Learning requirement.

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

Corbett

Lab

CREDITS

Advocacy Practice Simulation Lab to accompany lecture component 474.001. THIS LAB HAS THE OPTION OF IN-PERSON ATTENDANCE, WHICH WILL BE HELD IN ALLARD RM 121

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.

Jonathan Corbett is a graduate of U-Vic Law and has been practicing in Vancouver for 20 years. He is a partner at Quinlan Abrioux, and his practice focusses primarily on defending personal injury and professional negligence claims.

LAW 474.L02 **Trial Advocacy** **LAB**

Term 1 Term 2 Rhodes Lab CREDITS

Advocacy Practice Simulation Lab to accompany lecture component 474.001. THIS LAB HAS THE OPTION OF IN-PERSON ATTENDANCE, WHICH WILL BE HELD IN ALLARD RM 123

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 Lab CREDITS

Advocacy Practice Simulation Lab to accompany lecture component 474.001. THIS LAB HAS THE OPTION OF IN-PERSON ATTENDANCE, WHICH WILL BE HELD IN ALLARD RM 121

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 Duncan Lab CREDITS

Advocacy Practice Simulation Lab to accompany lecture component 474.001. THIS LAB HAS THE OPTION OF IN-PERSON ATTENDANCE, WHICH WILL BE HELD IN ALLARD RM 123

Emmet Duncan

LAW 476.001 **Evidence** Term 1 Term 2

Cunliffe

Course

4 CREDITS

Cross-listed with LAW 507.001.

This course provides an introduction to the principles and application of the law of evidence in Canada. Evidence is the system by which the admission of proof at a trial is regulated. The course begins with an introduction to the basic principle of relevance and the sources of evidence law. For much of the term, we consider the rules which exclude certain evidence, and the exceptions to those rules. Adopting a principles-based approach which is in accordance with Supreme Court of Canada jurisprudence, the course will consider both criminal and civil trials, with a significant emphasis on working with particular facts and problems. The course will consider how well particular rules further the purposes for which they were developed by the courts and legislatures, and how well the rules work in practice.

Evaluation:

Final examination (50%), research paper (40%), midterm evaluation (10%)

*Note that this evaluation statement is a guide and evaluation methods may be amended to reflect the exigencies of transitioning to an online learning environment. The final form of evaluation methods will be conveyed at the start of term to those who are registered in the course.

Prerequisites:

Students must have successfully completed first year subjects in criminal law and procedure and constitutional law. Since this course is a prerequisite for Trial Advocacy and many clinical experiences, students are recommended to take Evidence in their second year.

Professor Emma Cunliffe is a full time member of the Peter A. Allard School of 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 476.003 **Evidence** Term 1 Term 2

Elwood

Course

4 CREDITS

Cross-listed with LAW 507.003.

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)) is a Master of the B.C. Supreme Court. Prior to being appointed to the Court, Bruce practiced civil and constitutional litigation with the Ministry of Justice, Arvay Finlay, Mandell Pinder and Blakes. His experience includes commercial litigation, aboriginal law, constitutional and administrative law, medical malpractice, estates litigation and municipal law.

LAW 477.001 **Negotiation & Dispute Resolution** Term 1 Term 2

LeBaron

Workshop

3 CREDITS

This workshop fulfills the Experiential Learning requirement.

This course will focus on processes outside litigation from negotiation to other dispute-engagement avenues. With a focus on lawyers as problem-solvers, we will connect theory to practice, examining ways to maximize effectiveness in policy and practice work. We will explore work on creativity, problem-solving, dialogue, negotiation, risk and risk assessment, representative negotiation, change management, intercultural communication, leadership and conflict prevention/transformation. Participants will learn through case studies and experiential activities designed to deepen their repertoires of practical skills grounded in relevant 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 is P/F, and requires the following work:

Class presentation and engagement activity

Written reflection on course learnings (4-6 pages)

Field reflection/case analysis (4-6 pages)

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 478.001 Foundations of Dispute Resolution Term 1 Term 2

Goldbach

Course

3 CREDITS

This course fulfills the Experiential Learning requirement.**CHANGE June 23: STUDENTS SHOULD BE READY TO BE INVOLVED IN IN-PERSON LEARNING FOR THIS COURSE IN ALLARD ROOM 121.**

This course examines the legal, practical, and policy issues in dispute resolution. It explores theories of disputing and exposes students to the broad spectrum of dispute resolution processes used within and outside of the legal system. The course covers a range of topics in the area of dispute resolution including: theoretical models for analyzing and responding to conflict; conflict escalation and de-escalation; the impact of race, gender and cultural norms on conflict analysis; mediation and negotiation theories and strategies; and critical perspectives on ADR and "private dispute processing". The course also considers select topics in the law of dispute resolution, including settlement confidentiality and privacy; public policy exceptions in international commercial arbitration; mandatory mediation and case management in civil litigation; and the resolution of disputes with indigenous peoples in Canada. This course has an experiential learning component and students will be expected to actively participate in simulated mediations or negotiations.

Evaluation:

Evaluation for this class consists of class participation (20%), a small group project on a substantive legal area or set of legal cases (15%), and a research paper of approximately 4000-5000 words (65%).

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

LAW 481D.001 Topics in Litigation, Dispute
Resolution & Administration of
JusticeIntercultural Dispute Resolution Term 1 Term 2

LeBaron

Seminar

3 CREDITS

This seminar fulfills the Experiential Learning requirement.

This seminar-style course provides an interdisciplinary foundation in the intercultural dynamics of conflict resolution theory and practice. We will explore diverse systems of thought and worldview differences as they relate to conflict analysis and resolution. Drawing from a range of case study examples, participants will examine how conflicts are constructed and engaged across cultural contexts. The roles of memory and truth-telling will be considered as they relate to reconciliation of complex issues. Creativity as a core competency in intercultural conflict resolution will be explored, and fairness in conflict engagement will be examined through a range of process choices.

Evaluation:

Site visit reflection paper (4-6 pages) 15%

Short paper (4-6 pages) and class presentation based on short paper 25%

Final paper (23-28 pages) 60%

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 481D.002	<u>Topics in Litigation, Dispute Resolution & Administration of Justice</u>	<u>Resilient Lawyering in a Time of Change</u>		
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	LeBaron		<i>Seminar</i>	3 CREDITS

This seminar fulfills the Experiential Learning requirement.

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

Evaluation:

Paper (23-28 pages) 85%

Reflective journaling, class participation and one class presentation, including regular reflections with a journal partner on resilience/balance goals. 15%

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. This clinic fulfills the Experiential Learning requirement.

The Indigenous Community Legal Clinic, Peter A. Allard School of Law (ICLC) program – Law 488/489 – is a full-term course comprised of 15 credits, 11 based on the practical component (pass/fail) and 4 based on the academic component of the program (graded).

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 currently limited to 10 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 Allard Hall.

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 of 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 with access to justice through the provision of pro-bono legal services.

As an experiential learning experience, the ICLC program facilitates students' development and understanding about their experiences through a 4-stage process: experience, reflection, theory, and application. Students complete weekly journals where they reflect on their experiences as these relate to theory they learn in the seminar component of the program, which is vital to thinking about the application of what they are learning through practice.

A period of immersion is vital to interrupting normalized learning processes and provide students a foundation in legal practice and experiential learning methodology. Through the ICLC Orientation students are slowly introduced to "learning by doing." Engagement with legal practice and procedure through the Orientation disrupts students' entrenched patterns of learning and invites them to actively participate in their educational experience. Additionally, in the clinical setting students are given the opportunity to role-play court appearances, client interviews, and direct/cross examinations of witnesses before doing this work in court. This immersion period helps prepare student clinicians for their file work and interactions with clients, lawyers, judges, and the legal community.

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 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

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

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The Indigenous Community Legal Clinic, Peter A. Allard School of Law (ICLC) program – Law 488/489 – is a full-term course comprised of 15 credits, 11 based on the practical component (pass/fail) and 4 based on the academic component of the program (graded).

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Enrollment is currently limited to 10 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 Allard Hall.

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 of 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 with access to justice through the provision of pro-bono legal services.

As an experiential learning experience, the ICLC program facilitates students' development and understanding about their experiences through a 4-stage process: experience, reflection, theory, and application. Students complete weekly journals where they reflect on their experiences as these relate to theory they learn in the seminar component of the program, which is vital to thinking about the application of what they are learning through practice.

A period of immersion is vital to interrupting normalized learning processes and provide students a foundation in legal practice and experiential learning methodology. Through the ICLC Orientation students are slowly introduced to "learning by doing." Engagement with legal practice and procedure through the Orientation disrupts students' entrenched patterns of learning and invites them to actively participate in their educational experience. Additionally, in the clinical setting students are given the opportunity to role-play court appearances, client interviews, and direct/cross examinations of witnesses before doing this work in court. This immersion period helps prepare student clinicians for their file work and interactions with clients, lawyers, judges, and the legal community.

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 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

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:

20% Participation

30% Weekly Reflective Journals

10% Final Relective Journal

40% Research Paper

The academic component of the ICLC program 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 scholarly publications, such as works examining decolonization and Indigenous legal orders, as well as studies on clinical legal education. The course incorporates Indigenous pedagogies, including storytelling and talking circles, to advance new ways of learning law.

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.

Focusing on decolonizing and Indigenizing law, this course seeks to advance students capacities for understanding:

- 1.the history of colonial legal policies and practices in Canada;
- 2.the ongoing impacts of Canadian law, legislation, policy, and the justice system on Indigenous peoples;
- 3.how the Canadian legal system operates to colonize and oppress Indigenous peoples;
- 4.the skills and capacities law students and legal professionals need to address how colonialism continues to impact Indigenous peoples negatively; and
- 5.the value and necessity of cultural competency skills, Indigenous trauma-informed practice, and critical self-reflection in working with Indigenous peoples in their encounters with the Canadian justice system.

Students will:

- 1.develop an understanding of the Canadian state's the use of law in colonization and the continued oppression of Indigenous peoples;
- 2.examine legislation, judicial decisions, and policies and processes, which exclude Indigenous legal orders, as well as how they may work as legal professionals to change this;
- 3.work to build capacity for Indigenous legal problem-solving through the study of Indigenous methodology, laws, and legal orders; and
- 4.develop analytic and practical skills for advancing reconciliation between Indigenous and settler peoples in Canada, including specifically skills-based training in intercultural competencies, conflict resolution, human rights, and anti-racism.

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LAW 489.002**Clinical Term: Paper****Indigenous Community Legal Clinic** Term 1 Term 2

Barkaskas

Course

4 CREDITS

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

Evaluation Method:

20% Participation

30% Weekly Reflective Journals

10% Final Relective Journal

40% Research Paper

The academic component of the ICLC program 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 scholarly publications, such as works examining decolonization and Indigenous legal orders, as well as studies on clinical legal education. The course incorporates Indigenous pedagogies, including storytelling and talking circles, to advance new ways of learning law.

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.

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- 4.the skills and capacities law students and legal professionals need to address how colonialism continues to impact Indigenous peoples negatively; and
- 5.the value and necessity of cultural competency skills, Indigenous trauma-informed practice, and critical self-reflection in working with Indigenous peoples in their encounters with the Canadian justice system.

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

Galati

*Clinical***6 CREDITS**

***Registration by permission only. This clinic fulfills the Experiential Learning requirement.*
THIS COURSE WILL MEET IN-PERSON DOWNTOWN.**

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 other's 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

Lin

Seminar

4 CREDITS

Enrolment restricted to LL.M. students only.

This seminar introduces students to the central conceptual, theoretical and interdisciplinary approaches to the study of law as well as to current trends in legal scholarship. Overall, it aims to provide participants with the tools to ask informed questions, and correspondingly, to generate informed answers. Through exposure to a wide variety of available approaches to legal research, the seminar aims to inform participants' choices of appropriate theoretical lenses for addressing their research questions clearly and usefully. This seminar also aims to give students the skills to access a wide range of legal theories meaningfully, and to make informed judgments about how, or whether, to apply these theories to their thesis and their future work. In addition, this seminar introduces students to practical skills of how to prepare, organize, and write a thesis. Through participating in this seminar, participants will begin the transition from being consumers of knowledge to being producers of knowledge.

The 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:

For the first half of the class (September through mid-October):

Class participation, seminar facilitation: 15%

Reflection on current legal issues and creative component: 15%

Written assignment and presentation: 20%

For the second half of the class (Mid-October through early December)

Class participation, seminar facilitation 25%

Written assignment 25%

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

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

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

Danay

Web-based

5 CREDITS

Part of UBC Law's Distance Learning Program. Enrolment is limited to LL.M. 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 Danay (LL.B. 2003 (Osgoode Hall, York University), LL.M. 2005 (Oxford University)) clerked for the Constitutional Court of South Africa in 2006. In 2012 he was an Assistant Professor with the University of New Brunswick Faculty of Law where he taught administrative law, evidence and a seminar in law and technology. He is a litigator with the Department of Justice Canada. He has a diverse practice, which has included a number of high profile constitutional, administrative and civil cases. Some notable recent examples include Reference re: Section 293 of the Criminal Code of Canada, which concerned the constitutional validity of the criminal prohibition on the practice of polygamy and Leroux v. Canada Revenue Agency, which examined whether the Canada Revenue Agency owes taxpayers a private law duty of care in negligence.

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

Danay

Web-based

5 CREDITS

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

Robert Danay (LL.B. 2003 (Osgoode Hall, York University), LL.M. 2005 (Oxford University)) clerked for the Constitutional Court of South Africa in 2006. In 2012 he was an Assistant Professor with the University of New Brunswick Faculty of Law where he taught administrative law, evidence and a seminar in law and technology. He is a litigator with the Department of Justice Canada. He has a diverse practice, which has included a number of high profile constitutional, administrative and civil cases. Some notable recent examples include Reference re: Section 293 of the Criminal Code of Canada, which concerned the constitutional validity of the criminal prohibition on the practice of polygamy and Leroux v. Canada Revenue Agency, which examined whether the Canada Revenue Agency owes taxpayers a private law duty of care in negligence.

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

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 505.99C **Canadian Public Law** 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 506.001 **Taxation** Term 1 Term 2

Duff

Course

4 CREDITS

Cross-listed with LAW 407.001 Taxation.

CHANGE June 4: Day and time. June 25: Take-home exam details added.

The income tax is the largest single source of government revenue in Canada and an important instrument both for the expression of societal values and for the delivery of social and economic policies. This course examines the 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 rules regarding the attribution of income.

Required Materials:

1. David G. Duff, Benjamin Alarie, Kim Brooks, Geoff Loomer and Lisa Philipps, Canadian Income Tax Law, 6th ed. (Toronto: LexisNexis, 2018).
2. Income Tax Act, latest edition

Evaluation: take-home exam (100%) December 18, 9 am to 4:30 pm.

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

Taylor, M.

Course

4 CREDITS

Cross-listed with LAW 407.002.

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.

Perhaps more so than some other areas of substantive law, the study of tax law emphasizes understanding rather than memorization. While we will analyze a significant amount of case law for teaching purposes, an important goal of the course is to guide students to come to terms with "income tax logic". Tax logic combines intuitive economics and accounting principles, but is distinct both from tax policy analysis and from accounting. It forms an indispensable framework for understanding market responses to both statutory rules and jurisprudence in the income tax area.

The course's emphasis on conceptual understanding will be implemented through encouraging active classroom discussion. In addition, legal research skills will be emphasized through one small exercise, distributed among students over the course of the semester.

Evaluation:

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

Required materials:

- Peter Hogg, Joanne Magee and Jinyan Li, *Principles of Canadian Income Tax*, 8th ed. (Scarborough: Carswell, 2013) (also electronically available through Taxnet Pro);
- Selection of cases to be distributed during the course;
- Thorsteinssons *Income Tax Act*, 99th edition, (Toronto: CCH, 2015).

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

Michael Taylor is Senior General Counsel with the Department of Justice in Vancouver. He represents the Canada Revenue Agency in income tax and GST litigation in the federal and B.C. courts. Michael is also a member of the Department of Justice's Supreme Court of Canada practice group, and he appears regularly in that court. He has presented at numerous internal and external tax law conferences and events. Michael taught at UBC in 2012-2013 and 2013-2014, and later served as a practitioner coach for the UBC entry in the Bowman Tax Moot from 2014 to 2018. Michael has an Honors B.A. from the University of Alberta (1996), and LL.B. (1999) and LL.M. (2006) degrees from UBC.

LAW 507.001 **Evidence** Term 1 Term 2

Cunliffe

Course

4 CREDITS

Cross-listed with LAW 476.001.

This course provides an introduction to the principles and application of the law of evidence in Canada. Evidence is the system by which the admission of proof at a trial is regulated. The course begins with an introduction to the basic principle of relevance and the sources of evidence law. For much of the term, we consider the rules which exclude certain evidence, and the exceptions to those rules. Adopting a principles-based approach which is in accordance with Supreme Court of Canada jurisprudence, the course will consider both criminal and civil trials, with a significant emphasis on working with particular facts and problems. The course will consider how well particular rules further the purposes for which they were developed by the courts and legislatures, and how well the rules work in practice.

Evaluation:

Final examination (50%), research paper (40%), midterm evaluation (10%)

*Note that this evaluation statement is a guide and evaluation methods may be amended to reflect the exigencies of transitioning to an online learning environment. The final form of evaluation methods will be conveyed at the start of term to those who are registered in the course.

Prerequisites:

Students must have successfully completed first year subjects in criminal law and procedure and constitutional law. Since this course is a prerequisite for Trial Advocacy and many clinical experiences, students are recommended to take Evidence in their second year.

Professor Emma Cunliffe is a full time member of the Peter A. Allard School of 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 507.003 **Evidence**
 Term 1 Term 2 Elwood

Course **4 CREDITS**
Cross-listed with LAW 476.003.

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)) is a Master of the B.C. Supreme Court. Prior to being appointed to the Court, Bruce practiced civil and constitutional litigation with the Ministry of Justice, Arvay Finlay, Mandell Pinder and Blakes. His experience includes commercial litigation, aboriginal law, constitutional and administrative law, medical malpractice, estates litigation and municipal law.

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

Course **4 CREDITS**
Cross-listed with LAW 459.001.

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 serving as 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 508D.002 **Business Organizations** Term 1 Term 2 Lin*Course* **4 CREDITS*****Cross-listed with LAW 459.002.***

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

Required Materials:

Poonam Puri et al., Cases, Materials and Notes on Partnerships and Canadian Business Corporations, 6th Edition 2016

Evaluation:

Final exam 100%

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

LAW 508D.003 **Business Organizations** Term 1 Term 2 Peihani*Course* **4 CREDITS*****Cross-listed with LAW 459.003.***

This course is an introduction to the law of business organizations. We will examine several forms of business organization, such as partnerships and corporations. We will look at the legal and organizational rules governing these forms and how they seek to resolve any underlying structural issues such as allocation of risk, return, control, and conflicts of interest. The majority of the semester will be spent on examining key issues concerning the corporate form, including individual and corporate liability, governance, changes in control, and shareholder rights and remedies.

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

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

LAW 509.001**Administrative Law** Term 1 Term 2 Liston

Course

4 CREDITS

Cross-listed with LAW 372.001.**CHANGE June 23: Take-home exam details added.**

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: A combination of participation, in-term assessment, and a 6 hr take-home final examination to be distributed at 9:00 a.m. and due at 3:00 p.m. on December 15.

Professor Mary Liston 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.**CHANGE June 18: Course Description**

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.

This course is designed around students' active engagement with the course materials. The assessment methods reflect this engagement. Multiple forms of assessment may result in an overall higher workload than for a course with a 100% final, but will provide multiple opportunities for students to demonstrate their knowledge and receive feedback.

Evaluation:

Open-book final examination; multiple small assignments during the semester; mandatory participation.

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

LAW 509.003 Administrative Law Term 1 Term 2

Flynn

Course

4 CREDITS

Cross-listed with LAW 372.003.

Administrative agencies are a powerful part of modern government and crucial to our daily lives. Building on knowledge from the first-year course on the regulatory state, this course surveys the legal framework of administrative bodies. This course examines how courts review statutorily authorized public bodies and determine the applicable principles and rules that constrain decision-making made by government agencies, boards, commissions, and tribunals. This course introduces the rules, principles, and policy considerations that shape the powers of these administrative decision-makers in areas such as diverse as human rights, municipal law, Indigenous governance, professional self-governance, and environmental protection. Major topics will include: administrative law remedies, procedural fairness, bias and independence, and standards under which courts may review administrative decision-making.

The evaluation will be based on: one take-home mid-term and one final exam.

Assistant Professor Alexandra Flynn is a full time member of the Peter A. Allard School of Law.

LAW 509.004 **Administrative Law** Term 1 Term 2

Russo

Course

4 CREDITS

Registration restricted to LLMCL students.

Administrative law is the body of law that governs the resolution of disputes involving statutorily empowered decision-makers. It governs decisions made by administrative tribunals, government boards, regulatory agencies and other entities or individuals that make rules that affect all of society. It is individuals' most common contact point with the legal system. Studying it helps comprehend other legal disputes in a number of areas such as immigration and refugees, labour relations, indigenous governance, and many other areas that concern the proper exercise of public authority. It focuses on using courts and other decision-making processes to access government benefits and goods or to challenge abuses of public power. It permits judges to review the procedures and decisions of a variety of statutorily empowered decision-makers to ensure compliance with the rule of law.

The content reviewed in this course includes the need to ensure fairness of administrative procedures such individuals' rights to participate in governmental decisions affecting them in front of an independent, impartial and unbiased decision-maker. The course will also review standards of judicial review, and remedies in administrative law. It will include an examination of administrative law principles and issues relating specifically to Indigenous individuals and groups.

Evaluation Method:

20% Class Participation (Case Briefs/Practice Quizzes)

80% Final Exam

Lecturer Robert Russo is a full time member of the Peter A. Allard School of Law.

LAW 509.99A **Administrative Law** Term 1 Term 2

Davey

4 CREDITS

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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 509.99C **Administrative Law** Term 1 Term 2 Davey

4 CREDITS

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LAW 511D.001 **International Criminal Law** Term 1 Term 2 Stewart, J.

Seminar

3 CREDITS

This seminar fulfills the J.D. Seminar requirement. J.D. students ARE allowed to register for this seminar.

This seminar course covers the law and practice of international criminal law, primarily as it has been developed by international criminal courts and tribunals in recent years, including the International Criminal Court, International Criminal Tribunal for the former Yugoslavia, International Criminal Tribunal for Rwanda, and Special Court for Sierra Leone.

Substantive topics may include: the elements of war crimes, crimes against humanity and genocide; modes of liability (including joint criminal enterprise and command/superior criminal responsibility); and circumstances excluding criminal liability. The development of the institutions of international criminal law will be explored, including the division of labour between national versus international prosecutions for serious international crimes.

Our seminar will be interactive and involve presentations by students of their research related to a particular international criminal law issue in the context of a recent or ongoing situation in which international crimes have allegedly been committed.

Evaluation:

Class participation: 20%

Oral presentation: 30%

Associate Professor James Stewart is a full time member of the Peter A. Allard School of Law.

LAW 524D.001 **Methodologies in Law and Policy** **Legal Methodologies**
 Term 1 Term 2 Sarfaty Seminar 4 CREDITS

Enrolment restricted to LL.M., LL.M.CL. and Ph.D. students only.

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

LAW 525.001 **Canadian Criminal Law and Procedure**
 Term 1 Term 2 Mann, P. Course 5 CREDITS

This course is open to LL.M. students only.

EXAM CONFLICT: STUDENTS REGISTERED IN 334.001 OR 400.001 ARE NOT ALLOWED TO BE REGISTERED IN 525.001 OR 416.001, AND VICE VERSA.

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 has extensive volunteer and non-profit board experience. She has been involved in representing the labour interests of federal lawyers and developing diversity policies in the federal service. She currently volunteers with the Canadian Bar Association in improving access to justice and promoting Indigenous Justice Advocacy.

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>.

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

Davey

Web-based

5 CREDITS

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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.

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:

Completion of a take-home research and writing assignment worth 100% of the final grade. In addition, students will complete a mid-term research and writing assignment that will be evaluated on a pass/fail basis. Any student who fails the mid-term assignment will be downgraded 2 numeric grade points (e.g., from 79 to 77) in their final course grade.

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

LAW 537.001 **Commercial Transactions**

Term 1 Term 2 MacDougall, B. *Course* **3 CREDITS**

Cross-listed with LAW 437.001.

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 538.001 **Secured Transactions**

Term 1 Term 2 MacDougall, B. *Course* **3 CREDITS**

Cross-listed with LAW 438.001.

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

Evaluation:

Compulsory 2.5-hour open-book final examination.

Professor Bruce MacDougall is a full time member of the Peter A. Allard School of Law.

LAW 538.002 **Secured Transactions**

Term 1 Term 2 Uteck *Course* **3 CREDITS**

Cross-listed with LAW 438.002.

This course is designed to provide students with an understanding of the rules, principles and policies underlying personal property security law. It will examine the important features of the Personal Property Security Act. Topics will include: the nature and function of security, the scope of the Act, the form and validity of security agreements, securing interests in personal property, the function of registration, third party disputes – the general and specific priority rules, enforcement of security interests, and conflict of laws issues. An emphasis in this course is the resolution of priority disputes between secured parties and a variety of competing claims. The course will also provide an overview of the Bank Act security device and a brief introduction to the bankruptcy process.

Evaluation:

2.5 hour modified closed book 100% final examination.

Anne Uteck (B.A (Saint Mary's University), LL.B (University of New Brunswick), LL.M (Dalhousie University), LL.D (University of Ottawa)). Prior to joining the faculty at the Peter A. Allard School of Law in 2016, Dr. Uteck practiced law for several years in Nova Scotia before commencing her teaching career. For over 20 years, she has taught extensively in the first year law program, in the areas of corporate/commercial law and privacy law. Dr. Uteck's research interests build on her doctoral work examining issues raised by networked technologies.

LAW 540.001 Insurance Law

Term 1 Term 2 Doyle Bank Course 3 CREDITS

Cross-listed with LAW 440.001.

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.

Jordan Bank

LAW 548.001 Sports Law

Term 1 Term 2 Moore Seminar 3 CREDITS

SEMINAR CANCELLED***Cross-listed with LAW 448D.001.***

This course surveys law, governance, and regulation relating to sports. In contemporary society, sports are a widely celebrated field of human endeavour. This attracts much attention to issues surrounding sports. These may include topics such as: ethics & integrity, health & safety, education & leadership, labour relations, competition, commerce, IP, culture, and the intersection of private property and public goods. Law, of various kinds and at different levels, seeks to respond to issues like these. This course studies ways in which the law has responded to such issues, critically evaluates the merits and drawbacks of those responses, and reflects on potential alternatives. The course will focus particularly, but not exclusively, on North American professional league sports, especially hockey. Assistant Professor Marcus Moore is a former professional hockey player and a full time member of the Peter A. Allard School of Law.

Evaluation: Research paper assignment (proposal to be approved by instructor) 60%; in-class presentation & handout 30%; participation 10%.

Assistant Professor Marcus Moore is a full time member of the Peter A. Allard School of Law.

LAW 550.001**Taxation of Corporate
Reorganizations**

Term 1 Term 2 Abdulla Swanston Course 3 CREDITS

***Cross-listed with LAW 414.001**

CHANGE June 16: Courses added. June 25: Take-home exam details.

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 Canada. This course examines builds upon concepts examined in Law 408/562 (Taxation of Corporations and Shareholders), examining statutory provisions and judicial decisions governing transfers of property to a corporation, reorganizations of capital, amalgamations and windups, and divisive reorganizations.

1. David G. Duff and Geoff Loomer, *Taxation of Business Organization in Canada*, 2nd ed., (Toronto: LexisNexis, 2019), chapters 12-15.
2. Supplementary materials distributed by instructors
3. Income Tax Act, latest edition

Evaluation (Law 414 and Law 550):

- Tax practice assignments: 40%
- Take-home exam: 60%, to be distributed at noon on Tuesday, April 13, with a student submission deadline of noon on Friday, April 16.

Pre-requisite: Law 408/562 (Taxation of Corporations and Shareholders)

Asif N. Abdulla is a partner working out of the Vancouver office of Thorsteinssons LLP, Tax Lawyers. Asif practices in the area of domestic and international tax planning for individuals, trusts, corporations and other private enterprises with a view to achieving tax efficiency. Asif's practice is focused on advising individuals and businesses in respect of succession and estate planning, tax-driven corporate reorganizations, mergers/acquisitions, immigration/emigration tax planning, business structuring and cross-border tax planning. Asif also acts for a number of clients who are in dispute with the Canada Revenue Agency.

Asif received his J.D. from the University of Victoria, Faculty of Law in 2012. He was called to the British Columbia bar in 2013 and has since been a member of the Law Society of British Columbia. Asif is an instructor and author of courses offered by the CPA British Columbia and the PBLI. He is also a contributor to Canadian Tax Foundation publications and has completed all three years of the In-Depth Tax Course offered by CPA Canada.

Jill Swanston is a partner at Thorsteinssons L.L.P. Jill has advised both Canadian and international private and public entities in a variety of industries, including real estate, manufacturing, natural resources, entertainment, and transportation. Prior to practicing law, Jill practiced tax as a Chartered Accountant and was a senior manager in the tax group at PricewaterhouseCoopers L.L.P.

In addition to Jill's tax practice, she served in the Canadian Armed Forces (Reserves) for several years as a legal officer with the Office of the Judge Advocate General.

Jill received a B. Applied Arts from Ryerson University (1990) and an L.L.B. from the University of British Columbia (2005). Jill has been a frequent presenter for the Law Society of British Columbia's Professional Legal Training Course.

LAW 551.001 Trusts Term 1 Term 2 Pavlich

Course 3 CREDITS

Cross-listed with LAW 451.001.

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 551.002 Trusts Term 1 Term 2 Smith, J.

Course 3 CREDITS

Cross-listed with LAW 451.002.

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, followed by remedies for breach of trust. We will then study resulting and constructive trusts and related concepts, including fiduciary relationships and unjust enrichment. 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 Senior Counsel with Lawson Lundell LLP where he has practiced since 1981. This will be the eighth 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 almost 40 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, 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 556C.002 **Competition Policy** **Canadian Competition Law**
 Term 1 Term 2 Wright Tougas Course 3 CREDITS

Cross-listed with LAW 464.001

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

Evaluation:

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

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

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

LAW 559D.001 **Family Law**
 Term 1 Term 2 Tremblay Course 4 CREDITS

Cross-listed with LAW 359.001.

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 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 but are not limited to: parentage and other arrangements (co-parenting and multi-parenting); adoption; cohabitation; marriage; property division; support; custody; alternative dispute resolution. 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 (PLEASE BE AWARE THIS COULD CHANGE GIVEN THE CONTEXT OF COVID-19):

- Attendance and participation: 15%
- Take-home exam: 85%

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

LAW 559D.002 **Family Law** Term 1 Term 2

Aloni

Course

4 CREDITS

Cross-listed with LAW 359.002.

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 561.001 **Fundamental Concepts in Tax Law** Term 1 Term 2

Duff

Course

2 CREDITS

Course meets August 26-September 4 in Allard Hall, room 111. Class does NOT meet on August 31. Registration only for Tax LLM Program students.

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 Abdulla Swanston Course 3 CREDITS

***Cross-listed with LAW 408.001**

CHANGE June 16: Course added. CHANGE June 16: Course added. June 25: Take-home exam details.

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 revenue. 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 the taxation of income received by public and private corporations and the taxation of shareholders on share dispositions, corporate distributions, shareholder benefits and loans, indirect payments, attributed income and the tax on split income (TOSI).

Required Materials:

1. David G. Duff and Geoff Loomer, *Taxation of Business Organization in Canada*, 2nd ed., (Toronto: LexisNexis, 2019), chapters 5-11.
2. Supplementary materials distributed by instructors
3. Income Tax Act, latest edition

Evaluation: Take-home exam (100%) December 16, 9:00 a.m. to 12:00 p.m.

Pre-requisite: Law 407 (Taxation) or Law 561 (Fundamental Concepts in Tax Law)

Asif N. Abdulla is a partner working out of the Vancouver office of Thorsteinssons LLP, Tax Lawyers. Asif practices in the area of domestic and international tax planning for individuals, trusts, corporations and other private enterprises with a view to achieving tax efficiency. Asif's practice is focused on advising individuals and businesses in respect of succession and estate planning, tax-driven corporate reorganizations, mergers/acquisitions, immigration/emigration tax planning, business structuring and cross-border tax planning. Asif also acts for a number of clients who are in dispute with the Canada Revenue Agency.

Asif received his J.D. from the University of Victoria, Faculty of Law in 2012. He was called to the British Columbia bar in 2013 and has since been a member of the Law Society of British Columbia. Asif is an instructor and author of courses offered by the CPA British Columbia and the PBLI. He is also a contributor to Canadian Tax Foundation publications and has completed all three years of the In-Depth Tax Course offered by CPA Canada.

Jill Swanston is a partner at Thorsteinssons L.L.P. Jill has advised both Canadian and international private and public entities in a variety of industries, including real estate, manufacturing, natural resources, entertainment, and transportation. Prior to practicing law, Jill practiced tax as a Chartered Accountant and was a senior manager in the tax group at PricewaterhouseCoopers L.L.P.

In addition to Jill's tax practice, she served in the Canadian Armed Forces (Reserves) for several years as a legal officer with the Office of the Judge Advocate General.

Jill received a B. Applied Arts from Ryerson University (1990) and an L.L.B. from the University of British Columbia (2005). Jill has been a frequent presenter for the Law Society of British Columbia's Professional Legal Training Course.

LAW 563.001 **Taxation of Partnerships** Term 1 Term 2 Duff

Course

3 CREDITS

Cross-listed with LAW 409.001 Taxation of Partnerships.**CHANGE June 8: Description added. June 25: Take-home exam details.**

Partnerships represent an important legal form through which persons carry on business activity in Canada and most other jurisdictions around the world. This course examines key statutory provisions, judicial decisions and administrative interpretations governing the taxation of partnerships in Canada, considering the characterization of this legal relationship in law and for tax purposes, the computation and taxation of income received by a partnership and its members, the tax treatment of interests in partnerships, the tax implications of distributions of income and capital from a partnership to a member of the partnership, tax rules governing the transfer of property to and from partnerships, tax implications of retirement or withdrawal from a partnership, and tax rules governing the dissolution of a partnership, the merger of two or more partnerships and the incorporation of a partnership.

1. David G. Duff and Geoff Loomer, *Taxation of Business Organization in Canada*, 2nd ed. (Toronto: LexisNexis, 2019), chapters 1-4.
2. Elizabeth Johnston and Geneviève C. Lille, *Understanding the Taxation of Partnerships*, 7th ed. (Toronto: CCH Canadian Ltd., 2018)
3. *Income Tax Act*, latest edition

Evaluation: take-home exam (100%) December 14, 9 am to 4:30 pm.

Pre-requisite: Law 407 Taxation or Law 561 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 Nitikman

Course

3 CREDITS

Cross-listed with LAW 412.001 Taxation of Trusts and Estates.**CHANGE June 4: Course added.**

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

Evaluation: 100% final exam

Joel Nitikman, B.Sc. (UBC 1982), LL.B. (University of Manitoba 1985), LL.M. (New York University 1994) is a partner in the Tax Group at Dentons Canada LLP in Vancouver. His practice concentrates on representing clients in Provincial, National and International tax disputes. He is the author of numerous tax articles and has spoken at numerous tax conferences.

LAW 565.001 International Taxation Term 1 Term 2 Duff*Course* **3 CREDITS*****Cross-listed with LAW 410.001.*****CHANGE June 25: take-home exam details.**

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, tax treaty shopping and transfer pricing. 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. David G. Duff, *International Tax Law in Canada*
2. Jinyan Li, Arthur Cockfield, and J. Scott Wilkie, *International Taxation in Canada: Principles and Practices*, 4th ed. (Toronto: LexisNexis Canada Inc., 2018).
3. *Income Tax Act*, latest edition

Evaluation: take-home exam (100%) April 26, 9 am to 4:30 pm.

Pre-requisite: Law 407 Taxation or Law 561 Fundamental Concepts in Tax Law

*Professor David G. Duff is a full time member of the Peter A. Allard School of Law.***LAW 566.001** Tax Policy Term 1 Term 2 Cui*Seminar* **3 CREDITS*****Cross-listed with LAW 411D.001 Tax Law and Policy Workshop.***

This seminar will introduce students to some important theories and conceptual tools for analyzing tax law and policy. Key concepts in this area include those of the economic incidence of taxation, excess burden, the different types of return to investment (e.g. rent, risk, and riskless return), social welfare, as well as various notions of social justice and fairness. Increasingly, understandings of other social institutions, such as imperfectly competitive markets, government regulations, international trade, and democratic politics, contribute to improving the analyses of tax policy. We will examine the traditional theories as well as new social scientific findings in the context of current policy debates, such as the public finance response to the COVID-19 pandemic, taxing tech giants, tax policy for stimulating innovation, and place-based tax policies. The course will also identify for students some of the most important tax reform proposals debated in recent years that may substantially change the skill sets expected in the tax profession.

Evaluation: Student performance will be evaluated on the basis of class participation counting 40%, and the weighted average grade of both short response papers and a longer term paper, counting 60%.

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

LAW 567.001	<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 413D.001**
CHANGE June 4: Course added.

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 Bennett Jones 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 568C.001	<u>Topics in Taxation</u>	<u>Tax Law in Practice</u>	
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Brayley	Course 3 CREDITS

COURSE CANCELLED.

This course will move beyond the topics covered in courses on taxation of companies, partnerships and trusts to consider them in light of issues faced by lawyers 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 companies; (v) selling a business through an asset sale or a share sale; (vi) transitioning a business other than a sale; and, (vii) managing tax disputes from a solicitor's perspective.

With the context of issues arising in real life situations, the goal is to encourage students to apply provisions of the Income Tax Act (Canada) (the "Act"), consider relevant jurisprudence and the CRA's views as regards to the administration of the Act. The assignments will assist students in development a communication style that is appropriate for documenting analysis in practice.

Prerequisites:

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

Recommended:

LAW 408 Taxation of Corporations and Shareholders or LAW 562 Taxation of Corporations and Shareholders

Evaluation:

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

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. She was involved in the design of the Canadian Bar Association's Tax Law for Lawyers program, and was a faculty member in this program from 1995 to 2019. She is a member of the Joint Committee of the Canadian Bar Association and CPA Canada (2017 to present), a member of the Income Tax Education Committee of CPA Canada (2015 to present), 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) and a member of the planning committee for the Canadian Tax Foundation's Annual Conference Committee (2019 to present). She was recognized by the International Tax Review as a Women in Tax Leader (2016-2019).

LAW 568C.002**Topics in Taxation****Topics in Canadian Sales Tax** Term 1 Term 2

Proulx

Xilinas

Course

3 CREDITS

JD students ARE allowed to register for this course.

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:

The evaluation for the course will be through participation (20%) and a final exam (80%).

Simon Proulx is a partner at KPMG Law 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.

Katherine Xilinas is a partner at KPMG Law LLP in Vancouver with over 18 years of experience advising clients in various industries on all aspects of domestic and cross-border commodity tax and trade law, including planning, compliance and disputes. Katherine regularly represents clients before the taxing authorities, the federal and provincial Courts and the Canadian International Trade Tribunal in the context of commodity tax and customs voluntary disclosures, audits, objections and appeals. She is a frequent speaker and writer, a member of the GST Leaders Forum, and a co-author of Carswell's Canadian Customs Law. She is a practicing member of the law societies of British Columbia and Ontario.

LAW 569C.001**Topics in International Taxation****Transfer Pricing** Term 1 Term 2

Noble

Course

3 CREDITS

JD students ARE allowed to register for this course.

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

Evaluation: One final take-home exam worth 100%. Students be provided with the take-home exam on April 1 (the second to the last day of class), and it will be due on April 15. Suggestion completion time: two working days/16 hrs.

Greg Noble (J.D. (University of Saskatchewan)) is admitted to the Bar in Saskatchewan as well as in England and Wales. Mr. Noble is the Western Canadian Transfer Pricing Leader for Ernst & Young LLP. Mr. Noble is based in Vancouver and held the position of Canadian National Transfer Pricing Leader from 2007-2010 as well as BC Tax Leader from 2011-2018. Greg has been practicing in the area of transfer pricing since 1997 and has been involved in transfer pricing documentation studies, risk review assessments, planning and benchmarking studies, as well as dispute resolution assignments.

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

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

LAW 570C.001**Intellectual Property** Term 1 Term 2

Reynolds, G.

Course

3 CREDITS

Cross-listed with LAW 422.001.

EXAM CONFLICT: STUDENTS REGISTERED IN 468.003/588.003 OR 422.001/570C.001 ARE NOT ALLOWED TO BE REGISTERED IN 403.001, AND VICE VERSA.

This course provides students with an introduction to the legal regimes governing the protection of intellectual property. The course will cover the following specific areas of intellectual property law: copyright, trademarks, and patents. In addition, students will be introduced to the common law actions of passing off and breach of confidence, international intellectual property law, and industrial design.

Evaluation method:

100% final exam

Assistant Professor Graham Reynolds is a full time member of the Peter A. Allard School of Law.

LAW 570C.002 Intellectual Property Term 1 Term 2

Festinger

Course

3 CREDITS

Cross-listed with LAW 422.002.**EXAM CONFLICT: STUDENTS REGISTERED IN 468.005/588.005 ARE NOT ALLOWED TO BE REGISTERED IN 422.002/570C.002, AND VICE VERSA.**

This course provides students with an introduction to the legal regimes governing the protection of intellectual property. The course will cover the following specific areas of intellectual property law: copyright, trademarks, and patents. In addition, students will be introduced to the common law actions of passing off and breach of confidence, international intellectual property law, and industrial design.

Evaluation method:

100% final exam

Jon Festinger, Q.C. is a Vancouver, British Columbia based counsel and educator.

As an Adjunct Professor, Jon Festinger has taught a wide variety of courses relating to intellectual property law, communications, media & video game law, as well as corporate law over more than 25 years at the Allard School of Law. He is a Professor of Professional Practice at Simon Fraser University and a faculty member of the Centre for Digital Media. He is also Honourary Industry Professor in Centre for Commercial Studies, Queen Mary University of London School of Law. As well Jon is Faculty in Residence at the UBC Emerging Media Lab, Advisory Board Member of the Global Reporting Centre and Co-Chair of the Innovation Committee that is part of the governance structure of the UBC Learning Technology Hub. He has also taught at various times at the UBC Graduate School of Journalism, the Thompson Rivers University Faculty of Law and the University of Victoria Faculty of Law. He is the author of the first edition of Video Game Law published by LexisNexis in 2005, and co-author of the second edition published in 2012, and is Co-editor and Chief of the Interactive Entertainment Law Journal (Edward Elgar Publishing). 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.

Twitter: @jonfestinger

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

PSN: cdmjon

LAW 571.001 **Communications Law** Term 1 Term 2 Festinger

Course

3 CREDITS

Cross-listed with LAW 424.001.

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%^[1]_[2]

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

Jon Festinger, Q.C. is a Vancouver, British Columbia based counsel and educator.

As an Adjunct Professor, Jon Festinger has taught a wide variety of courses relating to intellectual property law, communications, media & video game law, as well as corporate law over more than 25 years at the Allard School of Law. He is a Professor of Professional Practice at Simon Fraser University and a faculty member of the Centre for Digital Media. He is also Honorary Industry Professor in Centre for Commercial Studies, Queen Mary University of London School of Law. As well Jon is Faculty in Residence at the UBC Emerging Media Lab, Advisory Board Member of the Global Reporting Centre and Co-Chair of the Innovation Committee that is part of the governance structure of the UBC Learning Technology Hub. He has also taught at various times at the UBC Graduate School of Journalism, the Thompson Rivers University Faculty of Law and the University of Victoria Faculty of Law. He is the author of the first edition of Video Game Law published by LexisNexis in 2005, and co-author of the second edition published in 2012, and is Co-editor and Chief of the Interactive Entertainment Law Journal (Edward Elgar Publishing). 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.

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LAW 572.001 Cyberspace Law Term 1 Term 2 Matsui

Seminar

3 CREDITS

Cross-listed with LAW 425D.001

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, 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, 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 574.001**Succession** Term 1 Term 2

Dosanjh

Course

3 CREDITS

Cross-listed with LAW 452.001.

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. the requirements of testamentary capacity;
4. basic principles and procedures of probate and estate administration;
5. the interpretation of wills;
6. will contests relating to allegations of lack of capacity and undue influence;
7. the statutory limits to testamentary freedom under legislation such as British Columbia's wills variation legislation;
8. substitutes for wills such as joint accounts and options available to limit the exposure of an estate to probate fees;
9. aboriginal succession;
10. planning for incapacity, including powers of attorney and representation agreements for financial management and health care decision-making; and
11. a high level overview of the principles of taxation on death and family law principles relevant in estate planning.

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.

Evaluation:

There will be a compulsory final examination.

Simi Dosanjh (BA (UBC 2005), JD (University of Calgary 2009)) was called to the Bar in British Columbia in 2010. Ms. Dosanjh is a Will & Estate Consultant with RBC Wealth Management Services in Vancouver, British Columbia. She works with individuals to assist them in developing succession plans that accommodate their unique needs and advises on all aspects of estate and incapacity planning, including wills, trusts, powers of attorney, representation agreements and other means of providing for beneficiaries while minimizing taxes on death. Ms. Dosanjh has completed the CPA Canada In-Depth Tax Course and previously worked as an associate in the tax groups of Dentons Canada LLP and Boughton Law Corporation.

LAW 576.001**Securities Regulation** Term 1 Term 2

Peihani

Course

3 CREDITS

Cross-listed with LAW 463.001.

This is a specialized corporate law course focusing on the regulation of capital markets in Canada, with a particular focus on the British Columbia context. The main objective of the course is to provide students with a broad understanding of the legal and regulatory framework governing the issuance and trade of securities. This includes public offerings, continuous disclosure obligations, insider trading, takeover bids, as well as public and private enforcement mechanisms for violations of securities laws. In addition to examining the existing regulatory framework, the course will also touch upon recent debates in securities regulation. More specifically, we will explore regulatory reforms following the financial crisis, ongoing efforts to establish a cooperative capital markets regulator, and improving the oversight of systemic risk in Canadian capital markets.

Evaluation:

100% final exam

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

LAW 576.002 **Securities Regulation** Term 1 Term 2 Ford

Course 3 CREDITS

Cross-listed with LAW 463.002.
CHANGE July 14: Course added.

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

Evaluation:

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

Prerequisite:

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

Professor Cristie Ford is a full time member of the Peter A. Allard School of Law.

LAW 577.001 **Immigration Law** Term 1 Term 2 Kaushal

Course 3 CREDITS

Cross-listed with LAW 377.001.

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, 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 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 either: (a) a 100% final exam or (b) a 30% case comment and a 70% final exam.

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

LAW 578.001 **Refugee Law** Term 1 Term 2

Arbel

Seminar

3 CREDITS

Cross-listed with LAW 378D.001.

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 online lectures and discussions, video exercises, and at home exercises. If pandemic conditions allow, we will also visit the Immigration and Refugee Board and coordinate guest lectures by lawyers and government workers. Evaluation will be based on class attendance and participation (10%), three short reaction papers reflecting on the course materials (30%), and a final assignment (60%). 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 587C.001 **Environmental Law** Term 1 Term 2

Stacey

Course

3 CREDITS

Cross-listed with LAW 387C.001.

Environmental issues challenge our understanding of law in many ways. Environmental issues are complex scientifically and politically, and temporally and geographically. They require a close examination of the potential and limits of core areas of legal doctrine (e.g. tort, constitutional law, administrative law) and how these doctrines need to be stretched or adapted to account for the complexity of environmental problems.

Accordingly, this course is about how the law changes over time and how lawyers are agents of that change. Students will learn about, for example, environmental assessment law, jurisdiction over the environment, the relationship between environmental law and the constitutional duty to consult and accommodate, and how these areas of law have changed -- slowly or rapidly -- in response to our understanding of environmental issues. The course is designed both for students seeking a concise introduction to the subject-matter as part of a well-rounded legal education, as well as for students seeking to specialize in this growing and substantial area of law, for which Environmental Law 387 provides the starting point for their studies. Note that this course is structured around problem-based learning.

Evaluation:

A combination of participation, mid-term assessment and a final assignment during the examination period.

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

LAW 588.001 **Ethics & Professionalism** Term 1 Term 2 Bird

Course 3 CREDITS

Cross-listed with LAW 468.001.**CHANGE July 16: Instructor.**

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

Evaluation:

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

Assistant Professor Brian Bird is a full-time faculty member at the Peter A. Allard School of Law.

LAW 588.003 **Ethics & Professionalism** Term 1 Term 2 Affolder

Course 3 CREDITS

Cross-listed with LAW 468.003.**EXAM CONFLICT: STUDENTS REGISTERED IN 468.003/588.003 OR 422.001/570C.001 ARE NOT ALLOWED TO BE REGISTERED IN 403.001, AND VICE VERSA.**

Ethical issues are fascinating, complex, challenging, and permeate all aspects of the practice of law. This class introduces students to the defining ethical issues that individual lawyers face in various practice settings as well as some of the larger ethical issues facing the legal profession. This class aims to equip students to navigate difficult issues of ethics and professional responsibility, with an awareness of the legal rules, norms, and expectations, but also with an understanding that the answer to ethical dilemmas may not lie in available rulebooks.

This section of Ethics and Professionalism will also consider issues of professional responsibility that arise in transnational legal practice. Such issues include the cross-cultural dimensions of legal practice, transnational bribery, and corruption threats in international legal practice. These issues are as relevant for lawyers working on international business transactions from a British Columbia, or Canadian base, as they are for those anticipating working outside Canada. This will be an interactive class, combining lectures, simulations, negotiation exercises, case studies, and guest lectures.

Evaluation: The course will be evaluated by means of a final examination (100%) which will include both essay and short answer questions. The exam will draw on the problem-based learning methodology and interactive case study approach of the course.

Graduate Students registered in this course at the 500 level will, in addition to the final exam, be required to submit a 3,000 word research essay from a list of prescribed topics.

Professor Natasha Affolder is a full time member of the Peter A. Allard School of Law.

LAW 588.005 Ethics & Professionalism Term 1 Term 2

Salter

Course

3 CREDITS

Cross-listed with LAW 468.005.**EXAM CONFLICT: STUDENTS REGISTERED IN 468.005/588.005 ARE NOT ALLOWED TO BE REGISTERED IN 422.002/570C.002, AND VICE VERSA.**

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, Canada's first online tribunal resolving small claims, condominium disputes, and motor vehicle accident disputes (April 2019). She is also an adjunct professor at the UBC Allard School of Law, teaching administrative law and legal ethics and professional regulation. She earned her BA and LLB from UBC, and her LLM from the University of Toronto. Ms. Salter was a BC Supreme Court judicial law clerk before practicing civil litigation at a large Vancouver firm. She has served as a vice chair of the Workers' Compensation Appeal Tribunal and on the College of Registered Nurses of BC. Ms. Salter is currently a commissioner of the Financial Institutions Commission, vice president of the BC Council of Administrative Tribunals, a Law Society of British Columbia disciplinary hearing panel member, and a board member of the Canadian Legal Information Institute (CanLII). She is a co-author of the BC Administrative Decision Maker's Manual, as well as a number of legal journal articles. In 2017, Ms. Salter was named one of the 25 Top Most Influential Lawyers in Canada, and was previously recognized as one of Canada's New Law Pioneers by the Canadian Bar Association and an Access to Justice All-Star by the National Self-Represented Litigants Project (NSLAP). She is also the 2016 recipient of the Adam Albright award for outstanding teaching by an adjunct professor. Ms. Salter is a frequent speaker at international conferences on online dispute resolution, administrative law, legal education, and the future of law and technology.

LAW 588.006 **Ethics & Professionalism**

Term 1 Term 2 Morris Rusnak Course 3 CREDITS

Cross-listed with LAW 468.006.

This course will examine ethics and professionalism through the lens of the Canons of Legal Ethics and the proposition that a lawyer is a minister of justice, an officer of the courts, a client's advocate and a member of an ancient, honourable and learned profession.

Evaluation:

Course evaluation will be by 80% final open-book examination and 20% paper assignment.

Joel A. Morris (B.A., Hons. (Queen's University 2007), LL.B. (UBC 2010)) is a Partner in Harper Grey's Health Law, Commercial Litigation, Professional Regulation, and Insurance Law practice groups. Mr. Morris' practice focuses on professional liability; commercial litigation, including multi-party cases and class actions; and administrative law. He routinely acts as co-counsel on complex cases and appeals. He has represented clients at all levels of court in British Columbia and before various administrative tribunals.

Mr. Morris acts as pro bono counsel in civil and administrative law matters. He serves as Harper Grey's LSLAP (Law Students' Legal Advice Program) coordinator and volunteers as a supervising lawyer with LSLAP.

Prior to joining Harper Grey, Mr. Morris clerked at the British Columbia Supreme Court.

Christopher M. Rusnak (B.A.Sc. in Chemical Engineering, Hons (Queen's University 1989), LL.B. (University of Victoria 1992)) is a Partner with Harper Grey and has over 24 years' experience with all aspects of civil litigation. The focus of Mr. Rusnak's practice is complex, multi-party disputes. He is counsel in some of Canada's largest and most technically challenging cases in the fields of product liability, environmental contamination and construction.

LAW 588.007 **Ethics & Professionalism**

Term 1 Term 2 Russo Course 3 CREDITS

Registration restricted to LLMCL students only.

This course provides an introduction to the regulation of the legal profession in Canada, which is self-governing through provincial law societies that set standards and regulate professional conduct. The professional obligations of lawyers to clients also extend to other lawyers and the court and arguably to society in general. Successful practice requires lawyers to consciously work to fulfill all these obligations. 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. Sessions will consist of a mixture of lecture, text readings, and discussions including student case and topic briefings. Throughout the course, we will refer to the B.C. Law Society's Code of Professional Conduct for British Columbia and within that context discuss the ethical issues facing lawyers. Some of these issues include ethics and the adversarial system; the balance between effective client representation and a commitment to the public interest, and; the professional obligations associated with specific practice roles and working with vulnerable clients.

Course evaluation will be based on:

Participation Quizzes: 5%

Case/Topic Briefs: 15%

Final exam: 80%

Lecturer Robert Russo is a full time member of the Peter A. Allard School of Law.

LAW 590.001**Civil Procedure** Term 1 Term 2

Greenberg

Mitretodis

Course

3 CREDITS

***Cross-listed with LAW 469.001**

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. She has appeared as counsel before all levels of court in British Columbia, as well as the Federal Court and the Supreme Court of Canada.

LAW 590.002**Civil Procedure** Term 1 Term 2

Cameron, G.

Fancourt-Smith

Course

3 CREDITS

***Cross-listed with LAW 469.002**

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. Mark Fancourt-Smith and Gavin Cameron, Law 469 Civil Litigation Casebook, 2020 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 590.003**Civil Procedure** Term 1 Term 2

Goulden

Kuntz

Course

3 CREDITS

***Cross-listed with LAW 469.003**

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 592.001 **Conflict of Laws** Term 1 Term 2 Edinger

Course

3 CREDITS

Cross-listed with LAW 325.001.

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

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

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

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

Required text:

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

Evaluation:

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

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

LAW 599.001 **Creditors' Remedies** Term 1 Term 2 Edinger

Course

3 CREDITS

Cross-listed with LAW 443.001.

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

Seminar

3 CREDITS

Enrolment restricted to Ph.D. students only.

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

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

Sarraf

*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 2020 Fall term.

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