
LAW 300.001 Jurisprudence and Critical Perspectives Term 1 Term 2

Moore

Lecture

3 CREDITS

This course is NOT open to Exchange students.

CHANGE June 20: Evaluation method.

EXAM CONFLICT: STUDENTS REGISTERED IN 300.001 or 404.001 ARE NOT ALLOWED TO BE REGISTERED IN 387C.001/587C.001, AND VICE VERSA.

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, 10 am – 4 pm, on April 25, 2024 80% of the final grade (70% if informal participation grade is higher than exam grade); short in-class reading quizzes 10%; participation assignments 10%; informal participation (optional: 10 % to assist only, i.e. counts only if higher than exam grade).

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

LAW 300.002 Jurisprudence and Critical Perspectives Term 1 Term 2

Goold

Lecture

3 CREDITS

This course is NOT open to Exchange students.

CHANGE December 16: Classroom.

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:

100% closed-book exam.

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

LAW 300.003 Jurisprudence and Critical Perspectives

Term 1 Term 2 Iyengar *Lecture* 3 CREDITS

This course is NOT open to Exchange students.

EXAM CONFLICT: STUDENTS REGISTERED IN 377.001/577.001 or 347B.003 ARE NOT ALLOWED TO BE REGISTERED IN 300.003 or 463.002/576.002, AND VICE VERSA.

CHANGE Nov 27: Instructor

This course provides an introduction to jurisprudence, legal theory, and critical approaches to law. It is designed to give upper year students an overview of the theory and practice of legal institutions in performing several key functions, such as: allocating authority, defining relationships, resolving conflict, adapting to social change, and fostering social solidarity. Students will be asked to consider the nature and limits of law, as well as critical perspectives on the ways in which law impacts on and shapes the structure of relationships in society. This course aims to situate discussions of the theory of law in terms of effects on society. It uses interdisciplinary sources, drawing from literature in legal philosophy, political science, and anthropology. This section also relies heavily on critical race theory, feminist legal theory, and legal realism.

Evaluation:

Evaluation for this class will consist of class participation (10%), one short OPTIONAL reflection paper (approximately 1250 words) (15%), and a 3-hour in class examination (75%/90%) on a date and time as listed on the examination schedule.

Mark Iyengar is an associate at Peck and Company Barristers, where he primarily practices criminal law.

LAW 300.004 Jurisprudence and Critical Perspectives

Term 1 Term 2 Etxabe *Lecture* 3 CREDITS

This course is NOT open to Exchange students.

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 304.001 Transnational Law

Term 1 Term 2 Affolder *Lecture* **2 CREDITS**

Registration by Permission Only. This course is NOT open to anyone who has completed LAW 261 Transnational Law, or to Graduate, Exchange, or Visiting students.

CHANGE June 7: Course description & evaluation method added.

Transnational law is of ever-increasing importance in understanding what law is both locally and globally. It helps make sense of how law actually operates in the world, all while calling into question our traditional understanding of law, authority, legitimacy and accountability.

This course provides a formal introduction to the transformation of law in a global context and the significance of both international law and foreign law for Canadian legal practitioners. The course introduces the sources of public international law and the rules governing the reception of public international law in Canada. It examines the ways in which public and private international law merge in a globalized legal landscape shaped by influential state and non-state actors. The course will also present the animating ideas behind the use of comparative law in Canadian courtrooms. Throughout our exploration of these topics we will gain an understanding of the interplay between different levels and sites of law making, and identify contemporary challenges for nation state-oriented models and doctrines of law.

Evaluation:

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

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

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 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	<u>Topics in Philosophy of Law & Theoretical Perspectives</u>	<u>Legal Interpretation: Who Decides?</u>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Donaldson	Seminar	3 CREDITS

CHANGE June 8: Evaluation method added to course description

This seminar is modeled on a seminar taught for many years by Professor Kent Greenawalt at Columbia Law School. We will explore the different approaches to the interpretation of legal texts including textualism, intentionalism, purposivism, originalism, evolutionary interpretation, and pragmatism. We will discuss and analyze the foundations for, and implications of, these various approaches. We will discuss both Canadian and US approaches to legal interpretation, explore the reasons for some of the significant differences between the two, and consider what this tells us about legal interpretation in Canada. We will primarily consider statutory interpretation but will also touch on the interpretation of other important legal documents such as wills, trusts, and contracts.

The seminar will have two phases. In the first phase we will read and discuss the assigned readings each week. In the second phase, students will submit and present a draft of their papers for review and discussion in the seminar.

During phase one, students will, in consultation with the instructor, select the topic on which they wish to write their final seminar paper. The topic can be anything to do with legal interpretation and must be approved by the instructor. During phase two, in each class one or more students will submit their draft paper for review by the class. The other students will each prepare short (1-2 page) written comments and questions for the author on their draft, which we will discuss in the seminar. The students will then be expected to revise and complete their drafts taking into account the written comments and seminar discussion.

Evaluation will be based on:

In class participation and discussion (25%); Written comments on, and discussion of, other students' drafts (25%); Final paper (50%).

This seminar will challenge class participants to think critically about the proper role of the judiciary in Canadian society, and whether and how democratic theory should impact how judges, legislators, and other legal actors do their work. Students will be required to engage with viewpoints they may disagree with, and learn how to articulate their disagreements constructively and respectfully. Statutory and legal interpretation is fundamental to the practice and study of law. This class is therefore designed to be instructive and valuable for anyone interested in a career in law, whether in private or public practice, litigation or solicitor work, or in clerking or academia.

Mike Donaldson, KC (LLB, UBC (1994) LLM, Columbia (2017)) has practiced complex commercial and energy arbitration and litigation in Calgary for over 25 years, for the last several years with Lawson Lundell LLP. He has been repeatedly recognized by Chambers, Best Lawyers, Lexpert, Benchmark Litigation, and others as a leading lawyer in Commercial Litigation, Arbitration, and Appellate Advocacy. Mike has also published several articles in US and Canadian Law Journals and is the author of book chapters on damages, arbitration, and statutory interpretation. Mike completed his LLM at Columbia University in 2016-2017, where he was a James Kent Scholar and published several articles. Mike has also taught effective writing, legal drafting, and written advocacy courses to lawyers and business people in law firms, industry, government, and regulators.

LAW 313D.001 Legal History

Term 1 Term 2 Harris, D. *Seminar* 3 CREDITS

This seminar provides students with an opportunity to engage with the idea of property, through the study of property law in its social context and legal setting, and as it changes over time. The particular focus is the history of property and cities. The seminar also considers historical and legal methods, and assignments are designed to help students undertake a significant legal/historical research project.

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

Evaluation:

Students will be evaluated on a research paper (50%) and several small assignments (including drafts of a research question, introduction, and outline, and a class presentation) intended to help develop the project and to advance the writing (35%). Students will also be evaluated on their participation in class (15%).

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

LAW 316.001 International Law

Term 1 Term 2 Mickelson, K. *Lecture* 3 CREDITS

CHANGE Aug 17: Classroom

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

Evaluation:

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

Professor Karin Mickelson is a full time member of the 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****International Humanitarian 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:

Final paper: 40%

In class presentation: 35%

Class participation: 25%

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 325.001**Conflict of Laws** Term 1 Term 2

Calvert

Posyniak

Lecture

3 CREDITS

Cross-listed with LAW 592.001**CHANGE June 15: Location**

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 if the student's grade on the assignment is better than his or her examination grade. If the student receives a higher grade on the exam than on the assignment, or elects not to complete the optional assignment, the examination will be worth 100% of the course grade.

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 a member of the CBA BC Appellate Advocacy Section Executive, and has organized and moderated a number of panels on topics of interest to appellate practice. Aubin also presents on administrative and constitutional law issues for CLEBC. In 2021 she joined the Supreme Court Advocacy Institute as session coordinator for British Columbia.

Tom Posyniak is a partner at Fasken Martineau DuMoulin LLP in Vancouver. His practice focuses on commercial litigation, administrative and constitutional law, class actions, and insurance litigation. Tom has an active appellate practice and regularly appears before the British Columbia Court of Appeal. Tom has also been counsel at the Supreme Court of Canada and regularly prepares written submissions in that court. Prior to joining Fasken, Tom clerked for the Court of Appeal for British Columbia and worked at another national law firm in Vancouver. He received his J.D. in 2012 from the University of Saskatchewan, College of Law, and was called to the bar in 2014. Tom is on the executive of the Appellate Advocacy section of the Canadian Bar Association – BC Branch. He also serves as a referral counsel for Access Pro Bono's Court of Appeal Program. Tom is a co-author of the Civil Appeal Handbook published by the Continuing Legal Education Society of British Columbia and the CanLII BC Civil Litigation Manual.

LAW 332.001**Maritime Law****Maritime Law**

Term 1 Term 2 Hawkins, T. Swanson, P. Lecture 3 CREDITS

EXAM CONFLICT: STUDENTS REGISTERED IN 525.001, 419C.001/519.001, or 332.001 ARE NOT ALLOWED TO BE REGISTERED IN 347B.004, AND VICE VERSA.

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. His 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 Lecture 3 CREDITS

This course plans to offer an introduction to the legal systems of Asia, focusing on 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 to legal systems in Asia. The second is to introduce basic aspects of the legal systems of each Asian country as related to certain common themes: historical development, the 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). After a general introduction, the course will be divided into three sections, in which the component countries will be compared on the basis of history and basic legal institutions in the three countries, law and economy, and international dimension. There will be a mini wrap-up session at the end of each section as well as a final wrap-up session at the end of the course.

Evaluation:

The evaluation is composed of 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 Lecture 3 CREDITS

This is a 3 credits course. The course aims to foster a critical understanding of China's contemporary legal system and its implications for Canada-China relations. The course examines six areas of law from the perspective of law and society: (1) the origins of China's legal system as a hybrid of Confucianism, Marx-Leninism, and (post)modernism; (2) the legal hierarchical order and judicial politics in China; (3) China's evolving property law and business law; (4) China's Political Troika and federalism Chinese style; (5) law on domestic relations and social law; and (6) Chinese law in foreign courts and foreign judgments and arbitral awards enforcement in China. 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 and online 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 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

CHANGE Feb 1: Classroom

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 Sexual Offences Law** Term 1 Term 2

Chen

Seminar

1 CREDITS

This intensive seminar will meet Oct 31-Nov 9, 9:30am-12:30pm, Tues & Thurs; and Thurs, November 2, 12:30-2:00pm. Course time conflicts are allowed for this seminar. Contact studentaffairs@allard.ubc in advance of registration if you have a course time-conflict with this class and would like to be registered into it.

This course utilizes sexual offences as a focal point to appreciate the different manifestations, evolution logic, and normative considerations of criminal law around the world. Sexual offences, being the most ardent manifestation of state regulation of sexual activity, are deeply connected to the underlying socio-political context. Unsurprisingly, there is great divergence in both the structure and specifics of sexual offences around the world. This course engages in a comparative and critical examination of sexual offence law that connects the main source jurisdictions (i.e., England, India and Germany) with the transplanted jurisdictions in Asia (i.e., Singapore, Hong Kong, Taiwan and China). Students will learn about the legal doctrines of the surveyed jurisdictions within a theoretical framework that 1) identifies the underlying socio-political context, and 2) normatively evaluates the design and implementation of the law. Students will also gain insights on the methods, values and challenges of comparative legal analysis.

Evaluation:

Class Participation (20%); Research Paper (80%)

Graded Honours/Pass/Fail

Jianlin Chen is Professor at University of Melbourne Law School. His current primary research interests are law & religion and criminal law, with a particular focus on fraud (e.g., religious fraud regulation, fraudulent sex criminalization) and through a combination of comparative perspectives and economic analysis. Together with other research projects that traverse diverse subject matters (e.g., natural resources, property, corporate & securities, government procurement, culture war, charity, tax), his underlying research agenda is to develop an overarching theoretical inquiry that 1) explores how the different forms of state actions—ranging from law, regulation, tax, state ownership, public contract, government speech—have surprisingly similar capacity and propensity (or the lack thereof) to achieve public interest objectives; and 2) critically evaluates the prevailing approach of prescribing distinct legal constraints and normative considerations for each category of state actions.

LAW 343D.001	<u>Topics in Public Law - Seminar</u>	<u>Health Policy and Law</u>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Fischer	Gill, J.	Seminar 3 CREDITS

CHANGE October 20: Instructor added; June 26: Class Day

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.

Julia is an inactive member of the Law Society of Alberta and an Ethicist at Vancouver Coastal Health. Julia started her academic career in the field of biology, earning a Bachelor of Science Honours in Biology from Queen's University. She was interested in combining her scientific knowledge with a larger societal lens, which led her to enter the University of Calgary Faculty of Law and later the University of Houston Law Center to earn both a Canadian and American law degree (Juris Doctor and Doctor of Jurisprudence). She practiced law in Calgary, Alberta for 2 years at a large multinational full-service law firm, practicing general civil litigation. Julia chose to leave the world of private practice behind to enroll in a professional program at the University of Toronto Dalla Lana School of Public Health to earn a Master of Health Science in Bioethics. She has also completed a fellowship in Ethics and Policy at Sunnybrook Health Sciences Centre. Julia has served in a research capacity as a member of the Public Health Ontario Ethics Review Board and is currently the Bioethics Member for the BC Cancer Agency Research Ethics Board, and a member of the UBC Clinical Research Ethics Board. For the last few years, Julia has returned to her alma mater and taught "Legal Approaches to Bioethics" to Masters and PhD students at the Dalla Lana School of Public Health at the University of Toronto.

LAW 343D.002	<u>Topics in Public Law - Seminar</u>	<u>Crown Liability</u>			
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Krueger	Hoogstraten	Evans, K.	Seminar 3 CREDITS

This seminar will offer a hands-on analysis of the law governing litigation by and against the government 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 343D.003	Topics in Public Law - Seminar	<u>Animal Law</u>		
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	Shroff	Schwab	Seminar	3 CREDITS

CHANGE June 6: This course does NOT fulfill the Experiential Learning requirement.

This seminar will explore the vast intersectionality of Animals and the Law. Specifically:

1. Critically review legal treatment of animals historically and currently in Canada
2. Explore theoretical, cultural, socio-economic underpinnings of legal treatment of animals
3. Highlight Indigenous non-Western, Social Justice perspectives, competing ideologies for all animals
4. Analyze relevant statutes, policies, case law, secondary sources per legal treatment of animals in tort, property, criminal, family, contract, environmental, administrative, municipal, estate law and more
5. Evaluate treatment of animals in Canada and internationally
6. Provide safe and welcoming space for discussion and competing perspectives
7. Facilitate innovative ideas, thoughtful discussions, debate legal status of animals, eg. 'Is animal legal personhood viable and optimal?'
8. Offer guidance on practical aspects of animal law, developing an animal law practice
9. Provide opportunities to develop oral, written advocacy and presentation skills
10. Approach animal law from both an academic and practice based perspective.
11. Invite renowned guest speakers in the field

Evaluation: 70% Research paper / 30% Attendance and Participation

* Special Points to Note about Law 343D.001 the Animal Law seminar:

1. Animal Law has been approved as part of the Social Justice Specialization at Allard. (Courses included in the Specialization examine the role of law and legal discourse in constructing and maintaining social, political, and economic inequalities, as well as the potential for law to shift inequalities rooted in social relations.)
2. There may be opportunities for animal law students to gain experiential learning via the Animal Law Pro Bono Clinic (ALPC) at the Law Students Legal Advice Program (LSLSAP).
3. Animal Law at Allard has a dedicated \$1000.00 prize attached to this seminar called The Sharon Koshul Memorial Prize in Animal Law which will be awarded to a JD student who demonstrates academic excellence in the course.

V. Victoria Shroff (Bachelor of Arts in Sociology (Honours), (U.B.C.), LL.B. (U.B.C.), is credited as one of Canada's 1st animal law practitioners and is the longest serving animal law lawyer in BC, having practiced animal law since 2000. Victoria practices at Shroff & Associates (Shroff Animal Law) in downtown Vancouver, has appeared at all levels of court and filed BC's first landmark "dangerous" dog case for leave to appeal at the Supreme Court of Canada. She recently authored the textbook, Canadian Animal Law (Lexis-Nexis). Victoria helped spearhead Canada's first Animal Law Pro Bono Clinic (ALPC) at the Law Students Legal Advice Program. She has been an adjunct Professor of animal law at Allard since 2016, (historyproject.law.ubc.ca <https://historyproject.allard.ubc.ca/law-history-project/profile/victoria-shroff>) and is also faculty at Capilano University. She is founding-chair of the national Canadian Animal Law Study Group. Victoria is a regular speaker at animal conferences and at law schools around the world. In 2022, Victoria chaired BC's first Animal Law Conference for CLEBC. She founded and teaches animal law in elementary schools called "Paws of Empathy" which she teaches with dogs. (<https://postmediavancouver2.wordpress.com/news/local-news/longtime-animal-lawyer-takes-her-canine-co-teacher-to-vancouver-school-for-class-on-empathy>)

In recognition of her pioneering contributions as an animal lawyer and educator, Victoria has been a finalist for the Top 25 Most Influential Lawyers in Canada five times; was honoured with a prestigious SEEDS award by the International Society of Animal Rights; was a finalist for the YWCA Women of Distinction Award and received a letter of congratulations from the Premier of BC; was awarded a Canadian Bar Association Certificate of Appreciation for service; and was presented with a Hitachi Excellence Award for Communication. She has been featured in several animal documentaries, podcasts, and is often called upon by major media to provide her opinion on animal law issues ranging from pet custody to fur farming.

Contact V. Victoria Shroff: www.shroffanimallaw.com, UBC Expert's Page: <https://experts.news.ubc.ca/expert/victoria-shroff>, Twitter @shroffanimallaw

Amy Schwab

LAW 345C.001**Topics in Public Law - Lecture****Freedom of Expression** Term 1 Term 2

Matsui

Lecture

3 CREDITS

Should the government impose criminal punishment on WikiLeaks? Could the government prohibit Robert Pickton, convicted serial killer, to publish a book about his crimes and make money? Should the government be allowed to prohibit the Holocaust denial? Should the government be allowed to prohibit the posting of video showing animal cruelty on the Internet? Does a citizen have a right to construct a billboard protesting to the government on the sidewalk of the city street? Should a journalist be granted a privilege not to disclose news source? When could the courts exclude the public from the courtroom? To what extent should the government be allowed to regulate the television broadcasting?

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

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

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

[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 347B.001**Federalism** Term 1 Term 2

Kaushal

Lecture

2 CREDITS

This course is NOT open to Exchange students or Visiting students.

EXAM CONFLICT: STUDENTS REGISTERED IN 408.001/562.001 ARE NOT ALLOWED TO BE REGISTERED IN 588.006 or 347B.001, AND VICE VERSA.

This is a required course about the distribution of powers under sections 91 and 92 of the Constitution Act, 1867. We will study the heads of power, the doctrines for interpreting them, and the theories that animate them.

Evaluation: 100% final, open-book exam.

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

LAW 347B.002**Federalism** Term 1 Term 2

Kong

Lecture

2 CREDITS

This course is NOT open to Exchange students or Visiting students.

In this course we will study theories and doctrines relating to Canadian federalism. Issues of constitutional interpretation and institutional competence will receive particular attention.

10% of the final grade will be for class participation. The final examination will be worth the remaining 90%.

Hoi Kong Professor is a full time member of the Peter A. Allard School of Law.

LAW 347B.003**Federalism** Term 1 Term 2

Young, M.

Lecture

2 CREDITS

This course is NOT open to Exchange students or Visiting students.

EXAM CONFLICT: STUDENTS REGISTERED IN 377.001/577.001 or 347B.003 ARE NOT ALLOWED TO BE REGISTERED IN 300.003 or 463.002/576.002, AND VICE VERSA.

In this course we will study theories and doctrines relating to Canadian federalism. Issues of constitutional interpretation and institutional competence will receive particular attention, as will current tensions in the politics of the division of powers.

Evaluation: The final examination will be worth 100%.

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

LAW 347B.004**Federalism** Term 1 Term 2

Bird

Lecture

2 CREDITS

This course is NOT open to Exchange students or Visiting students.

EXAM CONFLICT: STUDENTS REGISTERED IN 525.001, 419C.001/519.001, or 332.001 ARE NOT ALLOWED TO BE REGISTERED IN 347B.004, AND VICE VERSA.

CHANGE July 23: Classroom.

In this course we will study, through the lens of judicial decisions and academic scholarship, the doctrines and theories that animate Canadian federalism. The interpretation and application of the division of legislative powers between the provinces and the Parliament of Canada will be a prominent topic of consideration in this course.

Evaluation will be based on a 100% final, open-book examination.

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

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 including a few assignments throughout the term (30%).

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 Boards of Music in the Morning and of the Health Arts Society.

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

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

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

Barrett

Seminar

3 CREDITS

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

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

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

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

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

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

Major publications include:

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

LAW 352.001 **Aboriginal Peoples and Canadian Law**

Term 1 Term 2 Christie Hilland Lecture 3 CREDITS

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.

Assistant Professor Andrea Hilland is a full-time member of Peter A. Allard School of Law.

LAW 356.001 **First Nations & Economic Development**

Term 1 Term 2 Hanna Lecture 3 CREDITS

CHANGE June 12: Evaluation method updated

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 (20%) and paper (80%).

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 357C.001 **Topics in First Nations Law - Lecture** **First Nation Taxation, Assimilation and Reconciliation**

Term 1 Term 2 **Faille** **Lecture** **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.001 **Topics in First Nations Law - Seminar** **An Introduction to Indigenous Legal Orders within the Settler State**

Term 1 Term 2 Mack Seminar 3 CREDITS

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

Evaluation:

The following three assignments will be graded:

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

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

LAW 358D.003 **Topics in First Nations Law - Seminar** **Historical and Contemporary Issues**

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

Lecture

4 CREDITS

Cross-listed with LAW 559D.001.

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

Evaluation:

- Take-home exam: 100%, 10 am - 4 pm on the date specified on the Exam Schedule.

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

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

Lecture

4 CREDITS

Cross-listed with LAW 559D.002**CHANGE Sept 8: Wednesday classroom change; June 19: Exam Format**

This course will equally balance practical skills, theory and critical reflection.

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. Focus will always be drawn back to applying an anti-racist, feminist, anti-colonial, and anti-ableist intersectional lens.

Theory will cover themes of wide interest including state regulation of families; the relationship of the 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 in prison, immigration, and international law.

The course is critical, historical and comparative in nature. It will always focus back on theoretical underpinnings for intimate regulation.

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% exam.

Salima Samnani

LAW 372.004 Administrative Law Term 1 Term 2 Ford

Lecture

4 CREDITS

Cross-listed with LAW 509.004. This course is NOT open to Exchange students.
CHANGE June 16: Evaluation method.

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 (20%)
- A final exam during the examination period (80%)

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

LAW 372C.002 **Administrative Law** Term 1 Term 2

Ahmad

Lecture

3 CREDITS

This course is NOT open to Exchange students.

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.

This course will cover the basic doctrinal contours of procedural fairness and substantive review around administrative law decisions. In content, it largely resembles the 4-credit administrative law courses, but does not spend as much time on Charter-related and Indigenous issues. And unlike this past year when the course was 4 credits, there will be no classes devoted to guest lectures.

Evaluation will be based on an open-book final examination and an optional assignment. For students who elect to complete the optional assignment, it will be worth 30%, and the examination worth 70% of the course grade. Otherwise, the examination will be worth 100% of the course grade.

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

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

Manhas

Lecture

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

Lecture

3 CREDITS

Cross-listed with LAW 577.001.**EXAM CONFLICT: STUDENTS REGISTERED IN 377.001/577.001 or 347B.003 ARE NOT ALLOWED TO BE REGISTERED IN 300.003 or 463.002/576.002, AND VICE VERSA.**

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

Dauvergne

Seminar

3 CREDITS

Cross-listed with LAW 578.001.**CHANGE June 8: Course description & evaluation method added.**

This seminar examines International Refugee Law and its application in Canada. The course centres on the 1951 Convention relating to the status of refugees. We will spend approximately half of the course considering the internationally agreed definition of a refugee, and how this definition has been interpreted by courts around the world, as well as adapted by domestic legislatures. Both of these inquiries will focus principally on Canadian developments. The other sections of the course will consider the rights which flow from refugee status, the process of refugee determination in Canada, and how domestic and international politics shape the law in this area.

Evaluation:

Evaluation of this seminar will be 25% class participation and 75% research paper. Participation assessment has three components. The first is a refugee determination exercise (10%). The second is a treaty negotiation simulation (10%). The final 5 percent is allocated to engagement in class discussions. The research paper is to be 6000-8000 words on a topic of the student's choice. Paper topics will be agreed in advance with the instructor.

Dean and Professor Catherine Dauvergne is a full time member of the Peter A. Allard School of Law and holds the Canada Research Chair in Migration Law.

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

Gratton

Rock, B

Clinical

4 CREDITS

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

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

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.

Becky Rock is a senior associate at DLA Piper (Canada) LLP. Becky assists companies with a wide range of matters, with a particular expertise in drafting and negotiating commercial agreements. Her practice was founded working with mature clients and she enjoys bringing this experience to emerging companies to help them grow their businesses. Becky acts for clients at all stages of the business life cycle, advising on investments, acquisitions, amalgamations, and reorganizations. She is skilled at policy drafting and works with clients to develop their contract precedents. Becky also has in-depth corporate governance knowledge as a result of having served as corporate secretary of a federal Crown corporation.

Becky has experience in a variety of industries, including technology, psychedelics, vaping, food, and beverage. She enjoys solving complex regulatory issues and has helped clients successfully navigate complex advertising, privacy, and consumer protection matters in British Columbia. Becky is also a co-founder of DLA Piper's Black and Indigenous Business Law Clinic, a pro bono clinic which provides corporate and commercial legal advice to qualifying Black- and Indigenous-owned businesses in Canada.

Becky received both her BSc in Biopsychology and Juris Doctor from the University of British Columbia. In her free time, she can be found in craft stores and leaning into an unabashedly stereotypical West Coast lifestyle.

LAW 379B.002**Externship****Business Law Clinic** Term 1 Term 2

Gratton

Rock, B

Clinical

4 CREDITS

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

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

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.

Becky Rock is a senior associate at DLA Piper (Canada) LLP. Becky assists companies with a wide range of matters, with a particular expertise in drafting and negotiating commercial agreements. Her practice was founded working with mature clients and she enjoys bringing this experience to emerging companies to help them grow their businesses. Becky acts for clients at all stages of the business life cycle, advising on investments, acquisitions, amalgamations, and reorganizations. She is skilled at policy drafting and works with clients to develop their contract precedents. Becky also has in-depth corporate governance knowledge as a result of having served as corporate secretary of a federal Crown corporation.

Becky has experience in a variety of industries, including technology, psychedelics, vaping, food, and beverage. She enjoys solving complex regulatory issues and has helped clients successfully navigate complex advertising, privacy, and consumer protection matters in British Columbia. Becky is also a co-founder of DLA Piper's Black and Indigenous Business Law Clinic, a pro bono clinic which provides corporate and commercial legal advice to qualifying Black- and Indigenous-owned businesses in Canada.

Becky received both her BSc in Biopsychology and Juris Doctor from the University of British Columbia. In her free time, she can be found in craft stores and leaning into an unabashedly stereotypical West Coast lifestyle.

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) 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). She has had a varied general litigation practice which 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) 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). She has had a varied general litigation practice which 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.005**Externship****ĆELÁNENEŁ: A Field Course in the
Re-emergence of WSÁNEĆ Law** Term 1 Term 2 Clifford

Clinical

11 CREDITS

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

The Allard School of Law is offering ĆELÁNENEŁ: A Field Course in the Re-emergence of WSÁNEĆ Law during the Fall term of 2021. This course is offered in partnership with the WSÁNEĆ Nation and the University of Victoria, Faculty of Law. ĆELÁNEN means “ancestry or birthright” and ĆELÁNENEŁ means “of the ancestor’s cultural ways” or “of the birthrights”. This intensive land-based course will be taught in the WSÁNEĆ community on the Saanich Peninsula and will include a number of trips to local mountains, rivers, and a 3-night camping trip on the Gulf Islands. This course is focused on WSÁNEĆ People’s own laws, and the ways in which those laws are generated and carried forward. Consideration will also be given to the colonial relationship and power structures between the WSÁNEĆ and Canadian legal traditions, as well as the opportunities and barriers this creates for the revitalization of WSÁNEĆ law. A principal purpose of the course will be to develop a collaborative community-based legal education model. During seven weeks of the course students will work under the supervision of WSÁNEĆ community members in learning and applying WSÁNEĆ law to community-based projects identified as important by the WSÁNEĆ community.

The first three to four weeks of the course involve an intensive land-based learning component where students will have 6 hours of contact per day, which will also include skills-based components in preparation for student community projects. Class contact hours over the next eight weeks will fluctuate while students are engaged as community-based learners and participants working in small groups of 2 or 3 directly with WSÁNEĆ elders and knowledge holders on identified projects. Students will be expected to treat this eight-week period as a full-time educational experience, devoting at least 30 hours a week to their community-based work and research. During this eight-week period, we will also meet as a group once per week to hear from guest speakers, to debrief as a group regarding the ongoing community projects, or to go on the occasional land-based outing. The last week of the class will once again involve a 6 contact-hours-a-day classroom component. Students will make presentations and engage in discussions with one another and select community members related to their eight-week placement experiences. We will open and close the course in a culturally appropriate way.

Evaluation:

This course will be a term long externship and will comprise a full 15 credits for the semester. 11 of those credits will be counted as a clinical externship (379D.005) and graded on a pass/fail basis. The remaining 4 credits will be counted as an externship reflection (380C.005) and will require the completion of a graded final paper (100%) due at the end of the exam period.

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

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

Amlani

Clinical

5 CREDITS

Registration by permission only. This course fulfills the Experiential Learning requirement. Fall Term Placement: Sept 11- Dec 7, 2023 (excluding Mid-Term Break: Nov 13-15)

CHANGE June 8: Fall Term Placement and course description

The Corporate Counsel Externship is a clinical program within the Centre for Business Law that places students within legal departments at leading private and public sector organizations.

The Externship is comprised of 7 credits in total, with 5 credits allocated to this Clinical Component (Law 379E) and 2 credits allocated to the companion Reflection Component (Law 380A).

For this Clinical Component, each student joins an in-house legal team for one term, working 16 hours per week in a supervised environment to help deliver practical and actionable legal advice to stakeholders. Students obtain direct hands-on experience of how legal concepts learned in the classroom apply in a business setting, and undertake a variety of legal tasks depending on business needs, such as contract drafting and review, research, policy development, and improving processes. At the same time, students also observe and develop critical skills that complement the practice of law, such as building relationships with stakeholders, operating in a professional environment, assessing risks, managing workload, and professional ethics / responsibility. Each student is paired with a supervising lawyer who will help manage workflow and act as a coach / mentor to the student for the duration of the placement.

Students are evaluated on a pass/fail basis, based on (a) an evaluation by the student's supervising lawyer who will assess several core competencies (e.g., quality of work, work ethic, professionalism, dependability, communication skills, etc.), (b) a key research project to be undertaken during the placement and also evaluated by the student's supervising lawyer, and (c) bi-weekly reflective journals.

Pre-requisite: LAW 459 Business Organizations

Co-requisite: LAW 380A Externship Reflection: Corporate Counsel Externship Reflection

Karim Amlani holds the position of Senior Director, Legal at Hootsuite. He loves being an in-house lawyer and is excited to help students get a glimpse into life as an in-house lawyer through the Externship.

At Hootsuite, Karim leads a team supporting the corporate, product and procurement functions. In his seven years at Hootsuite, he has closed M&A/financing transactions, negotiated business critical agreements with social networks, developed company-wide processes and considered the use of artificial intelligence technologies. Before joining Hootsuite, Karim was a lawyer in the securities and information technology groups at Blake, Cassels & Graydon LLP. He also sits on the Dean's Advisory Committee for the Centre for Business Law at the University of British Columbia, and frequently contributes to industry activities within the in-house legal community.

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

Amlani

Clinical

5 CREDITS

***Registration by permission only. This course fulfills the Experiential Learning requirement. Spring Term Placement: Jan 15 - Apr 12, 2024 (excluding Reading Week: Feb 19-23)*
CHANGE June 8: Spring Term Placement and Course Description**

The Corporate Counsel Externship is a clinical program within the Centre for Business Law that places students within legal departments at leading private and public sector organizations.

The Externship is comprised of 7 credits in total, with 5 credits allocated to this Clinical Component (Law 379E) and 2 credits allocated to the companion Reflection Component (Law 380A).

For this Clinical Component, each student joins an in-house legal team for one term, working 16 hours per week in a supervised environment to help deliver practical and actionable legal advice to stakeholders. Students obtain direct hands-on experience of how legal concepts learned in the classroom apply in a business setting, and undertake a variety of legal tasks depending on business needs, such as contract drafting and review, research, policy development, and improving processes. At the same time, students also observe and develop critical skills that complement the practice of law, such as building relationships with stakeholders, operating in a professional environment, assessing risks, managing workload, and professional ethics / responsibility. Each student is paired with a supervising lawyer who will help manage workflow and act as a coach / mentor to the student for the duration of the placement.

Students are evaluated on a pass/fail basis, based on (a) an evaluation by the student's supervising lawyer who will assess several core competencies (e.g., quality of work, work ethic, professionalism, dependability, communication skills, etc.), (b) a key research project to be undertaken during the placement and also evaluated by the student's supervising lawyer, and (c) bi-weekly reflective journals.

Pre-requisite: LAW 459 Business Organizations

Co-requisite: LAW 380A Externship Reflection: Corporate Counsel Externship Reflection

Karim Amlani holds the position of Senior Director, Legal at Hootsuite. He loves being an in-house lawyer and is excited to help students get a glimpse into life as an in-house lawyer through the Externship.

At Hootsuite, Karim leads a team supporting the corporate, product and procurement functions. In his seven years at Hootsuite, he has closed M&A/financing transactions, negotiated business critical agreements with social networks, developed company-wide processes and considered the use of artificial intelligence technologies. Before joining Hootsuite, Karim was a lawyer in the securities and information technology groups at Blake, Cassels & Graydon LLP. He also sits on the Dean's Advisory Committee for the Centre for Business Law at the University of British Columbia, and frequently contributes to industry activities within the in-house legal community.

LAW 380A.001 **Externship Reflection** **Business Law Clinic - Reflection**
 Term 1 Term 2 Gratton Rock, B Workshop 2 CREDITS

Registration by permission only.

The Business Law Clinic, or Law 379B.001/Law380A.001 is a clinical program comprised of 6 credits. 4 credits are based on the practical clinic component and 2 credits are based on the academic component. The practical component is evaluated on a pass/fail basis. The academic component is graded and is comprised of reflective journal presentations, participation in seminar discussions, work completed in clinic, cooperation with fellow students, 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, and 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 a reflective journal, class participation in weekly seminar discussions, work completed in clinic, cooperation with fellow students, and one written assignment based on a commercial fact-pattern.

Pre-requisite: LAW 459 Business Organizations

Co-requisite: LAW 379 Externship: Business Law Clinic

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.

Becky Rock is a senior associate at DLA Piper (Canada) LLP. Becky assists companies with a wide range of matters, with a particular expertise in drafting and negotiating commercial agreements. Her practice was founded working with mature clients and she enjoys bringing this experience to emerging companies to help them grow their businesses. Becky acts for clients at all stages of the business life cycle, advising on investments, acquisitions, amalgamations, and reorganizations. She is skilled at policy drafting and works with clients to develop their contract precedents. Becky also has in-depth corporate governance knowledge as a result of having served as corporate secretary of a federal Crown corporation.

Becky has experience in a variety of industries, including technology, psychedelics, vaping, food, and beverage. She enjoys solving complex regulatory issues and has helped clients successfully navigate complex advertising, privacy, and consumer protection matters in British Columbia. Becky is also a co-founder of DLA Piper's Black and Indigenous Business Law Clinic, a pro bono clinic which provides corporate and commercial legal advice to qualifying Black- and Indigenous-owned businesses in Canada.

Becky received both her BSc in Biopsychology and Juris Doctor from the University of British Columbia. In her free time, she can be found in craft stores and leaning into an unabashedly stereotypical West Coast lifestyle.

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

Registration by permission only.

The Business Law Clinic, or Law 379B.002/Law380A.002 is a clinical program comprised of 6 credits. 4 credits are based on the practical clinic component and 2 credits are based on the academic component. The practical component is evaluated on a pass/fail basis. The academic component is graded and is comprised of reflective journal presentations, participation in seminar discussions, work completed in clinic, cooperation with fellow students, 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 a reflective journal, class participation in weekly seminar discussions, work completed in clinic, cooperation with fellow students, and one written assignment based on a commercial fact-pattern.

Pre-requisite: LAW 459 Business Organizations

Co-requisite: LAW 379 Externship: Business Law Clinic

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.

Becky Rock is a senior associate at DLA Piper (Canada) LLP. Becky assists companies with a wide range of matters, with a particular expertise in drafting and negotiating commercial agreements. Her practice was founded working with mature clients and she enjoys bringing this experience to emerging companies to help them grow their businesses. Becky acts for clients at all stages of the business life cycle, advising on investments, acquisitions, amalgamations, and reorganizations. She is skilled at policy drafting and works with clients to develop their contract precedents. Becky also has in-depth corporate governance knowledge as a result of having served as corporate secretary of a federal Crown corporation.

Becky has experience in a variety of industries, including technology, psychedelics, vaping, food, and beverage. She enjoys solving complex regulatory issues and has helped clients successfully navigate complex advertising, privacy, and consumer protection matters in British Columbia. Becky is also a co-founder of DLA Piper's Black and Indigenous Business Law Clinic, a pro bono clinic which provides corporate and commercial legal advice to qualifying Black- and Indigenous-owned businesses in Canada.

Becky received both her BSc in Biopsychology and Juris Doctor from the University of British Columbia. In her free time, she can be found in craft stores and leaning into an unabashedly stereotypical West Coast lifestyle.

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

Amlani

Workshop

2 CREDITS

Registration by permission only. Class will meet on the following dates for the Fall Term: Sept 9, 10, 16 and Nov 25, 2023 (9:00AM-4:30PM each day)

CHANGE June 8: Dates class will meet and Course Description

The Corporate Counsel Externship is a clinical program within the Centre for Business Law that places students within legal departments at leading private and public sector organizations.

The Externship is comprised of 7 credits in total, with 2 credits allocated to this Reflection Component (Law 380A) and 5 credits allocated to the companion Clinical Component (Law 379E).

For this Reflection Component, students attend lectures, complete required readings and undertake exercises that focus specifically on in-house practice and professional development. The Reflection Component is designed to enhance experiential learning gained through the Clinical Component and ensure a significant academic component to students' learning. Topics include, among others, the role of in-house counsel, professional responsibilities and ethics, effective business communications, negotiations, financial literacy, contracts, M&A, and other substantive subject areas. At the end of the term, students will present on their experiences and reflect on the impact that the externship has had on their professional development.

Students will be graded on assignments (20%), class participation (30%) and their final presentation (50%).

Pre-requisite: LAW 459 Business Organizations

Co-requisite: LAW 379E Externship: Corporate Counsel Externship

Karim Amlani holds the position of Senior Director, Legal at Hootsuite. He loves being an in-house lawyer and is excited to help students get a glimpse into life as an in-house lawyer through the Externship.

At Hootsuite, Karim leads a team supporting the corporate, product and procurement functions. In his seven years at Hootsuite, he has closed M&A/financing transactions, negotiated business critical agreements with social networks, developed company-wide processes and considered the use of artificial intelligence technologies. Before joining Hootsuite, Karim was a lawyer in the securities and information technology groups at Blake, Cassels & Graydon LLP. He also sits on the Dean's Advisory Committee for the Centre for Business Law at the University of British Columbia, and frequently contributes to industry activities within the in-house legal community.

LAW 380A.004 Externship Reflection Corporate Counsel Externship - Reflection
 Term 1 Term 2 Amlani Workshop 2 CREDITS

Registration by permission only. Class will meet on the following dates for the Spring Term: Jan 13, 14, 20 and Mar 30, 2024 (9:00AM-4:30PM each day)

CHANGE June 8: Dates class will meet and Course Description

The Corporate Counsel Externship is a clinical program within the Centre for Business Law that places students within legal departments at leading private and public sector organizations.

The Externship is comprised of 7 credits in total, with 2 credits allocated to this Reflection Component (Law 380A) and 5 credits allocated to the companion Clinical Component (Law 379E).

For this Reflection Component, students attend lectures, complete required readings and undertake exercises that focus specifically on in-house practice and professional development. The Reflection Component is designed to enhance experiential learning gained through the Clinical Component and ensure a significant academic component to students' learning. Topics include, among others, the role of in-house counsel, professional responsibilities and ethics, effective business communications, negotiations, financial literacy, contracts, M&A, and other substantive subject areas. At the end of the term, students will present on their experiences and reflect on the impact that the externship has had on their professional development.

Students will be graded on assignments (20%), class participation (30%) and their final presentation (50%).

Pre-requisite: LAW 459 Business Organizations

Co-requisite: LAW 379E Externship: Corporate Counsel Externship

Karim Amlani holds the position of Senior Director, Legal at Hootsuite. He loves being an in-house lawyer and is excited to help students get a glimpse into life as an in-house lawyer through the Externship.

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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) 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). She has had a varied general litigation practice which 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.

Lisa Martz - B.A. (University of Toronto, 1989) and LL.B. (UBC, 1992) 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). She has had a varied general litigation practice which 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.005 Externship Reflection CELÁNENEŁ: A Field Course in the Re-emergence of WSÁNEĆ Law
 Term 1 Term 2 Clifford Workshop 4 CREDITS

Registration by Permission Only. This class DOES NOT fulfill the 3 credit seminar requirement.

The Allard School of Law is offering CELÁNENEŁ: A Field Course in the Re-emergence of WSÁNEĆ Law during the Fall term of 2021. This course is offered in partnership with the WSÁNEĆ Nation and the University of Victoria, Faculty of Law. CELÁNEN means "ancestry or birthright" and CELÁNENEŁ means "of the ancestor's cultural ways" or "of the birthrights". This intensive land-based course will be taught in the WSÁNEĆ community on the Saanich Peninsula and will include a number of trips to local mountains, rivers, and a 3-night camping trip on the Gulf Islands. This course is focused on WSÁNEĆ People's own laws, and the ways in which those laws are generated and carried forward. Consideration will also be given to the colonial relationship and power structures between the WSÁNEĆ and Canadian legal traditions, as well as the opportunities and barriers this creates for the revitalization of WSÁNEĆ law. A principal purpose of the course will be to develop a collaborative community-based legal education model. During seven weeks of the course students will work under the supervision of WSÁNEĆ community members in learning and applying WSÁNEĆ law to community-based projects identified as important by the WSÁNEĆ community.

The first three to four weeks of the course involve an intensive land-based learning component where students will have 6 hours of contact per day, which will also include skills-based components in preparation for student community projects. Class contact hours over the next eight weeks will fluctuate while students are engaged as community-based learners and participants working in small groups of 2 or 3 directly with WSÁNEĆ elders and knowledge holders on identified projects. Students will be expected to treat this eight-week period as a full-time educational experience, devoting at least 30 hours a week to their community-based work and research. During this eight-week period, we will also meet as a group once per week to hear from guest speakers, to debrief as a group regarding the ongoing community projects, or to go on the occasional land-based outing. The last week of the class will once again involve a 6 contact-hours-a-day classroom component. Students will make presentations and engage in discussions with one another and select community members related to their eight-week placement experiences. We will open and close the course in a culturally appropriate way.

Evaluation:

This course will be a term long externship and will comprise a full 15 credits for the semester. 11 of those credits will be counted as a clinical externship (379D.005) and graded on a pass/fail basis. The remaining 4 credits will be counted as an externship reflection (380C.005) and will require the completion of a graded final paper (100%) due at the end of the exam period.

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

LAW 382.001 Health Law

Term 1 Term 2 Fedio, D James, K *Lecture* 3 CREDITS

Cross-listed to LAW 552C.001

This course will provide students with a greater understanding of law and policy issues related to health care. The class will cover the regulation of health care (professionals and institutions), current challenges impacting health care delivery, and critiques of the system. We will spotlight key health care interventions across the lifecourse, from prenatal to post-mortem, touching on topics such as consent by minors, access to abortion, and medically assisted death. Students will be supported to analyze how the health care system intersects with legal rights and obligations at both a societal and individual level, with particular attention to the unique barriers faced by different marginalized populations, including Indigenous people, people with disabilities, 2SLGBTQ+ people, women, and newcomers to Canada.

Evaluation will be based on a mix of attendance and participation (10%), in class presentation (20%), and short final term paper (70%).

Deanna Fedio

Krista James is a lawyer, writer, feminist, and community organizer. She is currently Policy Director for Vancouver Coastal Health. She was a Staff Lawyer with the BC Law Institute for 15 years, including 11 years in the position of National Director of the Canadian Centre for Elder Law. Krista was called to the BC bar in 1998 after articling with the Legal Services Society of BC (now Legal Aid BC). She has practiced labour and human rights law, and written and presented extensively on health law topics. Over the years Krista has worked with various legal non-profits as staff, volunteer, and board member, including both more traditional lawyer positions and gigs as advocate and victim assistance worker. You can find Krista on LinkedIn: <https://www.linkedin.com/in/krista-james-27431840/>.

LAW 387C.001 Environmental Law

Term 1 Term 2 Wood, S. *Lecture* 3 CREDITS

Cross-listed with LAW 587C.001.

EXAM CONFLICT: STUDENTS REGISTERED IN 300.001 or 404.001 ARE NOT ALLOWED TO BE REGISTERED IN 387C.001/587C.001, AND VICE VERSA.

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 392.001 **Natural Resources** Term 1 Term 2

Hickling, J

Lecture

3 CREDITS

Natural resources are the foundation of our economy, our society, our politics, and our past and our future. How a society governs the use of natural resources determines whether or not (and for how long) that society will be prosperous, innovative, fair and just, and free. Natural resources are also key drivers in peace and conflict, between jurisdictions in our federal system and at the international level.

This fast-paced introductory course will compare the constitutional, regulatory, and policy frameworks that govern natural resource sectors in British Columbia – energy, forestry, mining, water, and wildlife – with a view to preparing students for entry into legal practice. In addition, students will be invited to consider developing policies and emerging issues on topics such as investment and finance, royalty and tax structures, climate and biodiversity, and indigenous rights.

Some important questions about the deep structure and function of law may also be explored: Is law a system of rules and sanctions, or is it a social process that supports decision-making? How is law informed by values and how does it respond to changing priorities? How are concepts like pluralism, distributive justice, and intergenerational equity reflected in law?

Evaluation: Evaluation will be based on a final exam (100%), with an option for a short research paper (15%).

James Hickling, M.Sc., LL.B., B.C.L. has practiced natural resources law in British Columbia for twenty years. He was a UBC Law gold medalist, clerked at the Supreme Court of Canada, held a Commonwealth Scholarship at Balliol College, Oxford, and the WM Tapp Studentship in Law at Gonville & Caius College, Cambridge. He has led negotiations on significant natural resource issues and published articles on energy law, environmental law, and indigenous rights in leading academic journals.

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

Collie

Monk

Lecture

3 CREDITS

EXAM CONFLICT: STUDENTS REGISTERED IN 440.001/540.001 or 394.001 ARE NOT ALLOWED TO BE REGISTERED IN 455.001, AND VICE VERSA.

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

Evaluation:

Final exam

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

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

LAW 395.001 Forest Law Term 1 Term 2

Garton

Lecture

3 CREDITS

CHANGE Sept 18: Classroom Change

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.

LAW 400.001 Advanced Criminal Procedure Term 1 Term 2

Harris, N.

Lecture

3 CREDITS

Cross-listed to LAW 553C.001. This course is NOT open to Exchange students

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 July 4: Evaluation method.

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%).

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	<u>The Law of Homicide</u>	<u>The Law of Homicide on the Web</u>
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Grant
		Lecture
		3 CREDITS

Web-based course. This course does NOT fulfill the seminar requirement.

EXAM CONFLICT: STUDENTS REGISTERED IN 300.001 or 404.001 ARE NOT ALLOWED TO BE REGISTERED IN 387C.001/587C.001, AND VICE VERSA.

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

Each week, students will be expected to have read a block of material and to participate in writing in the discussion of hypothetical fact scenarios and policy-based questions based on the week's readings. Each student will be expected to lead the class discussion twice throughout the term. There will also be a number of optional quizzes to test your grasp of the material. These requirements will be discussed at the first class. This class is best suited for students who are comfortable engaging with their classmates in writing and are interested in exploring the policy issues around some of Canada's most serious crimes. While this is an online course, students will be required to meet certain timelines each week. A foundational course in criminal law is strongly recommended.

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 in class open book examination during the exam period (50 %).

Zoom sessions:

Students will have the choice as to whether to attend these 2 sessions in person in room 335 or on Zoom. These sessions are mandatory and will be considered in class participation.

Enrolment is limited to 20 students.

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

LAW 405C.001**Topics in Criminal Law****Legal Rights Under the Charter** Term 1 Term 2

Song

Vojvodic

Lecture

3 CREDITS

EXAM CONFLICT: STUDENTS REGISTERED IN 461.001/553C.002 or 509.005 ARE NOT ALLOWED TO BE REGISTERED IN 469.002/590.002, 434.001/552C.002, 452.001/574.001, or 405C.001, AND VICE VERSA.

The practice of criminal law has become increasingly complex since the advent of the Charter. Navigating the tension between state power and individual liberty is essential to criminal litigation. This course will focus on an in-depth review of the principles and frameworks that underlie the legal rights enshrined in the Charter (Sections 7 through 14). Students will be exposed to theoretical concepts and practical applications of the Charter in the criminal law context. Topics will include the police power to detain or arrest, the right to retain and instruct counsel, the law of search and seizure, the right to reasonable bail, the role of disclosure to make full answer and defence, the right to a fair trial, and the right not to be subjected to any cruel and unusual punishment.

Evaluation:

Class participation (15%)

Final open-book examination (85%)

Daniel J. Song, KC, is a criminal defence lawyer practicing in British Columbia and Alberta. He received both his B.A. in English Literature and his J.D. ('06) from UBC. He has conducted complex criminal trials involving homicides, criminal organizations, and conspiracies. As appellate counsel, he appears regularly before the British Columbia Court of Appeal and the Alberta Court of Appeal. He has also appeared before the Supreme Court of Canada more than a dozen times. He has frequently presented and lectured on Charter litigation in criminal cases for lawyers, police officers, and judges. He has acted as pro bono counsel for non-profit organizations such as the B.C. Civil Liberties Association and volunteers as a supervising lawyer for the UBC Innocence Project. He was appointed Queen's Counsel in 2022.

Marko Vojvodic is a Crown prosecutor practicing within the Organized and Major Crime Unit of the BC Prosecution Service. He received his B.Sc. in Computing Science from the University of Alberta and his LL.B. ('06) from UBC. Marko's practice focuses primarily on complex prosecutions involving homicides and conspiracies within the context of criminal organizations, which frequently encompass extensive Charter challenges to admissibility of evidence. Marko has also appeared before the Court of Appeal of British Columbia on several conviction appeals.

LAW 406D.002 Topics in Criminal Justice Mental Health Law
 Term 1 Term 2 Gordon *Seminar* 3 CREDITS

Cross-listed to LAW 494B.005 and LAW 560.003

This course will provide a general overview of some of the major civil and criminal aspects of mental health and the law. Mental health law is a fascinating and complex area of study, and we will only be able to begin to explore some of the many challenges faced by the lawyers, physicians, and individuals with mental illness who become involved in legal proceedings that relate to mental health and mental illness. Notwithstanding this complexity, this course is designed to give students a basic introduction to some of the major laws and policy matters that are implicated in the practice of mental health law in Canada.

We will begin the course by exploring definitions and concepts of mental illness and mental disability, and the role and qualifications of mental health professionals in the legal system. We will then focus on civil aspects of mental health law, including standards and procedures for civil commitment, consent to treatment, and guardianship. Finally, we will address mental health issues in criminal law, including criminal responsibility and fitness to stand trial, as well as mental health considerations in bail and sentencing and specialty courts.

The course will consider civil mental health legislation across Canada, as well as the mental disorder provisions in the Criminal Code, but we will also approach all of these topics from an interdisciplinary perspective, drawing on readings from the law as well as the psychological literature and the media to inform our discussions. Mental health professionals and lawyers approach mental illness and its effect on human behavior from different perspectives, and often with different or conflicting objectives. We will study those conflicts and attempt to understand and reconcile some of the tensions between these different viewpoints and goals.

Evaluation:

The course will be graded based upon class participation (25%), and a final paper and presentation (75%).

Required Text:

Law & Mental Health in Canada: Cases & Materials

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

LAW 406D.003**Topics in Criminal Justice****Forensic Science and Criminal Law**
 Term 1 Term 2

Levy

Seminar

3 CREDITS

CHANGE June 8: Seminar description & evaluation method.

This course is aimed at providing upper-year law students with a broad overview of forensic science and its application in the Canadian criminal justice system. Forensic science has played a role in criminal law for many years, and its use is likely to continue to grow with the expansion of new forensic technologies. It is crucial for lawyers to understand the evidence presented by expert witnesses in court in order to be able to effectively ensure that it is reliable.

The course will be taught in a seminar style that will encourage student participation and engagement. There will be guest speakers with specialized knowledge in different areas of forensic science and the law. Students who take this course will be primed on the basics of the scientific method, statistics and probability, as well as the scientific validity of forensic science disciplines such as forensic pathology, DNA analysis and fingerprint identification.

As it is expected that many of the students in the course will also be completing the UBC Innocence Project, there will also be a focus on the effects of forensic science as they relate to wrongful convictions. This will, however, be a peripheral focus, with the main concern of the course being teaching students about the basics of forensic science and how the science interacts with criminal law.

Course Grading and Evaluation

The marking breakdown for the course is as follows:

•20% Class Participation/Attendance

oStudents will be expected to attend all classes and engage with the course material and class discussions.

oParticipation is encouraged and students will be graded according to the quality of their contributions to class discussions and participation in class activities/exercises.

•60% Research Paper/Project

oStudents will have the option of either writing a 7000 word paper on a topic of their choosing, which will require approval from the course instructor, or alternatively, a course project of their own design.

•20% Legal submissions

oAt the beginning of the term, students will be assigned a particular area of forensic science to be covered in the seminar and will prepare a 2500 word legal submission arguing for or against the scientific validity and admissibility of that area of forensic science. This submission will be due two weeks after the topic was covered in class.

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 407.001**Taxation**

Term 1 Term 2 Cui

Lecture

4 CREDITS

Cross-listed with LAW 506.001.

CHANGE Sept 8: Wednesday classroom change; July 28: Classroom.

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. 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 reasoning and understanding, rather than memorization. While we will analyze a significant amount of case law for teaching purposes, an important goal is to guide students to come to terms with "income tax logic". Tax logic combines intuitive economics and accounting principles, but is distinct from both tax policy analysis and accounting. It forms an indispensable framework for predicting 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.

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," "present value," or "compound interest." Math skills at the 8th grade level (e.g., arithmetic and basic algebra) generally suffice for understanding the material 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 75% of their final grade, with the remaining 25% broken down as follows: (1) 7.5% for leading the discussion of a case selected by the instructor; (2) 7.5% for leading (jointly with a few other students) the discussion of a practice problem; and (3) 10% for active participation in the classroom. A student who gets a higher grade in the final exam than for participation will automatically be graded on the final exam only (i.e., participation cannot result in you getting a lower grade.)
- Whichever of the above two options a student takes, they are eligible for up to 4% bonus points for sharing their tax learning outside the classroom, e.g., sharing news relevant tax news, engaging in discussion on online forum, etc.
- The best performing students are eligible for nomination to the Thorsteinssons course prize.

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

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

Lecture

4 CREDITS

Cross-listed with LAW 506.002.

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. 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 reasoning and understanding, rather than memorization. While we will analyze a significant amount of case law for teaching purposes, an important goal is to guide students to come to terms with "income tax logic". Tax logic combines intuitive economics and accounting principles, but is distinct from both tax policy analysis and accounting. It forms an indispensable framework for predicting 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.

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," "present value," or "compound interest." Math skills at the 8th grade level (e.g., arithmetic and basic algebra) generally suffice for understanding the material 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 75% of their final grade, with the remaining 25% broken down as follows: (1) 7.5% for leading the discussion of a case selected by the instructor; (2) 7.5% for leading (jointly with a few other students) the discussion of a practice problem; and (3) 10% for active participation in the classroom. A student who gets a higher grade in the final exam than for participation will automatically be graded on the final exam only (i.e., participation cannot result in you getting a lower grade.)
- Whichever of the above two options a student takes, they are eligible for up to 4% bonus points for sharing their tax learning outside the classroom, e.g., sharing news relevant tax news, engaging in discussion on online forum, etc.
- The best performing students are eligible for nomination to the Thorsteinssons course prize.

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

Abdulla

Lecture

3 CREDITS

Cross-listed with LAW 562.001.**EXAM CONFLICT: STUDENTS REGISTERED IN 408.001/562.001 ARE NOT ALLOWED TO BE REGISTERED IN 588.006 or 347B.001, AND VICE VERSA.**

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 corporations resident in Canada 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). Together, these concepts describe the integration of corporate and shareholder taxation on corporately earned income in Canada.

Required Materials:

1. Supplementary materials distributed by instructors
2. Income Tax Act, latest edition

Evaluation: Take-home exam (100%) as listed on the Exam Schedule from 9:00 a.m. to 12:00 p.m.

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

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

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

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

Gamble

Lecture

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

Ian Gamble is widely recognized as a leading tax lawyer in Canada. He has vast experience in the taxation of mergers & acquisition transactions, business restructurings, flow-through share financings, cross-border transactions (including foreign affiliates), Canada Revenue Agency audits, and related tax appeals. Ian has been listed in Best Lawyers in Canada, Guide to the World's Leading Tax Advisers, International Tax Review (Top 10 Tax Advisors in Canada), Lexpert Guide to the Leading 500 Lawyers in Canada, Lexpert Guide to the Leading US-Canada Cross-Border Corporate Lawyers in Canada, Lexpert's Canadian Legal Directory for Corporate Tax, Canada's Leading Corporate Tax Lawyers Lexpert Special Edition, Chambers' Global Guide to the World's Best Lawyers, and Who's Who Legal Corporate Tax. Ian has written two leading tax textbooks in Canada: The Foreign Affiliate Rules (Wolters Kluwer, co-authored with Bill Holmes) and Taxation of Canadian Mining (Carswell). Ian is a former Editor-in-Chief of the International Tax Planning Journal and the Resource Sector Taxation Journal (both Federated Press), a former adjunct professor of corporate taxation at the Faculty of Law, University of British Columbia (2001-2005), and a former Governor of the Canadian Tax Foundation.

LAW 411D.001 Tax Policy Term 1 Term 2

Cui

Seminar

3 CREDITS

Cross-listed with LAW 566.001.

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 today.

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: understanding the sources of and trends in income inequality and designing appropriate tax policy response; 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.

The course will feature a number of guest speakers including highly prominent scholars and policy commentators.

Evaluation: Student performance will be evaluated on the basis of (i) class participation (20%), (ii) a midterm paper and/or completing several sets of practice problems (20%); and (iii) a final paper (60%).

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

LAW 412.001 Taxation of Trusts and Estates Term 1 Term 2

Marples, K

Lecture

3 CREDITS

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

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

CHANGE June 9: Evaluation method

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)-80% , b) oral presentation of the research paper and class participation-20%

Ed Kroft, K.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 414.001 **Taxation of Corporate Reorganizations**

Term 1 Term 2 Abdulla Lecture 3 CREDITS

***Cross-listed with LAW 550.001**

Corporate transactions represent the vast majority of private enterprise planning activity in Canada. This course examines builds upon concepts examined in Law 408/562 (Taxation of Corporations and Shareholders), focusing on common corporate reorganizations such as: tax-deferred transfers of property to a corporation, reorganizations and exchanges of share capital, business combinations (amalgamations and windups), and divisive reorganizations. Together, these concepts provide the framework for private corporation tax planning for Canadian resident corporate entities.

1. Supplementary materials distributed by instructors
2. Income Tax Act, latest edition

Evaluation (Law 414 and Law 550):

- Tax practice assignments: 40%
- A 60% 72 hour take-home examination to be distributed at noon on a date per the Exam Schedule, and due at noon on a date per the Exam Schedule.

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

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

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

LAW 416.001 **Labour Law**

Term 1 Term 2 Benedet Lecture 3 CREDITS

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

Evaluation method: 100% limited open-book examination

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

LAW 419C.001 Individual Employment Law

Term 1 Term 2 McLean, P. Mitha Lecture 3 CREDITS

Cross-listed to LAW 519.001.

EXAM CONFLICT: STUDENTS REGISTERED IN 525.001, 419C.001/519.001, or 332.001 ARE NOT ALLOWED TO BE REGISTERED IN 347B.004, AND VICE VERSA.

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, KC is recognized as one of the leading counsel in British Columbia in the areas of labour and employment law and commercial litigation. Naz handles a wide range of workplace matters, including in the areas of employment, labour, human rights and administrative law. Naz's clients include public and private sector employers and senior employees. He also maintains a general commercial litigation practice, frequently acting in shareholder and partnership disputes. Naz has conducted hearings before all levels of court in Canada, including the Supreme Court of British Columbia, the British Columbia Court of Appeal, the Federal Court of Canada, and the Supreme Court of Canada. In addition, he regularly appears before various tribunals such as commercial and labour arbitration boards, the BC Labour Relations Board, the BC Employment Standards Tribunal, the BC Human Rights Tribunal, and the Canadian Human Rights Tribunal. In addition to his counsel work, Naz conducts workplace investigations into complex matters, including with respect to allegations of serious employee misconduct, financial improprieties and bullying and harassment. Naz also acts as a mediator in workplace disputes and commercial matters. Naz is a sought-after speaker and presenter and is an Adjunct Professor teaching Employment Law at the Peter A. Allard School of Law, University of British Columbia. Prior to co-founding Mitha Law Group, Naz was a partner at Western Canada's largest employer-side workplace law firm.

LAW 420A.001	<u>Topics in Intellectual Property - Seminar</u>	<u>Comparative Intellectual Property</u>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Assaf	Seminar	1 CREDITS

This intensive seminar will meet Jan 30-Feb 8, 9:30am-12:30pm, Tues & Thurs; & Thurs, Feb 8, 12:30-2:00pm. Course time conflicts are allowed for this seminar. Contact studentaffairs@allard.ubc in advance of registration if you have a course time-conflict with this class and would like to be registered into it.

This short course will focus on the distinctive features of Intellectual Property in Germany (with reference to EU) and the United States. These two legal systems are remarkably different in their philosophical perceptions of work – as “human capital” (following Adam Smith) or as an integral part of one’s personality (following Hegel). These perceptions have an important impact on the field of Intellectual Property. Should we regard one’s creation as an economic asset or as one’s “spiritual child”? Is copying another’s creation a desirable activity that enhances market competition or a meritless theft of another’s creativity? The answers to these questions are closely connected to the philosophical perception of the role of work in an individual’s life. Consequently, the German and the US-American legal systems tend to give very different answers to these and many other questions in the field of Intellectual Property. In this course, we will take a glimpse at Intellectual Property regulation in both legal systems, outlining the differences between them and putting these differences into their historical and philosophical contexts.

Evaluation:

Students will be required to write a short assignment (no longer than 10 pages) on a topic that the students will choose from a list.

Graded Honours/Pass/Fail.

Katya Assaf

LAW 420D.001	<u>Topics in Intellectual Property - Seminar</u>	<u>Intellectual Property & Human Rights</u>		
<input checked="" type="checkbox"/> Term 1	<input type="checkbox"/> Term 2	Reynolds, G.	Seminar	3 CREDITS

CHANGE June 13: Day of week.

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

Co-requisite: Intellectual Property Law

Evaluation:

Major paper (70%)

In-class presentation (10%)

Class participation (20%)

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

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

Lecture

3 CREDITS

Cross-listed with LAW 570C.001.

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.

Twitter: @jonfestinger

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

PSN: cdmjon

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

Festinger

Lecture

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.

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PSN: cdmjon

LAW 423C.002	Topics in Intellectual Property - Lecture	Copyright Law and Social Media
<input type="checkbox"/> Term 1 <input checked="" type="checkbox"/> Term 2	Festinger Meredith, R	Lecture 3 CREDITS

Cross-listed to LAW 523C.002

This course examines legal and normative issues spawned by the interactions between traditional copyright law and emergent forms of social media, both domestically and internationally. "Social media" encompasses digital entertainment in the forms of social networking platforms, streaming services, and interactive entertainment. This course will be a deep dive into how these media are changed by copyright law and are in turn redefining the legal parameters and character of copyright law.

Issues explored will include:

- The history of copyright law and its purposes. How has social media affected our understanding of copyright over time?
- The impacts of generative Artificial Intelligence tools. Is content created by AI copyrighted? Does generative AI infringe copyright by using original works as training material?
- The "Law of YouTube" (and other digital platforms). How are copyright disputes dealt with by social media platforms that rely on user generated content? How does the Copyright Act (Canada), Digital Millennium Copyright Act (U.S.), and their international equivalents impact how copyright is administered in the real world?
- Music and copyright in the digital age, including issues of sampling and remixing.
- Pros and cons of personal data being considered copyright material to reinforce privacy.
- The inclusion of non-circumvention rules in copyright laws and whether they are effective, appropriate, and fair.
- Ongoing collisions between copyright laws and freedom of expression in a social media context.
- "Users Rights" in Canada as a model for the world.

The method of evaluation for this course will be comprised of a 5000-word term paper (50%), a group presentation on a relevant topic (30%), and course participation (20%).

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

Rowan Meredith is a lawyer called to the bar in British Columbia and California. She has a JD in Entertainment, Media and Intellectual Property Law from UCLA (2018) and an LLM in Media Law from Queen Mary, University of London (2019). In her legal practice, she has regularly advised clients on copyright issues involving social media platforms.

LAW 424.001 Communications Law
 Term 1 Term 2 Festinger

Lecture

3 CREDITS

Cross-listed with LAW 571.001.

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

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

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

Evaluation:

Class Preparation & Participation - 40%^[1]_[SEP]

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

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

As an Adjunct Professor, Jon Festinger has taught a wide variety of courses relating to intellectual property law, communications, media & video game law, as well as corporate law over more than 25 years at the Allard School of Law. He is a Professor of Professional Practice at Simon Fraser University and a faculty member of the Centre for Digital Media. He is also Honourary Industry Professor in Centre for Commercial Studies, Queen Mary University of London School of Law. As well Jon is Faculty in Residence at the UBC Emerging Media Lab, Advisory Board Member of the Global Reporting Centre and Co-Chair of the Innovation Committee that is part of the governance structure of the UBC Learning Technology Hub. He has also taught at various times at the UBC Graduate School of Journalism, the Thompson Rivers University Faculty of Law and the University of Victoria Faculty of Law. He is the author of the first edition of Video Game Law published by LexisNexis in 2005, and co-author of the second edition published in 2012, and is Co-editor and Chief of the Interactive Entertainment Law Journal (Edward Elgar Publishing). He was Guest Editor of the Volume 46, Number 3 of the UBC Law Review "Digital Media, Video Games, and the Law" (2013) authoring the introductory essay to that issue. As well, Jon authored "Mapping the Electronic Highway: A Survey of Domestic and International Law Issues" 1995, Volume 29, University of British Columbia Law Review.

Twitter: @jonfestinger

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

PSN: cdmjon

LAW 425D.001 Cyberspace Law Term 1 Term 2

Matsui

Seminar

3 CREDITS

Cross-listed with LAW 572.001
CHANGE July 18: Classroom

This seminar is designed to focus on the legal issues arising from the development of cyberspace. The development of the cyberspace has presented many new legal issues. This seminar focuses on public law issues among them. The specific issues covered include the internet governance and the role of law, jurisdictional issues, ISP liability, freedom of expression in the cyberspace, defamation, invasion of privacy, obscenity, child pornography, indecent speech, hate speech, copyright, domain name, personal data protection, and cyberdemocracy. In order to address these issues, we need a new perspective and new doctrine. By taking this seminar, the student will be able to understand various legal issues and learn the basic knowledge and skills to address these issues. If the students are interested in legal questions arising from the development of the e-commerce, take LAW447.001 Topics in Commercial Law: e-commerce.
<http://www.shgmatsui.com>

Pre-requisites:

There is no pre-requisite course for taking this seminar. It would be wonderful if the student already has a basic understanding of Canadian Constitutional Law, especially freedom of expression, but the student can learn the basic principles of Canadian Constitutional Law for the cyberspace by taking this seminar.

Evaluation:

Class participation 30% and final assignment 70%.

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

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

Thomasen

Seminar

3 CREDITS

Cross-listed to LAW 560.001

We are living in an age of advanced robotics, artificial intelligence (AI), and automation. Robots and AI-based systems are already operating in our homes, workplaces, hospitals, streets, skies, courts, and law firms. The automation of tasks usually performed by people, and the expansion of human capabilities through robotic technology, challenge existing social structures and legal doctrine in sometimes novel, unexpected, and harmful ways. This seminar explores some of the legal and policy implications of current and near-future robotic and AI-based systems, including personal and service robots, drones, automated vehicles, chat bots, biometric recognition systems, and expert legal systems. Through a critical lens, the course introduces Law & Technology theory, and focuses on the ways in which automated technologies affect justice, rights, and the legal and power dynamics between state, corporate, and individual actors. The course considers how and why automated technologies can reflect, deepen, or sometimes work to address social oppressions and inequity, including racism, sexism, cis-normativity, colonialism, and ableism. Classes will include group work, discussion, lecture, guest speakers, presentations, videos and other mixed media, etc. Readings and course materials draw from interdisciplinary and interjurisdictional sources, with a particular focus on law and policy resources.

Evaluation Methodology:

20% participation (in-class and online)

15% in-class presentation

65% research paper

Assistant Professor Kristen Thomasen is a full time member of the Peter A. Allard School of Law.

LAW 427A.001 **International Justice & Human Rights Clinic** **International Justice & Human Rights Clinic**
 Term 1 Term 2 Barrett *Clinical* 3 CREDITS

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

The International Justice and Human Rights Clinic gives upper-year law students the opportunity to work on pressing human rights and global justice concerns through hands-on work on international cases and projects. Students gain experience applying international human rights law, international criminal law and/or international humanitarian law working on specific cases with a range of international justice organizations, including international criminal courts and tribunals, United Nations human rights bodies, and non-governmental organizations. The year-long clinic is for second and third-year students 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 427E.001 International Justice & Human Rights Clinic International Justice & Human Rights Clinic
 Term 1 Term 2 Barrett Clinical 6 CREDITS

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

The International Justice and Human Rights Clinic gives upper-year law students the opportunity to work on pressing human rights and global justice concerns through hands-on work on international cases and projects. Students gain experience applying international human rights law, international criminal law and/or international humanitarian law working on specific cases with a range of international justice organizations, including international criminal courts and tribunals, United Nations human rights bodies, and non-governmental organizations. The year-long clinic is for second and third-year students 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.

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 - 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.

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.

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 - Holding Individual Leaders Accountable for Human Rights Violations of Customary International Law, Columbia Human Rights Law Review (2001).*
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LAW 429.001 **Rise Women's Legal Centre - Clinic**

Term 1 Term 2 Hawkins, K. Cameron, E *Clinical* 11 CREDITS

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

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

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.

Elizabeth Cameron

LAW 429.002 **Rise Women's Legal Centre - Clinic**

Term 1 Term 2 Hawkins, K. Cameron, E *Clinical* 11 CREDITS

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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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Elizabeth Cameron

LAW 430.001 Advanced Legal Research Term 1 Term 2 Bachmann *Workshop* **3 CREDITS**

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

This skills-based course offers third year students advanced instruction in legal research, writing, and analysis, building on skills acquired in LAW 281 (Legal Research and Writing). This course focuses on Canadian legal research, but will also touch on researching international law and US law. Topics covered include legal research using traditional primary and secondary sources, legal research using non-traditional secondary sources, research in other disciplines, critical reflection in research, critical thinking, analysis, argumentation, and legal writing. Students will develop these skills through lectures, in-class discussions and exercises, homework assignments, a short first assignment in which students choose a topic for their final assignment, and a final assignment.

Evaluation:

Homework and participation - 10% (each component is pass/fail)

First assignment - 3% (pass/fail)

Final assignment - 100% (subject to reductions based on homework and participation and first assignment assessment outcomes)

J. Bachmann is the Instruction Librarian at UBC Law Library. Prior to his MLIS degree, he received a BA, MA, and PhD in philosophy and taught philosophy at the University of Alberta and MacEwan University. He also has a BA in criminal justice, a JD, and an LLM with a focus in international human rights law.

LAW 430.002 Advanced Legal Research Term 1 Term 2 Bachmann *Workshop* **3 CREDITS**

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

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Evaluation:

Homework and participation - 10% (each component is pass/fail)

First assignment - 3% (pass/fail)

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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 430.004 Advanced Legal Research Term 1 Term 2 Flynn

Workshop 3 CREDITS

This workshop does NOT fulfill the 3 credit seminar requirement. Registration restricted to third year students.**CHANGE Sept 8: Classroom; June 9: Course description & evaluation method added.**

This skills-based course offers upper year students advanced instruction in legal research, writing, and analysis that are common to the practice of law. Students will develop their research and analytical skills through the presentation of research tools and in-class exercises. Weekly attendance, preparation, and participation are expected.

Evaluation:

The evaluation will be based on 2-3 written assignments.

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

LAW 431D.001 **Rise Women's Legal Ctr-Sem:Justice
Issues for Families in Legal System**

Term 1 Term 2 Hawkins, K. Cameron, E Seminar 4 CREDITS

***Registration by permission only.
CHANGE June 15: Location and time**

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.

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.

Elizabeth Cameron

LAW 431D.002 **Rise Women's Legal Ctr-Sem:Justice
Issues for Families in Legal System**

Term 1 Term 2 Hawkins, K. Cameron, E Seminar 4 CREDITS

***Registration by permission only.
CHANGE June 15: Location and time**

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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Elizabeth Cameron

LAW 432D.001	<u>Topics in Private Law</u>	<u>Comparative and Offshore Trust Law and Practice</u>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Hofri	Seminar	3 CREDITS

Cross-listed to LAW 560.002

This seminar provides an in-depth, advanced survey of the most interesting part of the law: trusts law and practice, including cutting-edge trust models and drafting techniques using a large variety of international trust regimes. Students will acquire an understanding of the different types and contexts of trust practice, including the use of trusts to plan succession to a settlor's assets, to minimize the tax burden borne by an individual, family or estate, to shield assets from a settlor's creditors, to securitize debt, to structure complex transactions, to invest pooled funds, to pass control of a family business between generations, and more. We will discuss the recent radical changes in trust law, including the weakening of beneficiaries' rights to receive information about the trust and enforce the trust, the popularization of so-called "massively discretionary trusts", the exclusion of trustees' traditional duties and liabilities, and the development of new trust actors such as protectors and non-beneficiary enforcers. We will also discuss the reception of the trust in civil law and mixed legal systems, as well as the unique role of offshore jurisdictions in the development of trusts law and practice and the consequences of that role.

Evaluation: 20% active participation in class; 15% in-class presentation of student research; 65% final paper.

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 432D.002**Topics in Private Law****Freedom and Fairness in Contract Law** Term 1 Term 2

Moore

Seminar

3 CREDITS

CHANGE January 8: Evaluation method added. July 4: Course description added.

This seminar explores the values of freedom and fairness in Contract Law. Contract Law is often said to be distinguished by obligations which are freely-undertaken. And Freedom of Contract is a cornerstone of our politico-legal system. However, it is questionable under what circumstances and to what extent contractual choices truly are free, and should be respected by the law as exercises of Freedom of Contract. By contrast, Contract Law is loath to admit its concern for fairness. Still, on most fronts, Contract Law has mechanisms operative which seem to reflect an underlying fundamental concern for fairness. But do these mechanisms do enough to assure contractual fairness? This seminar will assess how Contract Law gives and fails to give effect to the values of freedom and fairness, and how it might do better. A particular focus will be boilerplate (aka standard form contracts or adhesion contracts), the predominant form of contract in modern society, and notorious for its typical lack of freedom and fairness. That said, the course will also examine freedom and fairness in negotiated contracts, which are at stake at every stage from formation, to conditions of enforceability, to content determination, to breach and remedies. Regulation of special contract-types (e.g consumer, employment, tenancies, sale of goods, etc.) will be looked at, to expose students to the huge importance of context in contract practice, including questions of fairness. Students will be taught to think critically and creatively about the development and reform of the law, taking into account regulatory principles, challenges of access to justice, the rationales of private ordering, and the realities (social, economic, technological, etc.) that characterize the regulated field.

Method of Evaluation:

Attendance, Preparation and Participation in Class and Practice Exercises (20%); Class Presentation (20%); Final Assignment: research paper on a topic approved by instructor) (60%).

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

LAW 432D.003 Topics in Private Law Accountable Computer Systems
 Term 1 Term 2 Goold Ford Thomassen Seminar 3 CREDITS

Cross-listed with CPSC 538S/ARST 556Q/LIBR 569C.

CHANGE June 9: Evaluation method added.

CHANGE Aug 15: Instructors

We rely on computer systems to store, process, and transmit practically all data whose reliability, accuracy, authenticity, privacy, security, and integrity are vital and regulated. Applications in human resources, medicine, education, finance, and public surveillance use machine learning models to make critical decisions that directly affect people. However, the systems on which these applications run are opaque; we rarely know what decisions are being made, how they are being made, why they are being made, and the degree of certainty any piece of software has regarding these decisions. This lack of transparency erodes public trust and deprives people of their agency. Solutions to this problem lie at the intersection of technology, recordkeeping and preservation, law, public policy, and business. Yet, few individuals understand the language, concepts, constraints, requirements, and possibilities in more than one of these fields, let alone all. This course will bring together students from a diverse set of backgrounds who will learn from an equally diverse group of faculty and outside experts in law, computer science, public policy, artificial intelligence, digital records management and preservation, philosophy, and machine learning how to identify real problems that might require technical or partially-technical solutions, the language in which to communicate between multiple disciplines, and the possible approaches for addressing the most pressing challenges. We invite graduate students to consider the complex societal impact of computer systems. Students will form interdisciplinary teams to undertake a project of their choice, reimagining technology to reduce its negative impact based on technical, ethical, socio-economic, and legal considerations.

The course will be delivered as a 3-credit directed study (e.g., CPSC 548). It will be delivered in a weekly three-hour afternoon block for a full term (January-April 2024). In addition, there will be a series of four evening events that are open to the public. The teaching team will ensure that the total course hour commitment is consistent with the workload for a 3 credit course (e.g., by occasionally reducing class meeting time to compensate for evening activities). The course will focus on interdisciplinary work, providing students with opportunities to engage in meaningful peer-to-peer dialog and to integrate knowledge across disciplines in a collaborative cohort. Each week, we will explore different aspects of computer systems (from digital preservation systems to artificial intelligence tools), discussing technical, social, and legal challenges around them. The course will be structured as a seminar, with discussion leaders from both UBC and external organizations. The leaders will represent different disciplines: academicians from computer science, law, business, and psychology; local business leaders; and government regulators. Throughout this seminar, students will reflect on the impact digital technologies have on all facets of modern life to identify ways to build, manage, and regulate systems in a responsible way, maximizing their positive impact and minimizing their adverse effects. They will also reflect on the notion of accountability and how to provide individuals and groups with meaningful agency through a combination of technical and non-technical solutions. The students will engage in group projects to propose solutions to particular problems. They will present such solutions to relevant stakeholders and the general public. They will adapt their discourse to different audiences and learn to address them effectively.

Evaluation:

Classroom discussion and facilitation - 20%

Individual OP-eds (2 in total, 10% each) - 20%

Interdisciplinary project - 60% (report 30%, presentation 15%, video 15%)

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

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

Assistant Professor Kristen Thomassen is a full time member of the Peter A. Allard School of Law.

LAW 433C.001	<u>Topics in Tort Law - Lecture</u>	<u>Personal Injury Law</u>	
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Kazimirski Kovacs	Lecture 3 CREDITS

CHANGE July 21: Course Description

The statistics for personal injury and trauma 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 continues to be prevalent and accounts for nearly 25% of all civil pleadings filed in the British Columbia Supreme Court. With the number of motor vehicle actions slowly diminishing with the introduction of no-fault by ICBC, other types of personal injury civil actions are on the rise, including for medical malpractice, occupier's liability, and historical sexual abuse. Personal injury is more than motor vehicle accident injury claims: it is the pursuit of justice for a vulnerable litigant of any kind who is injured or traumatized through the fault of another person or corporation.

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 focuses on case studies. Specifically, you will have an opportunity to meet real clients and walk through a real case from client intake to post-judgment. We will dedicate a class to each topic area, including motor vehicle, occupier's liability, medical malpractice, and sexual abuse claims.

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.
- The strong sense of purpose, meaning, and fulfilment that can be achieved in this area of practice.

Required Reading Materials: The following readings are required for LAW 433C.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 434.001 Medical Negligence Law

Term 1 Term 2 McGivern, L Raab *Lecture* 3 CREDITS

***Cross-listed to LAW 552C.002.**

EXAM CONFLICT: STUDENTS REGISTERED IN 461.001/553C.002 or 509.005 ARE NOT ALLOWED TO BE REGISTERED IN 469.002/590.002, 434.001/552C.002, 452.001/574.001, or 405C.001, AND VICE VERSA.

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

Brasil

Hermanson

Seminar

3 CREDITS

CHANGE June 13: Evaluation method updated

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

55% Essay Term Paper (approximately 5,000 words.)

25% Oral Presentation

20% Participation

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 439.001 **Construction Law**

Term 1 Term 2 Curtis Mckenzie Preston, M. Lecture 3 CREDITS

Cross-listed to LAW 546C.001

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

Evaluation: Open-book 3-hour final exam

David Curtis is a litigation and dispute resolution Partner in the Vancouver office. His practice is focused on the construction industry. Clients seek David's counsel primarily on his construction litigation expertise, as well as with mediations and commercial arbitrations. He also has experience in commercial litigation cases in the Supreme Court of British Columbia, the Court of Appeal for British Columbia.

David Mckenzie is a leading construction lawyer in British Columbia. David has spent his career developing his knowledge of construction law while acting for developers, general contractors, subcontractors, and suppliers as legal counsel in all aspects of the construction industry. Both a litigator and solicitor, he advises clients at all stages of a project, from procurement to builders liens to dispute resolution. He has been involved in numerous negotiations, mediations, arbitrations and court proceedings.

David is a frequent chair and lecturer at construction law conferences. He is an editor of the CLE BC Builders Lien Act Practice Manual, is a contributor to the CLE BC Real Estate Development Practice Manual, and he was the former chair of the BC Builders Lien Act Reform Committee.

McLean & Armstrong LLP, Partner

Over the past decade, Mike has conducted trials in B.C., Alberta, Ontario and the Yukon. At the appellate level he has appeared as lead counsel at the B.C. and Alberta Courts of Appeal. At the Supreme Court of Canada he was lead counsel for the successful appellant in Valard v. Bird.

Currently called to the bar in B.C. (and formerly of the Ontario and Yukon bars), Mike began his career in commercial litigation. To hone his trial skills, he later joined the crown attorney's office where for 3 years he prosecuted several criminal trials a week. Prior to moving (back) to Vancouver, Mike practiced in Ottawa where his focus was drafting written arguments for cases in all areas of law going to the Supreme Court of Canada.

Mike frequently appeared as a legal affairs commentator on CTV for high profile cases including the Duffy trial, constitutionality of prostitution laws, medical marijuana, doctor-assisted suicide, hate speech, cyber-bullying and others. He is also a regular presenter at legal education seminars ranging in topics from tendering law, to standard form construction contracts, to general appellate practice.

LAW 440.001**Insurance Law** Term 1 Term 2

Bank

Gubeli

Lecture

3 CREDITS

Cross-listed with LAW 540.001**EXAM CONFLICT: STUDENTS REGISTERED IN 440.001/540.001 or 394.001 ARE NOT ALLOWED TO BE REGISTERED IN 455.001, AND VICE VERSA.****CHANGE Aug 4: Instructor**

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.

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.

Aaron Gubeli, B.B.A., B.A. Political Studies, J.D., is an associate with the Vancouver firm of Guild Yule LLP. He maintains a broad litigation practice with an emphasis on the defence of professional negligence and product liability claims, the prosecution of subrogated claims, and advising and acting for insurers with respect to coverage. Aaron also regularly defends businesses and municipalities in property damage and personal injury claims.

LAW 443.001 **Creditors' Remedies** Term 1 Term 2

Sabzevari, A.

Lecture

3 CREDITS

Cross-listed with LAW 599.001.**CHANGE June 12: Evaluation method updated**

This course is designed to familiarize students with the techniques available to unsecured creditors for the collection of debts. We will consider extra-judicial debt collection, prejudgment remedies, examination of the debtor, recognition of foreign judgments, execution, garnishment, equitable execution, and builders liens. We will also cover the collection of debts owed to the Crown, including via statutory requirements to pay and deemed trusts. We will discuss the impacts of an assignment into bankruptcy, family law proceedings, and fraudulent preferences and transfers. This course is designed with an overall emphasis on current caselaw and a litigator's perspective, with open and free-flowing class discussions about the cases and the law. There is no required textbook for this course. We will refer to the cases, legislation, articles, and other publicly available readings (including PLTC materials).

Evaluation: 65% for the final exam, 25% for the oral presentation, and 10% for class participation

Aminollah Sabzevari, BSC (Honours), JD, LLM, is an experienced litigator with the Department of Justice Canada. He specializes in bankruptcy and insolvency law, creditors' remedies, tax law, administrative law, and immigration law, as well as the law regarding vexatious litigants. He clerked with the Provincial Court of Alberta. Aminollah is a former member of the Law Society of Alberta and a current member of the Law Society of British Columbia.

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

Sabzevari, A.

Lecture

3 CREDITS

***Cross-listed to LAW 552C.003. CHANGE June 8: Paper deadline updated**

This course gives a general introduction to Canadian insolvency law, with a specific focus on the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act. We will examine the different players - debtors, creditors, trustees/monitors, and the Office of the Superintendent of Bankruptcy – and their roles, duties, and remedies. 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. This course is designed with an overall 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 (free ebook available at UBC Library website); (2) Trustees at Work - Financial Pressures, Emotional Labour, and Canadian Bankruptcy Law (free ebook available at UBC Library website).

Evaluation: 65% of the course mark is a paper of 2500-3000 words, due December 15, 2023 (on an insolvency related subject selected by the student and approved by the instructor); 25% is an oral presentation on an insolvency case of the student's choice (approved by the instructor); and 10% is in class participation.

Aminollah Sabzevari, BSC (Honours), JD, LLM, is an experienced litigator with the Department of Justice Canada. He specializes in bankruptcy and insolvency law, creditors' remedies, tax law, administrative law, and immigration law, as well as the law regarding vexatious litigants. He clerked with the Provincial Court of Alberta. Aminollah is a former member of the Law Society of Alberta and a current member of the Law Society of British Columbia.

LAW 446.001 **Corporate Solicitors' Workshop**

Term 1 Term 2 Chow, C. Ngo *Workshop* 3 CREDITS

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

CHANGE October 20: Instructor added.

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.

Steven Ngo (B.S. (UBC), J.D. (UBC)) works as Senior Counsel at Rivian, a California-based electric vehicle (EV) company where he supports consumer transactions and Rivian's go-to-market initiatives, including its recent expansion to Canada. Prior to Rivian, Steven spent a number of years in private practice, working as a corporate M&A lawyer at Osler, Hoskin & Harcourt LLP, and at Allens Linklaters in Ho Chi Minh City. Outside of work, Steven was named one of the Top 25 Most Influential Lawyers in Canada by Canadian Lawyer Magazine. Additionally, he is a recipient of the BC Medal of Good Citizenship for his advocacy work against hate crimes and was named an Alumni Changemaker by Peter A. Allard School of Law. He is on the board of governors for the National Asian Pacific American Bar Association (NAPABA) and is the advisory director and past president of the Federation of Asian Canadian Lawyers BC (FACL BC).

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

Matsui

Lecture

3 CREDITS

CHANGE September 11: Evaluation method; June 7: Evaluation method.

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 paper 70%.

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

LAW 447C.002 Topics in Commercial Law The Business of Law
 Term 1 Term 2 Clark, G. *Lecture* 3 CREDITS

CHANGE Jan 31: Classroom

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.

LAW 448D.001 Sports Law
 Term 1 Term 2 Moore *Seminar* 3 CREDITS

Cross-listed with LAW 548.001.

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

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

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

LAW 451.001**Trusts** Term 1 Term 2

Hofri

Lecture

3 CREDITS

Cross-listed with LAW 551.001.

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

Required:

1. 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

Pavlich

Lecture

3 CREDITS

Cross-listed with LAW 551.002.**EXAM CONFLICT: STUDENTS REGISTERED IN 451.002/551.002 ARE NOT ALLOWED TO BE REGISTERED IN 468.003/588.003, AND VICE VERSA.****CHANGE June 7: Readings.**

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:

D. Pavlich: Trusts in Common-Law Canada (3rd edition).

Suggested:

Waters, Gillen and Smith: Waters' Law of Trusts in Canada (5th edition)

Evaluation:

100% Final Examination

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

LAW 452.001**Succession** Term 1 Term 2

Dosanjh

Lecture

3 CREDITS

Cross-listed with LAW 574.001.**CHANGE June 8: Instructor bio updated.****EXAM CONFLICT: STUDENTS REGISTERED IN 461.001/553C.002 or 509.005 ARE NOT ALLOWED TO BE REGISTERED IN 469.002/590.002, 434.001/552C.002, 452.001/574.001, or 405C.001, AND VICE VERSA.**

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), TEP 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. She is a full member of the Society of Trust and Estate Practitioners (STEP) and holds the Trust and Estate Practitioner (TEP) designation.

LAW 455.001 Real Estate Transactions

Term 1 Term 2 Umbach Yeung Magre Lecture 3 CREDITS

EXAM CONFLICT: STUDENTS REGISTERED IN 440.001/540.001 or 394.001 ARE NOT ALLOWED TO BE REGISTERED IN 455.001, AND VICE VERSA.

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

Evaluation:
100% final exam.

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.

Tony Magre (B.A. (First Class, With Distinction, Simon Fraser University 2013), J.D. (University of Toronto 2017)) practices with the Vancouver office of Blake, Cassels & Graydon LLP. His work encompasses a full range of commercial real estate transactions, including purchasing, selling, developing, financing and leasing of office, retail, industrial and multi-family properties. He also has experience acting on various construction related matters, including major infrastructure and public-private partnership projects across the Canadian market. Tony advises a wide variety of clients, including retailers, property managers and developers, major Canadian pension funds and their advisors, life insurance companies, institutional lenders and investors, and renewable energy companies. Tony has authored and co-authored publications for the Professional Legal Training Course (PLTC) and the Continuing Legal Education Society of British Columbia and was recognized in The Best Lawyers in Canada 2023: Ones to Watch (Real Estate Law).

LAW 455.002 Real Estate Transactions

Term 1 Term 2 Tolensky, P. Wilson, E. *Lecture* **3 CREDITS**

Cross-listed to LAW 546C.003

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 456C.001 Topics in Corporate Law - Lecture Financial Accounting in Legal Practice

Term 1 Term 2 Jawanda *Lecture* **3 CREDITS**

CHANGE June 8: Evaluation method updated

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 459.001 **Business Organizations**☑ Term 1 Term 2 Hutchison *Lecture* 4 CREDITS***Cross-listed with LAW 508D.001. This course is NOT open to Exchange students.***

This course provides an overview of the primary legal means of organizing businesses, including sole proprietorships, partnerships, and--most importantly--corporations. The course will focus on Canadian corporate law, but other jurisdictions (particularly the state of Delaware) will also be addressed. The central topics of this course include: (1) the history of corporate law; (2) the differences between corporations, partnerships, and other organizational forms; (3) jurisdictional/organizational choice and forming a business organization; (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 central to serving as a corporate solicitor.

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 459.002 **Business Organizations**☑ Term 1 Term 2 MacDougall, B. *Lecture* 4 CREDITS***Cross-listed with LAW 508D.002. This course is NOT open to Exchange students.***

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

Required Materials:

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

Evaluation:

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

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

LAW 459.003 **Business Organizations**

Term 1 Term 2 Peihani *Lecture* **4 CREDITS**

Cross-listed with LAW 508D.003. This course is NOT open to Exchange students.
CHANGE July 23: Classroom.

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

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

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

LAW 460.001 **Advanced Corporate Law** **Shareholder Litigation**

Term 1 Term 2 Crabtree Payne, J *Workshop* **3 CREDITS**

This workshop fulfills the Experiential Learning Requirement. It does NOT fulfill the 3 credit seminar requirement. This workshop is NOT open to Exchange and Visiting students.
CHANGE June 15: Course description, instructor biographies and evaluation method

This course will cover advanced legal issues that arise in shareholder dispute litigation and provide students with opportunities to develop practical litigation skills essential to litigating shareholder disputes. Sessions will involve a mix of instruction on substantive and procedural topics, guest lectures by practicing litigators, and exercises designed to mimic real shareholder dispute litigation. The final exercises will require students to argue part of a mock shareholder dispute petition hearing.

Evaluation:

Students will be graded based on the following scheme:

Exercise 1: Pleadings drafting 25%
 Exercise 2: Evidence drafting 25%
 Exercise 3: Mock chambers application 10%
 Exercise 4: Mock petition hearing 30%
 Class participation 10%

Andrew Crabtree is founder and principal at Crabtree Law. He has more than a decade of experience resolving disputes for corporations and individuals through negotiated settlements, tribunal hearings, arbitration and litigation. He primarily focuses on shareholder and partnership disputes. Before launching his own firm, Andrew practised for several years with Blakes and Cooper Litigation (before it merged with McEwan Partners). After attending UVic Law School, Andrew clerked for five justices of the British Columbia Supreme Court.

Joel V. Payne is an appeals and civil litigation lawyer practicing in Vancouver, British Columbia. His mission is to deliver smart, strategic advocacy using the best modern tools to get the job done. Before he was called to the bar, Joel served a law clerk at the Court of Appeal for British Columbia.

LAW 461.001 Corporate Transactions Term 1 Term 2

Hutchison

Lecture

3 CREDITS

***Cross-listed to LAW 553C.002. CHANGE June 13: Classroom.**

EXAM CONFLICT: STUDENTS REGISTERED IN 461.001/553C.002 or 509.005 ARE NOT ALLOWED TO BE REGISTERED IN 469.002/590.002, 434.001/552C.002, 452.001/574.001, or 405C.001, AND VICE VERSA.

This course focuses on the law and practice of complex corporate transactions, including debt and equity financings, amalgamations, acquisitions, divestitures, and corporate restructurings. Special emphasis is placed on the analytical, drafting, and negotiation skills central to serving as a transactional attorney. Notwithstanding this practical focus, we will also address various legal, economic, and even political theories that can help us understand how corporate transactions are structured and executed.

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

***Cross-listed to LAW 546C.002. All year. Meets alternate weeks. Total credit value for this workshop is 3 (2 in term 1 and 1 in term 2). (See 462.001T2)**

CHANGE June 12: Evaluation method updated

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 participate in class discussion, and to analyse a fact situation for each class, providing a two-to-three page written analysis for that fact situation (together, this participation accounts for 45% of total grade). Students will also complete a negotiation exercise in the first term (25% of total grade) and a memorandum of law on an assigned corporate law problem in the second term (30% of total grade).

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 and 2023 editions of Best Lawyers: Ones to Watch in Canada for corporate law.

Shannon D. Webber currently holds the role of Vice-President, General Counsel at West Fraser Timber Co Ltd., a diversified wood products company listed on the TSX and the NYSE. Before joining West Fraser, Shannon has several years of experience in senior leadership roles in the renewable energy and mining sectors. 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

***Cross-listed to LAW 546C.002. All year. Meets alternate weeks. Total credit value for this workshop is 3 (2 in term 1 and 1 in term 2). (See 462.001T2)**

CHANGE: Evaluation method updated.

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 and 2023 editions 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 Lecture 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

Lecture

3 CREDITS

Cross-listed with LAW 576.002.**CHANGE June 16: Course description.****EXAM CONFLICT: STUDENTS REGISTERED IN 377.001/577.001 or 347B.003 ARE NOT ALLOWED TO BE REGISTERED IN 300.003 or 463.002/576.002, AND VICE VERSA.**

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 prospectus and continuous disclosure requirements for public companies, oversight of registrants, the exempt market, 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, including recent challenges arising from crypto assets, decentralized finance, and globalization. We will examine the philosophies underlying securities regulation, competing approaches in regulatory design, and the relationship between securities regulation and corporate governance.

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

Lecture

3 CREDITS

***This course will be offered every 2 years. LAW 464.001 will not be offered in the next academic year, 2024W.**

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 convergence with other areas of law, including foreign investment, intellectual property and regulated industries. 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).

Prerequisites:

This course combines aspects of Canadian constitutional, administrative and business law. While an economics background is not necessary, students should have an understanding of Canadian law.

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.

****This course will be offered every 2 years. LAW 464.001 will not be offered in the 2024W Academic Year.****

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 Lecture 3 CREDITS

***Registration by permission only. ***

CHANGE June 20: Evaluation method

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 Method:

10% Class Participation

20% First Client Interview (Assignment #1)

10% Second Client Interview (Assignment #2)

20% Client Presentation (Assignment #3)

40% Client Reporting Memorandum and Letter of Intent (Assignment #4)

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

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

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

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

Joven Narwal (B.A.(UBC), LL.B (UBC), LL.M (Columbia University)) is a founder of Narwal Litigation LLP, Adjunct Professor at Allard Hall, Past-President of the Vancouver Bar Association, and a former Crown prosecutor. His practice is devoted primarily to complex and serious cases where liberty and reputation are at stake, primarily in areas such as criminal litigation, securities litigation and professional discipline.

LAW 468.002 **Ethics and Professionalism**
 Term 1 Term 2 Affolder Lecture 3 CREDITS

Cross-listed with LAW 588.002. This course is NOT open to Exchange or Visiting students.
CHANGE July 26: Classroom.

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 four hour, take-home final examination (100%) to be distributed at 9:00am and due at 1:00pm on a date listed in the exam schedule. Although there is no separate class participation mark in this class given the class size, the course is highly interactive. Participation is expected, and will be necessary, to fully answer the questions on the final exam.

Graduate Students registered in this course at the 500 level will 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 Iyengar *Lecture* 3 CREDITS

Cross-listed with LAW 588.003. This course is NOT open to Exchange or Visiting students.

EXAM CONFLICT: STUDENTS REGISTERED IN 451.002/551.002 ARE NOT ALLOWED TO BE REGISTERED IN 468.003/588.003, AND VICE VERSA.

CHANGE June 30: Instructor, Class Day and Time, Course Description and Evaluation Method

CHANGE Sept 11: Evaluation Method

This course is about the ethical obligations of Canadian lawyers: the principles that guide and rules that bind lawyers as they work in the legal profession. Ethical principles and rules are fundamental to the practice of law. Applying them is a complex endeavour that requires vigilance and good judgment. In this course, we will study the requirements of the Code of Professional Conduct for British Columbia and case law that establishes guidelines for ethical legal conduct. We will also critically assess conventional ideas about legal ethics and consider how we may achieve objectives such as promoting equity and diversity in the profession and access to justice.

Evaluation: Participation, including attendance and a group presentation (20%), and a 2-hour open book final examination (80%).

Mark Iyengar is an associate at Peck and Company Barristers, where he primarily practices criminal law.

LAW 468.004 **Ethics and Professionalism**

Term 1 Term 2 Russo *Lecture* 3 CREDITS

Cross-listed with LAW 588.004. This course is NOT open to Exchange or Visiting students.

CHANGE November 14; June 16: Course description and evaluation method.

CHANGE Jan 31: Classroom

Practicing law requires lawyers to understand the ethical dimensions of practice, and to be able to address ethical dilemmas they encounter. Professional ethics are rooted in longstanding rules and principles that lawyers need to know. At the same time, lawyers and the legal profession are facing unprecedented challenges in the 21st century, and addressing emerging ethical challenges will require lawyers to apply those fundamental principles thoughtfully and creatively. With a view to equipping future lawyers with the necessary ethical skills and foundation, this course will cover three things. First, it will cover the substantive content of legal ethics and professionalism with a focus on the core elements of the lawyer/client relationship. This includes the relevant legislation, regulations, rules of professional conduct and caselaw, and general principles of ethics and professionalism that apply to the practice of law in Canada. Second, we will rely on skills-based and problem-solving work through the term, to develop students' facility in identifying ethical problems, and in making informed and reasoned decisions about them. Third, we will engage critically not only with specific ethical questions, but also with the professional and ethical challenges posed by contemporary technological, social, and political developments. Topics will include the importance of intercultural competency, reconciliation with Indigenous peoples, the ongoing access to justice crisis, lawyers' obligations to society in a time of social polarization and challenges to the rule of law, changing licensing standards and questions around self-regulation, and the impact of technology including "AI."

Evaluation:

Assessment will be based on in-class attendance and participation through various channels including individual, group-based, and online (30%), and an open-book examination (70%). Graduate students registered in this course at the 500 level will also submit a case comment.

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

LAW 468.007 **Ethics and Professionalism**

Term 1 Term 2 Morris Rusnak Lecture 3 CREDITS

Cross-listed with LAW 588.007. This course is NOT open to Exchange or Visiting students.

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 Byma Phillips, C Lecture 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 2023, available electronically on Canvas

Evaluation:

Exam worth 95% and written assignments 5%

Daniel Byma (B.Comm. (University of Calgary), J.D. (University of Manitoba)) is a partner in the Litigation and Dispute Resolution Department of Fasken Martineau DuMoulin LLP in Vancouver. His litigation practice focuses on commercial disputes as well as constitutional and public law matters, with experience in real estate cases, breach of trust and fiduciary duty claims, contract cases, oppression claims, shareholder disputes, fraud claims, division of powers, and Charter cases. Prior to joining Fasken Martineau DuMoulin he served as a law clerk to Mr. Justice Wagner of the Supreme Court of Canada.

Cindy Phillips (B.A., Honours (University of British Columbia), J.D. (University of British Columbia)), is a lawyer in the Litigation and Dispute Resolution Department of Fasken Martineau DuMoulin LLP in Vancouver. Her practice focuses on commercial disputes, including shareholder disputes and claims in breach of contract and tort, fraud claims and personal injury appeals. Cindy also has experience with class actions and regulatory prosecutions. For the last two years, Cindy has been involved with the Allan McEachern Course in Advanced Trial Advocacy, Law 472.

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

Cameron, G.

Fancourt-Smith

Lecture

3 CREDITS

Cross-listed with LAW 590.002.*EXAM CONFLICT: STUDENTS REGISTERED IN 461.001/553C.002 or 509.005 ARE NOT ALLOWED TO BE REGISTERED IN 469.002/590.002, 434.001/552C.002, 452.001/574.001, or 405C.001, AND VICE VERSA.**

This course has the following objectives:

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

Required Materials:

1. Mark Fancourt-Smith and Gavin Cameron, Law 469 Civil Litigation Casebook, 2022 edition.
2. Janet Walker, et al. The Civil Litigation Process: Cases and Materials, 9th ed. (Toronto: Emond Montgomery Publications Ltd., 2022).
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

Lecture

3 CREDITS

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

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

Required Materials:

1. 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.

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 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 workshop will meet at the Vancouver Law Courts Inn (800 Smithe Street, Vancouver, BC, V6Z 2E1) This workshop is NOT open to Exchange students.
CHANGE June 15: Locatio

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 practiced 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 a Fellow of the American College of Trial Lawyers. Michelle also sits on the Board of Courthouse Libraries B.C..

LAW 473.001 Appellate Advocacy

Term 1 Term 2 Holloway Olmstead Workshop 3 CREDITS

CHANGE June 22: Evaluation Method

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 Method:

1. A legal opinion on the merit of an appeal (10 marks)
2. An application for release pending appeal, or for an extension of time to appeal, or for introduction of fresh evidence on appeal (15 marks)
3. An Appellant's Statement on a Sentence Appeal (25 Marks)
4. A Factum in a conviction appeal or a Memorandum in a Judicial Review of an immigration decision (50 marks)
5. 3 oral presentations; (1) An application for bail, or for extension of time to appeal, or to introduce fresh evidence; (2) An Appeal of Sentence; (3) A conviction appeal or a judicial review in an Immigration case. (Must be completed in order to pass the course)

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 Edelman & 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 474.001 Trial Advocacy

Term 1 Term 2 Sutherland, J. *Lecture* 3 CREDITS

Note: Total credit value for this course is 3 (lecture AND lab inclusive). This course fulfills the Experiential Learning requirement. This course is NOT open to Exchange students. Students registering for LAW 474.001 must also register for one of LAW 474.L01, 474.L02, 474.L03, or 474.L04.

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

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

Evaluation:

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

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

L01
L02
L03
L04

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

Prerequisite:

LAW 476 Evidence is a prerequisite for this course.

The Honourable Judge James I.S. Sutherland (B.A. (Carleton University), LL.B. (Queen's University)) was appointed a judge of the Provincial Court of British Columbia in 2013. He was called to the Bar of British Columbia in 1990 after which he practiced labour law for two years before joining the Crown Counsel Office from 1992-1997 prosecuting Judge alone and Judge and Jury trials. From 1997-2010 he worked at Gordon & Sutherland Barristers & Solicitors practicing Criminal Defence law and conducting ad hoc prosecutions. From 2010 until his appointment in 2013 he worked at Sutherland Jette, Barristers practicing criminal defence law. As counsel, Judge Sutherland appeared in the Supreme Court of Canada, all levels of court in British Columbia and Saskatchewan, as well as courts in Alberta and the Yukon. He is a frequent speaker at continuing legal education programs and is a previous recipient of the UBC Law Adjunct Professor Outstanding Achievement Award.

LAW 474.L01 Trial AdvocacyLAB

Term 1 Term 2 Vos Corbett Nugent *Lab* CREDITS

***Advocacy Practice Simulation Lab to accompany lecture component 474.001.
CHANGE June 12: Instructor updated**

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

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

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

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

***Advocacy Practice Simulation Lab to accompany lecture component 474.001.**
CHANGE June 12: Instructor updated

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 June 12: Instructor updated

The Honourable Judge Mark Jetté had a criminal defense practice in Vancouver from 1991 to 2017. 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 also prosecuted cases after being appointed as a special prosecutor, and acted as commission counsel for the Office of the Police Complaints Commission. 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 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 12: Instructor updated

Emmet Duncan

LAW 476.001 **Evidence** Term 1 Term 2

Gordon

*Lecture***4 CREDITS*****Cross-listed with LAW 507.001. This course is NOT open to Exchange students.***

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%).

Required Text:

Hamish Stewart et al, Evidence: A Canadian Casebook (5th ed, 2020)

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

LAW 476.002 **Evidence** Term 1 Term 2

Harris, N.

*Lecture***4 CREDITS*****Cross-listed with LAW 507.002. This course is NOT open to Exchange students.***

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 477.001 Negotiation & Dispute Resolution Term 1 Term 2

Martz

Workshop

3 CREDITS

This class DOES NOT fulfill the seminar requirement. This workshop fulfills the Experiential Learning requirement. This workshop is NOT open to Exchange or Visiting Students.

Negotiation and the resolution of disputes outside of a courtroom are fundamental parts of the practice of law, and also arise in many other settings in which lawyers work. With a focus on lawyers as problem-solvers, we will examine the resolution of disputes through negotiation from both theoretical and practical perspectives. Students will gain an understanding of the types of and strategies for negotiations, and have the opportunity to begin to develop the skills that are required to effectively resolve issues that arise between people and organizations. Through case-studies, role play, simulations and other experiential activities, students will gain an understanding of the place of negotiation in dispute resolution and the elements that go into conducting effective negotiations in a range of different contexts.

This course will be made up of a combination of lectures, class discussion and experiential learning through small group discussion, interactive exercises and simulations, as well as student presentations.

Evaluation: class participation and engagement (30%), written reflection on negotiation simulation (15%), negotiation case study (25%), and a negotiation planning outline or in-class presentation (30%).

This course fulfills the Experiential Learning requirement.

Lisa Martz - B.A. (University of Toronto, 1989) and LL.B. (UBC, 1992) 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). She has had a varied general litigation practice which 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 478.001 Foundations of Dispute Resolution Term 1 Term 2

Martz

Lecture

3 CREDITS

This course fulfills the Experiential Learning requirement. This course fulfills the Experiential Learning requirement. This class is NOT open to Exchange or Visiting students.

CHANGE June 30: Day, time, instructor, course description, evaluation method.

This course introduces students to the legal, practical, and policy issues in out of court dispute resolution, with the goal of helping to prepare future lawyers for the practice of dispute resolution within the profession. The course exposes students to the broad spectrum of dispute resolution processes and covers a range of topics, including: theoretical models for analyzing and responding to conflict; conflict escalation and de-escalation; mediation and negotiation theories and strategies; mandatory mediation and court-connected ADR; arbitration; some Indigenous approaches to the resolution of disputes; and critical perspectives on private dispute resolution processes. This course satisfies Allard's experiential learning component and as such, 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 (15%), class participation (15%), and a practice-oriented research paper or analysis of 3000-4000 words (40%).

Lisa Martz - B.A. (University of Toronto, 1989) and LL.B. (UBC, 1992) 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). She has had a varied general litigation practice which 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 481D.001	<u>Topics in Litigation, Dispute Resolution & Administration of Justice</u>	<u>Psychology and Lawyering</u>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Gordon	<i>Seminar</i>	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	Samnani	Gervin	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.

Salima Samnani

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.

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

Salima Samnani

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.

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

Baker-Grenier

Lecture

4 CREDITS

Registration by permission only. This course does NOT fulfill the 3 credit seminar requirement.
CHANGE June 9: Class time

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 Mīnowin 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

Lecture

4 CREDITS

Registration by permission only. This course does NOT fulfill the 3 credit seminar requirement.**CHANGE June 9: Instructor and class time**

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 Minowin 2019. Nigel has toured nationally and internationally as an artist. He has also assisted in organizing the annual Coastal First Nations Dance Festival.

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. This class will meet Downtown (222 Main Street, Vancouver, BC, V6A 2S8)
CHANGE June 15: Location**

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.

After receiving her LLB from Queen's University at Kingston in 1985, Judge Adams worked at Harper, Grey, Easton as associate counsel for several years. Eager to pursue her interest in criminal law, she joined the Vancouver Crown Counsel in 1989, and then moved to private practice in 2006. After more than 30 years of trial work, almost exclusively in criminal law, Judge Adams was appointed to the BC Provincial Court in March 2017 and now sits regularly at 222 Main Street. A supervising lawyer in the clinic at the time of her appointment to the bench, she became clinic director when Judge Joseph Galati stepped down in 2022 after more than 18 years of leadership.

Judge Adams enjoys working with the many senior counsel who are dedicated to the clinic and with the students who bring energy and fresh perspectives to the seminars.

LAW 500.001	<u>Current Legal Problems</u>	<u>LL.M. Seminar</u>		
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	Lazarus	Bhandar	Seminar	4 CREDITS

Enrolment restricted to LL.M. students only.

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

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

Evaluation is as follows:

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

Class participation, seminar facilitation: 15%

Reflection on current legal issues and creative component: 15%

Written assignment and presentation: 20%

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

Class participation, seminar facilitation 25%

Written assignment 25%

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

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

LAW 506.001**Taxation**
 Term 1 Term 2 Cui

Lecture

4 CREDITS

Cross-listed with LAW 407.001 Taxation.

CHANGE Sept 8: Wednesday classroom change; July 28: Classroom.

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. 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 reasoning and understanding, rather than memorization. While we will analyze a significant amount of case law for teaching purposes, an important goal is to guide students to come to terms with "income tax logic". Tax logic combines intuitive economics and accounting principles, but is distinct from both tax policy analysis and accounting. It forms an indispensable framework for predicting 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.

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," "present value," or "compound interest." Math skills at the 8th grade level (e.g., arithmetic and basic algebra) generally suffice for understanding the material 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 75% of their final grade, with the remaining 25% broken down as follows: (1) 7.5% for leading the discussion of a case selected by the instructor; (2) 7.5% for leading (jointly with a few other students) the discussion of a practice problem; and (3) 10% for active participation in the classroom. A student who gets a higher grade in the final exam than for participation will automatically be graded on the final exam only (i.e., participation cannot result in you getting a lower grade.)
- Whichever of the above two options a student takes, they are eligible for up to 4% bonus points for sharing their tax learning outside the classroom, e.g., sharing news relevant tax news, engaging in discussion on online forum, etc.
- The best performing students are eligible for nomination to the Thorsteinssons course prize.

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

LAW 506.002**Taxation** Term 1 Term 2

Cui

Lecture

4 CREDITS

Cross-listed with LAW 407.002 Taxation.

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. 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 reasoning and understanding, rather than memorization. While we will analyze a significant amount of case law for teaching purposes, an important goal is to guide students to come to terms with "income tax logic". Tax logic combines intuitive economics and accounting principles, but is distinct from both tax policy analysis and accounting. It forms an indispensable framework for predicting 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.

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," "present value," or "compound interest." Math skills at the 8th grade level (e.g., arithmetic and basic algebra) generally suffice for understanding the material 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 75% of their final grade, with the remaining 25% broken down as follows: (1) 7.5% for leading the discussion of a case selected by the instructor; (2) 7.5% for leading (jointly with a few other students) the discussion of a practice problem; and (3) 10% for active participation in the classroom. A student who gets a higher grade in the final exam than for participation will automatically be graded on the final exam only (i.e., participation cannot result in you getting a lower grade.)
- Whichever of the above two options a student takes, they are eligible for up to 4% bonus points for sharing their tax learning outside the classroom, e.g., sharing news relevant tax news, engaging in discussion on online forum, etc.
- The best performing students are eligible for nomination to the Thorsteinssons course prize.

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

LAW 507.001 **Evidence** Term 1 Term 2

Gordon

Lecture

4 CREDITS

Cross-listed with LAW 476.001.

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.

Lecture

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.003 **Business Organizations** Term 1 Term 2 Peihani*Lecture***4 CREDITS*****Cross-listed with LAW 459.003.***
CHANGE July 28: Classroom.

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

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

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

LAW 509.001 **Administrative Law** Term 1 Term 2 Flynn*Lecture***4 CREDITS*****Cross-listed with LAW 372.001.***

Administrative agencies are a powerful part of modern government and crucial to our daily lives. Building on knowledge from first-year courses, this course surveys the legal framework of administrative bodies. We will examine how courts review statutorily authorized public bodies, and determine the applicable principles and rules that constrain decision-making made by government agencies, boards, commissions, and tribunals. This course introduces the rules, principles, and policy considerations that shape the powers of these administrative decision-makers in multiple legal areas including human rights, labour, immigration and local government law. Major topics are: tribunal processes and remedies, procedural fairness, substantive review and the duty to consult.

Evaluation:

The evaluation will be based on one mandatory final exam and an optional paper. The final exam is worth either 100% or 70% depending on whether student opts for the paper, which is worth 30%.

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

LAW 509.005 **Administrative Law** Term 1 Term 2

Russo

Lecture

4 CREDITS

Registration restricted to LL.M. students.**EXAM CONFLICT: STUDENTS REGISTERED IN 461.001/553C.002 or 509.005 ARE NOT ALLOWED TO BE REGISTERED IN 469.002/590.002, 434.001/552C.002, 452.001/574.001, or 405C.001, AND VICE VERSA.**

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 as 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:

5% Participation (Case/Topic Briefs)

10% In-Class Bi-Weekly Quizzes

85% Final Exam

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

LAW 519.001 Individual Employment Law

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

Cross-listed with LAW 419C.001.

EXAM CONFLICT: STUDENTS REGISTERED IN 525.001, 419C.001/519.001, or 332.001 ARE NOT ALLOWED TO BE REGISTERED IN 347B.004, AND VICE VERSA.

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, KC is recognized as one of the leading counsel in British Columbia in the areas of labour and employment law and commercial litigation. Naz handles a wide range of workplace matters, including in the areas of employment, labour, human rights and administrative law. Naz's clients include public and private sector employers and senior employees. He also maintains a general commercial litigation practice, frequently acting in shareholder and partnership disputes. Naz has conducted hearings before all levels of court in Canada, including the Supreme Court of British Columbia, the British Columbia Court of Appeal, the Federal Court of Canada, and the Supreme Court of Canada. In addition, he regularly appears before various tribunals such as commercial and labour arbitration boards, the BC Labour Relations Board, the BC Employment Standards Tribunal, the BC Human Rights Tribunal, and the Canadian Human Rights Tribunal. In addition to his counsel work, Naz conducts workplace investigations into complex matters, including with respect to allegations of serious employee misconduct, financial improprieties and bullying and harassment. Naz also acts as a mediator in workplace disputes and commercial matters. Naz is a sought-after speaker and presenter and is an Adjunct Professor teaching Employment Law at the Peter A. Allard School of Law, University of British Columbia. Prior to co-founding Mitha Law Group, Naz was a partner at Western Canada's largest employer-side workplace law firm.

LAW 523C.002	Topics in Intellectual Property - Lecture	Copyright Law and Social Media
<input type="checkbox"/> Term 1 <input checked="" type="checkbox"/> Term 2	Festinger Meredith, R	Lecture 3 CREDITS

Cross-listed to LAW 423C.002

This course examines legal and normative issues spawned by the interactions between traditional copyright law and emergent forms of social media, both domestically and internationally. "Social media" encompasses digital entertainment in the forms of social networking platforms, streaming services, and interactive entertainment. This course will be a deep dive into how these media are changed by copyright law and are in turn redefining the legal parameters and character of copyright law.

Issues explored will include:

- The history of copyright law and its purposes. How has social media affected our understanding of copyright over time?
- The impacts of generative Artificial Intelligence tools. Is content created by AI copyrighted? Does generative AI infringe copyright by using original works as training material?
- The "Law of YouTube" (and other digital platforms). How are copyright disputes dealt with by social media platforms that rely on user generated content? How does the Copyright Act (Canada), Digital Millennium Copyright Act (U.S.), and their international equivalents impact how copyright is administered in the real world?
- Music and copyright in the digital age, including issues of sampling and remixing.
- Pros and cons of personal data being considered copyright material to reinforce privacy.
- The inclusion of non-circumvention rules in copyright laws and whether they are effective, appropriate, and fair.
- Ongoing collisions between copyright laws and freedom of expression in a social media context.
- "Users Rights" in Canada as a model for the world.

The method of evaluation for this course will be comprised of a 5000-word term paper (50%), a group presentation on a relevant topic (30%), and course participation (20%).

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

Rowan Meredith is a lawyer called to the bar in British Columbia and California. She has a JD in Entertainment, Media and Intellectual Property Law from UCLA (2018) and an LLM in Media Law from Queen Mary, University of London (2019). In her legal practice, she has regularly advised clients on copyright issues involving social media platforms.

LAW 524D.001**Methodologies in Law and Policy****Legal Methodologies** Term 1 Term 2

Hofri

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.

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 525.001 Canadian Criminal Law and

Term 1 Term 2 Mann, P. Lecture 5 CREDITS

This course is open to LLMCL students only.

EXAM CONFLICT: STUDENTS REGISTERED IN 525.001, 419C.001/519.001, or 332.001 ARE NOT ALLOWED TO BE REGISTERED IN 347B.004, AND VICE VERSA.

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

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 540.001 Insurance Law

Term 1 Term 2 Bank Gubeli Lecture 3 CREDITS

Cross-listed with LAW 440.001.

EXAM CONFLICT: STUDENTS REGISTERED IN 440.001/540.001 or 394.001 ARE NOT ALLOWED TO BE REGISTERED IN 455.001, AND VICE VERSA.

CHANGE Aug 4: Instructor

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.

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.

Aaron Gubeli, B.B.A., B.A. Political Studies, J.D., is an associate with the Vancouver firm of Guild Yule LLP. He maintains a broad litigation practice with an emphasis on the defence of professional negligence and product liability claims, the prosecution of subrogated claims, and advising and acting for insurers with respect to coverage. Aaron also regularly defends businesses and municipalities in property damage and personal injury claims.

LAW 546C.001 **Topics in Common Law Theory & Practice: Private & Commercial Law - Lec**

Term 1 Term 2 Curtis Mckenzie Preston, M. Lecture 3 CREDITS

Cross-listed to LAW 439.001

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

Evaluation: Open-book 3-hour final exam

David Curtis is a litigation and dispute resolution Partner in the Vancouver office. His practice is focused on the construction industry. Clients seek David's counsel primarily on his construction litigation expertise, as well as with mediations and commercial arbitrations. He also has experience in commercial litigation cases in the Supreme Court of British Columbia, the Court of Appeal for British Columbia.

David McKenzie is a leading construction lawyer in British Columbia. David has spent his career developing his knowledge of construction law while acting for developers, general contractors, subcontractors, and suppliers as legal counsel in all aspects of the construction industry. Both a litigator and solicitor, he advises clients at all stages of a project, from procurement to builders liens to dispute resolution. He has been involved in numerous negotiations, mediations, arbitrations and court proceedings.

David is a frequent chair and lecturer at construction law conferences. He is an editor of the CLE BC Builders Lien Act Practice Manual, is a contributor to the CLE BC Real Estate Development Practice Manual, and he was the former chair of the BC Builders Lien Act Reform Committee.

McLean & Armstrong LLP, Partner

Over the past decade, Mike has conducted trials in B.C., Alberta, Ontario and the Yukon. At the appellate level he has appeared as lead counsel at the B.C. and Alberta Courts of Appeal. At the Supreme Court of Canada he was lead counsel for the successful appellant in Valard v. Bird.

Currently called to the bar in B.C. (and formerly of the Ontario and Yukon bars), Mike began his career in commercial litigation. To hone his trial skills, he later joined the crown attorney's office where for 3 years he prosecuted several criminal trials a week. Prior to moving (back) to Vancouver, Mike practiced in Ottawa where his focus was drafting written arguments for cases in all areas of law going to the Supreme Court of Canada.

Mike frequently appeared as a legal affairs commentator on CTV for high profile cases including the Duffy trial, constitutionality of prostitution laws, medical marihuana, doctor-assisted suicide, hate speech, cyber-bullying and others. He is also a regular presenter at legal education seminars ranging in topics from tendering law, to standard form construction contracts, to general appellate practice.

LAW 546C.002T1 **Topics in Common Law Theory & Practice: Private & Commercial Law - Lec** **Corporations: From Beginning to End**

Term 1 Term 2 Florio Webber Workshop 2 CREDITS

***Cross-listed to LAW 462.001. All year. Meets alternate weeks. Total credit value for this workshop is 3 (2 in term 1 and 1 in term 2). (See 462.001T2)CHANGE June 12: Evaluation method updated**

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.

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 and 2023 editions of Best Lawyers: Ones to Watch in Canada for corporate law.

Shannon D. Webber currently holds the role of Vice-President, General Counsel at West Fraser Timber Co Ltd., a diversified wood products company listed on the TSX and the NYSE. Before joining West Fraser, Shannon has several years of experience in senior leadership roles in the renewable energy and mining sectors. 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 546C.002T2 Topics in Common Law Theory & Practice: Private & Commercial Law - Lec Corporations: From Beginning to End

Term 1 Term 2 Florio Webber Workshop 1 CREDITS

***Cross-listed to LAW 462.001. All year. Meets alternate weeks. Total credit value for this workshop is 3 (2 in term 1 and 1 in term 2). (See 462.001T2)CHANGE June 12: Evaluation method updated.**

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 and 2023 editions of Best Lawyers: Ones to Watch in Canada for corporate law.

Shannon D. Webber currently holds the role of Vice-President, General Counsel at West Fraser Timber Co Ltd., a diversified wood products company listed on the TSX and the NYSE. Before joining West Fraser, Shannon has several years of experience in senior leadership roles in the renewable energy and mining sectors. 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 546C.003 **Topics in Common Law Theory & Practice: Private & Commercial Law - Lec**

Term 1 Term 2 Tolensky, P. Wilson, E. *Lecture* 3 CREDITS

Cross-listed to LAW 455.002

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 548.001 **Sports Law**

Term 1 Term 2 Moore *Seminar* 3 CREDITS

Cross-listed with LAW 448D.001.

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

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

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

LAW 550.001 Taxation of Corporate Reorganizations Term 1 Term 2

Abdulla

Lecture

3 CREDITS

***Cross-listed with LAW 414.001**

Corporate transactions represent the vast majority of private enterprise planning activity in Canada. This course examines builds upon concepts examined in Law 408/562 (Taxation of Corporations and Shareholders), focusing on common corporate reorganizations such as: tax-deferred transfers of property to a corporation, reorganizations and exchanges of share capital, business combinations (amalgamations and windups), and divisive reorganizations. Together, these concepts provide the framework for private corporation tax planning for Canadian resident corporate entities.

1. Supplementary materials distributed by instructors
2. Income Tax Act, latest edition

Evaluation (Law 414 and Law 550):

- Tax practice assignments: 40%
- A 60% 72 hour take-home examination to be distributed at noon on a date per the Exam Schedule, and due at noon on a date per the Exam Schedule.

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

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

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

LAW 551.001**Trusts** Term 1 Term 2

Hofri

Lecture

3 CREDITS

Cross-listed with LAW 451.001.

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

Required:

1. 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 Pavlich

Lecture

3 CREDITS

Cross-listed with LAW 451.002.**EXAM CONFLICT: STUDENTS REGISTERED IN 451.002/551.002 ARE NOT ALLOWED TO BE REGISTERED IN 468.003/588.003, AND VICE VERSA.****CHANGE June 7: Readings.**

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:

D. Pavlich: Trusts in Common-Law Canada (3rd edition).

Suggested:

Waters, Gillen and Smith: Waters' Law of Trusts in Canada (5th edition)

Evaluation:

100% Final Examination

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

LAW 552C.001 Topics in Common Law Theory and Practice: Public Law I Term 1 Term 2 Fedio, D James, K

Lecture

3 CREDITS

Cross-listed to LAW 382.001

This course will provide students with a greater understanding of law and policy issues related to health care. The class will cover the regulation of health care (professionals and institutions), current challenges impacting health care delivery, and critiques of the system. We will spotlight key health care interventions across the lifecourse, from prenatal to post-mortem, touching on topics such as consent by minors, access to abortion, and medically assisted death. Students will be supported to analyze how the health care system intersects with legal rights and obligations at both a societal and individual level, with particular attention to the unique barriers faced by different marginalized populations, including Indigenous people, people with disabilities, 2SLGBTQ+ people, women, and newcomers to Canada.

Evaluation will be based on a mix of attendance and participation (10%), in class presentation (20%), and short final term paper (70%).

Deanna Fedio

Krista James is a lawyer, writer, feminist, and community organizer. She is currently Policy Director for Vancouver Coastal Health. She was a Staff Lawyer with the BC Law Institute for 15 years, including 11 years in the position of National Director of the Canadian Centre for Elder Law. Krista was called to the BC bar in 1998 after articling with the Legal Services Society of BC (now Legal Aid BC). She has practiced labour and human rights law, and written and presented extensively on health law topics. Over the years Krista has worked with various legal non-profits as staff, volunteer, and board member, including both more traditional lawyer positions and gigs as advocate and victim assistance worker. You can find Krista on LinkedIn: <https://www.linkedin.com/in/krista-james-27431840/>.

LAW 552C.002 Topics in Common Law Theory and Practice: Public Law I

Term 1 Term 2 McGivern, L Raab Lecture 3 CREDITS

***Cross-listed to LAW 434.001.**

EXAM CONFLICT: STUDENTS REGISTERED IN 461.001/553C.002 or 509.005 ARE NOT ALLOWED TO BE REGISTERED IN 469.002/590.002, 434.001/552C.002, 452.001/574.001, or 405C.001, AND VICE VERSA.

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 552C.003 Topics in Common Law Theory and Practice: Public Law I

Term 1 Term 2 Sabzevari, A. *Lecture* 3 CREDITS

***Cross-listed to LAW 444.001.**
CHANGE June 8: Paper deadline updated

This course gives a general introduction to Canadian insolvency law, with a specific focus on the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act. We will examine the different players - debtors, creditors, trustees/monitors, and the Office of the Superintendent of Bankruptcy – and their roles, duties, and remedies. 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. This course is designed with an overall 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 (free ebook available at UBC Library website); (2) Trustees at Work - Financial Pressures, Emotional Labour, and Canadian Bankruptcy Law (free ebook available at UBC Library website).

Evaluation: 65% of the course mark is a paper of 2500-3000 words, due December 15, 2023 (on an insolvency related subject selected by the student and approved by the instructor); 25% is an oral presentation on an insolvency case of the student's choice (approved by the instructor); and 10% is in class participation.

Aminollah Sabzevari, BSC (Honours), JD, LL.M., is an experienced litigator with the Department of Justice Canada. He specializes in bankruptcy and insolvency law, creditors' remedies, tax law, administrative law, and immigration law, as well as the law regarding vexatious litigants. He clerked with the Provincial Court of Alberta. Aminollah is a former member of the Law Society of Alberta and a current member of the Law Society of British Columbia.

LAW 553C.001 Topics in Common Law Theory and Practice: Public Law II

Term 1 Term 2 Harris, N. *Lecture* 3 CREDITS

Cross-listed to LAW 553C.001. This course is NOT open to Exchange students

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

Samnani

Lecture

4 CREDITS

Cross-listed with LAW 359.002.**CHANGE Sept 8: Wednesday classroom change; June 19: Exam Format**

This course will equally balance practical skills, theory and critical reflection.

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. Focus will always be drawn back to applying an anti-racist, feminist, anti-colonial, and anti-ableist intersectional lens.

Theory will cover themes of wide interest including state regulation of families; the relationship of the 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 in prison, immigration, and international law.

The course is critical, historical and comparative in nature. It will always focus back on theoretical underpinnings for intimate regulation.

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% exam.

Salima Samnani

LAW 560.001	<u>Seminar in Topics in Common Law Theory and Practice</u>	<u>Law, Robots, and Society</u>		
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	Thomassen		<i>Seminar</i>	3 CREDITS

Cross-listed to LAW 426D.001

We are living in an age of advanced robotics, artificial intelligence (AI), and automation. Robots and AI-based systems are already operating in our homes, workplaces, hospitals, streets, skies, courts, and law firms. The automation of tasks usually performed by people, and the expansion of human capabilities through robotic technology, challenge existing social structures and legal doctrine in sometimes novel, unexpected, and harmful ways. This seminar explores some of the legal and policy implications of current and near-future robotic and AI-based systems, including personal and service robots, drones, automated vehicles, chat bots, biometric recognition systems, and expert legal systems. Through a critical lens, the course introduces Law & Technology theory, and focuses on the ways in which automated technologies affect justice, rights, and the legal and power dynamics between state, corporate, and individual actors. The course considers how and why automated technologies can reflect, deepen, or sometimes work to address social oppressions and inequity, including racism, sexism, cis-normativity, colonialism, and ableism. Classes will include group work, discussion, lecture, guest speakers, presentations, videos and other mixed media, etc. Readings and course materials draw from interdisciplinary and interjurisdictional sources, with a particular focus on law and policy resources.

Evaluation Methodology:

20% participation (in-class and online)

15% in-class presentation

65% research paper

Assitant Professor Kristen Thomassen is a full time member of the Peter A. Allard School of Law.

LAW 560.003	<u>Seminar in Topics in Common Law Theory and Practice</u>	<u>Mental Health Law</u>		
<input type="checkbox"/> Term 1 <input checked="" type="checkbox"/> Term 2	Gordon		<i>Seminar</i>	3 CREDITS

This course will provide a general overview of some of the major civil and criminal aspects of mental health and the law. Mental health law is a fascinating and complex area of study, and we will only be able to begin to explore some of the many challenges faced by the lawyers, physicians, and individuals with mental illness who become involved in legal proceedings that relate to mental health and mental illness. Notwithstanding this complexity, this course is designed to give students a basic introduction to some of the major laws and policy matters that are implicated in the practice of mental health law in Canada.

We will begin the course by exploring definitions and concepts of mental illness and mental disability, and the role and qualifications of mental health professionals in the legal system. We will then focus on civil aspects of mental health law, including standards and procedures for civil commitment, consent to treatment, and guardianship. Finally, we will address mental health issues in criminal law, including criminal responsibility and fitness to stand trial, as well as mental health considerations in bail and sentencing and specialty courts.

The course will consider civil mental health legislation across Canada, as well as the mental disorder provisions in the Criminal Code, but we will also approach all of these topics from an interdisciplinary perspective, drawing on readings from the law as well as the psychological literature and the media to inform our discussions. Mental health professionals and lawyers approach mental illness and its effect on human behavior from different perspectives, and often with different or conflicting objectives. We will study those conflicts and attempt to understand and reconcile some of the tensions between these different viewpoints and goals.

Evaluation:

The course will be graded based upon class participation (25%), and a final paper and presentation (75%).

Required Text:

Law & Mental Health in Canada: Cases & Materials

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

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

Abdulla

Lecture

3 CREDITS

Cross-listed with LAW 408.001.**EXAM CONFLICT: STUDENTS REGISTERED IN 408.001/562.001 ARE NOT ALLOWED TO BE REGISTERED IN 588.006 or 347B.001, AND VICE VERSA.**

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 corporations resident in Canada 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). Together, these concepts describe the integration of corporate and shareholder taxation on corporately earned income in Canada.

Required Materials:

1. Supplementary materials distributed by instructors
2. Income Tax Act, latest edition

Evaluation: Take-home exam (100%) as listed on the Exam Schedule from 9:00 a.m. to 12:00 p.m.

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

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

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

LAW 564.001 **Taxation of Trusts and Estates** Term 1 Term 2

Marples, K

Lecture

3 CREDITS

Cross-listed with LAW 412.001 Taxation of Trusts and Estates.

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 565.001 International Taxation Term 1 Term 2

Gamble

Lecture

3 CREDITS

Cross-listed with LAW 410.001.

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. Thorsteinsson's *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

Ian Gamble is widely recognized as a leading tax lawyer in Canada. He has vast experience in the taxation of mergers & acquisition transactions, business restructurings, flow-through share financings, cross-border transactions (including foreign affiliates), Canada Revenue Agency audits, and related tax appeals. Ian has been listed in Best Lawyers in Canada, Guide to the World's Leading Tax Advisers, International Tax Review (Top 10 Tax Advisors in Canada), Lexpert Guide to the Leading 500 Lawyers in Canada, Lexpert Guide to the Leading US-Canada Cross-Border Corporate Lawyers in Canada, Lexpert's Canadian Legal Directory for Corporate Tax, Canada's Leading Corporate Tax Lawyers Lexpert Special Edition, Chambers' Global Guide to the World's Best Lawyers, and Who's Who Legal Corporate Tax. Ian has written two leading tax textbooks in Canada: The Foreign Affiliate Rules (Wolters Kluwer, co-authored with Bill Holmes) and Taxation of Canadian Mining (Carswell). Ian is a former Editor-in-Chief of the International Tax Planning Journal and the Resource Sector Taxation Journal (both Federated Press), a former adjunct professor of corporate taxation at the Faculty of Law, University of British Columbia (2001-2005), and a former Governor of the Canadian Tax Foundation.

LAW 566.001**Tax Policy** Term 1 Term 2

Cui

*Seminar***3 CREDITS*****Cross-listed with LAW 411D.001***

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 today.

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: understanding the sources of and trends in income inequality and designing appropriate tax policy response; 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.

The course will feature a number of guest speakers including highly prominent scholars and policy commentators.

Evaluation: Student performance will be evaluated on the basis of (i) class participation (20%), (ii) a midterm paper and/or completing several sets of practice problems (20%); and (iii) a final paper (60%).

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

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

Cross-listed with LAW 413D.001.

CHANGE June 9: Evaluation method

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)-80% , b) oral presentation of the research paper and class participation-20%

Ed Kroft, K.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.002	<u>Topics in Taxation - Lecture</u>	<u>Topics in Canadian Sales Tax</u>
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	Proulx Xilinas	Lecture 3 CREDITS

JD students ARE allowed to register for this course. Exchange students are NOT allowed to be registered in this course.

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

Evaluation:

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

Lecture

3 CREDITS

JD students ARE allowed to register for this course. Exchange students are NOT allowed to be registered in this course.

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

Evaluation: One final take-home exam worth 100%. Students be provided with the take-home exam on 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

Lecture

3 CREDITS

Cross-listed with LAW 422.001.

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

PSN: cdmjon

LAW 570C.002 **Intellectual Property** Term 1 Term 2

Festinger

Lecture

3 CREDITS

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LAW 571.001 Communications Law

☑ Term 1 ☐ Term 2 Festinger

Lecture

3 CREDITS

Cross-listed with LAW 424.001.

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

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

Evaluation:

Class Preparation & Participation - 40%^[1]_[2]

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

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

As an Adjunct Professor, Jon Festinger has taught a wide variety of courses relating to intellectual property law, communications, media & video game law, as well as corporate law over more than 25 years at the Allard School of Law. He is a Professor of Professional Practice at Simon Fraser University and a faculty member of the Centre for Digital Media. He is also Honorary Industry Professor in Centre for Commercial Studies, Queen Mary University of London School of Law. As well Jon is Faculty in Residence at the UBC Emerging Media Lab, Advisory Board Member of the Global Reporting Centre and Co-Chair of the Innovation Committee that is part of the governance structure of the UBC Learning Technology Hub. He has also taught at various times at the UBC Graduate School of Journalism, the Thompson Rivers University Faculty of Law and the University of Victoria Faculty of Law. He is the author of the first edition of Video Game Law published by LexisNexis in 2005, and co-author of the second edition published in 2012, and is Co-editor and Chief of the Interactive Entertainment Law Journal (Edward Elgar Publishing). He was Guest Editor of the Volume 46, Number 3 of the UBC Law Review "Digital Media, Video Games, and the Law" (2013) authoring the introductory essay to that issue. As well, Jon authored "Mapping the Electronic Highway: A Survey of Domestic and International Law Issues" 1995, Volume 29, University of British Columbia Law Review.

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LAW 572.001 **Cyberspace Law** Term 1 Term 2

Matsui

*Seminar***3 CREDITS*****Cross-listed with LAW 425D.001*****CHANGE July 18: Classroom**

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

Pre-requisites:

There is no pre-requisite course for taking this seminar. It would be wonderful if the student already has a basic understanding of Canadian Constitutional Law, but the student can learn the basic principles of Canadian Constitutional Law on the Internet by taking this seminar.

Evaluation:

Class participation 30% and final assignment 70%.

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

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

Syllabus:

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

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

LAW 574.001**Succession** Term 1 Term 2

Dosanjh

Lecture

3 CREDITS

Cross-listed with LAW 452.001.**CHANGE June 8: Instructor bio updated.****EXAM CONFLICT: STUDENTS REGISTERED IN 461.001/553C.002 or 509.005 ARE NOT ALLOWED TO BE REGISTERED IN 469.002/590.002, 434.001/552C.002, 452.001/574.001, or 405C.001, AND VICE VERSA.**

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), TEP 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. She is a full member of the Society of Trust and Estate Practitioners (STEP) and holds the Trust and Estate Practitioner (TEP) designation.

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

Lecture

3 CREDITS

Cross-listed with LAW 463.001.

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

Evaluation:

100% final exam

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

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

Lecture

3 CREDITS

Cross-listed with LAW 463.002.**CHANGE June 16: Course description.****EXAM CONFLICT: STUDENTS REGISTERED IN 377.001/577.001 or 347B.003 ARE NOT ALLOWED TO BE REGISTERED IN 300.003 or 463.002/576.002, AND VICE VERSA.**

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 prospectus and continuous disclosure requirements for public companies, oversight of registrants, the exempt market, 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, including recent challenges arising from crypto assets, decentralized finance, and globalization. We will examine the philosophies underlying securities regulation, competing approaches in regulatory design, and the relationship between securities regulation and corporate governance.

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

Lecture

3 CREDITS

Cross-listed with LAW 377.001.**EXAM CONFLICT: STUDENTS REGISTERED IN 377.001/577.001 or 347B.003 ARE NOT ALLOWED TO BE REGISTERED IN 300.003 or 463.002/576.002, AND VICE VERSA.**

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

Dauvergne

Seminar

3 CREDITS

Cross-listed with LAW 378D.001.**CHANGE June 8: Course description & evaluation method added.**

This seminar examines International Refugee Law and its application in Canada. The course centres on the 1951 Convention relating to the status of refugees. We will spend approximately half of the course considering the internationally agreed definition of a refugee, and how this definition has been interpreted by courts around the world, as well as adapted by domestic legislatures. Both of these inquiries will focus principally on Canadian developments. The other sections of the course will consider the rights which flow from refugee status, the process of refugee determination in Canada, and how domestic and international politics shape the law in this area.

Evaluation:

Evaluation of this seminar will be 25% class participation and 75% research paper. Participation assessment has three components. The first is a refugee determination exercise (10%). The second is a treaty negotiation simulation (10%). The final 5 percent is allocated to engagement in class discussions. The research paper is to be 6000-8000 words on a topic of the student's choice. Paper topics will be agreed in advance with the instructor.

Dean and Professor Catherine Dauvergne is a full time member of the Peter A. Allard School of Law and holds the Canada Research Chair in Migration Law.

LAW 587C.001 **Environmental Law**

Term 1 Term 2 Wood, S. *Lecture* **3 CREDITS**

Cross-listed with LAW 387C.001.

EXAM CONFLICT: STUDENTS REGISTERED IN 300.001 or 404.001 ARE NOT ALLOWED TO BE REGISTERED IN 387C.001/587C.001, AND VICE VERSA.

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 588.002 **Ethics & Professionalism**

Term 1 Term 2 Affolder *Lecture* **3 CREDITS**

Cross-listed with LAW 468.002.

CHANGE July 26: Classroom.

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 four hour, take-home final examination (100%) to be distributed at 9:00am and due at 1:00pm on a date listed in the exam schedule. Although there is no separate class participation mark in this class given the class size, the course is highly interactive. Participation is expected, and will be necessary, to fully answer the questions on the final exam.

Graduate Students registered in this course at the 500 level will also submit a case comment.

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

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

Byma

Phillips, C

Lecture

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 2023, available electronically on Canvas

Evaluation:

Exam worth 95% and written assignments 5%

Daniel Byma (B.Comm. (University of Calgary), J.D. (University of Manitoba)) is a partner in the Litigation and Dispute Resolution Department of Fasken Martineau DuMoulin LLP in Vancouver. His litigation practice focuses on commercial disputes as well as constitutional and public law matters, with experience in real estate cases, breach of trust and fiduciary duty claims, contract cases, oppression claims, shareholder disputes, fraud claims, division of powers, and Charter cases. Prior to joining Fasken Martineau DuMoulin he served as a law clerk to Mr. Justice Wagner of the Supreme Court of Canada.

Cindy Phillips (B.A., Honours (University of British Columbia), J.D. (University of British Columbia)), is a lawyer in the Litigation and Dispute Resolution Department of Fasken Martineau DuMoulin LLP in Vancouver. Her practice focuses on commercial disputes, including shareholder disputes and claims in breach of contract and tort, fraud claims and personal injury appeals. Cindy also has experience with class actions and regulatory prosecutions. For the last two years, Cindy has been involved with the Allan McEachern Course in Advanced Trial Advocacy, Law 472.

LAW 590.002**Civil Procedure**

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

Cross-listed with LAW 469.002.

EXAM CONFLICT: STUDENTS REGISTERED IN 461.001/553C.002 or 509.005 ARE NOT ALLOWED TO BE REGISTERED IN 469.002/590.002, 434.001/552C.002, 452.001/574.001, or 405C.001, AND VICE VERSA.

This course has the following objectives:

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

Required Materials:

1. Mark Fancourt-Smith and Gavin Cameron, Law 469 Civil Litigation Casebook, 2022 edition.
2. Janet Walker, et al. The Civil Litigation Process: Cases and Materials, 9th ed. (Toronto: Emond Montgomery Publications Ltd., 2022).
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

Lecture

3 CREDITS

Cross-listed with LAW 469.003

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

Required Materials:

1. 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.

LAW 592.001 **Conflict of Laws**

Term 1 Term 2 Calvert Posyniak Lecture 3 CREDITS

Cross-listed with LAW 325.001.

CHANGE June 15: Location

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 if the student's grade on the assignment is better than his or her examination grade. If the student receives a higher grade on the exam than on the assignment, or elects not to complete the optional assignment, the examination will be worth 100% of the course grade.

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 a member of the CBA BC Appellate Advocacy Section Executive, and has organized and moderated a number of panels on topics of interest to appellate practice. Aubin also presents on administrative and constitutional law issues for CLEBC. In 2021 she joined the Supreme Court Advocacy Institute as session coordinator for British Columbia.

Tom Posyniak is a partner at Fasken Martineau DuMoulin LLP in Vancouver. His practice focuses on commercial litigation, administrative and constitutional law, class actions, and insurance litigation. Tom has an active appellate practice and regularly appears before the British Columbia Court of Appeal. Tom has also been counsel at the Supreme Court of Canada and regularly prepares written submissions in that court. Prior to joining Fasken, Tom clerked for the Court of Appeal for British Columbia and worked at another national law firm in Vancouver. He received his J.D. in 2012 from the University of Saskatchewan, College of Law, and was called to the bar in 2014. Tom is on the executive of the Appellate Advocacy section of the Canadian Bar Association – BC Branch. He also serves as a referral counsel for Access Pro Bono's Court of Appeal Program. Tom is a co-author of the Civil Appeal Handbook published by the Continuing Legal Education Society of British Columbia and the CanLII BC Civil Litigation Manual.

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

Sabzevari, A.

Lecture

3 CREDITS

Cross-listed with LAW 443.001.**CHANGE June 12: Evaluation method updated**

This course is designed to familiarize students with the techniques available to unsecured creditors for the collection of debts. We will consider extra-judicial debt collection, prejudgment remedies, examination of the debtor, recognition of foreign judgments, execution, garnishment, equitable execution, and builders liens. We will also cover the collection of debts owed to the Crown, including via statutory requirements to pay and deemed trusts. We will discuss the impacts of an assignment into bankruptcy, family law proceedings, and fraudulent preferences and transfers. This course is designed with an overall emphasis on current caselaw and a litigator's perspective, with open and freeflowing class discussions about the cases and the law. There is no required textbook for this course. We will refer to the cases, legislation, articles, and other publicly available readings (including PLTC materials).

Evaluation: 65% for the final exam, 25% for the oral presentation, and 10% for class participation

Aminollah Sabzevari, BSC (Honours), JD, LL.M., is an experienced litigator with the Department of Justice Canada. He specializes in bankruptcy and insolvency law, creditors' remedies, tax law, administrative law, and immigration law, as well as the law regarding vexatious litigants. He clerked with the Provincial Court of Alberta. Aminollah is a former member of the Law Society of Alberta and a current member of the Law Society of British Columbia.

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

Bird

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.

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