
LAW 300.001 Jurisprudence and Critical Perspectives Term 1 Term 2

Etxabe

Course

3 CREDITS

CHANGE January 5, 2023: Instructor.

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 the date listed in the Exam Schedule 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 Julen Etxabe is a full time member of the the Peter A. Allard School of Law.

LAW 300.002 Jurisprudence and Critical Perspectives Term 1 Term 2

Goold

Course

3 CREDITS

CHANGE August 15: Classroom; June 10: Exam date will be per Exam Schedule.

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 a date per the Exam Schedule, and due at noon on a date per the Exam Schedule.

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

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

Course

3 CREDITS

As a law student you may feel that the jurisprudential question “what is law?” is too abstract, speculative, or obvious to merit attention. After all, aren’t you already supposed to be learning law in every class? This course will work on the assumption that asking the “law question” is neither abstract, nor speculative, nor obvious, but inescapably critical. In fact, depending on how you respond to it, even if you do so unreflectively in your daily routines, the kind of law that you will be able to learn, imagine, and practice—let alone criticize and reform—will change as well. This is the real concern that our class in jurisprudence will try to address.

As students of jurisprudence we will explore the rich amalgam of narratives and social imaginaries that enliven the world of law and make it meaningful. We will pursue the inquiry with the help of writers and thinkers that have addressed these questions directly or indirectly, engaging with relevant primary texts. We will learn from key jurisprudential schools (natural law, 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 perspective-taking, emotions, race, and sexual difference in adjudication, the development of legal consciousness, and questions of justice and injustice.

Because jurisprudence is not simply a form of 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 legal 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 the Peter A. Allard School of Law.

LAW 300.005 **Jurisprudence and Critical Perspectives** Term 1 Term 2 Stewart, J.

Course

3 CREDITS

This course provides an introduction to jurisprudence, legal and political theory, key principles of the common law, and critical approaches to the law. It is designed to give upper year students an overview of the structure of law, and a critical insight into the various ways in which law and its role in society can be understood. The course also aims to encourage students to see the relationships between different branches of law and legal doctrine, and to examine the role of ideology in the creation and enforcement of law.

Evaluation:
100% final exam.

Associate Professor James Stewart 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

CHANGE September 2: Course description; CHANGE June 10: Exam date will be per Exam Schedule.

This course, delivered in seminar style, commences with a general consideration of myth, religion, political structure and economics (limited) in social and cultural formations that have contributed to the origins of legal order and justice for many people in the world with paths that lead to many ancient places touching the Mediterranean. They include the obvious such as the ideas of law in Athenian and Roman legal systems later adapted by Christian orders of governance. We consider these structures as linked to many of the ideas of law and corresponding institutions that came to characterize the major legal systems of Western Europe. We review how these antecedents were themselves preceded and likely powerfully influenced by developments in the ideas of law in jurisdictions in western Asia and North Africa.

Pursuant to this focus, we trace, speculate, discuss and compare the cultural and original social formations of peoples of the ancient Near East and the shaping of legal systems (emphasizing those of Mesopotamian, Levant and Egyptian derivation considering especially the Sumerians of Ur (the Code or Ur-Nammu), the Babylonians (i.e. Amorites through the Code of Hammurabi), Israelites (in the Deuteronomy Code) and the Hittites (Codes of Nesilim).

Intertwined with this historical, comparative narrative, the course attempts to review, debate and critique the hypothesis of law as a system of rules related to each other by logical consistency according to criteria of legal reasoning as applied and adopted by institutions socially recognized as legitimate and historically justifiable. We explore this in the context of law as a social/cultural phenomenon derived from cultural narratives and/or semantic determination from formalized sources. We investigate the origins of "legalism", constitutionalism and the rule of law as purportedly central in the cultural organization of individual autonomy in establishing the myth of a just society.

Evaluation:

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 from 9am to 12 pm on the date per the Exam Schedule.

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), its various iterations, and the law. The course aims to have students consider the effects and values of the market system and its impacts on corporate behaviour, and the relationship between the law, CSR, and tensions inherent in the governing mechanisms of the corporation. Weekly topics may include risk management, 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 evolving business standards across certain industries such as mining and extractives. There may be a field trip in discussion with the class. Students will develop comprehension of an innovative and rapidly expanding 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 308D.001 **Feminist Legal Theory** Term 1 Term 2

Bhandar

*Seminar***3 CREDITS**

This course will explore critical engagements with law and legal reasoning from several different feminist perspectives. Taking an intersectional approach, the course will engage key concepts (gender, sexuality, class, disability, race) that have informed feminist legal scholarship and feminist politics more broadly from the mid-20th century to the present. In addition to key concepts the course will engage with several different case studies. Topics include struggles over citizenship, prisons, health, the environment, and housework. We will engage with a wide variety of forms for feminist legal theoretical writing, including narrative and alternative judgments, with the purpose of imagining feminist legal futures.

Assessment:

Final Paper - 65%

Participation - 20%

One written commentary on a weekly reading - 15%

Associate Professor Brenna Bhandar 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 Literature** Term 1 Term 2

Liston

*Seminar***3 CREDITS**

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

- How are legal institutions, norms, and processes portrayed in literature?
- How has an author's legal education affected their writing?
- How is narrative used in legal writing, particularly in judicial opinions?
- What are "legal fictions"?
- What can we learn about legal interpretation from literary interpretation?
- 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.002	<u>Topics in Philosophy of Law & Theoretical Perspectives</u>	<u>Justice, Diversity and Legal Legitimacy</u>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Routh	Seminar	3 CREDITS

Law has a central role to play in promoting social justice. It is through law that the different components of the idea of justice – as fairness – is actually realized in modern constitutional societies. Although liberal theories of social justice integrate social pluralism in its formulation, prominent ideas of justice have some weaknesses in accounting for the radical diversity of postcolonial (political post-colonial and settler colonial) societies. Law – judicial decisions and statutory legislation – prominently unfolds either as an undemocratic normative institution (i.e., judicial decision-making) or an expression of formal electoral representation (i.e., statutory legislation). Both of these prominent manners of legal imagination are problematic for radical social diversity in the sense that while precedents (judicial law-making) emerged in homogeneous societies following the tenets of specific socio-religious dogmas, modern enacted legislation rests on the strength of procedural representation, which sometimes has exclusionary effect on communities. In this interdisciplinary course, we will explore how these two prominent ways of conceiving law are often insensitive to the radical diversity of modern postcolonial societies, thereby unable to fully meet the normative goal of justice as fairness. We will evaluate this disjuncture between law and diversity by probing prominent law-making narratives and legal doctrines. We will undertake this analysis by engaging with some of the leading legal debates of our times, such as sustainability of human development, fairness of global value chains, future of livelihood activities (including AI at work), and climate justice.

The objectives of the course are to:

- Explore the idea of legal legitimacy, and in particular, examine the relationship between judicial precedents, deliberative democracy, and legitimacy of law
- Understand the significance of diversity in ideas of social justice and analyze the role of law in realizing social justice
- Interpret legitimacy of law in view of the radical diversity of society
- Understand the foundational justifications of legal pluralism
- Evaluate selected current debates in light of our understanding of legal legitimacy and radical diversity
- Examine current debates on: sustainability of human development, fairness of global value chains, future of livelihood activities (including AI at work), and climate justice

Class Pedagogy:

The course will be run as an upper year advanced seminar class. The class pedagogy is designed to be participatory. Students are expected to attend class, to do assigned readings, and to be prepared to discuss in class the issues raised in the assigned readings. Each student will also lead one class discussion during the course.

Evaluation:

Course evaluation will have two components: class participation (20%) & final research paper (80%) [10% outline and 70% paper].

1. Class Participation (20% of total mark):

Class participation marks will be assigned on two components. Each student will prepare a reflective question from the assigned readings for every week of the class. These questions will be the basis of class discussion each week. 10% of the class participation marks will be assigned to this exercise. The other 10% of class participation marks will be assigned on the basis of one class discussion/exercise that is led by a student.

2. Research Paper (80% of total mark):

The research paper will carry 80% of the total marks, 10% for paper outline (two single-spaced pages) and 70% for the final paper. The final paper will be a 4500/5000-word paper, excluding footnotes and bibliography. The paper should relate to a theme/topic of the course, written on the basis of independent research by each student. Students will choose their own topic for the research paper.

Associate Professor Supriya Routh is a full time member of 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.

Evaluation: 100% final paper

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**

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 321D.001**Law of Armed Conflict****Military Law** Term 1 Term 2

MacKinnon Monk, C.

Seminar

3 CREDITS

What is the law of armed conflict, otherwise known as International Humanitarian Law? When and to whom does it apply? Who does it protect?

This course will focus on these questions and others, including the rules pertaining to the means and methods of warfare, the humanitarian protections accorded to both civilians and persons hors de combat ("out of the fight"), and the enforcement mechanisms available (such as the International Criminal Court) when there are breaches of the law. The course will also examine a separate but inextricably connected body of law, referred to as jus ad bellum or "use of force" law, which governs how and when states can lawfully resort to force in their international relations.

Students will have the opportunity to think critically about the role of law in regulating the conduct of hostilities and how effective (or not) it has been at achieving its aims, and will discuss and offer their own perspectives on what the future of this body of the law should look like. On a very practical level, this course will enable students to follow current events with a clearer understanding of whether states and non-state actors are complying with their legal obligations in regards to the conduct of hostilities.

Evaluation:

Class participation and discussion: 15%

In-Class Presentation: 35%

Final Paper: 50%

Emily MacKinnon (BMus (University of Ottawa), MA (UBC), JD (UBC)) has served in the Canadian Armed Forces Reserves for 22 years, first with the Canadian Army and later in the Office of the Judge Advocate General. She deployed with the Office of the Judge Advocate General to Ukraine (2021). She has held instructor and leadership positions with the Communications recruit school in Shilo, Manitoba and with the Canadian Forces School of Communications and Electronics in Kingston, Ontario. Emily continues to practice military law on a part-time basis. She is also a partner with Osler, Hoskin, & Harcourt LLP, where she practices commercial and civil litigation. In her spare time, Emily flies planes and rides motorcycles.

Carl Monk (BA (Royal Military College of Canada), MA (Royal Roads) JD (UBC)) has served in the Royal Canadian Navy and later in the Office of the Judge Advocate General in the Canadian Armed Forces for 26 years. He deployed with the Navy to the Gulf of Oman (2002), with the United Nations Mission in Sudan (2009), and domestically with the Army to the BC wildfire response (2017). He has previously held instructor positions at the Canadian Forces Leadership and Recruit School, the Royal Military College, and the Military Law Centre. Carl continues to practice military law on a part time basis, volunteers for several non-governmental organizations, and continues to work hard at improving his surfing, skiing, and parenting skills, although usually not in that order.

LAW 324D.002	<u>Topics in International Law & Transactions</u>	<u>Transnational Business and Human Rights</u>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Sarfaty	Seminar	3 CREDITS

This course addresses the emerging field of transnational business and human rights through an interdisciplinary approach that incorporates international law, corporate law, anthropology, and business ethics. In this seminar, students will gain an understanding of the existing international and domestic legal mechanisms for seeking greater corporate accountability; the concept of "corporate complicity" in human rights abuse; the challenges of conducting human rights due diligence on global supply chains; and the management of human rights risks in corporate decision-making. The course format will combine seminar-style discussion and lecturing with role-playing and small group exercises.

Evaluation will be based on participation, class presentations, and a final research paper.

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

LAW 325.001	<u>Conflict of Laws</u>			
<input checked="" type="checkbox"/> Term 1	<input type="checkbox"/> Term 2	Bjornson	Calvert	Course 3 CREDITS

Cross-listed with LAW 592.001
CHANGE Sept 14: Classroom

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, and an optional assignment. For students who elect to complete the assignment, the assignment will be worth 30% and the examination 70% of the course grade. Otherwise, the examination will be worth 100% of the course grade.

Alexander Bjornson practises both civil litigation and administrative law at the Ministry of Attorney General. Alex has represented clients in proceedings at all levels of court in British Columbia. He is a former board member of the Vancouver Opera and the Icelandic Canadian Club of British Columbia and currently sits on the board of directors for the Peter A. Allard School of Law Alumni Association.

Aubin Calvert is a lawyer at Hunter Litigation Chambers in Vancouver. Aubin's practice is focused on administrative and constitutional law. She also has experience working on private law matters with public law elements. She has appeared as counsel before administrative tribunals and all levels of court. Before joining Hunter Litigation Chambers, Aubin served as a law clerk to the Right Honourable Chief Justice Richard Wagner of the Supreme Court of Canada from 2016 to 2018. She received her J.D. in 2016 from the Peter A. Allard School of Law at the University of British Columbia and was called to the bar in 2017. Aubin holds a Ph.D. in political theory, also from the University of British Columbia. Aubin is chair of the CBA BC Appellate Advocacy Section Executive, and has organized and moderated a number of panels of judges and academics on topics of interest to appellate practice, and has presented on administrative and constitutional law issues for CLEBC. In 2021 she joined the Supreme Court Advocacy Institute as session coordinator for British Columbia. Aubin also volunteers with Access Pro Bono's Court of Appeal roster program and Pro Bono Ontario's SCC Leave to Appeal Assistance Project.

LAW 332.001**Maritime Law****Maritime Law** Term 1 Term 2

Hawkins, T. Swanson, P.

Course

3 CREDITS

CHANGE June 2: Course added. Instructor bio updated.

Maritime Law, also called, “Admiralty Law”, has been practiced in Canada since the 1700s. “Admiralty Law” harkens back to the time when the Admiral of the English fleet exercised significant powers over matters that occurred at sea over which common law courts had no jurisdiction. Contemporary Maritime Law is a specialized body of law with its own unique character and is broad in scope touching on many other areas of law. Maritime Law encompasses the regulation of commercial and other shipping, but the areas and topics of interest are both national and international. The conduct of relations between states and International Conventions adopted into Canadian Law figure prominently.

Typically of central interest is the “Ship” or “Vessel” with Maritime Law governing the origins, rights, and obligations of those with an interest in a ship, whether navigating, purchasing, operating, insuring or regulating it, as well as those that are injured or impacted by the ship’s operations, such as from oil pollution occurrences.

The Maritime Law course is a survey course providing a broad overview of the various topics comprising Canadian Maritime Law. Students will be introduced to Maritime Collisions, Marine Limitation of Liability, Carriage of Passengers, Tug and Tow, Salvage, Refuge and Wreck, Marine Pollution, Pilotage, Ship Ownership, Admiralty Court Jurisdiction, Vessel Arrest, Maritime Liens, Carriage of Goods and Marine Insurance.

The final exam will be a three-hour open book final.

Thomas Hawkins is a founding partner of the Maritime and Insurance Law Firm of Bernard LLP in Vancouver, B.C. He practices in the area of Maritime and Insurance Law, advising clients on matters relating to Marine Insurance, Cargo Litigation, Tug and Tow, Collision, Oil Pollution and Marine Bodily Injury. Mr. Hawkins has conducted cases in the Trial and Appellant Courts of the Federal Court of Canada, the British Columbia Supreme Court and the Supreme Court of Canada. Mr. Hawkins has held many positions in the Maritime Legal Community including as past Westcoast Vice President of the Canadian Maritime Law Association, Past Chair of the B.C. Maritime Law Section of the CBA, Executive Member of the Marine Insurance Association of B.C. and currently serves on the Owner’s Committee of the Chamber of Shipping of BC. Mr. Hawkins taught Maritime Law at the UBC Faculty of Law from 1996 to 2008. He has been counsel on numerous maritime casualty cases and oil pollution occurrences. He conducted the investigation of the 2006 sinking of the “Queen of the North” and represented the families and survivors of the 2015 “Leviathan II” Tofino whale watching boat case. He is listed by “Best Lawyers in Canada” and “Who’s Who Legal Canada” as a leading Canadian lawyer in Maritime Law. He has sailed across the Atlantic Ocean, Tasman Sea and the in the South Pacific.

Peter Swanson (B.A. (UBC 1984), L.L.B. (UVIC 1987)) is a senior litigation lawyer with over 30 years of experience and is a founding partner of Bernard LLP. He practice includes cases involving the enforcement of maritime liens, vessel arrest and security, carriage of goods by water, civil and regulatory liability for ship source pollution, collision, salvage, port state control, charterparty and other commercial disputes, and constitutional issues arising in a marine context. Peter has represented clients at all levels of court in Canada, including the Provincial Court of British Columbia, the British Columbia Supreme Court, the Federal Court, the British Columbia Court of Appeal, the Federal Court of Appeal and the Supreme Court of Canada. He was lead counsel in the successful defence in R. v. MV Marathassa, 2019 BCPC 13. Peter is very active in the marine community being a past president and current director of the Vancouver Maritime Arbitrators Association, past president and a current director of the International Sailors Society Canada, a director of the Institute of Chartered Shipbrokers (Canada) and a director of the Chamber of Shipping of British Columbia. Peter is recognized by his peers as a leader in the field of maritime law being listed in The Best Lawyers in Canada, the Canadian Legal L’expert Directory, Who’s Who Legal and Chambers and Partners.

LAW 334.001 Introduction to Asian Legal Systems Asian Legal Systems

Term 1 Term 2 Matsui Cheng Kim Course 3 CREDITS

CHANGE Sept 7: Classroom.

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

Description: This course aims to foster a critical understanding of law and governance in contemporary China and to explore its implications for Canada-China relations. The course examines six areas of Chinese law: (1) the origins of China's legal system from Confucianism to (post)modernism; (2) legal institutions such as the legal hierarchical order and judicial system; (3) law and corporate governance in an evolving market; (4) government structure and public law; (5) the law of family and social equity; and (6) Chinese law in the changing world order. In each session, we will survey the pertinent legal framework, discuss the challenges and complexities, and reflect on the implications for modernity in law and international relations, in particular, Canada-China relations.

Evaluation: Evaluation will be based on class participation with online discussion and short memos (10%), a mid-term assignment (20%), and a final paper (70%). Students are expected to select their topics for the final paper in consultation with the instructor. The paper should be at least fifteen pages long with footnotes or a 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 342A.001**Topics in Comparative Law****Comparative Judicial Behavior** Term 1 Term 2

Weinshall

Seminar

1 CREDITS

This intensive seminar meets 9:30am - 12:30pm on Sep 15, 20, 22, 29 in rm 115, and 12:30-2:00pm on Sep 29 in rm TBA. Course conflicts are allowed for this seminar, but you must contact Susan Morin (morin@allard.ubc.ca) to register you in this seminar in that case. Students may be penalized a participation or attendance grade for missing an intensive class or a class that conflicts with the intensive class.

The seminar will provide students with a unique perspective on how and why judges make the choices they do and what effect those choices have in different countries. The premise underlying the course is that a realistic understanding of judicial behavior, which conventional legal instruction does not typically convey, is essential to the understanding and practice of law. Topics covered will include the judges' motivations when deciding legal disputes (their ideologies, institutional considerations, career aspirations, biases, etc.); the differences between judges' motivations in diverse countries; The role of clerks, litigants and lawyers; and relations between courts, the public and elected actors.

Evaluation:

Evaluation Method: Participation worth 10% and final paper worth 90%. The final paper is due on October 14.

Graded Honours/Pass/Fail.

Keren Weinshall is the Vice-Dean at The Hebrew University of Jerusalem's Faculty of Law, holds the Edward S. Silver Chair in Civil Procedure and is a member of The Israeli Young Academy of Arts and Sciences. Prior to joining the law faculty, Weinshall served as the Founding Director of the Israeli Courts Research Division and the national expert representing the State of Israel at the European Commission for the Efficiency of Justice (CEPEJ) in the Council of Europe (2010-2014). Previously, Weinshall worked as a legal adviser to the Israeli Parliament's Constitution, Law and Justice Committee (2003-2007). Weinshall specializes in empirical research on socio-legal institutions. Her research is published in leading journals, including the Journal of Empirical Legal Studies (JELS) and Proceedings of the National Academy of Sciences (PNAS).

LAW 342D.001	<u>Topics in Comparative Law</u>	<u>Legal Perspectives on Substance Use</u>
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	Milne Chapnick	Seminar 3 CREDITS

In 2016, BC's provincial health officer declared a public health emergency in response to the rise in drug overdoses and deaths. Six years later, that crisis continues with little signs of abatement despite wide-scale increases in access to harm reduction and overdose prevention health services. In the face of this epidemic, there has been an increased conversation around the role that Canadian legal structures play to either alleviate or worsen stigma, exclusion and negative health outcomes for people who use drugs.

This seminar will explore the tensions between public health understandings of substance use and approaches taken within the legal system, which often views drug use solely as a moral failing that causes severe social harms. We will explore the role that the criminalization of drugs has played in influencing other areas of law that impact the human rights and health of people who use drugs. The course will examine how drug prohibition has influenced laws and legal interpretations related to accessing to health services, disability accommodation, income security and other areas. The aim of the course is to support students to critically examine the role that perception and stereotyping can play in Canadian legal structures the impact the lives and health of people who use drugs.

Course format: seminar

Evaluation:

- participation: 20%
- final paper: 80%

Kendra Milne (B.Sc. and LL.B. (University of Victoria)) is a lawyer who works to use her legal training to support social change, with a focus in supporting the equity and human rights of people who have traditionally been structurally marginalized or disempowered. She is currently the Executive Director of Health Justice, which works to modernize law and policy that governs involuntary mental health and substance use treatment. Kendra has led research and public policy at the Canadian Mental Health Association, and she has worked on systemic human rights issues through law reform and litigation at West Coast LEAF and the Community Legal Assistance Society.

Jonathan Chapnick (B.A. (Economics), J.D., C.P.H.R.) is a workplace lawyer and the principal at Portage Legal Services, where he provides workplace-related legal services to non-profits and small businesses. Before starting Portage, Jon worked for unions and employers in Ontario and BC for 15 years, including as legal counsel for the Hospital Employees' Union (where he focused his legal practice on issues related to employees with substance use disorders) and Director of Human Resources and Labour Relations at RainCity Housing and Support Society (where he was a daily witness to the impacts and outcomes of colonialism, structural stigma and inequality, and the criminalization of drug use). Outside of Portage, Jon teaches workplace law courses at Douglas College and is a part-time member of BC's Employment Standards Tribunal and Patient Care Quality Review Board.

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

Matsui

Course

3 CREDITS

CHANGE January 14: Classroom.

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 **Topics in Public Law** **Health Policy and Law**
 Term 1 Term 2 Fischer Seminar 3 CREDITS

Lockdowns or livelihoods? In this seminar we will examine complex issues such as these in the health care context. As we have seen with recent events surrounding the global pandemic, health law and policy deeply impact millions of Canadians. Health care issues challenge our understanding of law. They are complex scientifically, temporally, geographically and politically. Anticipated topics include: Public Health law (ie. public health orders vs. economy), the structure of the Canadian health care system, consent to treatment and informed consent, rationing of health resources, the consent of minors (and refusal of care), futile care and end of life law and policy, and pharmaceutical testing in developing nations, among others. This seminar will also explore how health policies and the law change over time.

Evaluation:

Final paper - 70% (on any topic covered in the seminar or as approved by the instructor)

Class presentation - 20%

Participation - 10%

Benjamin Fischer holds degrees from the faculties of science, applied science, and law at UBC. After being called to the bar and working as a lawyer in private practice, he became a hospital administrator for a large health care organization. He leads a multi-million dollar health care operation, negotiates medical device supply contracts, reviews labour matters proceeding to arbitration, drafts and enforces hospital policy, and reviews and provides operational approval for clinical research trials. Mr. Fischer previously articulated at Blake, Cassels & Graydon LLP where he was offered an associate position in their financial services and banking group. He subsequently worked at Miller Titerle Law Corporation practicing business and indigenous law.

Mr. Fischer has a strong background in governance and has been elected to the UBC Senate three times and currently serves on the Research and Scholarship Committee, Academic Infrastructure Committee, and Policy and Planning Committee. Previously, he has served on the Admissions and Academic Standing Committees.

LAW 343D.002 **Topics in Public Law** **Crown Liability**
 Term 1 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 in British Columbia. Students will learn about government liability in tort and contract, the government as a fiduciary, and how to conceive of the government 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 government 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 Allen/ McMillan LLP in Vancouver. She represents government and private sector clients with a focus on municipal law, appellate advocacy, 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 348D.001 Comparative Constitutional Law Term 1 Term 2

Cheng

Seminar

3 CREDITS

Description: This seminar aims to look into the discourse of constitutionalism and constitutional institutions from a comparative perspective. The seminar will encourage students to think critically and analytically about constitutional norms and institutions, as well as the roles of various players in constitutional institutions. The seminar will cover five major areas of contemporary constitutional law: (1) theories of constitutionalism and challenges of transitional justice; (2) government institutions, such as horizontal division of powers, federalism, judicial politics, and emergency powers; (3) personal integrity and individual rights against the state; (4) social identity and social equity institutions in different societies; and (5) constitutionalism narratives in the context of globalization.

Evaluation: This seminar will be taught through a combination of lectures, discussions, and class presentations. Evaluation will be based on class participation through both online and in-class discussions (10%), a mid-term assignment (20%), and a final paper (70%). Students are expected to select their topics for the final paper in consultation with the instructor. The paper should be at least fifteen pages long with footnotes or a 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 349D.001**Topics in Constitutional Law****Charter Litigation** Term 1 Term 2

Smith, L.

Sigurdson

Seminar

3 CREDITS

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 349D.002 **Topics in Constitutional Law** **Law and Inequality**
 Term 1 Term 2 Joshi *Seminar* **3 CREDITS**

This seminar explores the relationship between law and inequality. Our questions include: What role might law play in reinforcing and redressing different forms of inequality, including along lines of race, class, gender, sexuality, and disability? When is legal reform emancipatory and when does it maintain structural inequality? How might political and social movements seek to reorient the law?

During the seminar, we will consider how these questions are taken up in different jurisdictions. Readings will include both classic and cutting-edge scholarship from the fields of law and social sciences, as well as case law. The seminar will invite legal scholars to discuss a work-in-progress or recent publication, with students providing reflections and feedback.

Last year's visitors to the seminar included Professors Deborah Archer (NYU/ACLU President), Monica Bell (Yale), Khiara Bridges (Berkeley), Sonia Lawrence (Osgoode), and Joshua Sealy-Harrington (Lincoln Alexander).

Students considering this seminar should feel free to email Professor Yuvraj Joshi (joshi@allard.ubc.ca) with any questions.

Evaluation

Class Preparation and Contribution: 30%

Please note that this is a reading intensive and highly participatory seminar. Careful reading and engagement in class discussions are essential to your and our success.

Students should come prepared to discuss the assigned readings, as well as their colleagues' reflections on them (see below).

Brief Written Comments on the Readings: 10%

For two weeks in the semester, students will write and circulate, in advance of class, a short critical reflection about the readings assigned for class discussion.

Research Paper: 60%

Students will submit a short research proposal for instructor approval and feedback. A completed research paper of 4,000-5,000 words will be due at the end of the semester.

Assistant Professor Yuvraj Joshi is a full time member of the Peter A. Allard School of Law.

LAW 349D.003 **Topics in Constitutional Law** **Advanced Canadian Charter of Rights & Freedoms**
 Term 1 Term 2 Bakan *Seminar* **3 CREDITS**

Professor Joel Bakan is a full time member of the UBC Faculty of Law.

LAW 351D.001 **Topics in Human Rights** **Global Legalities**
 Term 1 Term 2 Bhandar Seminar 3 CREDITS

The central force of law in settler colonial endeavours, such as in the case of Canada, has been increasingly recognised in the last decade, leading to significant changes in how law is taught and practiced. This course expands upon this recognition to examine the place of law in colonialism, slavery and imperialism, or in other words, in the making of the modern world. In this course, we will consider how legal forms in both the private and public spheres of law were used to structure and facilitate different modalities of colonial rule, the Trans-Atlantic Slave Trade, and the ways in which law has figured in struggles for decolonisation. By exploring the place of law in the making of the modern global order both thematically and doctrinally, we will engage key theoretical concepts and texts, as well as specific case studies, to create a rich and varied understanding of how law's historical entanglement with slavery and colonialism continues to shape our postcolonial and settler colonial present.

Evaluation:

In this seminar, students will be evaluated by attendance and class participation (15%); one commentary on one of the weekly assigned readings (20%); and a final research paper (65%).

Associate Professor Brenna Bhandar is a full time member of the Peter A. Allard School of Law.

LAW 352.001 **Aboriginal Peoples and Canadian Law**
 Term 1 Term 2 Christie Course 3 CREDITS

CHANGE Sept 7: Classroom.

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	Seminar 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 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. The seminar will give you a sense of the way in which Aboriginal title and rights are deeply embedded in law, history and politics.

Each week I will be joined by leading counsel representing Indigenous nations, and Crown governments to discuss “the case of the week”. Because the seminar requires coordinating the busy schedules of many people the cases that will be the subject of the seminar change from year to year but will likely include these cases:

Calder (1973) -The first SCC case in the modern era reviving the concept of Aboriginal title;

The Douglas Treaty cases, a series of cases in the BCCA and SCC interpreting the Douglas treaties on Vancouver Island;

Sparrow (1990) - The first SCC case interpreting section 35 of the Constitution Act 1982;

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;

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;

The Residential School Litigation and Truth and Reconciliation Commission:

Gitxaala Nation v. Canada (2016) and Coldwater First Nation v. Canada (2019-20) -the judicial reviews brought by First Nations successfully challenging the Governor in Council decision to approve the Northern Gateway and Transmountain pipelines for breach of the duty to consult and accommodate;

Restoule v. Canada (2018 21) -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;

Current Aboriginal title land treaty litigation including Cowichan and Haida Nation.

You will also hear from counsel on the rapidly changing technological frontier that is affecting the manner in which complex Aboriginal and Treaty rights litigation is conducted including e-discovery and electronic trials.

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 through CANVAS.

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.

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 including Delgamuukw, Haida Nation, and Morris and Olsen, 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.

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, implementation of UNDRIP, 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 is a founding partner of Callison & Hanna www.chlaw.ca and is one of six Indigenous lawyers with the firm. This year the firm celebrated 25 years of service to Indigenous Nations.

He has worked for Indigenous Nations throughout British Columbia and the Northwest Territories on a wide array of legal matters with a focus on reconciliation, land claims, specific claims, community governance and economic development, and employment law. He is a member of the Law Societies of British Columbia and the Northwest Territories. He was lead counsel for various precedent setting Specific Claims, including Siska Indian Band v. HMTQ, 2018 SCTC 2, Akisq'nuk First Nation v. Her Majesty the Queen in Right of Canada 2020 and Siska Indian Band v HMTQ, 2021 SCTC 2.

Since 2001, he has been an Adjunct Professor at the Allard School of Law at UBC and has taught First Nations and Economic Development. He is the author of Legal Issues on Indigenous Economic Development published by LexisNexis. He is a member of the working group of officials to explore how UNDRIP will be implemented in the NWT.

He was the recipient of the 2014 Premier's Award (GNWT) for Collaboration on the Wildlife Act Working Group which developed the new Wildlife Act. And, Callison & Hanna were the inaugural recipients of the Special Contribution Award of the Aboriginal Lawyers Forum, Canadian Bar Association, for recognition of the firm's contribution to addressing the various issues facing Aboriginal people in the law in 2013. Callison & Hanna was the recipient of the Aboriginal Business Award, BC Achievement Foundation in 2016.

He is director with the piye?wi?x kt Language Foundation Society. He is a member of the Nlaka'pmux Nation from the community of Lytton.

LAW 358C.001	<u>Topics in First Nations Law</u>	<u>First Nation Taxation, Assimilation and Reconciliation</u>	
<input checked="" type="checkbox"/> Term 1	<input type="checkbox"/> Term 2	Faille	Course 3 CREDITS

WARNING: As has been said about the music of Wagner, this course is (probably) better than it sounds... Through it, the student will gain an in-depth practical understanding of the law of First Nation taxation and tax immunity, but one that is firmly grounded in the broader historico-legal context of the Crown-Indigenous relationship, and the intersection between taxation, inherent Aboriginal rights and Treaty rights. Beginning with Indigenous forms of taxation, the course will then explore how the approach to First Nation taxation by Canada (and the courts) has tracked the evolution of broader Crown policies and objectives in regard to Indigenous peoples, from mutual autonomy, to assimilation and enfranchisement, and ultimately to reconciliation. Through that lens, the course will examine First Nation tax immunity and exemption for individuals and entities, in relation to various forms of taxation. The course will then shift to an examination of the exercise of taxation jurisdiction by Indigenous governments as an instrument of self-government, and its role in the Crown-Indigenous fiscal relationship.

No background in tax law is required for this course. Although certain sections of the Income Tax Act (ITA) will be relevant to the course, you can (mercifully) learn them in isolation from the remainder of that Act. While most readings will be of case law, the course will examine relevant aspects of the Indian Act, the ITA as well as historical and modern treaties, and academic commentary.

Each week will feature a lecture and discussion of readings. In addition, a number of guest lecturers immersed in First Nation taxation issues and experts in the field will be featured, including leading First Nation business and political leaders.

Evaluation: 100% final exam or paper (student option).

Max Faille is a partner in Gowling WLG's Vancouver office, practicing in Indigenous law and constitutional litigation. Max's clients principally consist of Indigenous governments, businesses and organizations across Canada, as well as private and public sector interests working with Indigenous communities. In addition to legal representation in the courts and in negotiations, Max regularly provides advice on matters of Aboriginal and treaty rights, First Nation taxation, self-government, and Indigenous governance and economic development. Max was named Benchmark Canada's Aboriginal Law Litigator of the Year for 2016, and is regularly recognized as a leading lawyer in the field of Aboriginal Law by Chambers Canada, Lexpert, Legal 500 and Best Lawyers in Canada. He represented the Assembly of First Nations in the seminal Bastien and Dube cases in the Supreme Court of Canada that breathed new life into the First Nation tax immunity. He previously served on the Board of the Canadian Council for Aboriginal Business, and on the Taxpayers Ombudsman's Advisory Board. In December 2020, Max received the Northwest Territories Premier's Award for Indigenous Partnership.

LAW 358D.002	<u>Topics in First Nations Law</u>	<u>Indigenous Law and Climate Change</u>	
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Clifford	Seminar 3 CREDITS

SEMINAR CANCELLED.

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.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	Gunn, K.	Seminar	3 CREDITS

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, the relationship between Aboriginal and Indigenous law, and the role of law in contemporary social movements.

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.

Evaluation will consist of class participation (25%), class presentations (25%) and a final paper (50%).

Dr. Bruce Mclvor is a partner at First Peoples Law LLP. 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. His collection of essays entitled Standoff: Why Reconciliation Fails Indigenous People and How to Fix It was published in the fall of 2021 by Harbour Publishing. Bruce is a member of the Manitoba Métis Federation.

Kate Gunn is a partner at First Peoples Law LLP. Kate holds an LLM from the University of British Columbia, where her research focused on the interpretation of treaties between Indigenous Peoples and the Crown. She is also a founding member of the Justice and Corporate Accountability Project, a legal clinic which provides advocacy and support to communities affected by transnational corporate activities and resource extraction.

LAW 358D.004	<u>Topics in First Nations Law</u>	<u>Metis Law</u>		
<input type="checkbox"/> Term 1 <input checked="" type="checkbox"/> Term 2	Barkaskas		Seminar	3 CREDITS

SEMINAR CANCELLED.

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

LAW 359.001**Family Law**

Term 1 Term 2 Santerre Cameron, E Course 4 CREDITS

Cross-listed with LAW 559D.001.

CHANGE June 20: Instructor and course description.

CHANGE Oct 17: Instructor

CHANGE Dec 14: Course Description

This course will equally balance practical skills and theory. For the practical portion, this course will prepare students for the practice of family law by equally focusing on legislation, case, law, dispute resolution, litigation skills, and emerging areas in family law. Skills and law required for clerking will also be covered.

Theory will cover themes of wide interest including the state regulation of families; the relationship of law to social change such as shifts in familial forms; the use of social context in legal argument; socio-economic and cultural implications of family law; and the relevance of factors such as colonization, racism, gender, sexual orientation, culture, and class to family law.

Special topics will include the intersection of BC family law and other BC and Federal laws on foreign migrant and domestic workers, parents in prison, babies and prison, immigration, and international law.

Particular attention is paid to the impact of family law on Indigenous families in British Columbia. The course is designed to be responsive to the calls to action of the Truth and Reconciliation Commission of Canada.

This course will be grounded in a trauma informed, relational practice of family law and embraces the diversity of family and relationship structures.

COURSE OBJECTIVES

In order to invigorate the ethical imaginations of students, this course will be taught through a combination of lectures, guest speakers in the field, and class discussion. The goal is to have an active and engaged class room environment.

EVALUATION

The evaluation will be based on a 100% take-home exam to be distributed at 9:00 a.m. and due the next day at Noon on as listed on the Exam Schedule.

Kimberley Santerre was called to the Bar of British Columbia in 2011. Her practice is focused in the area of family law. Prior to joining Jenkins Marzban Logan LLP, Kimberley articulated and practiced in civil and commercial litigation at a boutique litigation firm in Kelowna, British Columbia, where she began to focus her practice on family law.

Kimberley has co-authored papers about property division and use of expert reports in family litigation, and was a course presenter at the Trial Lawyers Association of BC's Family Law Practice and Procedure 2015 conference, and the Continuing Legal Education Society's The New Family File: Complex Issues for Paralegals conference. She has edited the Property Division chapter of the Continuing Legal Education Society of BC's Family Law Sourcebook since 2015. Kimberley volunteers for Access Pro Bono and the Canadian Bar Association, and is currently the co-chair of the CBA Family Law (Vancouver) Subsection.

Current to July 2019

Elizabeth Cameron was called to the bar of British Columbia in 2018. They began their legal career practising in family law with a boutique firm in Vancouver. Currently, they act as the Virtual Legal Clinic Lawyer at Rise Women's Legal Centre, where they work to increase access to justice for low-income people of marginalized genders who are navigating family law matters outside the BC Lower Mainland. Alongside colleagues, El has published and presented on a variety of family law topics, with emphasis on parenting and care of children, injunctive relief, evidence, and 2SLGBTQIA+ issues.

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 372.001 **Administrative Law** Term 1 Term 2

Liston

Course

4 CREDITS

Cross-listed with LAW 509.001.

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

Content covered includes:

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

Evaluation: A combination of participation, in-term assessment, and a take-home final examination to be distributed at 9:00 a.m. and due at 3:00 p.m. on the date per the Exam Schedule.

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

LAW 372.004 **Administrative Law** Term 1 Term 2 Ford

Course 4 CREDITS

Cross-listed with LAW 509.004.
CHANGE Aug 3: Classroom

Administrative law is woven deeply into our daily lives. Although they are less visible than courts or legislatures in the popular imagination, administrative bodies are actually the ones that develop and administer many of the rules that regulate us. Like Constitutional Law, Administrative Law is foundational. It sets the framework of rules according to which other, subject-specific areas of regulation – immigration and refugee law, environmental law, labour law, aspects of economic regulation – function. Admin Law also forces us to struggle with vexing questions, such as how to strike an appropriate balance between priorities such as regulatory effectiveness, context sensitivity, and legality; or where to draw the conceptual line between political (democratic), administrative (expertise-based), and judicial (law-based) authority. These questions go to the core of what it means to try to regulate a modern, heterogeneous, complex society based on the rule of law.

The Administrative Law course builds on the first year Public Law course. It surveys the rules, principles, legal framework, and policy considerations that shape the powers of these administrative decision-makers and standard-setters. Major topics will include administrative law remedies, procedural fairness, the relationship between administrative law and the Charter, Aboriginal administrative law and Indigenous administrative law, the BC Administrative Tribunals Act, and the crucial question of when courts may review administrative decision-making. The course will look, where possible, beyond the traditional administrative law preoccupation with judicial review, to examine how administrative agency themselves function.

Evaluation will be based on:

- Consistent, prepared, productive class participation through a variety of media including voice, chat, and in-class quizzes (15%)
- An in-class midterm examination (25%)
- A final exam during the examination period (60%)

Professor Cristie Ford 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 379B.001**Externship****Business Law Clinic**

Term 1 Term 2 Black, R. Gratton Dakha Clinical 4 CREDITS

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

CHANGE June 7: Instructor Bio

CHANGE Jan 5: Instructor

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 is a partner at DLA Piper (Canada) LLP, co-leading the Startups, Emerging Companies and Technology Group from the Vancouver office of one of the largest law firms in the world. He considers himself extremely lucky to be a technology lawyer who gets to work with entrepreneurs, growing businesses, and established companies as they navigate solving some of the toughest problems or make an impact on their industry or society. His clients often are Internet-focused and consumer-facing companies like video game companies, social media and online dating sites, or business-to-business software-as-a-service providers. While his client base varies tremendously from a one- or two-person bootstrapped enterprise through to multinational conglomerate, he has a particular passion for working in the Vancouver startup and emerging companies space, working with entrepreneurs to lead through growth to maturity. Given his firm's profile, Ryan can scale the legal offering with his clients as they grow, working part of a team across the globe that can help them capitalize on any opportunity. In 2017, Ryan was named as one of Canada's leading lawyers under 40 in Lexpert's annual Rising Stars edition, and he has been ranked as: a Thomson Reuters Stand-Out Lawyer (formerly Acritas Star) from 2019 to 2021; a Best Lawyer in Canada for IT Law, FinTech and Privacy and Data Security from 2020-2022; a Canadian Legal Lexpert® lawyer in Computer and IT Law, Corporate Mid-Market and Technology Transactions in 2020-2022, and part of the Legal 500 Canada in Corporate and Technology for 2022. In addition to serving as Clinic Adjunct for the pro-bono Business Law Clinic at Allard, Ryan is also a board member at the Video Game Bar Association and the Vancouver Fireworks Festival Society. When he's not doing those things, he nerds out on movies, video games, Dungeons & Dragons and technology tinkering at home with his wife Yolanda, his cat Kitty, and his 48TB Steam-streaming media server Gandalf. He does, despite all that, also occasionally go outside.

Tyson Gratton is a senior associate at DLA Piper (Canada) LLP. Tyson has a business law practice which is focused on advising video game, virtual and augmented reality, information technology, and ecommerce businesses. In his video game practice, Tyson regularly advises clients at all seats of the table including independent developers, specialized service providers, AAA studios, publishers, and global distribution platforms. Tyson works alongside companies from across Canada, the United States, and abroad who are creators, developers, integrators, innovators, distributors, and service providers. As a former television executive, Tyson knows what it takes to bring a diverse team of creatives, trades, and professionals together to bring a product to market. Tyson regularly writes and speaks on a number of legal issues facing the video game industry including at TwitchCon, the Video Game Bar Association, DigiBC, CLE-BE, and the Canadian Bar Association. Tyson is committed to pro-bono and community service initiatives and has spoken at various entertainment community organizations such as Damage Labs, The Fashion Zone at Ryerson University, and Sisters in Crime. Tyson is also the co-founder of DLA Piper's Black and Indigenous Business Law Clinic which provides pro-bono business advice to qualifying Black and Indigenous owned businesses in Canada. Tyson received both his Bachelor of Arts and Juris Doctor from the University of British Columbia where he now teaches at the Centre for Business Law at the

Peter A. Allard School of Law as an adjunct professor. Lastly, as an avid curler, Tyson is great with a broom and never hesitates to hurry hard.

Maneesha Dakha

LAW 379B.002	Externship	<u>Business Law Clinic</u>			
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Black, R.	Gratton	Dakha	Clinical
4 CREDITS					

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

CHANGE June 7: Instructor Bio

CHANGE Jan 5: Instructor

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 is a partner at DLA Piper (Canada) LLP, co-leading the Startups, Emerging Companies and Technology Group from the Vancouver office of one of the largest law firms in the world. He considers himself extremely lucky to be a technology lawyer who gets to work with entrepreneurs, growing businesses, and established companies as they navigate solving some of the toughest problems or make an impact on their industry or society. His clients often are Internet-focused and consumer-facing companies like video game companies, social media and online dating sites, or business-to-business software-as-a-service providers. While his client base varies tremendously from a one- or two-person bootstrapped enterprise through to multinational conglomerate, he has a particular passion for working in the Vancouver startup and emerging companies space, working with entrepreneurs to lead through growth to maturity. Given his firm's profile, Ryan can scale the legal offering with his clients as they grow, working part of a team across the globe that can help them capitalize on any opportunity. In 2017, Ryan was named as one of Canada's leading lawyers under 40 in Lexpert's annual Rising Stars edition, and he has been ranked as: a Thomson Reuters Stand-Out Lawyer (formerly Acritas Star) from 2019 to 2021; a Best Lawyer in Canada for IT Law, FinTech and Privacy and Data Security from 2020-2022; a Canadian Legal Lexpert® lawyer in Computer and IT Law, Corporate Mid-Market and Technology Transactions in 2020-2022, and part of the Legal 500 Canada in Corporate and Technology for 2022. In addition to serving as Clinic Adjunct for the pro-bono Business Law Clinic at Allard, Ryan is also a board member at the Video Game Bar Association and the Vancouver Fireworks Festival Society. When he's not doing those things, he nerds out on movies, video games, Dungeons & Dragons and technology tinkering at home with his wife Yolanda, his cat Kitty, and his 48TB Steam-streaming media server Gandalf. He does, despite all that, also occasionally go outside.

Tyson Gratton is a senior associate at DLA Piper (Canada) LLP. Tyson has a business law practice which is focused on advising video game, virtual and augmented reality, information technology, and ecommerce businesses. In his video game practice, Tyson regularly advises clients at all seats of the table including independent developers, specialized service providers, AAA studios, publishers, and global distribution platforms. Tyson works alongside companies from across Canada, the United States, and abroad who are creators, developers, integrators, innovators, distributors, and service providers. As a former television executive, Tyson knows what it takes to bring a diverse team of creatives, trades, and professionals together to bring a product to market. Tyson regularly writes and speaks on a number of legal issues facing the video game industry including at TwitchCon, the Video Game Bar Association, DigiBC, CLE-BE, and the Canadian Bar Association. Tyson is committed to pro-bono and community service initiatives and has spoken at various entertainment community organizations such as Damage Labs, The Fashion Zone at Ryerson University, and Sisters in Crime. Tyson is also the co-founder of DLA Piper's Black and Indigenous Business Law Clinic which provides pro-bono business advice to qualifying Black and Indigenous owned businesses in Canada. Tyson received both his Bachelor of Arts and Juris Doctor from the University of British Columbia where he now teaches at the Centre for Business Law at the

Peter A. Allard School of Law as an adjunct professor. Lastly, as an avid curler, Tyson is great with a broom and never hesitates to hurry hard.

Maneesha Dakha

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

Registration by permission only. This clinic fulfills the Experiential Learning requirement.
Fall 2022: start Sept 6, end Dec 16

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 self-identified 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. 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 blog post.

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 previously was a sole 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 has also practised in the areas of aboriginal law, criminal law and mental health law. She currently serves as the Chair of the Board of Yoga Outreach.

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.

LAW 379D.002**Externship****Women's Legal Clinic** Term 1 Term 2

Sood

Hawkins, K.

Clinical

11 CREDITS

***Registration by permission only. This clinic fulfills the Experiential Learning requirement.* *Registration by permission only. This clinic fulfills the Experiential Learning requirement.* Spring 2023: start Jan 9, end April 21**

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 self-identified women and their experiences within the justice system with a particular focus on family violence.

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LAW 379D.003**Externship****Judicial Externship** Term 1 Term 2

Martz

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.

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.

Lisa Martz, B.A. (University of Toronto, 1989) and LL.B. (UBC, 1992), is a lecturer on faculty at the Peter A. Allard School of Law. She has practised as a litigation lawyer for more than 25 years, first at a national firm (McCarthy Tétrault LLP) and then a local litigation boutique (Gudmundseth Mickelson LLP). Her varied general litigation practice has included serving as commission counsel on a number of BC public inquiries and as criminal defence counsel for youth in care. She now also provides advice and assistance to people and organizations in the non-profit sector.

LAW 379D.004**Externship****Judicial Externship** Term 1 Term 2

Martz

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.

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.

Lisa Martz, B.A. (University of Toronto, 1989) and LL.B. (UBC, 1992), is a lecturer on faculty at the Peter A. Allard School of Law. She has practised as a litigation lawyer for more than 25 years, first at a national firm (McCarthy Tétrault LLP) and then a local litigation boutique (Gudmundseth Mickelson LLP). Her varied general litigation practice has included serving as commission counsel on a number of BC public inquiries and as criminal defence counsel for youth in care. She now also provides advice and assistance to people and organizations in the non-profit sector.

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

Clinical

5 CREDITS

***Registration by permission only. Fall Term Placement: September 6 - December 5, 2022 (excluding Mid-Term Break: November 9-11, 2022. This course 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: 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) Bi-weekly Reflective Journals: Journals will be reviewed 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.

c) Research Project: 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 28 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 9 - April 12, 2023 (excluding Reading Week: February 20-24, 2023). This course 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: 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) Bi-weekly Reflective Journals: Journals will be reviewed 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.

c) Research Project: 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 28 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.001	Externship Reflection	<u>Business Law Clinic - Reflection</u>				
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	Black, R.	Gratton	Dakha	Workshop	2 CREDITS	

Registration by permission only.

CHANGE June 7: Instructor Bio

CHANGE Jan 5: Instructor

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.

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 is a partner at DLA Piper (Canada) LLP, co-leading the Startups, Emerging Companies and Technology Group from the Vancouver office of one of the largest law firms in the world. He considers himself extremely lucky to be a technology lawyer who gets to work with entrepreneurs, growing businesses, and established companies as they navigate solving some of the toughest problems or make an impact on their industry or society. His clients often are Internet-focused and consumer-facing companies like video game companies, social media and online dating sites, or business-to-business software-as-a-service providers. While his client base varies tremendously from a one- or two-person bootstrapped enterprise through to multinational conglomerate, he has a particular passion for working in the Vancouver startup and emerging companies space, working with entrepreneurs to lead through growth to maturity. Given his firm's profile, Ryan can scale the legal offering with his clients as they grow, working part of a team across the globe that can help them capitalize on any opportunity. In 2017, Ryan was named as one of Canada's leading lawyers under 40 in Lexpert's annual Rising Stars edition, and he has been ranked as: a Thomson Reuters Stand-Out Lawyer (formerly Acritas Star) from 2019 to 2021; a Best Lawyer in Canada for IT Law, FinTech and Privacy and Data Security from 2020-2022; a Canadian Legal Lexpert® lawyer in Computer and IT Law, Corporate Mid-Market and Technology Transactions in 2020-2022, and part of the Legal 500 Canada in Corporate and Technology for 2022. In addition to serving as Clinic Adjunct for the pro-bono Business Law Clinic at Allard, Ryan is also a board member at the Video Game Bar Association and the Vancouver Fireworks Festival Society. When he's not doing those things, he nerds out on movies, video games, Dungeons & Dragons and technology tinkering at home with his wife Yolanda, his cat Kitty, and his 48TB Steam-streaming media server Gandalf. He does, despite all that, also occasionally go outside.

Tyson Gratton is a senior associate at DLA Piper (Canada) LLP. Tyson has a business law practice which is focused on advising video game, virtual and augmented reality, information technology, and ecommerce businesses. In his video game practice, Tyson regularly advises clients at all seats of the table including independent developers, specialized service providers, AAA studios, publishers, and global distribution platforms. Tyson works alongside companies from across Canada, the United States, and abroad who are creators, developers, integrators, innovators, distributors, and service providers. As a former television executive, Tyson knows what it takes to bring a diverse team of creatives, trades, and professionals together to bring a product to market. Tyson regularly writes and speaks on a number of legal issues facing the video game industry including at TwitchCon, the Video Game Bar Association, DigiBC, CLE-BE, and the Canadian Bar Association. Tyson is committed to pro-bono and community service initiatives and has spoken at various entertainment community organizations such as Damage Labs, The Fashion Zone at Ryerson University, and Sisters in Crime. Tyson is also the co-founder of DLA Piper's Black and Indigenous Business Law Clinic which provides pro-bono business advice to qualifying Black and Indigenous owned businesses in Canada. Tyson received both his Bachelor of Arts and Juris Doctor from the University of British Columbia where he now teaches at the Centre for Business Law at the Peter A. Allard School of Law as an adjunct professor. Lastly, as an avid curler, Tyson is great with a broom and never

hesitates to hurry hard.

Maneesha Dakha

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

Registration by permission only.

CHANGE June 7: Instructor Bio

CHANGE Jan 5: Instructor

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.

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 is a partner at DLA Piper (Canada) LLP, co-leading the Startups, Emerging Companies and Technology Group from the Vancouver office of one of the largest law firms in the world. He considers himself extremely lucky to be a technology lawyer who gets to work with entrepreneurs, growing businesses, and established companies as they navigate solving some of the toughest problems or make an impact on their industry or society. His clients often are Internet-focused and consumer-facing companies like video game companies, social media and online dating sites, or business-to-business software-as-a-service providers. While his client base varies tremendously from a one- or two-person bootstrapped enterprise through to multinational conglomerate, he has a particular passion for working in the Vancouver startup and emerging companies space, working with entrepreneurs to lead through growth to maturity. Given his firm's profile, Ryan can scale the legal offering with his clients as they grow, working part of a team across the globe that can help them capitalize on any opportunity. In 2017, Ryan was named as one of Canada's leading lawyers under 40 in Lexpert's annual Rising Stars edition, and he has been ranked as: a Thomson Reuters Stand-Out Lawyer (formerly Acritas Star) from 2019 to 2021; a Best Lawyer in Canada for IT Law, FinTech and Privacy and Data Security from 2020-2022; a Canadian Legal Lexpert® lawyer in Computer and IT Law, Corporate Mid-Market and Technology Transactions in 2020-2022, and part of the Legal 500 Canada in Corporate and Technology for 2022. In addition to serving as Clinic Adjunct for the pro-bono Business Law Clinic at Allard, Ryan is also a board member at the Video Game Bar Association and the Vancouver Fireworks Festival Society. When he's not doing those things, he nerds out on movies, video games, Dungeons & Dragons and technology tinkering at home with his wife Yolanda, his cat Kitty, and his 48TB Steam-streaming media server Gandalf. He does, despite all that, also occasionally go outside.

Tyson Gratton is a senior associate at DLA Piper (Canada) LLP. Tyson has a business law practice which is focused on advising video game, virtual and augmented reality, information technology, and ecommerce businesses. In his video game practice, Tyson regularly advises clients at all seats of the table including independent developers, specialized service providers, AAA studios, publishers, and global distribution platforms. Tyson works alongside companies from across Canada, the United States, and abroad who are creators, developers, integrators, innovators, distributors, and service providers. As a former television executive, Tyson knows what it takes to bring a diverse team of creatives, trades, and professionals together to bring a product to market. Tyson regularly writes and speaks on a number of legal issues facing the video game industry including at TwitchCon, the Video Game Bar Association, DigiBC, CLE-BE, and the Canadian Bar Association. Tyson is committed to pro-bono and community service initiatives and has spoken at various entertainment community organizations such as Damage Labs, The Fashion Zone at Ryerson University, and Sisters in Crime. Tyson is also the co-founder of DLA Piper's Black and Indigenous Business Law Clinic which provides pro-bono business advice to qualifying Black and Indigenous owned businesses in Canada. Tyson received both his Bachelor of Arts and Juris Doctor from the University of British Columbia where he now teaches at the Centre for Business Law at the Peter A. Allard School of Law as an adjunct professor. Lastly, as an avid curler, Tyson is great with a broom and never

hesitates to hurry hard.

Maneesha Dakha

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

Term 1 Term 2 Tse

Workshop

2 CREDITS

Registration by permission only. Fall Term Seminar (2022): Sept 10, 11, 17 and Nov 26, 2022 (9:00am-4:30pm each day).

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 (30%): Students will be graded on their participation throughout the seminars. Participation means the student comes to the seminar prepared and curious, follows the conversation and is thoughtful about it, asks questions, shares his/her perspective in a productive and supportive manner and is otherwise actively engaged during the class.

c) Presentation at Completion of Externship (50%): The Presentation will be graded based on (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 28 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 (2023): Jan 7, 8, 14 and April 1, 2023 (9:00am-4:30pm each day).

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 (30%): Students will be graded on their participation throughout the seminars. Participation means the student comes to the seminar prepared and curious, follows the conversation and is thoughtful about it, asks questions, shares his/her perspective in a productive and supportive manner and is otherwise actively engaged during the class.

c) Presentation at Completion of Externship (50%): The Presentation will be graded based on (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 28 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 380C.001 **Externship Reflection** **Judicial Externship**
 Term 1 Term 2 Martz 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.

Lisa Martz, B.A. (University of Toronto, 1989) and LL.B. (UBC, 1992), is a lecturer on faculty at the Peter A. Allard School of Law. She has practised as a litigation lawyer for more than 25 years, first at a national firm (McCarthy Tétrault LLP) and then a local litigation boutique (Gudmundseth Mickelson LLP). Her varied general litigation practice has included serving as commission counsel on a number of BC public inquiries and as criminal defence counsel for youth in care. She now also provides advice and assistance to people and organizations in the non-profit sector.

LAW 380C.002 **Externship Reflection** **Judicial Externship**
 Term 1 Term 2 Martz 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.

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

Registration by permission only.
Location TBA

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 self-identified 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. 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 blog post.

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 previously was a sole 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 has also practised in the areas of aboriginal law, criminal law and mental health law. She currently serves as the Chair of the Board of Yoga Outreach.

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.

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

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

Registration by permission only.
Location TBA.

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 self-identified 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. 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 blog post.

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 previously was a sole 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 has also practised in the areas of aboriginal law, criminal law and mental health law. She currently serves as the Chair of the Board of Yoga Outreach.

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.

LAW 382.001**Health Law**

Term 1 Term 2 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. This course will also situate the Canadian health care within the Global Health milieu.

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 Canvas.

Zulie Sachedina was General Counsel at Providence Health Care in Vancouver from 2001 until 2018. She continues to be actively involved in health law. She provides legal and governance support to the health and social justice sector in BC. She obtained her Master's in Health Administration and her J.D from University of Toronto. She has an LL.M in Global Health Law and Governance from Georgetown Law and the Graduate Institute in Geneva.

LAW 391D.001**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

Griffith, J.

Course

3 CREDITS

EXAM CONFLICT: STUDENTS REGISTERED IN 347B.004 FEDERALISM OR 469.003/590.003 CIVIL PROCEDURE ARE NOT ALLOWED TO BE REGISTERED IN 392.001 NATURAL RESOURCES OR 435C.001 TOPICS IN TORT LAW: PERSONAL INJURY LAW OR 412.001/564.001 TAXATION OF TRUSTS AND ESTATES, AND VICE VERSA.

This course will examine the legislation and regulatory frameworks which apply to natural resource development in British Columbia and Canada. Beginning with a high-level examination of federal and provincial jurisdictions over natural resources, the course will explore environmental assessment processes and requirements. The course will then review legislation and decision making applicable to forestry, subsurface materials, water, wildlife, and fisheries. The existing and emerging law governing Indigenous rights and the incorporation of Indigenous Nations into natural resource decision making will be integrated into the course.

Students can expect to learn the basics of how natural resources are governed and managed and understand the legal regime applicable in British Columbia and Canada, which will also serve as a foundation for understanding legal regimes in other jurisdictions.

Evaluation: Evaluation will be based on a final exam (90%) and course participation (10%).

Jennifer Griffith (B.Sc. Aquatic Biology (Brown University), LL.B. (McGill University)) has represented Indigenous Nations for over twenty years, including on natural resources issues such as environmental assessments, National Energy Board (now Canada Energy Regulator) hearings, and land use and resource management planning. Ms. Griffith regularly advises her Indigenous clients at a strategic and practical level on proposed natural resource extraction and development projects and represents them in negotiations with government and corporations with respect to decision making, benefits sharing and settlements.

LAW 395.001 Forest Law

Term 1 Term 2 Garton Mancell Course 3 CREDITS

CHANGE Aug 19: Instructor added

Forests have long been a cornerstone of British Columbia's natural environment and economy. Government has created a complex regulatory regime seeking to balance competing interests in the forest, including those of industrial & recreational users, public interest groups, government and First Nations. The interface between these different visions of forest resource management have produced some of the most challenging questions that BC lawyers and policy-makers have had to address in recent decades, and public interest in the outcome is high. Initially this course will examine the current statutory regime that regulates activities in BC forests, as well as the legal nature of the forest tenures or entitlements that the BC government may grant to the private sector, First Nations, and other groups. We will then address a number of more specific topics, including the current policy debate and announcements for forest tenure and logging reform, the nature and effect of Indigenous rights to forest lands and resources, a comparative survey of forest policy in selected other jurisdictions, the financial interest of the Province in BC's forests and enforcement of that interest, the role of professional reliance in forest management, the compliance and enforcement regime for BC forest laws, the key commercial issues a lawyer would encounter in practicing forest law and the planning framework that the BC government uses to weigh competing wildlife, heritage, environmental and industrial interests. Guest speakers will be included to provide different expertise or perspectives on some of the public policy issues that will arise.

Evaluation: 100% final exam.

Billy Garton (B.Sc.F. (U. of T. 1983), LL.B. (U. of T. 1989)) is a Vancouver lawyer with over 25 years of experience advising clients on forestry law topics, primarily focused on the commercial, first nations and environmental aspects of forestry law. He previously lead the forestry law practice at Bull, Housser & Tupper LLP (now Norton Rose Fulbright LLP) where his clients included large and small timber tenure holders, first nation governments, logging contractors, lenders to the forest sector and industry associations. He recently retired as General Counsel to Seaspan ULC, a large BC-based shipbuilder and marine services provider. Prior to attending law school Billy worked in the BC coastal forest industry as well as in Alberta and Ontario.

Garry Mancell, R.P.F., (B.S.F. (UBC 1974), LL.B. (Victoria 1981)) is a professional forester with over 30 years of experience in the forest industry in BC. His practice at DLA Piper LLP is focused on the regulatory and commercial aspects of forestry. His clients include tenure holders, log brokers, trade associations, private forest land owners, contractors and consultants. As a forester, Mr. Mancell worked in timber harvesting and forest administration in both private industry and the public sector.

LAW 400.001 Advanced Criminal Procedure

Term 1 Term 2 Harris, N. Course 3 CREDITS

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

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

Evaluation:

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

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

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

Parkes

Seminar

3 CREDITS

CHANGE Sept 7: Classroom.

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

Evaluation:

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

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

LAW 404.001 **The Law of Homicide****The Law of Homicide on the Web** Term 1 Term 2

Grant

Web-based

3 CREDITS

COURSE CANCELLED***This course does NOT fulfill the seminar requirement.***

This course will cover the law and policy surrounding culpable homicide offences in Canada: murder, manslaughter and infanticide. 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 organizational meeting and a final review class that students are expected to attend. The schedule for the sessions will be made available to students before the beginning of term. This course requires a high level of student engagement in writing.

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 an introductory Zoom session and a review class at the end of term. A classroom will be made available for students who are at Allard.

Enrolment is limited to 20 students.

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

LAW 407.002**Taxation** Term 1 Term 2 Cui

Course

4 CREDITS

Cross-listed with LAW 506.002.**CHANGE August 15, 2022: Classroom; June 29: Course description and evaluation method.**

This introductory course examines the basic structure of the income tax as applied to Canadian individuals through a careful reading of the Income Tax Act and relevant judicial and administrative interpretations. 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. Exploring the income tax is thus a natural way to expose oneself to tax law in general. Along the way, students will also gain an initial exposure to other important taxes, especially payroll and consumption taxes, that play vital roles in Canada's public finance system.

Three aspects of the course deserve emphasis and students should seriously consider them before deciding to enroll. First, students will be put in touch directly with the tax law through the TaxnetPro database. The textbook used for the course—one that is most frequently cited by Canadian courts in tax decisions—is available for free through the database, and links to cases, administrative material, and extensive professional commentaries are directly embedded in the text. Legal research, therefore, is part of the course, not something that one separately learns (e.g. in moots and clinics).

Second, reading the textbook and assigned cases will be important: class sessions are for discussion and solving practice problems, not for the instructor to repeat what students could have read in the textbook.

Third, 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, students will be asked to form groups and work on practice problems in class throughout the term. Students expecting merely to regurgitate case law on exams may find the course challenging.

Prior courses in business law are definitely not required for the course. However, students may occasionally find it helpful to search online (e.g. Wikipedia) for commercial terms such as "stock options" or "compound interest." Similarly, basic arithmetic skills (e.g. addition, multiplication, etc.) generally suffice for the practice and exam problems in the course.

Evaluation:

- Students will have the option of having 100% of their grade determined by the final exam.
- Alternatively, students may choose to have the final exam count towards only 85% of their final grade, with the remaining 15% broken down as follows: (1) 5% for leading the discussion of a case selected by the instructor; (2) 5% for leading (jointly with a few other students) the discussion of a practice problem; and (3) 5% for active participation in the classroom.
- Whichever of the above two options a student takes, they are eligible for up to 5% bonus points for sharing their tax learning outside the classroom, e.g. sharing news relevant tax news, engaging in discussion on online forum, etc.

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

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

Course

3 CREDITS

***Cross-listed with LAW 562.001 Taxation of Corporations & Shareholders.*
CHANGE September 2: Classroom.**

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. 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).

Evaluation: 100% final take-home, 9:00 a.m. - 4:30 p.m., to be distributed on the date specified by the Exam Schedule.

Required Materials:

1. David G. Duff and Geoff Loomer, *Taxation of Business Organizations in Canada*, 2d ed. (Toronto: LexisNexis, 2019), chapters 5-11
2. Thorsteinsson's *Income Tax Act* (most recent edition)

Pre-requisite: Law 407 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.

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* (LexisNexis, forthcoming 2022)
2. *Income Tax Act*, latest edition

Evaluation: final take-home exam (100%), 9:00 a.m. - 4:30 p.m., to be distributed on the date specified by the Exam Schedule.

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.**CHANGE June 29: Course description and evaluation method.**

This seminar will introduce students to some important theories and conceptual tools for analyzing tax law and policy. It also aims to encourage and support students in engaging with many of the urgent, real-life tax policy challenges facing Canada and the world as we head into 2023.

Key concepts introduced in the first half of the course include those of the economic incidence of taxation, excess burden, the different types of return to investment (e.g. rent, risk, and riskless return), the evaluation of social welfare (including 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.

Examples of key policy challenges we may discuss include: sustaining economic recovery during the pandemic and its aftermath (which require both raising revenue and spending wisely); confronting growing income inequality; stimulating innovation; combatting climate change; and pursuing international coordination in an era of both high mutual dependence and increasing levels of conflict among nations. 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 (i) class participation (20%), (ii) a midterm paper (20%) and (iii) a final paper.

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 Marples, K

Course

3 CREDITS

Cross-listed with LAW 564.001 Taxation of Trusts and Estates.

EXAM CONFLICT: STUDENTS REGISTERED IN 347B.004 FEDERALISM OR 469.003/590.003 CIVIL PROCEDURE ARE NOT ALLOWED TO BE REGISTERED IN 392.001 NATURAL RESOURCES OR 435C.001 TOPICS IN TORT LAW: PERSONAL INJURY LAW OR 412.001/564.001 TAXATION OF TRUSTS AND ESTATES, AND VICE VERSA.

CHANGE June 29: Course added**CHANGE Aug 3: Instructor bio added**

Trusts are widely used in tax and estate planning as a tool for the organization of wealth and the management of assets. An understanding of the tax rules applicable to trusts and estates is essential for anyone working in this in-demand area of law. Students will develop the critical thinking skills required to understand the scope of planning options and to be creative in designing flexible tax effective trusts and estate plans to meet clients' needs.

Evaluation: 100% open-book final exam

Kate Marples is a partner at KPMG Law LLP in Vancouver with over 17 years of experience advising clients on tax, trust and estate planning issues. She is a frequent speaker and writer and is a contributing author for the estate and trust taxation chapters of the Continuing Legal Education publication of the BC Probate and Estate Administration Manual.

LAW 413D.001	<u>Tax Administration and Dispute Resolution</u>	<u>Tax Dispute Resolution and Litigation</u>		
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	Kroft		Seminar	3 CREDITS

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

This seminar will deal with the resolution of tax controversy in Canada. It will explore key practical issues arising in the operation of a tax advisory and litigation practice. The relevant provisions in the Income Tax Act will be the focus of discussion. The seminar will assist in refining analytical, organizational and judgment skills necessary for serving tax clients, solving tax problems and developing strategies for achieving successful tax outcomes at all stages of the tax disputes process (from audit to appeal).

This seminar will also consider issues unique to daily tax practice including questions of document creation and retention, information disclosure, access and privilege, and administrative dispute resolution processes. Participants will learn about tax practice, audit, objection and appeal issues and will apply them to a case study at the end of term.

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) a 25 page research paper (30 pages for LLM students) , b) oral presentation of the research paper and c) class participation.

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 over 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 is a member of 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 419C.001 Individual Employment Law

Term 1 Term 2 McLean, P. Mitha *Course* 3 CREDITS

Cross-listed to LAW 519.001.

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

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

Evaluation: Student evaluation will be based on a final examination (85%) and class participation (15%).

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

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

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

Course

3 CREDITS

Cross-listed with LAW 570C.001.
CHANGE Aug 3: Classroom

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://iplaw.allard.ubc.ca/>

Evaluation method: 70% final exam, 30% short project or presentation, as well as 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 422.002 **Intellectual Property** Term 1 Term 2

Festinger

Course

3 CREDITS

Cross-listed with LAW 570C.002.

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://iplaw.allard.ubc.ca/>

Evaluation method: 70% final exam, 30% short project or presentation, as well as 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 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 423C.001**Topics in Intellectual Property****Video Game Law**
 Term 1 Term 2

Festinger

Course

3 CREDITS

Cross-listed to LAW 523C.001

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 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 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 427E.001	<u>International Justice & Human Rights Clinic</u>	<u>International Justice & Human Rights Clinic</u>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Barrett	Clinical	6 CREDITS

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

CHANGE June 14: Course description

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 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 428A.001	<u>International Justice & Human Rights Reflection</u>	<u>International Justice & Human Rights Clinic</u>		
<input checked="" type="checkbox"/> Term 1	<input type="checkbox"/> Term 2	Barrett	Seminar	3 CREDITS

Registration by permission only.**CHANGE June 14: Course description**

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 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.

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 - Holding Individual Leaders Accountable for Human Rights Violations of Customary International Law, Columbia Human Rights Law Review (2001).*
-

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,. The objective of the course is to provide students with the practical research and writing skills needed for articling and the first few years of practice. Students will develop their research and analytical skills through lectures, group discussions, exercises, and two written assignments.

Evaluation: Weekly attendance, preparation, and participation are mandatory. Each student will be evaluated on two written assignments (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 432D.002 Topics in Private Law**Advanced Contracts** Term 1 Term 2

Funt

Ohama-Darcus

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 two 2000-word papers and participation.

Evaluation: 45% 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.

LAW 434.001 Medical Negligence Law

Term 1 Term 2 McGivern, L 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.

Lindsay McGivern represents plaintiffs in medical negligence and birth injury litigation. She is a lawyer at Pacific Medical Law, a unique firm that practices solely in the field of medical malpractice. Since joining Pacific Medical Law, the primary focus of Lindsay's practice has been representing infants who were injured at birth or within the first month of life.

Lindsay articulated at a civil litigation defense firm before moving to Pacific Medical Law. Working on both sides of civil litigation has allowed her to have a broader perspective and given her a better understanding of the different approaches taken by plaintiff's and defense counsel.

Lindsay received her Bachelor of Science degree from the University of British Columbia and her Juris Doctor degree from the Schulich School of Law at Dalhousie University. Lindsay also serves as a member of the CBABC Health Law section Executive.

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

EXAM CONFLICT: STUDENTS REGISTERED IN 347B.004 FEDERALISM OR 469.003/590.003 CIVIL PROCEDURE ARE NOT ALLOWED TO BE REGISTERED IN 392.001 NATURAL RESOURCES OR 435C.001 TOPICS IN TORT LAW: PERSONAL INJURY LAW OR 412.001/564.001 TAXATION OF TRUSTS AND ESTATES, AND VICE VERSA.

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 Camp Fiorante Matthews Mogerman LLP. She previously worked as legal counsel for the British Columbia Ministry of Attorney General. Chelsea practices primarily in class actions, working on cases involving price fixing, product liability, and privacy breaches.

LAW 436.001**Restitution****Unjust Enrichment** Term 1 Term 2

Beswick

Course

3 CREDITS

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. Visit <https://blogs.ubc.ca/beswick/restitution/> for more information about this course.

Evaluation:

10% class participation and 90% 3-hour take-home 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 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 (B.A. Economics (SFU 2007), LL.B. (UBC 2011)) is an associate with the Vancouver firm of Guild Yule LLP. His practice is broad. He has defended clients in personal injury actions, medical malpractice claims, property loss claims, human rights complaints, contract disputes, class action lawsuits and professional negligence claims. He also regularly acts as counsel in insurance coverage disputes and often provides insurance coverage advice.

LAW 442.001 **Condominium Law**

Term 1 Term 2 Harris, D. Course 3 CREDITS

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 with the capacity to make and enforce rules.

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 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 444.001 **Insolvency Law** Term 1 Term 2

Sabzevari, A.

Course

3 CREDITS

This course gives a general introduction to Canadian insolvency law, with a specific focus on the purposes and provisions of the Bankruptcy and Insolvency Act. We will examine the different players - debtors, creditors, trustees, and the Office of the Superintendent of Bankruptcy – and their roles, duties, and remedies under the Act. In particular, we will examine how the financial and emotional pressures of trustees' work shape their decision making process. We will deeply review tax-driven bankruptcies and Crown claims in bankruptcy. We will also cover the Companies' Creditors Arrangement Act and other insolvency related legislation in Canada. This course is designed overall with an emphasis on current caselaw and a litigator's perspective, with open and free-flowing class discussions about the cases and the law.

Required texts: (1) Bankruptcy and Insolvency Law in Canada: Cases, Materials and Problems; (2) Trustees at Work - Financial Pressures, Emotional Labour, and Canadian Bankruptcy Law (ebook available free online at UBC Library).

Evaluation: 50% of the course mark is a paper of 2500-3000 words, due November 18, 2022 (on an insolvency related subject selected by the student and agreed upon with the professor); 25% is an oral presentation on an insolvency case of the student's choice; and 25% is in class participation.

Aminollah Sabzevari, BSC (Honours), JD, LL.M, is a litigator with the Department of Justice Canada. He practices primarily in collections, bankruptcy, and insolvency law, as well as immigration law. He clerked with the Provincial Court of Alberta, is a former member of the Law Society of Alberta, and is currently practicing as a member of the Law Society of British Columbia.

LAW 446.001 **Corporate Solicitors' Workshop** Term 1 Term 2

Chow, C.

Workshop

3 CREDITS

This workshop fulfills the Experiential Learning requirement. Exchange students and Visiting 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 aspects of various commercial transactions, such as the purchase and sale of a business, leasing, franchising and credit facilities. The course will review the various legal, professional, practice and practical issues involved in 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 (held on a weekend day in March).

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. Catherine is also a hearing panel adjudicator for the Law Society of British Columbia, and maintains a small private practice in Alberta.

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 447C.002	Topics in Commercial Law	<u>The Business of Law</u>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Clark, G.	Woods, J.	Course 3 CREDITS

CHANGE July 11: Evaluation Method

This course provides a practical introduction into how to start, operate and grow a law firm from the ground up. The course is designed to give upper year students exposure to a variety of resources, including an expansive list of guest speakers, that will provide them with the necessary tools to build a thriving law firm once school is out.

The course aims to encourage students to reflect on their legal, social, and personal interests while identifying how those interests may guide their way through the business of practicing law.

Evaluation: 25% class participation; 75% term-long assignment (development of business plan)

Guyle grew up in the Vancouver suburb of Burnaby, BC where he attended Burnaby North Secondary and later attended Simon Fraser University. Guyle attended law school at the University of British Columbia and then went on to practice at a couple of boutique litigation firms in Vancouver. Along with his partner, Josh Woods, Guyle founded Clark Woods LLP in 2016.

When he is not working, Guyle can be found touring wineries with his wonderful wife, whacking golf balls around Vancouver Golf Club, chasing pucks (slowly) around 8 Rinks or the Burnaby Winter Club and volunteering on several boards and committees.

Josh was born and raised in Edmonton, Alberta, but moved to beautiful British Columbia in 2004. Falling in love with the province, he completed his under-graduate degree at the University of Victoria, and then crossed the Georgia Strait to attend the University of British Columbia for law school. During law school, Josh clerked for the Provincial Court of British Columbia, gaining first-hand insight into how judges evaluate and weigh the evidence before them.

*Following law school, Josh articulated and practiced at a large litigation law firm in Surrey, BC, before co-founding Clark Woods LLP. Josh has had trial success at all levels of court in British Columbia, including the British Columbia Court of Appeal. Most recently, Josh was lead counsel in *Rabbani-Nejad v. Sharma*, one of the first cases in British Columbia in dealing with ICBC's minor injury caps scheme and its impact on pre-existing claims.*

Today, Josh's practice focuses on significant personal injury claims, estate litigation, real estate litigation and other complex litigation matters.

Outside of the office, Josh enjoys spending time with his young family, climbing rocks in the great outdoors and fooling around on his guitar with friends.

LAW 448D.001	Sports Law			
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Moore	Seminar	3 CREDITS

Cross-listed with LAW 548.001.

CHANGE January 14: Classroom.

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 449.001 **Media & Entertainment Law** Term 1 Term 2 Festinger

Course

3 CREDITS

Cross-listed to LAW 573.001

To be added.

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](https://twitter.com/jonfestinger)LinkedIn: <http://ca.linkedin.com/in/jonfestinger/>PSN: cdmjon

LAW 451.001**Trusts** Term 1 Term 2

Hofri

Course

3 CREDITS

Cross-listed with LAW 551.001.**CHANGE June 8: Suggested reading list.****CHANGE Oct 3: Required reading list.**

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. Mark R Gillen, *The Law of Trusts: A Contextual Approach* (4th edition, Emond Montgomery, 2021).

Suggested Reading:

1. D. Waters, Mark Gillen & Lionel Smith, *Waters' Law of Trusts in Canada*, 5rd edition (2021)
2. Albert Oosterhoff, Robert Chambers & Mitchell McInnes, *Oosterhoff on Trusts: Text, Commentary and Materials*, 9th edition (2019)

Evaluation: 100% Final Examination

Associate Professor Adam Hofri-Winogradow is a full-time member of the Peter A. Allard School of Law. He specializes in trusts law, fiduciary law, corporate law, estates (succession & wills) law, "elder law", pensions, insurance, general private law, and relevant issues of tax and family law. Following his doctoral studies at Oxford University, Adam published comparative research on the reform and transformation of trust law and trust practice in dozens of countries worldwide, using a large array of empirical research methods: quantitative, qualitative and historical. A winner of two academic prizes, Adam was a visiting professor at Georgetown Law Center, at Western Ontario University, at the Center for Transnational Legal Studies, London, and at the University of Virginia School of Law, and was Martin Flynn Global Law Professor at the University of Connecticut School of Law. He has taught the basic trust law course under the laws of England, Canada and Israel, as well as a wide-ranging class in comparative and offshore trust law and practice. Adam has published work in journals including the Oxford Journal of Legal Studies, the Modern Law Review, the Iowa Law Review, Law and History Review, Law and Social Inquiry, the University of Toronto Law Journal, the Journal of Private International Law, Hastings Law Journal, Ohio State Law Journal, U.C. Davis Law Review and Trust Law International. He regularly speaks at conferences around the world, including the annual meeting of the American Law and Economics Association, symposia funded by the American College of Trusts and Estates Counsel, and the biannual Trusts and Wealth Management conferences at Singapore Management University.

LAW 451.002 Trusts Term 1 Term 2 Clavier

Course 3 CREDITS

Cross-listed with LAW 551.002.

Trusts are an effective tool for holding investment assets or for transferring family wealth to future generations. A trust provides flexibility, privacy, and control over assets. The course provides an overview of the theory and operation of the Canadian law of trusts, commencing with the definition and distinction of a trust from other legal concepts and its development over time. It covers how an express trust is created and terminated. It reviews the roles of the settlor, trustee and beneficiary and the relationships between them. Emphasis is placed on the trustee's rights and obligations and what the consequences are for breaching those. It covers the remedies available to aggrieved beneficiaries and the role of the Courts in the administration of trusts. It also reviews resulting and constructive trusts and related concepts, such as fiduciary relationships, unjust enrichment and tracing.

Evaluation: Final open book examination 100%

Eric B. Clavier is a partner at Fasken in Vancouver, practising as a trust, estates and charities litigator. Following 12 years as a barrister at the Pretoria Bar in the Republic of South African, Eric was called to the Bar of British Columbia in 2014, where he appears regularly before the Supreme Court of British Columbia and the BC Court of Appeal.

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 2006), JD (University of Calgary 2009) was called to the Bar in British Columbia in 2010. Ms. Dosanjh is a Will & Estate Consultant with RBC Family Office Services in Vancouver, British Columbia. She works with individuals and business owner-managers 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 Vancouver tax groups of two full-service law firms.

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 Tolensky, P. Wilson, E. *Course* **3 CREDITS**

CHANGE June 3: Course description

This course reviews the statutory and common law relevant to residential and commercial real estate transactions, including the marketing, purchase, sale, financing and leasing of real estate, and includes topics related to:

- (a) general principals of law that govern real estate agents;
- (b) general principals of law that apply to a real property contract and the resulting transaction;
- (c) the operation of the land title system in British Columbia;
- (d) basic legal principles related to mortgages and the financing process, including mortgage enforcement;
- (e) basic legal principles related to commercial leases, and special considerations for real estate transactions involving leased property;
- (f) collapsing deals, including remedies for defaulting vendors and purchasers both before and after closing; and
- (g) legal issues to be considered and the role of the lawyer in completing real estate transactions.

Evaluation: 100% final exam.

Peter Tolensky (B.A. (University of Western Ontario 1996), LL.B. (UBC 1999) chairs Lawson Lundell LLP's Real Estate Group. His clients include pension funds, asset managers, developers and other private entities to whom he provides advice on a variety of real estate and corporate structuring matters for all types of projects and transactions. Peter also leads Lawson Lundell's commercial leasing team and negotiates a high volume of retail, office and industrial leases for landlords and tenants.

Edward Wilson (B.A. (Simon Fraser University 1979), LL.B (UBC 1982) practices with Lawson Lundell LLP in the real estate and municipal law fields with a specialty in real estate development. Ed has assisted in such projects as: redevelopment of industrial sites to permit multi-family residential uses; heritage designation and density bonusing arrangements; rezoning and redevelopment of shopping centres; development of office and industrial parks; development of numerous condominium projects; development and marketing of strata title hotels; restructuring of strata corporation bylaws; purchase of abandoned mining towns; development of mine sites; subdivision of pulp mills and saw mills; assisting municipalities on the redevelopment of downtown urban centres; and commercial lease negotiations for a wide variety of tenants and landlords. Ed has been involved in large land assemblies, subdivisions, bare land strata plans, air space parcels, real estate acquisitions, financings, sales, and structuring forms of ownership and transactions. Ed's expertise also includes advising clients on the development of standard form documentation in the real estate, strata management and mortgage broker fields and advising professional practicing in those fields.

LAW 459.001 Business Organizations

Term 1 Term 2 Hutchison *Course* **4 CREDITS**

Cross-listed with LAW 508D.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 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 459.004 **Business Organizations** Term 1 Term 2 Liao*Course* **4 CREDITS*****Cross-listed with LAW 508D.004.***

This course is an introduction to the law of partnerships and corporations. Although reference will be made to laws in other jurisdictions, the emphasis will be on the Canada Business Corporations Act, BC Business Corporations Act, BC Partnership Act, and the surrounding common law. The course explains the nature of the corporation, organizational choice and formation, capitalization, powers and duties of directors and officers, and rights and remedies of certain stakeholders. Topical issues covered include business and human rights, climate change, First Nations business structures, social finance and responsible investment, and the business of law. Students will learn about the legal and business issues lawyers must keep in mind when representing various corporate actors. Contract drafting and negotiation will also be addressed.

Required Materials:

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

Evaluation:

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

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

LAW 460.001	<u>Advanced Corporate Law</u>	<u>Advising Public Companies</u>			
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	Sangra	Talaifar	Gill, G	Course	3 CREDITS

CHANGE June 6: Instructor

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.

Gary S. Gill is a partner of Sangra Moller LLP. Gary obtained a B.A. in 2001 and an LL.B. in 2004, both from the University of British Columbia. Gary was called to the British Columbia Bar in 2005.

Gary joined Sangra Moller in 2005 after articling with a large Vancouver law firm. Gary's practice focuses on securities, mergers and acquisitions, corporate finance, commercial law and general corporate representation. Gary has worked with clients on a variety of transactions, including mergers and acquisitions and private and public equity and debt financings. Gary's experience includes advising clients on general corporate securities and contract matters, drafting commercial agreements an advising private and public company clients on a variety of corporate and securities law issues, including regulatory compliance, insider trading and continuous disclosure.

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 Florio Webber Workshop 2 CREDITS

All year. Meets alternate weeks except in October. The class will meet on the specified dates in Term 1 - Sept 8, Sept 22, Oct 6, Oct 20, Oct 27, Nov 3 and Nov 17. Total credit value for this workshop is 3 (2 in term 1 and 1 in term 2). (See 462.001T2)

CHANGE June 2: Instructor Bio

CHANGE June 6: Class meeting dates

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.

Cassandra Florio (B.A., First Class Honours in Economics (McGill University 2006), J.D. (University of Toronto 2010)) is a senior associate 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. Cassandra began her practice at Paul Weiss in New York, and has completed in-house secondments with Pacific NorthWest LNG and BC Hydro. Cassandra has been a recurring guest lecturer with the Professional Legal Training Course, and was recognized in the 2022 edition of Best Lawyers: Ones to Watch in Canada for corporate law.

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 Florio Webber Workshop 1 CREDITS

All year. Meets alternate weeks except in October. The class will meet on the specified dates in Term 1 - Sept 8, Sept 22, Oct 6, Oct 20, Oct 27, Nov 3 and Nov 17. Total credit value for this workshop is 3 (2 in term 1 and 1 in term 2). (See 462.001T2)

CHANGE June 2: Instructor Bio

CHANGE June 6: Class meeting dates

See above description.

Cassandra Florio (B.A., First Class Honours in Economics (McGill University 2006), J.D. (University of Toronto 2010)) is a senior associate 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. Cassandra began her practice at Paul Weiss in New York, and has completed in-house secondments with Pacific NorthWest LNG and BC Hydro. Cassandra has been a recurring guest lecturer with the Professional Legal Training Course, and was recognized in the 2022 edition of Best Lawyers: Ones to Watch in Canada for corporate law.

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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.

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

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 466.001 Business Law Capstone

Term 1 Term 2 Gauthier Lim Course 3 CREDITS

Registration by permission only. Class will meet in Room C400 at UBC Robson on Jan 26, Feb 9, Feb 16, Mar 2, Mar 9, Mar 16 and Mar 30, 2023

CHANGE Sept 14:

CHANGE Jan 10: Class Location

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 advice to a publicly traded company in the context of a simulated M&A transaction. Topics covered will include confidentiality agreements, LOIs, 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 is a Partner of Bennett Jones LLP based in Vancouver and Toronto who advises local and international clients on domestic and cross-border mergers & acquisitions (including management and leveraged buyouts of private and publicly-traded companies), corporate finance, initial public offerings, corporate governance and other capital markets and securities laws matters. In 2005, Christian completed a six-month secondment to the Corporate Finance Branch of the Ontario Securities Commission where he was responsible for reviewing and commenting on IPO prospectuses and applications for discretionary exemptions.

Kwang Lim's business law practice includes corporate finance and M&A. He focuses on offering practical and strategic advice and facilitating opportunities for domestic and international clients, including entrepreneurs, start-ups, scale-ups, public companies, and broker-dealers across various industry sectors. Kwang also advises on securities law compliance and corporate governance issues. Kwang obtained his Master of Laws at University of California, Los Angeles (UCLA) with a specialization in business law. Kwang was named a Lexpert Rising Star for 2018, as one of Canada's leading lawyers under 40, and was named a Leading Lawyer to Watch – Corporate Finance & Securities by the Canadian Legal Lexpert Directory.

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

Term 1 Term 2 Jawanda Course 3 CREDITS

CHANGE Dec 14: Course Description

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:

80% exam, 10% participation and 10% for an in-class presentation.

Pavan Jawanda

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

CHANGE January 14: Classroom.

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

Readings: weekly readings to be determined.

Evaluation:

Research paper - 75%

Participation in seminar - 25%

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

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

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

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

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

Joven Narwal (B.A.(UBC), LL.B (UBC), LL.M (Columbia University)) is 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 467D.003 Topics in Corporate Law*Heavy Metal: Earth's Minerals and the Future of Sustainable Societies* Term 1 Term 2

Kunz

Seminar

3 CREDITS

Cross-listed with PPGA 591W.001/MINE590W.201/EOSC543.201. This seminar will meet in BUCH (Buchanan) D228. This seminar DOES NOT fulfill the 3 Credit Seminar requirement.

CHANGE June 24: Seminar added.

CHANGE Aug 16: Evaluation method

The title of the course is Heavy Metal: Earth's Minerals and the Future of Sustainable Societies. Limited seating may be available to non-MPPGA students. Please contact mppga.program@ubc.ca.

This interdisciplinary course examines role of mining and mineral resources in the transition to green technologies and renewable energy systems. Topics include the global supply/demand forecast for mineral resources, social and environmental impacts across the mining life cycle (from mineral exploration to mine closure), engineering and process innovations, metals recycling and recovery, legal and policy frameworks for mineral governance both internationally and in Canada, mining finance and ESG issues, and options for responsible sourcing and community-led mining. Through exposure to these topics and collaborative group projects, students will gain a deeper understanding of the factors shaping and constraining progress towards socially and environmentally responsible mineral resource use and production systems. Students will also be exposed to diverse viewpoints through guest lectures and collaborative teamwork, whereby students will be trained in skills for holistic thinking and systems analysis that transcends beyond the course content itself. Public scholarship is also a key component of this course, with special attention on how to communicate effectively through op-eds and policy briefs.

Evaluation Criteria and Grading

1. Classroom discussion: facilitation and participation: 15 %
2. Site visit reflection paper (4 pages): 15%
3. Individual Op-Eds (2 in total; 15% each): 30 %
4. Policy Brief (paper 30% and presentation 10%): 40 %

Policy Brief 40% (comprising of a final paper 30% and presentation 10%)

By the end of the course, students will submit a final term paper in the form of a policy brief. The paper should be a maximum of 3,000 words not including references or figures/tables/charts), and students are welcome to incorporate some material from their Op-Eds, provided that there is substantial additional material. The final paper is worth 30% of the course grade and the presentation is worth 10%.

Nadja Kunz

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

Martz

Course

3 CREDITS

Cross-listed with LAW 588.001.**CHANGE Nov 30: Instructor****CHANGE Dec 14: Course Description**

Ethical rules and principles are a fundamental part of the practice of law but how to go about applying them is a complex question inevitably involving the exercise of judgement and the consideration of one's own personal values. In this course, we will examine the requirements of the Code of Professional Conduct for British Columbia and case law that establishes guidelines for ethical legal conduct, but also bring a critical eye to conventional ideas about how lawyers should operate with the goal of helping you begin to develop your own sense of how you want to conduct yourself as a lawyer. We will also consider the role of the Law Society of BC and some of the many challenges faced by the legal profession, and how both the Law Society and individual lawyers can respond to them.

The course will include lectures, class discussion, group presentations/facilitations, and guest lectures by practicing lawyers about how they handle real-life ethical issues.

Evaluation: participation in class discussions, including through a small group project (15%), a take-home essay (15%), and a 3-hour open book final examination (70%).

Lisa Martz, B.A. (University of Toronto, 1989) and LL.B. (UBC, 1992), is a lecturer on faculty at the Peter A. Allard School of Law. She has practised as a litigation lawyer for more than 25 years, first at a national firm (McCarthy Tétrault LLP) and then a local litigation boutique (Gudmundseth Mickelson LLP). Her varied general litigation practice has included serving as commission counsel on a number of BC public inquiries and as criminal defence counsel for youth in care. She now also provides advice and assistance to people and organizations in the non-profit sector.

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

Affolder

Course

3 CREDITS

Cross-listed with LAW 588.002.

Ethical issues are fascinating, complex, challenging, and permeate all aspects of the practice of law. This course extends beyond learning the rules of professional ethics to engage with the very tricky real-life problems that are part of practicing law. Many lawyers feel poorly equipped to handle the kinds of ethical issues that actually emerge in practice. They find that these issues are only partially covered by existing doctrines of confidentiality and formal rules on conflicts of interest. We address that reality in this course by seeking to understand the ethically perilous terrain that you are likely to face in your career and by creating ways to better appreciate the strengths and limits of your own instinctual approaches to handling conflict and difficult conversations.

This course is designed to force you to think critically about the legal profession as a self-governing entity but also to reflect upon your own personality and influences and how you might design a good life for yourself inside and outside law. This interactive course combines lectures, simulations, negotiation exercises, debates, case studies, and guest lectures.

Evaluation:

The course will be evaluated by means of a 3-hour final examination (75%) and a reflection essay assignment (25%).

Graduate Students registered in this course at the 500 level will, in addition to the evaluation methods detailed above, also submit a case comment.

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

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

Martz

Course

3 CREDITS

Cross-listed with LAW 588.003.

Ethical rules and principles are a fundamental part of the practice of law but how to go about applying them is a complex question inevitably involving the exercise of judgement and the consideration of one's own personal values. In this course, we will examine the requirements of the Code of Professional Conduct for British Columbia and case law that establishes guidelines for ethical legal conduct, but also bring a critical eye to conventional ideas about how lawyers should operate with the goal of helping you begin to develop your own sense of how you want to conduct yourself as a lawyer. We will also consider the role of the Law Society of BC and some of the many challenges faced by the legal profession, and how both the Law Society and individual lawyers can respond to them.

The course will include lectures, class discussion, group presentations, and a Q&A with a panel of practicing lawyers about how they handle real-life ethical issues.

Evaluation: participation in class discussions and a small group oral presentation (15%), a take-home essay (15%), and a 3-hour open book final examination (70%).

Lisa Martz, B.A. (University of Toronto, 1989) and LL.B. (UBC, 1992), is a lecturer on faculty at the Peter A. Allard School of Law. She has practised as a litigation lawyer for more than 25 years, first at a national firm (McCarthy Tétrault LLP) and then a local litigation boutique (Gudmundseth Mickelson LLP). Her varied general litigation practice has included serving as commission counsel on a number of BC public inquiries and as criminal defence counsel for youth in care. She now also provides advice and assistance to people and organizations in the non-profit sector.

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

Morris

Rusnak

Course

3 CREDITS

Cross-listed with LAW 588.004.

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 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

Mitretoadis

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 August 2022, available electronically on Canvas

Evaluation:

Exam worth 95% and written assignments 5%

Brook Greenberg, Q.C. (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. This will be Mr. Greenberg's 16th year of teaching Civil Procedure at Allard.

Alexandra Mitretodis (B.A., Honours (York University), M.A. (Queen's University), J.D./LL.L. (University of Ottawa)), is a lawyer in the Litigation and Dispute Resolution Department of Fasken Martineau DuMoulin LLP in Vancouver with a practice in class actions, commercial litigation, and commercial arbitration (both domestic and international). Ms. Mitretodis is also a Director of the Vancouver International Arbitration Center. This will be Ms. Mitretodis' 5th year of teaching Civil Procedure at Allard.

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 Francourt-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 (subject to COVID restrictions, an alternative assignment may be used). 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 is a litigator with a focus on commercial disputes and white-collar criminal matters, appearing as counsel in trials and appeals at all levels of court in British Columbia, as well as in the Supreme Court of Canada. He also regularly acts as counsel in commercial arbitrations. Gavin has published articles in academic journals and trade publications, and has contributed to continuing legal education programs. He 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. EXAM CONFLICT: STUDENTS REGISTERED IN 347B.004 FEDERALISM OR 469.003/590.003 CIVIL PROCEDURE ARE NOT ALLOWED TO BE REGISTERED IN 392.001 NATURAL RESOURCES OR 435C.001 TOPICS IN TORT LAW: PERSONAL INJURY LAW OR 412.001/564.001 TAXATION OF TRUSTS AND ESTATES, AND VICE VERSA.**

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. Dillon and Li-Reilly, British Columbia Annual Practice, current or last year's edition are both acceptable.
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.

The UBC Innocence Project is a clinical program in which students work with lawyers to review claims of wrongful conviction. Students review court transcripts, legal files, and police investigative files. Casework also includes legal and factual research, drafting of correspondence, memoranda and submissions, investigation of potential new forensic and witness evidence. Project students participate in the Preventing Wrongful Convictions academic seminar, regular office hours, and weekly group meetings with a variety of guest speakers. 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 (first term)

Co-requisite: LAW 471.001 Preventing Wrongful Convictions (first term)

Recommended: Forensic Science Seminar (first term)

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 Shah 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: Evaluation will be based upon a research paper (80%) and class participation (20%)

Tony Paisana (B.A. Honours (UBC), J.D. (UBC)) is a partner at 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.

Mila Shah (B.A. (UBC), J.D. (Uvic)) is Crown Counsel with the B.C. Prosecution Service, specializing in criminal appeals in the B.C. Court of Appeal and the Supreme Court of Canada. Before joining the Crown, Ms. Shah practiced as a criminal defence lawyer with Peck and Company Barristers and was a supervising lawyer with the UBC Innocence Project. She is a former clerk to the previous Chief Justice Beverley McLachlin and she is currently the Vice-Chair of the Appellate Advocacy Section of the Canadian Bar Association, B.C. Branch.

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

Term 1 Term 2 McEwan Booker *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, supervised by Kenneth McEwan, Q.C. and Michelle Booker 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 trial strategy, trial preparation, opening statements, examination and cross examination of witnesses, expert opinion evidence, 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 strongly encouraged.

The course is conducted at the Vancouver Law Courts – 800 Smithe St., Vancouver, B.C.

Prerequisites:

LAW 476 Evidence and LAW 469 Civil Procedure are recommended prerequisites or co-prerequisites.

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 immediate past President of the International Society of Barristers, a Fellow of the American College of Trial Lawyers and a Fellow of the International Academy 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 fourth 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 The Advocates Society and 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.

Michelle Booker is Crown Counsel with Criminal Appeals and Special Prosecutions (CASP) in Vancouver, B.C.. Following graduation from law school, Ms. Booker clerked for the Supreme Court of British Columbia. After her call to the bar, Ms. Booker practised as a commercial litigator with Fasken Martineau. In 2009, Ms. Booker joined B.C. Prosecution Services where she spent the next 10 years prosecuting serious crime and appearing at all levels of court. In 2018, Ms. Booker joined the Prosecution Support Unit within CASP. She now provides complex litigation and resource support in the areas of firearms, sexual offences, Charter and constitutional issues. Michelle is a frequent presenter at legal conferences, seminars and workshops. She is a faculty member with the National Criminal Law Program, Federation of Law Societies of Canada, a Supreme Court Advocacy Institute practice advisor and sits on the Board of Courthouse Libraries B.C.. She is past Chair of the Vancouver Criminal Justice Subsection (CBA).

LAW 473.001 **Appellate Advocacy**

Term 1 Term 2 Holloway Olmstead Workshop 3 CREDITS

CHANGE January 14: Classroom; June 2: Instructor Bio

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 is a lifetime Vancouverite. Born in St Paul's Hospital in 1946, he was raised and schooled in North Vancouver and then attended UBC where he graduated in law in 1972. Following articles with Guild Yule and Co he became the Legal Aid Society's first staff lawyer. He currently works as the Society's managing lawyer in its Appeals Section. During his career he has taught in the UBC Law Faculty's clinical law program, presided as a member of the Refugee Division of the Immigration and Refugee Board and initiated the Appellate Advocacy course which he continues to teach at UBC. His practice experience is wide ranging and includes administrative, criminal, family, immigration, prison and mental health law. He has appeared in trials and appeals at all court and tribunal levels, including the Supreme Court of Canada. Outside of work, he enjoys ski and cycle touring, and rugby. He coached Canada's national rugby team from 1990-96 and took them to two World Cups; in France in 1991, and South Africa in 1995.

Erica Olmstead is a Partner with Edelmann & Co. Law Offices, where she practices immigration, refugee, and criminal law. Her main area of focus is the intersection between these areas. She has extensive experience resolving particularly complex inadmissibility and refugee cases for persons who face legal hurdles in seeking to obtain or keep their status in Canada. She also acts on complex criminal files where there is an immigration nexus or an appealable issue. Erica regularly appears before all divisions of the Immigration and Refugee Board, the Federal Court, the BC Supreme Court, the BC Court of Appeal and the Federal Court of Appeal. She has appeared in a number of cases before the Supreme Court of Canada. Erica also works with Legal Aid BC as a case review lawyer with the Appeals Department, where she began working as a student in 2010.

LAW 474.L02 Trial Advocacy LAB
 Term 1 Term 2 Rhodes Lab CREDITS

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

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

LAW 474.L03 Trial Advocacy LAB
 Term 1 Term 2 Jetté Lab CREDITS

***Advocacy Practice Simulation Lab to accompany lecture component 474.001.**
CHANGE Aug 3: Instructor bio

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 and was appointed to the Provincial Court Bench in November 2017.

LAW 474.L04 Trial Advocacy LAB
 Term 1 Term 2 Duncan Lab CREDITS

***Advocacy Practice Simulation Lab to accompany lecture component 474.001.**
CHANGE June 17: Instructor updated.

Emmet Duncan

LAW 476.001 Evidence
 Term 1 Term 2 Gordon Course 4 CREDITS

Cross-listed with LAW 507.001
CHANGE Aug 3: Classroom

This course is a survey of the system by which the admission of proof at a trial is regulated. The course will examine the different types and forms of evidence that are admissible in court, and the theoretical bases for admitting or excluding different types of evidence. Students will gain an understanding of how to apply the rules created by courts and legislatures to different sources of proof, including oral testimony, real evidence, and documents, as well as the exclusionary rules which prohibit, with many exceptions, character evidence, opinion evidence, and hearsay evidence. Students will also be asked to consider how well these rules further the policy purposes identified by courts and legislatures and how the rules apply in practice.

Evaluation:

This course will be evaluated by a combination of in-class participation (10%) and a final open book examination (90%).

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

LAW 478.001 **Foundations of Dispute Resolution**

Term 1 Term 2 Goldbach *Course* **3 CREDITS**

This course fulfills the Experiential Learning requirement.

This course introduces students to the legal, practical, and policy issues in dispute resolution, and with the goal of preparing future lawyers for the practice of dispute resolution within the profession. The course explores theories of disputing and exposes students to the broad spectrum of dispute resolution processes used within the legal system. The course covers a range of topics including: theoretical models for analyzing and responding to conflict; conflict escalation and de-escalation; the impact of 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 public policy exceptions in international commercial arbitration; mandatory mediation and case management in civil litigation; and Indigenous legal traditions and approaches to the resolution of disputes. This course has a large experiential learning component and students will be expected to actively participate in simulated mediations and negotiations.

Evaluation:

Evaluation for this class consists of participation in negotiation and mediation simulations (30%), a small group project on a substantive legal area or set of legal cases (10%), class participation (10%), and a self-reflection or research paper of 3000-4000 words (50%).

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

LAW 481D.001 **Topics in Litigation, Dispute** **Intercultural Dispute Resolution**
Resolution & Administration of Justice

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 Topics in Litigation, Dispute Resolution & Administration of Justice Resilient Lawyering in a Time of Change
 Term 1 Term 2 LeBaron Seminar 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 481D.003 Topics in Litigation, Dispute Resolution & Administration of Justice Psychology and Lawyering
 Term 1 Term 2 Gordon Seminar 3 CREDITS

The course will introduce students to concepts in cognitive and social psychology such as memory, perception, judgment, and persuasion and then apply these concepts to basic lawyering tasks such as interviewing, counseling, negotiation, mediation, discovery, and writing. It will also examine what psychology can teach us about attorney ethics, success, and well-being.

Evaluation:

The course will be graded based upon class participation (35%), and a final paper and presentation (65%).

Required Text:

JENNIFER ROBBENOLT & JEAN STERNLIGHT, PSYCHOLOGY FOR LAWYERS: UNDERSTANDING THE HUMAN FACTORS IN NEGOTIATION, LITIGATION AND DECISION MAKING 2D ED. (ABA Publications, 2021)

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

LAW 488.001	<u>Clinical Term</u>	<u>Indigenous Community Legal Clinic</u>		
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	Gervin	Samnani	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 for the practical component of the course is to learn how to conduct client intakes and interviews, practice client management, conduct various court appearances, and negotiate and work with Crown and other lawyers in a variety of settings, among other practical components. Students are expected to conduct themselves professionally at all times.

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

Mark Gervin was called to the bar in British Columbia in 2000. Mr. Gervin has built a criminal defence practice in Vancouver and has been involved with the UBC Law Innocence Project for over five years. He regularly appears at Provincial and Supreme Court as both defence counsel and as ad hoc Crown counsel. He has lectured at Douglas College and UBC since 2011 and has been an active member of the executive of the BC Canadian Bar Association – Criminal Justice Branch since 2013. Mr. Gervin is dedicated to mentorship and student development, has had a huge impact on previous years' students, and has a wealth of knowledge that he is happy to share.

Salima Samnani

LAW 488.002	<u>Clinical Term</u>	<u>Indigenous Community Legal Clinic</u>	
<input type="checkbox"/> Term 1 <input checked="" type="checkbox"/> Term 2	Gervin	Samnani	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).

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

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

Evaluation Method:
Pass/Fail.

Mark Gervin was called to the bar in British Columbia in 2000. Mr. Gervin has built a criminal defence practice in Vancouver and has been involved with the UBC Law Innocence Project for over five years. He regularly appears at Provincial and Supreme Court as both defence counsel and as ad hoc Crown counsel. He has lectured at Douglas College and UBC since 2011 and has been an active member of the executive of the BC Canadian Bar Association – Criminal Justice Branch since 2013. Mr. Gervin is dedicated to mentorship and student development, has had a huge impact on previous years' students, and has a wealth of knowledge that he is happy to share.

Salima Samnani

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

Baker-Grenier

Course

4 CREDITS

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

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

Evaluation Method:

10% Participation
 10% Facilitation of a Class Discussion
 30% Weekly Reflective Journals
 10% Final Reflective Journal
 40% Research Paper

Description:

The seminar will provide a space for students to reflect on their experiences working at the ICLC and the issues that this work brings up. Further, it will facilitate discussions which relate the legal issues they encounter at the clinic to the broader context impacting Indigenous Nations in Canada, engaging with scholarship from critical Indigenous theorists. Examples of themes we will explore in this course 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.

This course seeks to advance students understanding in the following areas:

1. Understanding the diversity of Indigenous legal orders in Canada, the methodologies that critical Indigenous theorists have developed to study them, and how Indigenous legal orders contain rich normative and legal tools to address contemporary problems faced by Indigenous Nations;
2. Understanding the history of colonization in Canada and how Canadian law acted to dispossesses Indigenous Nations of their lands, knowledge systems, sovereignty, and jurisdiction;
3. Understanding the ongoing impacts of Canadian law, legislation, policy, and the justice system on Indigenous Nations, thinking critically of ways they perpetuate an imbalance of power between the state and Indigenous Nations and recognizing their daily impact on Indigenous individuals;
4. Building the skills and capacities law students and legal professionals need to address how colonialism continues to impact Indigenous peoples negatively, as well as the skills to participate in the resurgence of Indigenous law as Indigenous lawyers and allies; and
5. Developing the skills in cultural competency, Indigenous trauma-informed practice, and critical self-reflection that are necessary for working with Indigenous Nations and individuals in their encounters with the Canadian justice system.

Nigel Baker-Grenier is an adjunct professor at Peter A. Allard School of Law. He taught Indigenous Settler Legal Relations in the fall of 2021 and the Indigenous Community Legal Clinic's seminar in spring 2022. He holds a Bachelor of Arts in the History Honours program at the University of British Columbia and a Juris Doctor from the Peter A. Allard School of Law. He was called to the BC Bar in 2020. Nigel is an Associate at White Raven Law, a boutique law firm that primarily represents the Council of the Haida Nation. His practice areas include Aboriginal rights and title, administrative law, forestry law, and environmental law. In 2021, the Western Journal of Legal Studies published Nigel's article "Kitimahkinawow ekwa Kitimahkisin: Pity and Compassion in Cree Law." He was awarded the the Beverly McLachlin Legal Access Award in 2019 and the Fasken Martineau DuMoulin LLP Indigenous Entrance Scholarship in 2016. In 2018, Nigel published an article in the University of Toronto Faculty of Law Review titled, "Esdii Wal: Gitxsan Law Grounded in Epistemology."

Nigel belongs to the Gisgahaast clan from the Gitxsan Nation. He is also Mushkegowuck (swampy Cree) from Churchill Manitoba. During his upbringing, he was immersed in song, dance, oral history and law from his communities. Nigel chose to study law to revitalize Indigenous laws which are grounded in oral histories and traditions. Indigenous laws contain rich normative resources that are relevant today and robustly inform the rights and obligations of the contemporary world.

Nigel is a lead dancer for Dancers of Damelahamid, an Indigenous dance company based in Vancouver. He has

developed and performed numerous works including; Spirit Transforming 2012, Flicker 2016, Talking Past Each Other 2018, and M̓inowin 2019. Nigel has toured nationally and internationally as an artist. He has also assisted in organizing the annual Coastal First Nations Dance Festival.

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

Baker-Grenier

Course

4 CREDITS

Registration by permission only. This course does NOT fulfill the 3 credit seminar requirement.
CHANGE Jan 5: Instructor

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.

Nigel Baker-Grenier is an adjunct professor at Peter A. Allard School of Law. He taught Indigenous Settler Legal Relations in the fall of 2021 and the Indigenous Community Legal Clinic's seminar in spring 2022. He holds a Bachelor of Arts in the History Honours program at the University of British Columbia and a Juris Doctor from the Peter A. Allard School of Law. He was called to the BC Bar in 2020. Nigel is an Associate at White Raven Law, a boutique law firm that primarily represents the Council of the Haida Nation. His practice areas include Aboriginal rights and title, administrative law, forestry law, and environmental law. In 2021, the Western Journal of Legal Studies published Nigel's article "Kitimahkinawow ekwa Kitimahkisin: Pity and Compassion in Cree Law." He was awarded the the Beverly McLachlin Legal Access Award in 2019 and the Fasken Martineau DuMoulin LLP Indigenous Entrance Scholarship in 2016. In 2018, Nigel published an article in the University of Toronto Faculty of Law Review titled, "Esdii Wal: Gitxsan Law Grounded in Epistemology."

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

Adams, N.

*Clinical***6 CREDITS*****Registration by permission only. This clinic fulfills the Experiential Learning requirement.***

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 Nancy Adams

LAW 500.001	<u>Current Legal Problems</u>	<u>LL.M. Seminar</u>		
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	LeBaron	Lazarus	<i>Seminar</i>	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.

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

LAW 506.001**Taxation** Term 1 Term 2

Duff

Course

4 CREDITS

Cross-listed with LAW 407.001 Taxation.

The income tax is the largest single source of government revenue in Canada and an important instrument both for the expression of societal values and for the delivery of social and economic policies. This course examines the 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, Geoff Loomer and Lisa Philipps, Canadian Income Tax Law, 6th ed. (Toronto: LexisNexis, 2018).
2. Income Tax Act, latest edition

Evaluation: Final exam (100%)

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 Cui

Course 4 CREDITS

Cross-listed with LAW 407.002 Taxation.**CHANGE August 15, 2022: Classroom; June 29: Course description and evaluation method.**

This introductory course examines the basic structure of the income tax as applied to Canadian individuals through a careful reading of the Income Tax Act and relevant judicial and administrative interpretations. 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. Exploring the income tax is thus a natural way to expose oneself to tax law in general. Along the way, students will also gain an initial exposure to other important taxes, especially payroll and consumption taxes, that play vital roles in Canada's public finance system.

Three aspects of the course deserve emphasis and students should seriously consider them before deciding to enroll. First, students will be put in touch directly with the tax law through the TaxnetPro database. The textbook used for the course—one that is most frequently cited by Canadian courts in tax decisions—is available for free through the database, and links to cases, administrative material, and extensive professional commentaries are directly embedded in the text. Legal research, therefore, is part of the course, not something that one separately learns (e.g. in moots and clinics).

Second, reading the textbook and assigned cases will be important: class sessions are for discussion and solving practice problems, not for the instructor to repeat what students could have read in the textbook.

Third, 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, students will be asked to form groups and work on practice problems in class throughout the term. Students expecting merely to regurgitate case law on exams may find the course challenging.

Prior courses in business law are definitely not required for the course. However, students may occasionally find it helpful to search online (e.g. Wikipedia) for commercial terms such as "stock options" or "compound interest." Similarly, basic arithmetic skills (e.g. addition, multiplication, etc.) generally suffice for the practice and exam problems in the course.

Evaluation:

- Students will have the option of having 100% of their grade determined by the final exam.
- Alternatively, students may choose to have the final exam count towards only 85% of their final grade, with the remaining 15% broken down as follows: (1) 5% for leading the discussion of a case selected by the instructor; (2) 5% for leading (jointly with a few other students) the discussion of a practice problem; and (3) 5% for active participation in the classroom.
- Whichever of the above two options a student takes, they are eligible for up to 5% bonus points for sharing their tax learning outside the classroom, e.g. sharing news relevant tax news, engaging in discussion on online forum, etc.

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

LAW 507.001 Evidence Term 1 Term 2 Gordon*Course* **4 CREDITS*****Cross-listed with LAW 476.001.***
CHANGE Aug 3: Classroom

This course is a survey of the system by which the admission of proof at a trial is regulated. The course will examine the different types and forms of evidence that are admissible in court, and the theoretical bases for admitting or excluding different types of evidence. Students will gain an understanding of how to apply the rules created by courts and legislatures to different sources of proof, including oral testimony, real evidence, and documents, as well as the exclusionary rules which prohibit, with many exceptions, character evidence, opinion evidence, and hearsay evidence. Students will also be asked to consider how well these rules further the policy purposes identified by courts and legislatures and how the rules apply in practice.

Evaluation:

This course will be evaluated by a combination of in-class participation and a final closed book examination.

Sara Gordon 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 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.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 508D.004 **Business Organizations** Term 1 Term 2 Liao

Course

4 CREDITS

Cross-listed with LAW 459.004.

This course is an introduction to the law of partnerships and corporations. Although reference will be made to laws in other jurisdictions, the emphasis will be on the Canada Business Corporations Act, BC Business Corporations Act, BC Partnership Act, and the surrounding common law. The course explains the nature of the corporation, organizational choice and formation, capitalization, powers and duties of directors and officers, and rights and remedies of certain stakeholders. Topical issues covered include business and human rights, climate change, First Nations business structures, social finance and responsible investment, and the business of law. Students will learn about the legal and business issues lawyers must keep in mind when representing various corporate actors. Contract drafting and negotiation will also be addressed.

Required Materials:

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

Evaluation:

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

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

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

Liston

Course

4 CREDITS

Cross-listed with LAW 372.001.

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

Content covered includes:

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

Evaluation: A combination of participation, in-term assessment, and a take-home final examination to be distributed at 9:00 a.m. and due at 3:00 p.m. on the date per the Exam Schedule.

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 Ahmad

Course 4 CREDITS

Cross-listed with LAW 372.002.

As a branch of public law, administrative law is the principal legal mechanism to ensure the accountability of the executive branch of government. In their textbook *Principles of Administrative Law* (2009), David Jones and Anne de Villars conceptualize administrative law as the area of law that “deals with the legal limitations on the actions of government officials, and on the remedies which are available to anyone affected by a transgression of these limits.” Among others, the executive branch includes political actors such as ministers, bureaucratic actors such as members of the civil service, and the many boards and tribunals that, for instance, administer social benefits, regulate the economy, protect human rights, supply public utilities, determine prisoners’ rights, and so on.

At a high level, this course is divided into two broad themes. The first is about procedural fairness in government decision-making i.e. when it applies, what that entails, how it is reviewed by the courts, and where it is enumerated in Canadian statutory and common law. The second theme is about the substantive review of decisions. This is largely encompassed in discussions around the standard of review that courts will apply and the remedies available to those who challenge government decisions. Along the way, we focus on specific areas of law that relate to, for instance, social benefits, veterans benefits, and refugee protection. We also cover specialized legislation such as the Administrative Tribunals Act and the Judicial Review Procedure Act.

Evaluation:

The evaluation will be based on: one assignment (30%) and one open-book final examination (70%).

Assistant Professor Hassan Ahmad is a full time member of the Peter A. Allard School of Law.

LAW 509.003 **Administrative Law** Term 1 Term 2 Pulleyblank

Course 4 CREDITS

Cross-listed with LAW 372.003.

Administrative law is the branch of law wherein the judiciary ensures that the executive stays within the scope of its lawful powers. The Rule of Law requires that any state action be based on valid authority; administrative law is when the Court ensures that state action does not exceed the scope of its jurisdiction. From this relatively simple concept springs an endless array of fascinating subjects, which get at fundamental ideas as to what is law, who should wield power, and what is fairness.

The range of executive decision makers subject to review in administrative law proceedings is truly staggering – everything from whether a dog should be put down to Aboriginal governance to human rights abuses to immigration matters to mining regulation. This class will provide an introduction to administrative law from both a theoretical and a practical perspective. Students should leave understanding not only the key principles underlying administrative law, but also how to begin to guide a client through an administrative dispute.

Evaluation will be based on a combination of participation, in class assessment, and a final examination.

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 509.004 **Administrative Law** Term 1 Term 2 Ford

Course 4 CREDITS

Cross-listed with LAW 372.004
CHANGE Aug 3: Classroom

Administrative law is woven deeply into our daily lives. Although they are less visible than courts or legislatures in the popular imagination, administrative bodies are actually the ones that develop and administer many of the rules that regulate us. Like Constitutional Law, Administrative Law is foundational. It sets the framework of rules according to which other, subject-specific areas of regulation – immigration and refugee law, environmental law, labour law, aspects of economic regulation – function. Admin Law also forces us to struggle with vexing questions, such as how to strike an appropriate balance between priorities such as regulatory effectiveness, context sensitivity, and legality; or where to draw the conceptual line between political (democratic), administrative (expertise-based), and judicial (law-based) authority. These questions go to the core of what it means to try to regulate a modern, heterogeneous, complex society based on the rule of law.

The Administrative Law course builds on the first year Public Law course. It surveys the rules, principles, legal framework, and policy considerations that shape the powers of these administrative decision-makers and standard-setters. Major topics will include administrative law remedies, procedural fairness, the relationship between administrative law and the Charter, Aboriginal administrative law and Indigenous administrative law, the BC Administrative Tribunals Act, and the crucial question of when courts may review administrative decision-making. The course will look, where possible, beyond the traditional administrative law preoccupation with judicial review, to examine how administrative agency themselves function.

Evaluation will be based on:

- Consistent, prepared, productive class participation through a variety of media including voice, chat, and in-class quizzes (15%)
- An in-class midterm examination (25%)
- A final exam during the examination period (60%)

*Professor Cristie Ford is a full time member of the Peter A. Allard School of Law.***LAW 509.005** **Administrative Law** Term 1 Term 2 Russo

Course 4 CREDITS

Registration restricted to LLMCL students.

Administrative law is the body of law in Canada that governs the resolution of disputes involving statutorily empowered decision-makers. It governs decisions made by administrative tribunals, government boards, regulatory agencies and other decisions by other public entities or individuals that make rules that affect all of society. It is individuals' most common contact point with the legal system in Canada.

The study of administrative law helps to comprehend other legal disputes in several areas including immigration and refugees, labour relations, Indigenous governance, environmental and energy regulation, and many other areas that concern the exercise of public authority. Administrative law within Canada's constitutional structure permits courts 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 current standards of judicial review, and remedies in administrative law. It includes a review of administrative law as it relates to access to justice issues and includes an examination of administrative law principles and issues relating specifically to Indigenous peoples.

Evaluation Method:

- 25% In-Class Bi-Weekly Quizzes
- 75% Final Exam

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

LAW 523C.001**Topics in Intellectual Property****Video Game Law**
 Term 1 Term 2

Festinger

Course

3 CREDITS

Cross-listed to LAW 423C.001

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.

Twitter: @jonfestinger

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

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.

This course will provide students the capacity to select and defend an appropriate methodology for a research proposal that explores an aspect of law, policy, or legal regulation. In particular, students will understand when it may be useful to go beyond traditional “library-based” legal research, compare the strengths and limitations of a variety of methodologies, and learn how to identify appropriate methodologies based on the desired outcomes of the research project.

Evaluation will be based on participation, a critical literature analysis, a research objective assignment, and a final research proposal.

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.MCL students only.

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

Course evaluation is based on:

- Mid-term exam: 35% of final grade
- Participation: 5% of final grade
- Final Exam (TBA): 60% of final grade

Text: Roach, Berger, Cunliffe, and Kiyani, Criminal Law and Procedure: Cases and Materials (12th ed., 2020).

Perbeen Mann is a practicing lawyer and Senior Crown Counsel. 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 recipient of three Public Prosecution Service of Canada Team Achievement Merit Awards, the most recent award being received in 2020. As a member of the PPSC-DOJ Articling Committee, Perbeen is also involved in the recruitment, supervision and hiring of Articling Students. 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 promoting Indigenous Justice Advocacy. Perbeen is a law graduate of the University of Alberta and an alumni of University of Victoria, having received Bachelor of Arts (with distinction) and Master of Arts degrees.

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 Head 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 551.001**Trusts** Term 1 Term 2

Hofri

Course

3 CREDITS

Cross-listed with LAW 451.001.**CHANGE June 8: Suggested reading list.****CHANGE Oct 3: Required reading list.**

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. Mark R Gillen, *The Law of Trusts: A Contextual Approach* (4th edition, Emond Montgomery, 2021).

Suggested Reading:

1. D. Waters, Mark Gillen & Lionel Smith, *Waters' Law of Trusts in Canada*, 5rd edition (2021)2. Albert Oosterhoff, Robert Chambers & Mitchell McInnes, *Oosterhoff on Trusts: Text, Commentary and Materials*, 9th edition (2019)

Evaluation: 100% Final Examination

Associate Professor Adam Hofri-Winogradow is a full-time member of the Peter A. Allard School of Law. He specializes in trusts law, fiduciary law, corporate law, estates (succession & wills) law, "elder law", pensions, insurance, general private law, and relevant issues of tax and family law. Following his doctoral studies at Oxford University, Adam published comparative research on the reform and transformation of trust law and trust practice in dozens of countries worldwide, using a large array of empirical research methods: quantitative, qualitative and historical. A winner of two academic prizes, Adam was a visiting professor at Georgetown Law Center, at Western Ontario University, at the Center for Transnational Legal Studies, London, and at the University of Virginia School of Law, and was Martin Flynn Global Law Professor at the University of Connecticut School of Law. He has taught the basic trust law course under the laws of England, Canada and Israel, as well as a wide-ranging class in comparative and offshore trust law and practice. Adam has published work in journals including the Oxford Journal of Legal Studies, the Modern Law Review, the Iowa Law Review, Law and History Review, Law and Social Inquiry, the University of Toronto Law Journal, the Journal of Private International Law, Hastings Law Journal, Ohio State Law Journal, U.C. Davis Law Review and Trust Law International. He regularly speaks at conferences around the world, including the annual meeting of the American Law and Economics Association, symposia funded by the American College of Trusts and Estates Counsel, and the biannual Trusts and Wealth Management conferences at Singapore Management University.

LAW 551.002 Trusts Term 1 Term 2 Clavier

Course

3 CREDITS

Cross-listed with LAW 451.002.

Trusts are an effective tool for holding investment assets or for transferring family wealth to future generations. A trust provides flexibility, privacy, and control over assets. The course provides an overview of the theory and operation of the Canadian law of trusts, commencing with the definition and distinction of a trust from other legal concepts and its development over time. It covers how an express trust is created and terminated. It reviews the roles of the settlor, trustee and beneficiary and the relationships between them. Emphasis is placed on the trustee's rights and obligations and what the consequences are for breaching those. It covers the remedies available to aggrieved beneficiaries and the role of the Courts in the administration of trusts. It also reviews resulting and constructive trusts and related concepts, such as fiduciary relationships, unjust enrichment and tracing.

Evaluation: Final open book examination 100%

Eric B. Clavier is a partner at Fasken in Vancouver, practising as a trust, estates and charities litigator. Following 12 years as a barrister at the Pretoria Bar in the Republic of South African, Eric was called to the Bar of British Columbia in 2014, where he appears regularly before the Supreme Court of British Columbia and the BC Court of Appeal.

LAW 559D.001 Family Law

Term 1 Term 2 Santerre Cameron, E Course 4 CREDITS

Cross-listed with LAW 359.001.

CHANGE June 20: Instructor and course description.

CHANGE Oct 17: Instructor

CHANGE Dec 14: Course Description

This course will equally balance practical skills and theory. For the practical portion, this course will prepare students for the practice of family law by equally focusing on legislation, case, law, dispute resolution, litigation skills, and emerging areas in family law. Skills and law required for clerking will also be covered.

Theory will cover themes of wide interest including the state regulation of families; the relationship of law to social change such as shifts in familial forms; the use of social context in legal argument; socio-economic and cultural implications of family law; and the relevance of factors such as colonization, racism, gender, sexual orientation, culture, and class to family law.

Special topics will include the intersection of BC family law and other BC and Federal laws on foreign migrant and domestic workers, parents in prison, babies and prison, immigration, and international law.

Particular attention is paid to the impact of family law on Indigenous families in British Columbia. The course is designed to be responsive to the calls to action of the Truth and Reconciliation Commission of Canada.

This course will be grounded in a trauma informed, relational practice of family law and embraces the diversity of family and relationship structures.

COURSE OBJECTIVES

In order to invigorate the ethical imaginations of students, this course will be taught through a combination of lectures, guest speakers in the field, and class discussion. The goal is to have an active and engaged class room environment.

EVALUATION

The evaluation will be based on a 100% take-home exam to be distributed at 9:00 a.m. and due the next day at Noon on as listed on the Exam Schedule.

Kimberley Santerre was called to the Bar of British Columbia in 2011. Her practice is focused in the area of family law. Prior to joining Jenkins Marzban Logan LLP, Kimberley articulated and practiced in civil and commercial litigation at a boutique litigation firm in Kelowna, British Columbia, where she began to focus her practice on family law.

Kimberley has co-authored papers about property division and use of expert reports in family litigation, and was a course presenter at the Trial Lawyers Association of BC's Family Law Practice and Procedure 2015 conference, and the Continuing Legal Education Society's The New Family File: Complex Issues for Paralegals conference. She has edited the Property Division chapter of the Continuing Legal Education Society of BC's Family Law Sourcebook since 2015. Kimberley volunteers for Access Pro Bono and the Canadian Bar Association, and is currently the co-chair of the CBA Family Law (Vancouver) Subsection.

Current to July 2019

Elizabeth Cameron was called to the bar of British Columbia in 2018. They began their legal career practising in family law with a boutique firm in Vancouver. Currently, they act as the Virtual Legal Clinic Lawyer at Rise Women's Legal Centre, where they work to increase access to justice for low-income people of marginalized genders who are navigating family law matters outside the BC Lower Mainland. Alongside colleagues, El has published and presented on a variety of family law topics, with emphasis on parenting and care of children, injunctive relief, evidence, and 2SLGBTQIA+ issues.

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

Duff

Course

3 CREDITS

Cross-listed with LAW 408.001 Taxation of Corporations & Shareholders.**CHANGE September 2: Classroom**

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. Thorsteinsson's *Income Tax Act* (most recent edition)

Evaluation: 100% final take-home, 9:00 a.m. - 4:30 p.m. to be distributed on the date specified by the Exam Schedule.

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*****CHANGE June 29: Course description and evaluation method.**

This seminar will introduce students to some important theories and conceptual tools for analyzing tax law and policy. It also aims to encourage and support students in engaging with many of the urgent, real-life tax policy challenges facing Canada and the world as we head into 2023.

Key concepts introduced in the first half of the course include those of the economic incidence of taxation, excess burden, the different types of return to investment (e.g. rent, risk, and riskless return), the evaluation of social welfare (including 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.

Examples of key policy challenges we may discuss include: sustaining economic recovery during the pandemic and its aftermath (which require both raising revenue and spending wisely); confronting growing income inequality; stimulating innovation; combatting climate change; and pursuing international coordination in an era of both high mutual dependence and increasing levels of conflict among nations. 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 (i) class participation (20%), (ii) a midterm paper (20%) and (iii) a final paper.

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.

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. Participants will learn about tax practice, audit, objection and appeal issues and will apply them to a case study at the end of term.

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) a 25 page research paper (30 pages for LLM students) , b) oral presentation of the research paper and c) class participation.

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 over 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 is a member of 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	Topics in Taxation	<u>Tax Law in Practice</u>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Brayley	Course	3 CREDITS

JD students ARE allowed to register for this course.

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.**CHANGE June 10: Exam date will be per Exam Schedule.**

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 take-home exam (80%) to be distributed on a date to be listed on the Exam Schedule and due by 5 p.m. on a date to be listed on the Exam Schedule.

Simon Proulx is a partner at KPMG Law in Toronto and is one of Canada's leading indirect tax advisors, with 20 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 and on the GST Leaders' Forum.

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.
CHANGE June 10: Exam date will be per Exam Schedule.

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 a date to be listed on the Exam Schedule, and it will be due on a date to be listed on the Exam Schedule. 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 Festinger

Course

3 CREDITS

Cross-listed with LAW 422.001.**CHANGE Aug 3: Classroom**

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://iplaw.allard.ubc.ca/>

Evaluation method: 70% final exam, 30% short project or presentation, as well as 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 570C.002 **Intellectual Property** Term 1 Term 2

Festinger

Course

3 CREDITS

Cross-listed with LAW 422.002.

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://iplaw.allard.ubc.ca/>

Evaluation method: 70% final exam, 30% short project or presentation, as well as participation.

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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 573.001 Media and Entertainment Law Term 1 Term 2 Festinger

Course

3 CREDITS

Cross-listed to LAW 449.001

To be added.

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](https://twitter.com/jonfestinger)LinkedIn: <http://ca.linkedin.com/in/jonfestinger/>PSN: cdmjon

LAW 576.002 **Securities Regulation** Term 1 Term 2 Ford*Course* **3 CREDITS*****Cross-listed with LAW 463.002.***

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

Wood, S.

Course

3 CREDITS

Cross-listed with LAW 387C.001.

Environmental issues are scientifically, politically, temporally and spatially complex. They require a close examination of the potential and limits of legal institutions to respond to socio-ecological challenges. Students will learn about the contested foundations and purposes of environmental law, contested jurisdiction over the environment amongst Indigenous, federal, provincial, and municipal governments, and the variety of forms of environmental protection law in the Canadian state, including international law, common law, command regulation, regulatory compliance and enforcement, environmental impact assessment, economic instruments (e.g., pollution taxes and trading), environmental rights, access to environmental information, public participation in environmental decision-making, and judicial review of governmental decision-making. These topics will be illustrated through selected examples of contemporary environmental law issues (e.g., environmental racism, air and water pollution, climate change, toxic substances, endangered species, climate change, and parks and protected areas). The course is designed both for students seeking a concise introduction to the subject-matter as part of a well-rounded legal education, and for students seeking to specialize in environmental law. Students are encouraged to take Federalism and Administrative Law before or alongside this course.

Evaluation:

Midterm assignment (critical comment on a recent environmental law case, statute or bill): 25%

Final examination (open book): 75%

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

Martz

Course

3 CREDITS

Cross-listed with LAW 468.001.**CHANGE Nov 30: Instructor****CHANGE Dec 14: Course Description**

Ethical rules and principles are a fundamental part of the practice of law but how to go about applying them is a complex question inevitably involving the exercise of judgement and the consideration of one's own personal values. In this course, we will examine the requirements of the Code of Professional Conduct for British Columbia and case law that establishes guidelines for ethical legal conduct, but also bring a critical eye to conventional ideas about how lawyers should operate with the goal of helping you begin to develop your own sense of how you want to conduct yourself as a lawyer. We will also consider the role of the Law Society of BC and some of the many challenges faced by the legal profession, and how both the Law Society and individual lawyers can respond to them.

The course will include lectures, class discussion, group presentations/facilitations, and guest lectures by practicing lawyers about how they handle real-life ethical issues.

Evaluation: participation in class discussions, including through a small group project (15%), a take-home essay (15%), and a 3-hour open book final examination (70%).

Lisa Martz, B.A. (University of Toronto, 1989) and LL.B. (UBC, 1992), is a lecturer on faculty at the Peter A. Allard School of Law. She has practised as a litigation lawyer for more than 25 years, first at a national firm (McCarthy Tétrault LLP) and then a local litigation boutique (Gudmundseth Mickelson LLP). Her varied general litigation practice has included serving as commission counsel on a number of BC public inquiries and as criminal defence counsel for youth in care. She now also provides advice and assistance to people and organizations in the non-profit sector.

LAW 588.002 **Ethics & Professionalism** Term 1 Term 2

Affolder

Course

3 CREDITS

Cross-listed with LAW 468.002.

Ethical issues are fascinating, complex, challenging, and permeate all aspects of the practice of law. This course extends beyond learning the rules of professional ethics to engage with the very tricky real-life problems that are part of practicing law. Many lawyers feel poorly equipped to handle the kinds of ethical issues that actually emerge in practice. They find that these issues are only partially covered by existing doctrines of confidentiality and formal rules on conflicts of interest. We address that reality in this course by seeking to understand the ethically perilous terrain that you are likely to face in your career and by creating ways to better appreciate the strengths and limits of your own instinctual approaches to handling conflict and difficult conversations.

This course is designed to force you to think critically about the legal profession as a self-governing entity but also to reflect upon your own personality and influences and how you might design a good life for yourself inside and outside law. This interactive course combines lectures, simulations, negotiation exercises, debates, case studies, and guest lectures.

Evaluation:

The course will be evaluated by means of a 3-hour final examination (75%) and a reflection essay assignment (25%).

Graduate Students registered in this course at the 500 level will, in addition to the evaluation methods detailed above, also submit a case comment.

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

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

Martz

Course

3 CREDITS

Cross-listed with LAW 468.003.

Ethical issues are fascinating, complex, challenging, and permeate all aspects of the practice of law. This course extends beyond learning the rules of professional ethics to engage with the very tricky real-life problems that are part of practicing law. Many lawyers feel poorly equipped to handle the kinds of ethical issues that actually emerge in practice. They find that these issues are only partially covered by existing doctrines of confidentiality and formal rules on conflicts of interest. We address that reality in this course by seeking to understand the ethically perilous terrain that you are likely to face in your career and by creating ways to better appreciate the strengths and limits of your own instinctual approaches to handling conflict and difficult conversations.

This course is designed to force you to think critically about the legal profession as a self-governing entity but also to reflect upon your own personality and influences and how you might design a good life for yourself inside and outside law. This interactive course combines lectures, simulations, negotiation exercises, debates, case studies, and guest lectures.

Evaluation: 3-hour open book final examination (90%) on a date specified in the Exam Schedule and class participation (10%) based on student attendance and participation in class discussions

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.

Lisa Martz, B.A. (University of Toronto, 1989) and LL.B. (UBC, 1992), is a lecturer on faculty at the Peter A. Allard School of Law. She has practised as a litigation lawyer for more than 25 years, first at a national firm (McCarthy Tétrault LLP) and then a local litigation boutique (Gudmundseth Mickelson LLP). Her varied general litigation practice has included serving as commission counsel on a number of BC public inquiries and as criminal defence counsel for youth in care. She now also provides advice and assistance to people and organizations in the non-profit sector.

LAW 588.004 **Ethics & Professionalism** Term 1 Term 2

Morris

Rusnak

Course

3 CREDITS

Cross-listed with LAW 468.004.

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 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 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 588.006 **Ethics & Professionalism** Term 1 Term 2

Russo

*Course***3 CREDITS*****Registration restricted to LLML 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 (Case/Topic Briefs): 5%
Bi-Weekly In-Class Quizzes: 20%
Final exam: 75%

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

Mitretoadis

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 August 2022, available electronically on Canvas

Evaluation:

Exam worth 95% and written assignments 5%

Brook Greenberg, Q.C. (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. This will be Mr. Greenberg's 16th year of teaching Civil Procedure at Allard.

Alexandra Mitretoadis (B.A., Honours (York University), M.A. (Queen's University), J.D./LL.L. (University of Ottawa)), is a lawyer in the Litigation and Dispute Resolution Department of Fasken Martineau DuMoulin LLP in Vancouver with a practice in class actions, commercial litigation, and commercial arbitration (both domestic and international). Ms. Mitretoadis is also a Director of the Vancouver International Arbitration Center. This will be Ms. Mitretoadis' 5th year of teaching Civil Procedure at Allard.

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 Francourt-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 (subject to COVID restrictions, an alternative assignment may be used). 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 is a litigator with a focus on commercial disputes and white-collar criminal matters, appearing as counsel in trials and appeals at all levels of court in British Columbia, as well as in the Supreme Court of Canada. He also regularly acts as counsel in commercial arbitrations. Gavin has published articles in academic journals and trade publications, and has contributed to continuing legal education programs. He 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* EXAM CONFLICT: STUDENTS REGISTERED IN 347B.004 FEDERALISM OR 469.003/590.003 CIVIL PROCEDURE ARE NOT ALLOWED TO BE REGISTERED IN 392.001 NATURAL RESOURCES OR 435C.001 TOPICS IN TORT LAW: PERSONAL INJURY LAW OR 412.001/564.001 TAXATION OF TRUSTS AND ESTATES, AND VICE VERSA.**

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. Dillon and Li-Reilly, British Columbia Annual Practice, current or last year's edition are both acceptable.
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 Bjornson Calvert Course 3 CREDITS

Cross-listed with LAW 325.001.

CHANGE Sept 14: Classroom

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, and an optional assignment. For students who elect to complete the assignment, the assignment will be worth 30% and the examination 70% of the course grade. Otherwise, the examination will be worth 100% of the course grade.

Alexander Bjornson practises both civil litigation and administrative law at the Ministry of Attorney General. Alex has represented clients in proceedings at all levels of court in British Columbia. He is a former board member of the Vancouver Opera and the Icelandic Canadian Club of British Columbia and currently sits on the board of directors for the Peter A. Allard School of Law Alumni Association.

Aubin Calvert is a lawyer at Hunter Litigation Chambers in Vancouver. Aubin's practice is focused on administrative and constitutional law. She also has experience working on private law matters with public law elements. She has appeared as counsel before administrative tribunals and all levels of court. Before joining Hunter Litigation Chambers, Aubin served as a law clerk to the Right Honourable Chief Justice Richard Wagner of the Supreme Court of Canada from 2016 to 2018. She received her J.D. in 2016 from the Peter A. Allard School of Law at the University of British Columbia and was called to the bar in 2017. Aubin holds a Ph.D. in political theory, also from the University of British Columbia. Aubin is chair of the CBA BC Appellate Advocacy Section Executive, and has organized and moderated a number of panels of judges and academics on topics of interest to appellate practice, and has presented on administrative and constitutional law issues for CLEBC. In 2021 she joined the Supreme Court Advocacy Institute as session coordinator for British Columbia. Aubin also volunteers with Access Pro Bono's Court of Appeal roster program and Pro Bono Ontario's SCC Leave to Appeal Assistance Project.

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.

CHANGE Aug 8: Classroom

This seminar will provide students with a selective overview of major developments in legal theory over the twentieth century. It is intended to provide a grounding for further jurisprudential work by students in the course of their studies, including comprehensive examinations in the area of legal theory. Seminar sessions will involve active discussion of assigned readings and student presentations.

Evaluation will be based on participation, presentations, and a final research paper.

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

Etxabe

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

The purpose of this PhD seminar is to deepen students' understanding of comparative and interdisciplinary perspectives on law, its challenges and possibilities, in an increasingly complex and entangled world of mutual borrowings, cross-pollinations, and "contaminations."

Students will engage key critical questions and contemporary debates, while having the opportunity to delve into primary, foundational texts in hermeneutics, legal anthropology, cultural studies, social and political theory, and others (Gadamer, Geertz, Bakhtin, Engle Merry, Legrand, Black, Latour). The seminar aims to hone in the theoretical and methodological underpinnings of students, as they begin to prepare for their comprehensive examinations.

Assessment:

Class Participation and Presentation: 25%

Short Critical Essay: 25%

Final Paper: 50%

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