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INTENSIVE COURSES

Intensive Course: ANIMAL RIGHTS: HISTORY, PHILOSOPHY AND JURISPRUDENCE (LAW274H1F) Shai Lavi

First Term: One Credit, Fourteen Hours
Max Enrol: 25: 20 JD; 5 LLM/SJD

Schedule: Weeks of September 25 and October 2
September 25, 26, 27, 28, 29 a.m. and October 3, 4, 5 after 5:00 p.m.
(Arrive early September 25th no teaching on Friday after 2:00.)

The course will begin by exploring the history of animal laws in the West and particularly the rise of new animal laws in nineteenth-century and early twentieth-century Europe and North America. These laws can be divided into three categories, which continue to order animal law legislation to this day: prevention of cruelty, preservation of nature and protection of the joint animal-human biological and ecological environment. We will then attempt to ground these concerns in different philosophical approaches (e.g., humanism, romanticism, utilitarianism), pointing to the relation between these approaches and novel understandings of both animals and humans. Finally, we will examine the different ways in which law became involved in regulating the relation between human beings and animals, and learn why the rise of "animal laws" can teach us an important lesson not only about the changing relationship between humans and animals, but also about the new role of law in our society.

Evaluation: Students will be required to write a 10-12 page research paper, which will be graded on an Honours/Pass/Fail basis. Papers must be delivered to the Records Office by 4:00 p.m. three weeks after the end of the course. (A date for submission will be assigned once the course has been scheduled). Graduate students are graded on the graduate grading scale.

Intensive Course: FINANCIAL INSTITUTIONS, FINANCIAL MARKETS AND LAW (LAW568H1F) Jonathan Macey

First Term: One credit; fourteen hours
Max Enrol: 25: 20 JD; 5 LLM/SJD

Schedule: October 19, 20 and week of October 22, 2006

Note: Students who took the intensive course Law and Finance (Macey) in 2005-2006 may not take this course.

Financial institutions of all kinds, whether they are formally known as insurance companies, banks, investment banks, mutual funds, or pension funds, invest money on behalf of clients in a wide variety of investment vehicles. This course will study these financial institutions treated from a contemporary economic and legal perspective as well as from an historical perspective. Emphasis will be placed on the intersections between modern financial theory and legal analysis, but the historical evolution of financial institutions also will be discussed. Topics will include insurance, bank regulation and reform, securities markets, investment banking, and pensions.

Evaluation: Students will be required to write a 10-12 page research paper, which will be graded on an Honours/Pass/Fail basis. Papers must be delivered to the Records Office by 4:00 p.m. three weeks after the end of the course. (A date for submission will be assigned once the course has been scheduled). Graduate students are graded on the graduate grading scale.
Intensive Course: FREE WORLD TRADE AND SOCIAL REGULATION: FROM NATIONAL GOVERNMENT TO TRANSNATIONAL GOVERNANCE UNDER THE WTO (LAW289H1F) Christian Joerges

First Term: One Credit, Fourteen Hours
Max Enrol: 25: 20 JD; 5 LLM/SJD

Schedule: Weeks of September 17 and 24

The furthering of free trade is the main objective of the 1947 General Agreement on Tariffs and Trade (GATT) and the 1994 World Trade Organisation (WTO). Since the early 70s and after a substantial reduction of trade barriers, non-tariff barriers to trade which reflect a wide range of domestic concerns about the protection of health, safety, and the environment have came to dominate trade disputes. The establishment of the WTO with its more effective means for dispute resolution and the adoption of a number of special Agreements [such as the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS) and the Agreement on Technical Barriers to Trade (TBT)], responded to these developments. Can the balancing of the economic concerns of free trade with the social concerns of regulatory objectives under these regimes effectively compensate the erosion of nation state regulation? What kind of legitimacy can transnational governance claim? Exemplary trade disputes including the recent controversy on Genetically Modified Organisms will be used for the analysis of these queries. Starting from a discussion of the risk category, the course will also address differences in American and European regulatory philosophies and examine transatlantic trade conflicts light.

Evaluation: Students will be required to write a 10-12 page research paper, which will be graded on an Honours/Pass/Fail basis. Papers must be delivered to the Records Office by 4:00 p.m. three weeks after the end of the course. (A date for submission will be assigned once the course has been scheduled). Graduate students are graded on the graduate grading scale.

Intensive Course: INTERNATIONAL LAW AND INTERNATIONAL RELATIONS (LAW473H1F) Oona Hathaway

First Term: One Credit, Fourteen Hours
Max Enrol: 25: 20 JD; 5 LLM/SJD

Schedule: Weeks of October 1 and 8, 2006

This course will examine the effect of international law on state behavior. When and why does international law influence what states do? What else, aside from law, helps explain state behavior in the international system? The class will consider a variety of explanations for state behavior offered by political scientists and legal scholars, exploring the role of economic and military enforcement, third-party sanctions, domestic politics, and transnational actors (e.g., corporations and nongovernmental organizations) in creating and enforcing international law. It will include an examination of several current issues of international law relating to, among other things, trade, human rights, use of force, international criminal law, and environmental law.

Evaluation: Students will be required to write a 10-12 page research paper, which will be graded on an Honours/Pass/Fail basis. Papers must be delivered to the Records Office by 4:00 p.m. three weeks after the end of the course. (A date for submission will be assigned once the course has been scheduled). Graduate students are graded on the graduate grading scale.
Intensive Course: INTRODUCTION TO THE CANADIAN LEGAL SYSTEM (LAW535H1F) David Dyzenhaus

First Term: 1 credits; 14 hours
Max Enrol: 100 LLM/SJD

Note: Schedule:
August 30, 31 and September 1 (Room: Falconer Hall FA2 )

Note: J.D. students cannot enrol in this course.

The course will provide law students trained in foreign legal systems with an overview of the Canadian Legal System (including sources of legal authority, separation of powers, levels of government, organization of the Courts and Tribunals and the main categories of the Canadian legal system). Students will study judicial review of governmental action (constitutional and administrative review), the role of judges as law makers or law interpreters (including common law concepts such as precedent, stare decisis, ratio decidendi, obiter dictum, the rules of statutory interpretation and theories about the proper role of judges). The course will also provide insight into private law areas, for example, contract, tort, property and equity.

Evaluation: One written assignment (10 - 12 pages). The assignment will consist of 2 or 3 questions. It will be due one week from the end of the course. Graded on the JD or SGS scale as appropriate.

Intensive Course: SOCIAL WELFARE POLITICS, POLICY, AND LAW (LAW395H1F) Jacob Hacker

First Term: One Credit, Fourteen Hours
Max Enrol: 25: 20 JD; 5 LLM/SJD

Schedule: Weeks of October 1 and 8, 2006

Governments of advanced industrial democracies commit upwards of a third of their economies to social welfare goods and services, such as health care, retirement pensions, unemployment benefits, and antipoverty assistance. Indeed, these policies—often collectively termed the “welfare state”—are considered the sine qua non of modern governance, as defining of what states do today as warfare and basic economic development were to nations in the past. And yet, the welfare state is under broad and sustained challenge in rich democracies, with critics branding it as unaffordable for public budgets, inefficient for economies, ungovernable by citizens, and imbalanced between old and young, dependent and productive. This course considers these debates and their effects on the programmatic and legal foundations of advanced welfare states through the prism of the social sciences, policy analysis, and law. It takes up three key questions: What accounts for the stark variation across affluent nations in the size and structure of welfare states? What effect do these differences have on the relative economic and social condition of citizens and the character of domestic politics within these nations? And what directions are countries heading in response to the strains that welfare states now face? The focus will be on Europe and North America, with particular attention paid to commonalities and contrasts between Canada and the United States.

Evaluation: Students will be required to write a 10-12 page research paper, which will be graded on an Honours/Pass/Fail basis. Papers must be delivered to the Records Office by 4:00 p.m. three weeks after the end of the course. (A date for submission will be assigned once the course has been scheduled). Graduate students are graded on the graduate grading scale.
Intensive Course: COMPARATIVE CONSTITUTIONAL EQUALITY, MINORITY AND GROUP RIGHTS (LAW296H1S) Michel Rosenfeld

Second Term: One Credit; Fourteen Hours
Max Enrol: 25: 20 JD; 5 LLM/SJD

Schedule: Weeks of January 8 and 15, 2007

Equality is the most extensive and most elusive among fundamental constitutional rights. Equality rights may be conceived or protected in very different ways depending on whether they are viewed narrowly or broadly, used to protect individuals or groups, or construed to counter discrimination or to apportion societal benefits and burdens proportionately. This course will examine these issues from a comparative perspective relying on cases and materials from several different jurisdictions. Specifically, the course will focus on the following issues: formal vs. substantive equality; the subject and domain of constitutional equality; the anti-discrimination approach; discrimination on the basis of race, gender and sexual orientation; equality in connection with other fundamental rights; affirmative action; majority and minority group rights; and aboriginal rights.

READINGS
Course readings will be from Dorsen, Rosenfeld, Sajo and Baer, COMPARATIVE CONSTITUTIONALISM: CASES AND MATERIALS (Thomson-West 2003).

Evaluation: Students will be required to write a 10-12 page research paper, which will be graded on an Honours/Pass/Fail basis. Papers must be delivered to the Records Office by 4:00 p.m. three weeks after the end of the course. (A date for submission will be assigned once the course has been scheduled). Graduate students are graded on the graduate grading scale.

Intensive course: GLOBAL LABOUR LAW (LAW394H1S) Alan Hyde

Second term: One Credit; Fourteen hours
Max Enrol: 25: 20 JD; 5 LLM/SJD

Schedule: Weeks of January 8 and 15, 2007

Max Enrol: 20

Legal efforts to lift labour standards in developing countries (International Labour Organization standards, developed-country labour standards applied extraterritorially by developed-country courts, human rights litigation, labour standards in domestic trade law, labour standards in negotiated trade agreements such as NAFTA, proposals to add labour standards to the WTO framework, transnational union cooperation and bargaining, consumer campaigns, voluntary framework agreements and codes of conduct adopted by corporations) are evaluated for theoretical and actual efficacy in light of what we will learn about the economics of trade and development and the actual experience of attempts to raise standards.

Evaluation: Students will be required to write a 10-12 page research paper, which will be graded on an Honours/Pass/Fail basis. Papers must be delivered to the Records Office by 4:00 p.m. three weeks after the end of the course. (A date for submission will be assigned once the course has been scheduled). Graduate students are graded on the graduate grading scale.
Intensive course: INTERNATIONAL AND COMPARATIVE LAW ON INDIGENOUS PEOPLES (LAW400H1S) James Anaya

Second term: One Credit; Fourteen hours  
Max Enrol: 25: 20 JD; 5 LLM/SJD

Schedule: Weeks of January 22 and 29, 2007

This course examines developments in international law and institutions that relate to the rights of indigenous peoples worldwide, while seeking to understand those developments in relation to the domestic laws and policies of selected countries of the Americas, Africa, and the Pacific region. Over the last several years, the international legal system has exhibited an increasingly heightened focus on the concerns of indigenous peoples, giving rise to new international norms and procedures connected with the United Nations and regional organizations. At the same time, developments in the laws and judicial decisions of several countries have followed or reacted to trends at the international level. This course will endeavor to provide students with an exposure to the theory and practice of the international law of indigenous peoples, as well as with a critical assessment of related developments at the domestic level.

Evaluation: Students will be required to write a 10-12 page research paper (approximately 3,000 words) to be graded on an honours/pass/fail basis. Papers must be delivered to the Records Office by 4:00 p.m. three weeks following the end of the course. Graduate students are graded on the graduate grading scale.

Intensive Course: INTERNATIONAL NORMS OF MINORITY RIGHTS: CAUSES, CATEGORIES, CONSEQUENCES (LAW353H1S) Distinguished Visiting Professor Will Kymlicka

Second term: One Credit; Fourteen hours  
Max Enrol: 25: 20 JD; 5 LLM/SJD


For much of the post-war period, international law contained few if any provisions specifically targeted at the protection of ethnocultural minorities. In recent years, however, particularly since 1990, there has been an explosion of interest in codifying minority rights, not only within the United Nations, but also within regional bodies, such as the Council of Europe or the Organisation of American States. This course considers a number of important issues raised by these developments, including (a) why minority rights have emerged as a priority issue for the international community, and how this relates to broader changes to the functions of the international community in the post-Cold War era; (b) the categories that are being used to identify different types of minorities, such as “indigenous peoples”, “national minorities”, and “migrant workers”, and how these are viewed as raising different types of challenges; and (c) the complex and often unintended consequences of this process for state-minority relations around the world, as particular ideals or models of multiculturalism and minority rights, often based on Western experiences, are diffused to different regions of the world. More generally, the course will attempt to identify both the progressive potential in this process, but also some of the moral ambiguities and political complexities involved.

Evaluation: Students will be required to write a 10-12 page research paper, which will be graded on an Honours/Pass/Fail basis. Papers must be delivered to the Records Office by 4:00 p.m. three weeks after the end of the course. (A date for submission will be assigned once the course has been scheduled). Graduate students are graded on the graduate grading scale.
Intensive Course: INTRODUCTION TO CHINESE LAW (LAW265H1S) Betty Ho

Second term: One credit, Fourteen hours
Max Enrol: 25: 20 JD; 5 LLM/SJD

Schedule: Weeks of January 22 and 29, 2007

This course introduces students to the legal system of China. Myths abound: there is no law in China; the Chinese character abhors law; the National People’s Congress is a rubber stamp; all judges are corrupt. The objective of the course is not to prove or disprove these myths but to provide a framework for understanding the basic structures of the Chinese legal system and the country’s long march to rule of law.

Evaluation: Students will be required to write a 10-12 page research paper, which will be graded on an Honours/Pass/Fail basis. Papers must be delivered to the Records Office by 4:00 p.m. three weeks after the end of the course. (A date for submission will be assigned once the course has been scheduled). Graduate students are graded on the graduate grading scale.

Intensive Course: INTRODUCTION TO GERMAN CONSTITUTIONAL LAW (LAW440H1S) Bernhard Schlink

Second term: 1 credit, 14 hours
Max Enrol: 25: 20 JD; 5 LLM/SJD

Schedule: February 1 to 14, 2007

The Basic Law, Germany's Constitution from 1949, lead postwar Germany to constitutional democracy. Interpreted by the powerful and active Federal Constitutional Court it shaped Germany's law and politics as well as its legal and political philosophy. It also influenced other European states in their transition from authoritarian or communist regimes to constitutional democracy. The course will look into the principles and structures of German constitutional law and into landmark decisions of the Federal Constitutional Court. It will focus on those topics that are of particular interest for a comparative perspective.


Evaluation: Students will be required to write a 2 to 3 page paper for every class, including the first one. These papers will be graded together on an Honours/Pass/Fail basis. When the papers must be delivered will be determined once the schedule for the course has been established. [Note: Professor Schlink will inform you, through an e-mail message, when each paper is due. The first papers may be due prior to the start of the course] Graduate students are graded on the graduate grading scale.

Intensive Course: ISSUES IN CRIMINAL JUSTICE (LAW518H1S) University Professor Martin Friedland

Second term: 1 credit, 14 hours
Max Enrol: 25: 20 JD; 5 LLM/SJD

Schedule: Weeks of January 8 and 15, 2007

This seminar will examine a number of issues that I have worked on over the past 50 years, such as the frailty of the criminal process, bail and legal aid, double jeopardy, national security, criminal law reform, the Charter, and sanctions and rewards. Participants in the seminar will not only learn something about the specific topics studied but will end up with a better understanding of the forces that influence change in the criminal law. I am currently working on a manuscript that looks at these issues from a personal
perspective, a draft of which I will share with the seminar participants. The material for the seminar will consist of chapters of the draft manuscript along with some other selected documents.

**Evaluation**: Students will be required to write a 10-12 page research paper, which will be graded on an Honours/Pass/Fail basis. Papers must be delivered to the Records Office by 4:00 p.m. three weeks after the end of the course. (A date for submission will be assigned once the course has been scheduled). Graduate students are graded on the graduate grading scale.

**Intensive Course: LAW AND TERRORISM (LAW359H1S) Daphne Barak-Erez**

**Second Term: 1 credit; 14 hours**
**Max Enrol: 25: 20 JD; 5 LLM/SJD**

**Schedule: Weeks of January 29 and February 5, 2007**

**Note**: Students who took this course in 2005-2006 may not take the course again.

Terrorism against individuals and states has become a serious challenge for civilized societies at the turn of the 21st century - due to the physical threats it poses on the one hand and the fear that taking extreme measures against its perpetrators will overstep democratic values and infringe human rights on the other hand. The course is dedicated to analyzing the ways legal systems perceive terror and try to fight it. The course will use comparative methods, and in this context will evaluate various measures used against terrorists and individuals suspected as being terrorists in the United States, England and Israel. These measures will be evaluated vis-à-vis concepts of human rights as well as international law. Measures to be discussed include inter alia administrative detentions, the use of physical measures in interrogations and targeted killings of active terrorists.

**Evaluation**: Students will be required to write a 10-12 page research paper, which will be graded on an Honours/Pass/Fail basis. Papers must be delivered to the Records Office by 4:00 p.m. must be delivered to the Records Office by 4:00 p.m. three weeks after the end of the course. Graduate students are graded on the graduate grading scale.

**Intensive Course: LAW, SECURITY AND INTERNATIONAL DEVELOPMENT (LAW550H1S) Andrew Goldsmith**

**Second term: One credit, fourteen hours**
**Max Enrol: 25: 20 JD; 5 LLM/SJD**

**Schedule: Weeks of January 22 and 29, 2007**

Warlords, local militias, organized crime networks, and terrorist groups, as well as weak, failing, and failed states, can impact upon prospects for ensuring justice and doing development work. This course examines the nexus between security and development, specifically looking at attempts to establish or reform legal institutions in aid-recipient countries to improve security conditions and make development work possible. Some different conceptions of security are examined, as well as past and current conceptions of how law and justice mechanisms can help to preserve order, provide justice, and enable political and economic development. The notion of development itself is explored, especially in terms of the assumptions it makes about the deficiencies of law and justice in recipient nations, and the kinds of legal and justice institutions that donor governments and agencies believe are required. A number of case studies will be used to provide students with an understanding of some key issues, and difficulties, in undertaking justice-related development work in post-conflict and transitional societies.

**Evaluation**: Students will be required to write a 10-12 page research paper, which will be graded on an Honours/Pass/Fail basis. Papers must be delivered to the Records Office by 4:00 p.m. three weeks after the end of the course. (A date for submission will be assigned once the course has been scheduled). Graduate students are graded on the graduate grading scale.
CAPSTONE COURSES

CAPSTONE COURSE: ACADEMIC STREAM INTENSIVE (LAW600H1S) Denise Réaume

Second Term: 3 credits
Max Enrol: 10 JD

Note: Capstone Rules

- Only third year students are eligible to participate in a capstone program
- Students will be enrolled in the course following approval of their proposal.
- Exchange and letter of permission students are not eligible to participate in this Capstone Course.
- If after approval of the Academic Stream Intensive credits a student decides NOT to continue with the program, course selection will be on an as available basis during the add/drop period.
- Students may not apply for additional credit in a capstone program
- As the goal of the Capstone Program is to allow as many third years as possible to graduate with a "capstone" experience, students may only be confirmed and participate in one capstone course, except with permission of either the Associate Dean or Assistant Dean, Students. (An exception might be participation in a Reading Group or a Senior Thesis Capstone)
- Capstone programs are not scheduled – they meet according to the instructors requirements
- Students will be enrolled in the course following approval of their proposal.

Extended Paper Perspective Course

Academic careers depend on the ability to develop an ambitious and original research program and to see that program through into successful studies and publications. This intensive program exposes students to all aspects of academic life, from translating intellectual curiosity into a research proposal to turning a proposal into a publishable paper. Students will be expected not only to undertake a major piece of research in connection with this intensive program but also to present their research proposal and a draft of the paper to a peer workshop. Students will receive mentoring on academic careers (e.g. choosing graduate schools, applying for funding, drafting research proposals, etc).

Selection for the course will be by both faculty nomination and application and will be determined by a selection committee. Decisions will be made based on overall academic record and preliminary research proposal outlining the topic to be studied, the approach to be adopted, and the significance of the issues to be addressed.

The preliminary proposal should be less than 1000 words and should display a basic understanding of the literature or case law in the area. The proposal form and completed Capstone Course Form, available at: http://www.law.utoronto.ca/; Current Students; Syllabus & Academic Handbook, must be submitted to Merril Boden at m.boden@utoronto.ca by no later than the deadline for course selection in July.

While awaiting admission to the capstone course, students must select a full load of courses. Once approval is obtained from the Selection Committee, the students will be contacted and courses no longer required will be dropped from the student’s program of study.

Evaluation: Students will be responsible for developing a 5 – 7 page research proposal (15%), presenting a draft of the paper to a peer workshop (15%) and producing a minimum 25 – 30 page research essay (70%).
CAPSTONE COURSE: DIVERSITY AND THE LEGAL PROFESSION: MODELS, STRATEGIES and IDEALS (LAW606H1S) Dean Mayo Moran, Kirby Chown, Raj Anand

Second Term: 3 credits
Max Enrol: 10 JD

Extended Paper

Note: Capstone Rules
- Only third year students are eligible to participate in a capstone program
- Exchange and letter of permission students are not eligible to participate in this Capstone Course.
- As the goal of the Capstone Program is to allow as many third years as possible to graduate with a “capstone” experience, students may only be confirmed and participate in one capstone course, except with permission of either the Associate Dean or Assistant Dean, Students. (An exception might be participation in a Reading Group or a Senior Thesis Capstone)
- Capstone programs are not scheduled – they meet according to the instructors requirements

In the Spring of 2006, the Equity and Aboriginal Issues Committee of the Law Society of Upper Canada launched a Retention of Women in the Legal Profession Working Group. This comes on the heels of other Law Society and Canadian Bar Association initiatives documenting the barriers that aboriginals, visible minorities and other equity seeking groups encounter in the legal profession. The goal of this Capstone course is to undertake research that is aimed at solutions and which builds on the existing body of work that analyses and elaborates the challenges. This research may involve comparative studies, empirical analysis, economic analyses, or interdisciplinary perspectives from social work, international development, political theory and others. Following the completion of the capstone, the goal is to present the written work to the profession, the judiciary and the legal academy at a summit on diversity in the profession in the spring/summer of 2007. Sessions for this Capstone will take place both at the Faculty and at the Law Society.

Evaluation: 30 page research paper (75%); presentation of research findings (25%).

CAPSTONE COURSE: JUDICIAL RESEARCH ASSISTANCE PROGRAM – OLD CITY HALL
(LAW601H1F and/or (0101) LAW601H1S) Martha Shaffer

First term and/or Second term: 3 credits per term
Max. Enrol: 6 JD (per term)

To register for this course: you must email a one-page statement of interest to Professor Martha Shaffer (martha.shaffer@utoronto.ca) by June 23, 2006 indicating why you wish to register for this course, Students will be notified by the course selection deadline whether they have been approved for the course. As the Court relies on a minimum of five students, once approval has been granted, the minimum number of students cannot drop below five.

Note: An initial organizational meeting will be arranged for early September

Note: Capstone Rules
- Only third year students are eligible to participate in a capstone program
- Exchange and letter of permission students are not eligible to participate in this Capstone Course.
- Students may not apply for additional credit in a capstone program
- As the goal of the Capstone Program is to allow as many third years as possible to graduate with a “capstone” experience, students may only be confirmed and participate in one capstone course, except with permission of either the Associate Dean or Assistant Dean, Students. (An exception might be participation in a Reading Group or a Senior Thesis Capstone)
- Capstone programs are not scheduled – they meet according to the instructors requirements
The Ontario Court of Justice is the largest Court in Canada and one of the most diverse. Its jurisdiction extends from criminal law matters and youth criminal justice to family law and regulatory offences. The JRAP program is designed to provide third year J.D. students with an opportunity to learn about the Ontario Court of Justice by observing court proceedings and by preparing research memoranda for judges. Research projects will range from finding answers to small and immediate questions that arise during the course of a hearing, to larger memoranda on areas of law of use to the court. Students will be exposed to the judicial process as well as to the practical and intellectual complexities of criminal law, youth justice and family law.

This course will not have a set meeting time. Students will be expected to attend approximately six Orientation sessions at the Court. Some of these sessions will involve observing court proceedings; others will be research seminars which will focus on how to prepare memoranda for the court. These orientation sessions are mandatory. As these sessions may conflict with other law school courses, students must be prepared to miss their regular classes on occasion. The research seminars for both terms will be held during the fall. All students, including those taking the course during the spring term, must attend the research sessions in the fall. The Orientation sessions have not yet been scheduled. The sessions which involve observing court proceedings will likely take place weekday mornings. The research seminars will likely take place over the lunch period or in the late afternoon.

**Evaluation:** Each student will be responsible for submitting research memoranda of varying lengths (as required by the project) to members of the Court. These memoranda and research assignments will be assessed on an honours/pass/fail basis. Students will be expected to produce 30-40 pages of written material over the course of the term.

**CAPSTONE COURSE: JUDICIAL RESEARCH ASSISTANCE PROGRAM – JARVIS STREET COURT**

**CAPSTONE COURSE: JUDICIAL RESEARCH ASSISTANCE PROGRAM – JARVIS STREET COURT**

(0102) (LAW601H1S) Martha Shaffer

Second term: 3 credits
Max. Enrol: 6 JD

To register for this course: you must email a one-page statement of interest to Professor Martha Shaffer (martha.shaffer@utoronto.ca) by June 23, 2006 indicating why you wish to register for this course, Students will be notified by the course selection deadline whether they have been approved for the course. As the Court relies on a minimum of five students, once approval has been granted, the minimum number of students cannot drop below five.

**Note:** An initial organizational meeting will be arranged for early September

**Note: Capstone Rules**
- Only third year students are eligible to participate in a capstone program
- Exchange and letter of permission students are not eligible to participate in this Capstone Course.
- Students may not apply for additional credit in a capstone program
- As the goal of the Capstone Program is to allow as many third years as possible to graduate with a “capstone” experience, students may only be confirmed and participate in one capstone course, except with permission of either the Associate Dean or Assistant Dean, Students. (An exception might be participation in a Reading Group or a Senior Thesis Capstone)
- Capstone programs are not scheduled – they meet according to the instructors requirements

The Ontario Court of Justice is the largest Court in Canada and one of the most diverse. Its jurisdiction extends from criminal law matters and youth criminal justice to family law and regulatory offences. The JRAP program is designed to provide third year J.D. students with an opportunity to learn about the Ontario Court of Justice by observing court proceedings and by preparing research memoranda for judges. Research projects will range from finding answers to small and immediate questions that arise during the course of a hearing, to larger memoranda on areas of law of use to the court. Students will be
exposed to the judicial process as well as to the practical and intellectual complexities of criminal law, youth justice and family law.

This course will not have a set meeting time. Students will be expected to attend four mandatory Orientation sessions that will provide background information on substantive and procedural issues arising in family law and youth criminal justice cases. These sessions will be led by judges of the Ontario Court of Justice and will be held at the law school on four Tuesday afternoons from 4:10-5:30 p.m. Students should also arrange their schedules to have a block of time available one morning per week when they can attend at court. Students interested in youth criminal justice cases should be available to attend court on Tuesday or Thursday mornings. Students interested in family law can attend court any morning from Monday to Friday.

**Evaluation**: Each student will be responsible for submitting research memoranda of varying lengths (as required by the project) to members of the Court. These memoranda and research assignments will be assessed on an honours/pass/fail basis. Students will be expected to produce 30-40 pages of written material over the course of the term.

**CAPSTONE COURSE: READING GROUP (LAW604H1F) (LAW604H1S) Lorne Sossin**

**First Term or Second Term: 1 to 4 credits**

**Max Enrol: 10 JD students per group**

**Note: Capstone Rules**
- Only third year students are eligible to participate in a capstone program
- Students will be enrolled in the course following approval of their proposal.
- Exchange and letter of permission students are not eligible to participate in this Capstone Course.
- If after approval of the Reading Group credits a student decides NOT to continue with the group, course selection will be on an as available basis during the add/drop period.
- **As the Reading Group relies on a minimum of five students, once approval has been granted, the minimum number of students cannot drop below five.**
- Students may not apply for additional credit in a capstone program
- As the goal of the Capstone Program is to allow as many third years as possible to graduate with a “capstone” experience, students may only be confirmed and participate in one capstone course, except with permission of either the Associate Dean or Assistant Dean, Students. (An exception might be participation in a Reading Group or a Senior Thesis Capstone)
- Capstone programs are not scheduled – they meet according to the instructors requirements

Third year students can propose and develop reading courses for 1 to 4 credits, under the supervision of one or more faculty members. The reading groups would ideally be based on student and faculty interest in a particular issue and would be collegial and collaborative in nature. At least five students must present a group proposal to constitute a Reading Group. Students may approach a particular full-time faculty member and seek their approval or alternatively, students may request that the Associate Dean’s Office find an appropriate full-time faculty member.

A 1-2 page proposal and completed Capstone Course Form, available at: http://www.law.utoronto.ca; Current Students; Syllabus & Academic Handbook, must be submitted to Merril Boden at m.boden@utoronto.ca by no later than the deadline date for course selection in July.

Prior to approval students must select a full load of courses. Once approval is obtained from the Capstone Course Committee, the students will be contacted and courses no longer required will be dropped from the student's program of study.

**Evaluation**: Faculty members are responsible for setting the appropriate mode of evaluations for a proposal. While the precise evaluation will be determined, it is expected that the work involved will be typical for the number of credits sought. Students cannot fulfill the extended paper in this course.

**Page lengths for credits:**
- 10-12 pages for 1 credit;
• 15 – 20 pages for 2 credits;
• 25 – 30 pages for 3 credits; and
• 35 – 40 pages for 4 credits).

CAPSTONE COURSE: SENIOR THESIS (LAW605H1F) (LAW605H1S) Lorne Sossin

First or Second Term: Credits 2 to 14
Max Enrol: 5 JD;

Note: Capstone Rules
• Only third year students are eligible to participate in a capstone program
• Students will be enrolled in the course following approval of their proposal.
• Exchange and letter of permission students are not eligible to participate in this Capstone Course.
• If after approval of the Senior Thesis credits a student decides NOT to continue with the thesis, course selection will be on an as available basis during the add/drop period.
• Students may not apply for additional credit in a capstone program
• As the goal of the Capstone Program is to allow as many third years as possible to graduate with a “capstone” experience, students may only be confirmed and participate in one capstone course, except with permission of either the Associate Dean or Assistant Dean, Students. (An exception might be participation in a Reading Group or a Senior Thesis Capstone)
• Capstone programs are not scheduled – they meet according to the instructors requirements

Extended Paper

Third year students wishing to spend a semester undertaking original research and writing under the close supervision of a full-time faculty member may be eligible to receive a maximum of 14 credits under a senior thesis option. Students must obtain the approval of a full-time professor to request supervision of their proposed thesis. Proposals must include a detailed statement of the project, and a completed Capstone Course Form available on the web at: http://www.law.utoronto.ca/; Current Students; Syllabus & Academic Handbook. The proposal and completed form must be submitted to Merrill Boden at m.boden@utoronto.ca by no later than the deadline date for course selection in July.

Proposals will be subject to review and approval by the Directed Research Committee.

Prior to approval students must select a full load of courses. Once approval is obtained the student will be contacted and courses no longer required will be dropped from the student’s program of study.

Evaluation: for this capstone course will be based on a research paper. The length of the research paper will depend on the number of credits.
• 6 credit thesis is expected to be in the range of 60-70 pages.
• 8 credit thesis is expected to be in the range of 90-100 pages.
• 10 credit thesis is expected to be in the range of 120-130 pages.
• 12 credit thesis is expected to be in the range of 150-160 pages.
• 14 credit thesis is expected to be in the range of 180-200 pages.

CAPSTONE COURSE: SENIOR THESIS (LAW605Y1Y) Lorne Sossin

Full Year: 2 to 14 credits
Max. Enrol: 5 JD

Capstone Rules
• Only third year students are eligible to participate in a capstone program
• Students will be enrolled in the course following approval of their proposal.
• Exchange and letter of permission students are not eligible to participate in this Capstone Course.
• If after approval of the Senior Thesis credits a student decides NOT to continue with the thesis, course selection will be on an as available basis during the add/drop period.
• Students may not apply for additional credit in a capstone program
• As the goal of the Capstone Program is to allow as many third years as possible to graduate with a "capstone" experience, students may only be confirmed and participate in one capstone course, except with permission of either the Associate Dean or Assistant Dean, Students. (An exception might be participation in a Reading Group or a Senior Thesis Capstone)
• Capstone programs are not scheduled – they meet according to the instructors requirements

**Extended Paper**

Third year students wishing to spend a year undertaking original research and writing under the close supervision of a full-time faculty member may be eligible to receive a maximum of 14 credits under a senior thesis option. Students must obtain the approval of a full-time professor to request supervision of their proposed thesis. Proposals must include a detailed statement of the project, and a completed Capstone Course Form available on the web at: www.law.utoronto.ca The proposal must be submitted to Merril Boden at m.boden@utoronto.ca by no later than the deadline date for course selection in July.

Proposals will be subject to review and approval by the Directed Research Committee.

Prior to approval students must select a full load of courses. Once approval is obtained the student will be contacted and courses no longer required will be dropped from the student’s program of study.

**Evaluation**: for this capstone course will be based on a research paper. The length of the research paper will depend on the number of credits.
• 6 credit thesis is expected to be in the range of 60-70 pages.
• 8 credit thesis is expected to be in the range of 90-100 pages.
• 10 credit thesis is expected to be in the range of 120-130 pages.
• 12 credit thesis is expected to be in the range of 150-160 pages.
• 14 credit thesis is expected to be in the range of 180-200 pages.

**CAPSTONE COURSE: THE CITIZEN’S ASSEMBLY (LAW603H1F) Lorne Sossin and George Thomson**

First Term: 3 credits
Max Enrol: 10 JD

**Extended Paper**

**Capstone Rules**
• Only third year students are eligible to participate in a capstone program
• Exchange and letter of permission students are not eligible to participate in this Capstone Course.
• Students may not apply for additional credit in a capstone program
• As the goal of the Capstone Program is to allow as many third years as possible to graduate with a “capstone” experience, students may only be confirmed and participate in one capstone course, except with permission of either the Associate Dean or Assistant Dean, Students. (An exception might be participation in a Reading Group or a Senior Thesis Capstone)
• Capstone programs are not scheduled – they meet according to the instructors requirements

On March 27, 2006, the Ontario Government appointed George Thomson Chair of the Citizen’s Assembly. The Assembly will have 103 members, one member from each of Ontario’s electoral ridings, and will operate independent of the Government. The Citizen’s Assembly will commence its work in September of 2006. The Citizen’s Assembly will be charged with assessing Ontario’s current electoral system and recommending whether Ontario should keep this system or adopt a new one. If the Assembly recommends change, the government will hold a referendum on that alternative. As the Minister for
Democratic Renewal stated when announcing the Citizen’s Assembly, “For the first time in Ontario’s history, Ontarians will have the opportunity to participate in a full, open debate on which electoral system best serves Ontario.”

The Citizen’s Assembly will involve students from both York University and the University of Toronto. In addition to undertaking research on legal themes related to direct democracy, the electoral system, the regulation of political parties and the Citizen’s Assembly process, students must be prepared to devote some time over at least two or three weekends during the course of the term observing the Assembly.

Meetings (there may be additional dates):
- Wednesday, September 6 at 12:30pm at Osgoode
- Friday, October 6 at 12:30pm at U of T
- November TBD at 12:30pm at Osgoode
- December TBD at 12:30pm - location tbd

At the first session, students will be oriented to the work of the assembly and will be asked to select their research topics. If at all possible, the research topics will have been provided to the students in advance of the first meeting along with a list of potential readings.

There will be an opportunity for students to participate either as facilitators or as resource persons during the consultation and decision making phases of the assembly. However this work will not receive academic credit. Instead, the assembly will contract directly with the students involved for any such engagements.

Students will be provided with the opportunity of presenting their papers at the consultation hearings which will be held later in the fall by the Assembly. In addition, students will have the opportunity of attending sessions of the Citizens Assembly.

Evaluation: research paper or shorter papers, for a total of approximately 30 pages (75%); memo based on observations of the Assembly (10%); and presentation of research findings (15%).

CAPSTONE COURSE: THE FUTURE OF JUDICIAL INDEPENDENCE (LAW602H1S) Lorne Sossin and Roy McMurtry, Heather Smith and Brian Lennox

Second Term: 3 credits
Max Enrol: 10 JD

Extended Paper

Capstone Rules
- Only third year students are eligible to participate in a capstone program
- Exchange and letter of permission students are not eligible to participate in this Capstone Course.
- Students may not apply for additional credit in a capstone program
- As the goal of the Capstone Program is to allow as many third years as possible to graduate with a “capstone” experience, students may only be confirmed and participate in one capstone course, except with permission of either the Associate Dean or Assistant Dean, Students. (An exception might be participation in a Reading Group or a Senior Thesis Capstone)
- Capstone programs are not scheduled – they meet according to the instructors requirements

In February 2006, the first ever televised “confirmation” hearings for a Supreme Court nominee in Canada took place. In September of 2005, the Canadian Judicial Council adopted a report recommending judicial autonomy in court budgeting and an independent commission for resolving budgetary disputes. and other
aspects of court administration. In the summer of 2005, a major trilogy of Supreme Court cases was issued addressing disputes between provincial governments and provincial judges relating to the independent commissions which now set judicial remuneration. Are all of these issues intertwined? What is the relationship between judicial independence and the legitimate policy preferences and fiscal constraints of Government? What is the relationship between judicial independence and the independence of the Bar? What are the special roles and responsibilities of the Chief Justice in relation to judicial independence? These and other issues will come to define the future of judicial independence and will be the subject of this capstone.

**Evaluation:** 30 page research paper (75%); presentation of research findings (25%).

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**REGULAR COURSES**

**A CONSTITUTIONAL LAW FOR EUROPE? INTRODUCTION TO THE LAW OF THE EUROPEAN UNION (LAW417H1S) Ian Lee**

Second Term: 4 credits; 4 hours  
Max. Enrol: 25: 20 JD; 5 LLM/SJD  
Schedule: M: 8:45 – 10:35; W: 8:45 – 10:35

*Extended Paper*

This course provides an introduction to the law of the European Union, focusing on the constitutional foundations of the Union, including the relationship between the Union and the Member States, the role of the Court of Justice, and the evolution of the Union from its original preoccupation with economic integration to the current debates over citizenship, European identity and fundamental rights. The aim of the course is to provide students with basic conceptual and doctrinal fluency in relation to E.U. constitutional (and administrative law), and an understanding of the development and possible futures of this innovative legal and political entity.

Students will be expected to participate in classroom discussions.  
**Evaluation:** JD students: Final exam (100%, 3 hours, open book); Students may choose to write an additional, no-downside essay approximately 15 double-spaced pages in length and due on the day of the examination. The essay will count for 50% of the final grade only if the grade received on the essay is higher than the student’s exam result.  
**Graduate (non-JD) students:** Essay (up to 45 double-spaced pages, 100%).

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**ABORIGINAL LAW OF THE NORTHEAST: THE ANISHINABEK AND HAUDENOSAUNEE LEGAL TRADITIONS (LAW483H1S) Darlene Johnston**

Second Term: 3 credits; 3 hours  
Max. Enrol: 25: 20 JD; 5 LLM/SJD  
Schedule: W: 4:10 – 7:00

*Extended Paper*  
**Perspective Course**

This seminar will explore the pre-colonial foundations of the Anishnaabeg (Ojibway) and Haudensaunee (Six Nations) legal traditions in Northeastern North America. As the indigenous inhabitants of this region, the Anishnaabeg and the Haudensaunee developed legal systems grounded in the social, ecological and spiritual realities of their environment. The core principles of these legal systems will be conceptualized by considering notions of identity (individual/collective), governance (autonomy/authority), entitlement (rights/responsibilities), and territoriality (geographical/spiritual) from both perspectives. To avoid privileging written texts (case law, legislation, alphabetic renderings of treaties), attention will be given to
Anishnaabeg and Haudenosaunee oral tradition and its associated non-alphabetic semiotic systems such as wampum belts, scrolls, petroglyphs, and other inscribed representations of material culture.

**Evaluation:** A 25-page research paper on a topic approved by the instructor. A limited number of students may fulfill the extended paper requirement for this course.

**ABORIGINAL PEOPLES AND CANADIAN LAW (LAW370H1F) Darlene Johnston**

**First Term:** 4 credits; 4 hours  
**Max. Enrol:** 50: 45 JD; 5 LL.M./S.J.D.  
**Schedule:** T: 4:10 – 6:00; Th: 4:10 – 6:00

This course is an introduction to Canadian law relating to the unique status and rights of Aboriginal peoples. Topics include: the common law evolution and constitutional protection of Aboriginal rights and title; the historical and contemporary role of treaty-making; the implications of federal/provincial division of powers; fiduciary obligations; and governance.. Current problems will be grounded in their historical and cultural context and the theoretical and pragmatic challenges faced by practitioners will be examined.  

**Evaluation:** Students may choose between: (1) a final 3 hour open-book examination OR (2) a 48 hour take-home examination (100%) to be signed out from and returned to the Records Office. The examination may be taken during any 48 hour period between the first day of the examination period and due no later than the set deadline for written work in the applicable term (see Take-home Policy in Syllabus for details).

**ACCESSIBLE JUSTICE: THE CASE OF DISABILITY RIGHTS (LAW521H1S) David Baker**

**Second term:** 3 credits; 2 hours  
**Max. Enrol:** 25: 20 JD; 5 LLM/SJD  
**Schedule:** M: 4:10 – 6:00

A significant gap exists between the potential of a large and growing body of law to enable persons with disabilities to realize their goals and their actual realization. Using the field of disability rights as a case study, this seminar will systemically examine obstacles barring access to justice, and the mechanisms and strategies that are being devised to enhance access. The issues covered will extend from developments in traditional areas such a capacity and *parens patriae*, recent administrative and tort law procedures for holding governments accountable, statutory and common law remedies for enhancing access to counsel, the extension of equality into complex areas of social policy as health and education and utilization of preemptive measures such as affirmative action and access standards. Students with an interest in public interest and equality law will have the opportunity to confront the ways in which the legal process itself compounds the disadvantaged position of persons with disabilities within society.

Over the course of the semester students will be expected to present two brief [5-10 minute] “backgrounders” to access barriers being covered in the seminars. Experienced practitioners involved in class proceedings, Charter litigation and law reform will participate in this advanced level seminar.  

**Evaluation:** will be based on one term paper (60%), presentation of two “backgrounders” (20%) and class participation (20%).

**ADMINISTRATIVE LAW (LAW202H1F) Andrew Green**

**First Term:** 4 credits; 4 hours  
**Max. Enrol:** 55: 50 JD; 5 LLM/SJD  
**Schedule:** M: 10:10 – 12:00; W: 10:10 – 12:00

This course explores the administrative state in the context of the relationship between the legislative, executive and judicial branches of government. In particular, the course will focus on the circumstances in which executive decision-makers (Ministers, administrative tribunals and boards, agencies and
commissions, etc), exercising powers conferred by the legislature, may be subject to judicial intervention. Specific topics include: procedural fairness and the law of bias, the rule of law, the standard of review for administrative agencies and tribunals, remedies for abuse of discretion, the application of the Charter and Canadian Bill of Rights to executive decision-making and emerging, unwritten constitutional principles. We will consider these topics in a diverse range of settings, including immigration and refugee law, labour law, health law, human rights law, environmental law, securities, banking and competition regulation, professional discipline, prison and parole administration, and decision-making in universities, hospitals and municipalities.

**Evaluation:** There will be a final, 3-hour open-book examination (100%). In addition, students may opt as a no downside option form of evaluation to write an 18-20 page, double-spaced, paper on a topic submitted to and approved by the instructor before the end of the first week of November 2006. This paper would be worth 50% and due on the deadline date set for written work at the end of the term.

**Administrative Law (0101) (LAW202H1S)** Freya Kristjanson, Leslie McIntosh

**Second term: 4 credits; 4 hours**

Max. Enrol: 55: 50 JD; 5 LLM/SJD

Schedule: T: 8:45 – 10:35; Th: 8:45 – 10:35

Administrative law is the study of how governments and administrative tribunals may limit the rights and interests of individuals and groups, as well as the role of the courts in superintending governmental action. Administrative law issues arise in a diverse range of settings, including immigration and refugee law, labour law, health law, human rights law, environmental law, securities, banking and competition regulation, professional discipline, and decision-making in universities, hospitals and municipalities. The course will consider the rules and principles applicable to various kinds of decision-makers including government ministers, officials, administrative boards and tribunals, agencies and commissions. Specific topics include: the rule of law, procedural fairness considerations that govern investigation, rule-making, and adjudication by administrative agencies, the right to a hearing and the law of bias, the standard of review of decisions of governmental actors, remedies for abuse of discretion, and the application of the *Charter* and constitutional principles in the administrative realm. Throughout the course the overriding questions will be: How is the public interest to be determined? How should the protection of individual and group rights and interests be balanced against the goals asserted by the government or agency?

**Evaluation:** There will be a final, 3-hour open-book examination (100%).

In addition, students may opt for a no-downside Advocacy Option, which will be worth 50%. The Advocacy Option involves a practicum with Downtown Legal Services (DLS) in which students, supervised by a DLS lawyer, take on at least two files or equivalent workload involving cases before administrative tribunals. Students must write a short paper (10 double-spaced pages) on insights into administrative law issues gained as a result of this experience. The paper is due no later than the set deadline for written work at the end of term.

**Administrative Law (0102) (LAW202H1S)** Andrew Pinto, Laverne Jacobs

**Second term: 4 credits; 4 hours**

Max. Enrol: 55: 50 JD; 5 LLM/SJD

Schedule: M: 4:10 – 6:00; W: 4:10 – 6:00

Administrative law deals with the myriad ways in which government decisions, laws and actions touch on the lives of citizens and organizations, particularly through governmental agencies, boards and commissions. Administrative law principles are key to understanding issues in a diverse range of settings, including health law, environmental law, access to information and privacy law, immigration and refugee law, labour law, telecommunications policy, human rights law, energy regulation, trade and competition, professional discipline, and decision-making in universities, hospitals and municipalities. The course will consider the rules and principles applicable to various kinds of decision-makers including government ministers, officials, administrative boards and tribunals, agencies and commissions. Specific topics include: the rule of law, procedural fairness - the right to a hearing and the law of bias, the standard
of review of decisions of governmental actors, remedies for abuse of discretion, and the application of the Charter and constitutional principles in the administrative realm.

**Evaluation:** There will be a final, 3-hour open-book examination (100%). In addition, students may opt as a no downside option form of evaluation to write an 18-20 page, double-spaced, paper on a topic submitted to the instructors, at a date to be determined and approved by them. This paper would be worth 50% and due on the deadline date set for written work at the end of the term.

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**ADVANCED ABORIGINAL STUDIES MOOT (LAW331Y1Y) Darlene Johnston**

**Both Terms:** 2 credits  
**Max Enrol:** 2 JD

**Pre-requisite:** Aboriginal Peoples and Canadian Law

This course provides an opportunity for students with an interest in and experience with Aboriginal legal and constitutional concerns to earn academic credit through participation in an inter-university scholastic event organized by Aboriginal law students associations across the country entitled "Kawaskimhon". The responsibility of hosting and defining the project will rotate among participating schools from year to year. Students will work as a team to research and write a factum of approximately 20-25 pages, and orally present their arguments at the moot.

Further information will be available from the instructor.

**Evaluation:** is based on satisfactory completion of the factum and participation in the oral argument on a credit/no credit basis. Students also have the option of writing a paper (approximately 10-15 pages) based on the subject matter of the moot and be eligible for graded credit. If this option is chosen, evaluation will be based on the factum, oral argument and the paper.

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**ADVANCED CRIMINAL EVIDENCE (270H1S) John Norris**

**Second term:** 3 credits: 2 hours  
**Max. Enrol:** 25: 20 JD; 5 LLM/SJD  
**Schedule:** T: 6:10 – 8:00

**Pre-requisite:** Evidence

This seminar is designed to enable students to explore in depth some of the evidentiary issues that arise in criminal litigation. The focus will be on difficult areas of the laws of evidence or areas that are in the process of change and development.

Each student will be responsible for leading a seminar on a topic chosen by him or her from the topics to be covered.

Topics may include competence ("married" persons and children), opinion evidence and credibility, refreshing memory, video recordings and children, screens and other devices, prior statements, what is "character", similar fact evidence, hearsay after Smith, evidence of the complainant's sexual history, self-incrimination, and section 24(2) of the Charter.

**Evaluation:** will be by a final paper of approximately 25 pages (60%), a seminar presentation (25%) and for contributions at other students' seminars (15%).
ADVANCED LABOUR LAW: BARGAINING RIGHTS (LAW204H1S) Richard Charney

Second Term: 3 credits; 2 hours
Max Enrol: 25: 20 JD; 5 LLM/SJD
Schedule: W: 6:10 – 8:00

Pre-requisite or Co-requisite: Labour Law

This course will explore the theory of labour relations law in the practical context of our fluid and
globalized economy. A union may be certified by a labour board, and bargaining unit employees may be
covered by a union’s hard-won bargaining rights, but how can a union preserve these for its own benefit,
and the benefit of its bargaining unit, and how can an employer ensure sufficient flexibility to compete?
Concepts of successor rights and common employer under provincial and federal labour statutes will be
explored. Restrictions on contracting out, and when an employer is the “true employer” or merely an
illusory personnel agency, will be considered. Bargaining obligations designed to ensure some
permanence to the bargaining unit will also be given prominence. Alternate bargaining structures, to be
contrasted with the single plant traditional paradigm in North America, will be relevant to considering the
permanence of trade union bargaining rights. The course will focus on theory and policy pertaining to
these issues, as well as the bargaining and litigation strategies that might be employed in the practical
world of labour conflict and dispute resolution.

Evaluation: A research paper (25-30 pp.) 75% on a subject approved by the instructor; 15% for in-class
assignments and/or seminar presentation; and 10% for class participation.

ADVANCED LEGAL RESEARCH, ANALYSIS AND WRITING (LAW307H1F) Wendy Bellack-Viner,
Benjamin Glustein, Bonnie Fish

First Term: 2 credits; 2 hours
Max. Enrol: 25: 20 JD; 5 LLM/SJD
Schedule: (Thursday: 12:10 - 2:00) Room FLA

This course aims to cultivate analytical, research and writing skills through problem based learning. The
approach will be to use actual fact situations to hone such skills as: identifying legal issues; formulating
research strategies and methodologies; efficiently using relevant secondary sources; usefully integrating
print resources with electronic resources; analyzing and synthesizing applicable primary sources;
applying critical thinking; and writing clearly and effectively.
The development of the skills in this course will assist students in their academic course work and
prepare them for their professional careers.

Evaluation: 2 short written assignments (10 - 12) pages in total (45%); memorandum of law (10-12
pages) (45%) and class participation (10%). Grading will be on an Honours/Pass/Fail basis.

ADVANCED LEGAL RESEARCH, ANALYSIS AND WRITING (0101) (LAW307H1S) Beatrice Tice

Second Term: 2 credits; 2 hours
Max. Enrol: 25: 20 JD; 5 LLM/SJD
Schedule: Th: 10:10 – 12:00

This course aims to cultivate analytical, research and writing skills through problem based learning. The
approach will be to use actual fact situations to hone such skills as: identifying legal issues; formulating
research strategies and methodologies; efficiently using relevant secondary sources; usefully integrating
print resources with electronic resources; analyzing and synthesizing applicable primary sources;
applying critical thinking; and writing clearly and effectively.
The development of the skills in this course will assist students in their academic course work and
prepare them for their professional careers.

Evaluation: Evaluation: 2 short written assignments (10 - 12) pages in total (45%); memorandum of law
(10-12 pages) (45%) and class participation (10%). Grading will be on an Honours/Pass/Fail basis.
ADVANCED LEGAL RESEARCH, ANALYSIS AND WRITING (0102) (LAW307H1S) Benjamin Glustein, Bonnie Fish

Second Term: 2 credits; 2 hours
Max. Enrol: 25: 20 JD; 5 LLM/SJD
Schedule: T: 6:10 – 8:00

This course aims to cultivate analytical, research and writing skills through problem based learning. The approach will be to use actual fact situations to hone such skills as: identifying legal issues; formulating research strategies and methodologies; efficiently using relevant secondary sources; usefully integrating print resources with electronic resources; analyzing and synthesizing applicable primary sources; applying critical thinking; and writing clearly and effectively. The development of the skills in this course will assist students in their academic course work and prepare them for their professional careers.

Evaluation: Evaluation: 2 short written assignments (10 - 12) pages in total (45%); memorandum of law (10-12 pages) (45%) and class participation (10%). Grading will be on an Honours/Pass/Fail basis.

ADVANCED PRIVATE LAW: CATEGORIES AND CONCEPTS (LAW230H1S) Stephen Waddams

Second Term: 3 credits; 2 hours
Max. Enrol: 25: 20 JD; 5 LLM/SJD
Schedule: W: 8:45 – 10:35

Extended Paper
Perspective Course

Many attempts have been made since the eighteenth century to explain the relation to each other of concepts in Anglo-American private law, but none of these has commanded general assent nor been found entirely acceptable as a historical account. In this course a number of legal issues are examined in which fundamental concepts (including property, contract, wrongdoing, fiduciary duty, unjust enrichment, and public policy) have operated not in isolation from each other, but cumulatively and in combination. Evaluation: Will be by each participant presenting a paper (25-30 pages) that may be expanded to satisfy the extended paper requirement.

ALTERNATIVE APPROACHES TO LEGAL SCHOLARSHIP (LAW245H1F) David Dyzenhaus

First Term: 3 credits; 3 hours
Max. Enrol: 100 – LLM/S.J.D.
Schedule: M: 6:10 – 9:00

Note: Attendance is mandatory.

We will examine alternative frameworks within which a wide range of legal problems can be analyzed and prescriptions evaluated. These frameworks might include those provided by "law and economics", "law and philosophy" (including utilitarianism, Kantianism and Aristotelian theories), legal history, critical legal studies, feminism, critical race theory, and sociological theories of law. Leading examples of legal scholarship in each of these intellectual veins will form the subject matter of the seminar with guest lecturers having special expertise in the different areas leading discussion. Evaluation: will be by way of three short written assignments (approx. 5-6 pages each).
ALTERNATIVE DISPUTE RESOLUTION (LAW250H1S) George Adams, Sandra Adams

Second Term: 2 credits; 2 hours  
Max. Enrol: 30: 28 JD; 2 LLM/SJD  
Schedule: Monday: 6:10 – 8:00

Note: Attendance in this course is mandatory. Students on the waiting list must attend until added/dropped from the course

This course is designed to introduce students to the various alternatives available for resolving legal disputes outside of the court system. We will consider the nature of disputes and examine different processes available to resolve those disputes. The primary focus will be on negotiation and mediation. However, a wide range of court annexed and private ADR methods will be discussed. Throughout the course we will consider responsibilities of counsel representing clients in various ADR settings, and the role of the third party neutral. The teaching methods will include a mixture of lectures, class discussion, videos and simulation exercises. The goal of the course is threefold: to facilitate a critical understanding of ADR methods; to provide students with a basis for deciding how to select an appropriate mechanism for resolving a dispute; and to enable students to develop some practical dispute resolution skills.  
Evaluation: will be on the basis of a paper (maximum 10 pages) (75%), as well as class preparation and assigned role plays (25%)

ALTERNATIVE DISPUTE RESOLUTION (0101) (LAW250H1F) Tanja Wacyk

First Term: 2 credits; 2 hours  
Max. Enrol: 30: 28 JD; 2 LLM/SJD  
Schedule: W: 6:10 – 8:00

Note: Attendance in this course is mandatory. Students on the waiting list must attend until added/dropped from the course

This course is designed to introduce students to the various alternatives available for resolving legal disputes outside of the court system. We will consider the nature of disputes, both in the private and public sectors, and examine different processes available to resolve those disputes. The primary focus will be on negotiation, mediation and arbitration. Throughout the course we will consider the legal and ethical responsibilities of counsel representing clients in various ADR settings, and the role of the third party neutral in mediation and arbitration. The teaching methods will include a mixture of lectures, class discussion, and simulation exercises. The goal of the course is threefold: to facilitate a critical understanding of ADR methods; to provide students with a basis for deciding how to select an appropriate mechanism for resolving a dispute; and, to enable students to begin to develop some practical dispute resolution skills.
Evaluation: Will be on the basis of a paper (maximum 10 pages) (75%), as well as class participation and assigned role plays (25%).

ART OF THE DEAL (LAW300H1S) Jonathan Feldman and Neill May

Second Term: 3 credits; 2 hours  
Max. Enrol: 20: 16 JD; 4 Management Students  
Schedule: W: 6:10 – 8:00

Pre-requisite or Co-requisite: Business Organizations

This course is designed to provide students with a practical perspective on the fundamental motivations and dynamics underlying business negotiations, the genuine “art of the deal.” The central theme of the course is that most commercial, corporate and securities transactions – ranging from debt financings to venture capital financings to private M&A transactions to takeovers to joint ventures – invariably
(though in different ways) involve fundamentally similar underlying contracting problems, including: controlling moral hazard and adverse selection problems, creating effective mechanisms for managing long-term contractual relationships in the face of inevitably changing circumstances, and establishing workable and effective arrangements for distributing the benefits and risks of the transaction among the contracting parties. By being able to identify these problems in specific contexts, lawyers will be better equipped to respond creatively to the challenges and possibilities of deal-making.

The first part of the course will focus on relevant legal, economic and financial theory. The theory will be presented at an introductory level, and will be developed through academic commentary, legal decisions and transaction documents. The second part of the course will focus on recently completed actual deals. Students will be divided into teams (based on their ranking of the deals to be analyzed), and each team will be required to develop a detailed written analysis of their transaction based on the deal documentation and the economic environment in which it took place. Students will be required to explain the strategic background to the deal and to trace the various ways in which the parties resolved the relevant contracting problems. Teams will be responsible for presenting this analysis to the class, and one other team (identified in advance) will be responsible for critiquing the presentation. Lawyers and other participants in the deal will attend the presentations.

**Evaluation**: Will be based on class attendance and participation (10%), two short notes (2-3 pages each) based on the assigned weekly readings in the first part of the course (30%), the team analysis of the deal and presentation (50%), and the critique of another team's analysis (10%).

**BANKRUPTCY (0101) (LAW408H1S) Anita Anand**

Second Term: 3 credits; 2 hours  
Max. Enrol: 25: 20 JD; 5 LLM/SJD  
Schedule: T: 2:10 – 4:00  

This course deals with the rules governing individual and corporate bankruptcies. It examines two federal statutes: the Bankruptcy and Insolvency Act and the Companies Creditors Arrangement Act. It also deals with three provincial statutes, namely the Assignments and Preferences Act, the Fraudulent Conveyances Act, and the Landlord and Tenant Act. The course focuses on a number of topics, including: the history and policy of Canadian bankruptcy law, formal bankruptcy, ranking of creditors, liability of corporate directors and commercial reorganizations.

**Evaluation**: A 3-hour open-book examination (100%) OR a 3 hour open-book examination worth 75% and a "no downside risk" 4000 word paper worth 25% submitted to the invigilator at the end of the examination. Topic to be approved by the instructor. Paper will count only if it raises the student's mark.

**BANKRUPTCY LAW (0102) (LAW408H1S) Anthony Duggan**

Second Term: 3 credits; 2 hours  
Max. Enrol: 25: 20 JD; 5 LLM/SJD  
Schedule: T: 10:10 – 12:00  

This subject deals with the rules governing individual and corporate bankruptcies as contained in the Bankruptcy and Insolvency Act RSC 1985, c B-3 and the Companies Creditors Arrangement Act RSC 1985, c C-36 and the following provincial statutes: Assignments and Preferences Act RSO 1990, CA-33; Fraudulent Conveyances Act RSO 1990, c F29; and Landlord and Tenant Act RSO 1990, c L7. Topics covered will include:

1. The history and policy of Canadian bankruptcy law  
2. Formal bankruptcy  
   (a) The initiation of bankruptcy proceedings  
   (b) Property available to creditors  
   (c) Proof of claims  
   (d) Executory contracts
(e) Review of pre-bankruptcy transactions
(f) Ranking of creditors and distribution of proceeds
(g) Discharge from bankruptcy

3 BIA and CCAA Commercial reorganizations
(a) Initiation of proceedings
(b) Conduct of debtor’s business
(c) Role of monitor/trustee
(d) Stay of proceedings
(e) Executory contracts
(f) Debtor-in-possession financing
(g) Classification of creditors and voting
(h) The role of court approval

4 Consumer proposals
5 International bankruptcies

Evaluation: will be by:
- Class presentation (15%) and
- 3 hour open-book examination (85%) OR
- 3,000 word essay (45%) and 1½ hour open-book examination (40%).

BUSINESS ORGANIZATIONS (LAW212H1F) Edward Iacobucci

First Term: 4 credits; 4 hours
Max. Enrol: 75: 70 JD; 5 LLM/SJD
Schedule: T: 10:10 – 12:00; Th: 10:10 – 12:00

This course is concerned with the law of business corporations. The purpose of the course is to provide the student with an understanding of the basic principles of modern business corporations law in light of the current statutory regimes and evolving case law. Particular emphasis will be placed on the role of the business corporation in modern society, and on the functions and responsibilities of the officers and directors. The subject necessarily involves both a pragmatic or functional look at the modern corporation as well as a theoretical or jurisprudential examination of the corporation and the parties interested in its operation.

Evaluation: Will be by final 3-hour open book examination.

BUSINESS ORGANIZATIONS (LAW212H1S) Mohammad Fadel

Second Term: 4 credits; 4 hours
Max. Enrol: 75: 70 JD; 5 LLM/SJD
Schedule: M: 10:10 – 12:00; W: 10:10 – 12:00

This course is concerned with the law of business corporations. The purpose of the course is to provide the student with an understanding of the basic principles of modern business corporations law in light of the current statutory regimes and evolving case law. Particular emphasis will be placed on the role of the business corporation in modern society, and on the functions and responsibilities of the officers and directors in the context of different corporate transactions. The subject necessarily involves both a pragmatic or functional look at the modern corporation as well as a theoretical or jurisprudential examination of the corporation and the parties interested in its operation.

Evaluation: Will be by final 3-hour open book examination (90%) and class participation (10%).
CAN THERE BE UNIVERSAL HUMAN RIGHTS (AND OTHER RIGHTS DEBATES) (LAW576H1F)  
Jennifer Nedelsky

First Term: 3 credits; 2 hours  
Max. Enrol: 25: 12 JD; 5 LLM/SJD; 8 Political Science  
Schedule: M: 2:10 – 4:00

*Extended Paper*  
*Perspective Course*

This course will focus on debates over the nature of rights. We will begin with debates around universalism: in what ways does it make sense to speak of universal rights? What are the grounds for such claims, and what are some of the main opposing views? Even if one views rights as social constructs, can there be institutions and practices that create rights with legitimate claims to universality? Some of the objections to the idea of universal rights are objections to the specific form this idea has taken in the western tradition. We will consider alternative "universalisms". Students will be invited to develop this discussion of universal rights— their meaning, implementation, and conflicts around them—or to present materials on other debates around the meaning and implementation of rights. The first four weeks will be discussions based on the readings assigned by the instructor. In the following weeks, one or two students will be responsible for selecting the readings and offering a brief presentation to begin the discussion.

*Evaluation*: Students will be required to submit one page comments on the readings on alternate weeks.  
These comments will form a part of the class participation mark worth 25% of the final grade. A final research paper (75%) on a rights focused topic of the student’s choice (25-30) pages is the remaining course requirement.

CANADIAN APPROACHES TO INTERNATIONAL LAW (LAW215H1F) Angela Fernandez, Karen Knop

First Term: 3 credits; 2 hours  
Max. Enrol: 25: 18 JD; 2 LLM/SJD; 5 JD/MA (International Relations)  
Schedule: W: 2:10 – 4:00

*Extended Paper*  
*Perspective Course*

For better and for worse, different states approach international law differently. Canadian international lawyers, however, are so resolutely internationalist that they have neglected to examine whether we have our own approaches to, even our own tradition in, international law. On the one hand, there is increasing attention to Canadian legal history centered on Canadian law. On the other, there is considerable writing on the past, present and future of Canadian foreign policy. Yet we know very little about Canadian international legal history. What does it look like and what lessons might it hold for the future?

The seminar pursues these questions through intellectual biographies of such leading Canadian figures in international law as the nineteenth-century Quebec international lawyer Maximilien Bibaud, Maxwell Cohen, Percy Corbett, John Humphrey (a key figure in the drafting of the Universal Declaration of Human Rights), Gerald La Forest, Ronald St. John Macdonald (former dean of the University of Toronto Faculty of Law and former judge on the European Court of Human Rights) and John Read (judge on the International Court of Justice from 1946 to 1958). Following introductory classes on legal history methodologies, theories of international law, and different approaches to Canada’s role in international relations and international law, the seminar will adjourn and recommence towards the end of the term when students will present their work-in-progress. Professors Fernandez and Knop will be available for consultation throughout the term. Beatrice Tice, Chief Librarian, will also be available to help students design an individual research strategy.
The aim of this seminar is to encourage and make available research into Canadian approaches to international law. Accordingly, with the student's permission, the final papers will be published on the Faculty of Law website, hyperlinked with the Canadian Council on International Law website. The editor of the Revue québécoise de droit international has expressed an interest in papers on Quebec historical figures in international law.

**Evaluation:** A 25-30 page paper.

**NOTE:** Because this course is structured so as to encourage and facilitate independent research, students are expected to choose their topic and design their research plan early in the term. Students are also expected to keep a research journal in which they make a note of the research they have done (e.g. electronic searches, indexes or tables of contents of books or journals searched) to bring to all meetings with the instructors. This would be particularly important in the case of a student who chooses to work on a figure or topic about whom or on which not much previous work has been done and a great deal of searching might yield little by way of results.

**CANADIAN INCOME TAX LAW (LAW284H1F) David Duff**

**First Term: 4 credits; 4 hours**  
**Max. Enrol: 75: 74 JD; 1 LLM/SJD**  
**Schedule: T: 9:10 – 11:00; Th: 9:10 – 11:00**

**Note:** Students taking this course cannot take Canadian Income Tax Law (LAW284H1S) with Professor Alarie

The income tax is the largest single source of government revenue in Canada and an important instrument both for the expression of societal values and for the delivery of social and economic policies. This course examines the basis structure of the income tax through a careful reading of the Income Tax Act and relevant judicial and administrative interpretations. Initial lectures are devoted to the purposes of taxation, the role of the income tax, key structural features of the income tax (tax rates, tax base, accounting period, tax unit, and tax credits), the interpretation of tax statutes, and judicial and statutory responses to tax avoidance. The remainder of the course examines the various categories of income or loss identified in the Income Tax Act (income or loss from an office or employment, income or loss from a business or property, taxable capital gains and allowable capital losses, and income from other sources), and the computation of a taxpayer's aggregate net income. In addition to a basic understanding of the Canadian income tax, the course aims at an appreciation of the theory and practice of statutory interpretation.

**Evaluation:** a 24 hour take-home examination (100%) to be signed out from and returned to the Records Office. The examination may be taken during any 24 hour period between the first day of the examination period and due no later than the set deadline for written work in the applicable term (see Take-home Policy in Syllabus for details).
CANADIAN INCOME TAX LAW (LAW284H1S) Benjamin Alarie

Second Term: 4 credits; 4 hours
Max. Enrol: 75: 74 JD; 1 LLM/SJD
Schedule: M: 4:10 – 6:00; W: 4:10 – 6:00

Note: Students taking this course cannot take Canadian Income Tax Law (LAW284H1F) with Professor David Duff

Income taxes account for more than 40 per cent of government revenues in Canada ($200 billion per year). This course examines the structure and function of the Income Tax Act and addresses the various social and economic policies implicit in its current form. The first third of the course will focus on an examination of the purposes of taxation, the social and economic role of the income tax, its key structural features (tax rates, tax base, accounting period, and tax unit), the statutory interpretation of tax legislation, and judicial and statutory responses to tax avoidance. The remainder of the course will canvass the recognition of different categories of economic gains and losses by the Act, including income and losses from office, employment, business and property. The tax treatment of capital gains and losses will also be addressed. The course aims to provide an introduction to the legislative, judicial and administrative treatment of Canadian income tax law.

Evaluation: will be by scheduled 3 hour open book examination.

CANADIAN MIGRATION LAW (LAW456H1S) Sharryn Aiken

Second Term: 3 credits; 3 hours
Max. Enrol: 50: 45 JD; 5 LLM/SJD
Schedule: M: 2:10 – 5:00

Who gets in? As national borders dissolve for trade, capital, communication and culture under globalization, these same borders acquire increasing salience in controlling the flow of people. This course focuses on the Canadian policy and legislation designed to manage and regulate entry, residence and citizenship. The Immigration Refugee Protection Act and Regulations provide the framework for categorizing potential entrants into legal vs. non-legal, visitors vs. permanent residents, and immigrants vs. refugees. In addition to navigating through the major components of the legislation, the course will examine constitutional aspects of immigration (the role of the provinces and the Charter), the influence of international law and the differential impact of the immigration regime along axes of gender, class ethnicity, ‘race’ and nationality. The recent passage of the Immigration and Refugee Protection Act, provides an opportunity to critically assess shifts in immigration policy animated by recent trends, including the rise in undocumented migration, the heightened perception of non-citizens as security threats and economic globalization. Finally, the question ‘who gets in?’ will be answered in the context of theoretical and normative concerns (who ought to get in?), history (who got in to Canada in the past?), and comparative trends (who gets in elsewhere?).

Evaluation: Paper (25 pages) or a 48 hour take-home examination (100%) to be signed out from and returned to the Records Office. The examination may be taken during any 48 hour period between the first day of the examination period and due no later than the set deadline for written work in the applicable term (see Take-home Policy in Syllabus for details).

Note: Students agree that by taking this course all required papers may be subject to submission for textual similarity review to Turnitin.com for the detection of plagiarism. All submitted papers will be included as source documents in the Turnitin.com reference database solely for the purpose of detecting plagiarism of such papers. The terms that apply to the University's use of the Turnitin.com service are described on the Turnitin.com web site.
CHILDREN AND THE LAW (LAW303H1S) Carol Rogerson

Second Term: 3 credits; 2 hours
Max. Enrol: 30; 25 JD; 5 LLM/SJD
Schedule: T: 4:10 – 6:00

Extended Paper

This seminar will examine the ways in which our legal system deals with children. This topic is one which has taken on increasing importance in light of the United Nations Convention on the Rights of Children, to which Canada is a signatory, and of the equality guarantee in the Canadian Charter of Rights and Freedoms which protects against discrimination on the basis of age. Issues of the appropriate treatment of children and the extent to which differences between adults and children may be legitimately taken into account are being raised in new ways within our legal system. Some time will be spent at the beginning of the course dealing with the social concepts of childhood on which our laws draw and the unique challenges of conceptualizing children's rights given limitations on children's capacities. Attention will be paid first to the distinction between rights to protection and rights to autonomy and second to role of parents in any concept of children's rights and the competing values of state protection of children's rights and values of family autonomy and privacy. Against the backdrop of the rights recognized by the United Nations Convention on the Rights of the Child the course will then deal with a series of specific topics having to do with children which may include: custody and access determinations; adoption; the role of race and culture in child placement decisions; determination of parentage; child abuse and child protection law; medical decisions about children; educational decisions; children in the immigration system, and young offenders legislation. In dealing with these topics attention will be paid to children’s right to participate in decision making, including the related issues of the role of children's lawyers and children’s evidence.

Evaluation: Students may choose between two alternatives: (1) a 20 to 25 page research paper (75%) together with class participation (25%); or (2) two shorter essays/assignments totaling approximately 25 pages in length (75%) together with class participation (25%). Students choosing the first option may expand their paper to meet the Extended Paper Requirement. The class participation component of the grade will be based upon attendance, participation in class discussion, and three short comments on the weekly readings.

CLINICAL LEGAL EDUCATION - ADVOCATES FOR INJURED WORKERS (0101) (LAW248Y1Y)

Both Terms: 2 credits (ungraded)
Max Enrol: 8 JD

Note: Enrollment in ALL the clinics for credit is limited. Interested students must apply to the appropriate clinic prior to the deadline for course selection in July. If necessary, students will be interviewed for the available positions.

To register for this course: you must email a one-page statement of interest to Jo-Ann Seamon seamonj@lao.on.ca by June 15, 2006 indicating why you wish to register for this clinic, what relevant background or skills you have for the clinic and how you see the Advocates for Injured Workers clinic within your overall University of Toronto Faculty of Law experience.

Note: You may select the clinic on the on-line course system but will be waitlisted until the clinic has provided approval of your participation to the Assistant Registrar Records, Celia Genua at celia.genua.utoronto.ca. This approval should be provided by no later than the course selection deadline of July 6, 2006.

Advocates for Injured Workers (AIW) is a student legal clinic which provides representation to clients in workers' compensation and related disability law matters. To obtain credit, clinic workers must attend weekly shifts, attend scheduled lectures, and carry a minimum of 5 active files to the satisfaction of
the review counsel and the Faculty Adviser. It is expected that clinic credit students will have volunteered at AIW in the previous school year.

In second and third year, a student is able to allocate two clinical work credits in each year towards their academic program (one per term or two in one term), subject to meeting the requirements. Volunteer notations are not available for upper year students. Clinic work is a program which extends over both terms and to receive credit, students must enroll for the entire academic year. Accordingly, no credit will be shown on the academic transcript or interim Statement of Grades until the program has been successfully completed. Students may select a clinic for credit but will be waitlisted until participation has been approved by the clinic and forwarded to the law school’s Assistant Registrar, Celia Genua. Since course selection is settled in each term prior to actually satisfying the requirements of the clinic program, students who plan to earn academic credits through clinical work must ensure that they will either fulfill the requirements of the program or otherwise meet the credit requirements of the J.D. program. As with other courses in the academic program, students may not withdraw from the clinic program after the deadlines for adding/dropping courses.

**Evaluation:** Each clinic requires carriage of a minimum number of client files, attendance at shifts and may require attendance at lectures. The decision to grant or withhold credit will be made by the Faculty Advisor in consultation with the review counsel of each clinic.

**CLINICAL LEGAL EDUCATION - BARBRA SCHLIFER CLINIC - (0102) (LAW248Y1Y)**

**Both Terms: 2 credits (ungraded)**
**Max Enrol: 3 JD**

**Note:** Enrollment in ALL the clinics for credit is limited. Interested students must apply to the appropriate clinic prior to course selection in July. If necessary, students will be interviewed for the available positions.

**To register for this course:** you must email a one-page statement of interest to Caroline Sand c.sand@schliferclinic.com by June 15, 2006 indicating why you wish to register for this clinic, what relevant background or skills you have for the clinic and how you see the Barbra Schlifer clinic within your overall University of Toronto Faculty of Law experience.

**Note:** You may select the clinic on the on-line course system but will be waitlisted until the clinic has provided approval of your participation to the Assistant Registrar Records, Celia Genua at celia.genua.utoronto.ca. This approval should be provided by no later than the course selection deadline of July 6, 2006.

**The Barbra Schlifer Commemorative Clinic** is a clinic providing free legal, counseling and cultural interpretation services for women survivors of violence. The Clinic’s legal department assists clients in the areas of family, immigration, criminal, administrative law, focusing on the safety and protection of clients.

In second and third year, a student is able to allocate two clinical work credits in each year towards their academic program (one per term or two in one term), subject to meeting the requirements. Volunteer notations are not available for upper year students. Clinic work is a program that extends over both terms and to receive credit, students must enroll for the entire academic year. Accordingly, no credit will be shown on the academic transcript or interim Statement of Grades until the program has been successfully completed. Students may select a clinic for credit but will be waitlisted until participation has been approved by the clinic and forwarded to the law school’s Assistant Registrar, Celia Genua. Since course selection is settled in each term prior to actually satisfying the requirements of the clinic program, students who plan to earn academic credits through clinical work must ensure that they will either fulfill the requirements of the program or otherwise meet the credit requirements of the J.D. program. As with other courses in the academic program, students may not withdraw from the clinic program after the deadlines for adding/dropping courses.

**Evaluation:** Each clinic requires carriage of a minimum number of client files, attendance at shifts and may require attendance at lectures. The decision to grant or withhold credit will be made by the Faculty Advisor in consultation with the review counsel of each clinic.
CLINICAL LEGAL EDUCATION: HEALTH EQUITY AND LAW CLINIC (LAW335H1S) Joanna Erdman

Second Term: 3 credits; 2 hours
Max Enrol: 15: 8 JD; 7 LLM/SJD
Schedule: Th: 2:10 – 4:00

Pre-requisite: Reproductive and Sexual Health Law (LAW386H1F)

Note: Enrollment in ALL the clinics for credit is limited. Interested students must apply to the appropriate clinic prior to course selection in June. If necessary, students may be interviewed for the available positions.

To register for this course, you must email a one-page statement of interest to Joanna Erdman, joanna.erdman@utoronto.ca by June 15, 2006. Please indicate in less than a page why you wish to register for this course, what relevant background or skills you have for the clinic and how you see the Health Equity and Law clinic within your overall University of Toronto Faculty of Law experience.

Note: You may select the clinic on the on-line course system but will be waitlisted until the clinic has provided approval of your participation to the Assistant Registrar Records, Celia Genua at celia.genua.utoronto.ca. This approval should be provided by no later than the course selection deadline of July 6, 2006.

Health equity is identified by the absence of socially unjust health disparities across population groups, commonly defined by socioeconomic status, race or ethnicity, sex, gender or sexual orientation, geography, age, and disability. Health care equity is defined as the absence of systematic and remediable disparities in the delivery of and access to health care across these same groups. Equity thus implies that health care resources are distributed, and health systems, policies and practices are designed in ways most likely to equalize health outcomes across population groups.

Inequities in health and in access to health care are wide and deep – and are growing. The Health Equity and Law Clinic provides students with a practical opportunity to explore the role of the law in halting this trend. How can the law contribute to the development and evaluation of equitable health care policies and practices in both domestic and international contexts?

Students will work in partnership with government departments, international agencies, domestic and international non-governmental organizations and advocates to provide legal research and analysis on diverse projects relating to health equity. Examples include assessments of proposed policy reform initiatives, formulations of litigation strategies and case theories, and the drafting of amicus briefs, shadow or other consultation reports for U.N. and similar committees. Topics covered by the clinic will vary and depend to a large extent on the nature of projects proposed by partner organizations. In its inaugural year, the Clinic will focus exclusively on policies and practices related to reproductive and sexual health.

Students will also attend a weekly seminar that critically examines the relationship between legal principles of social justice and the conceptual foundations of health and health care equity. We will explore the strengths and weaknesses of legal approaches to the protection and promotion of health equity with the goal of identifying the circumstances in which legal approaches prove most effective or best complement other advocacy strategies. We will also evaluate successful case studies of domestic and international advocacy projects.

Evaluation: research memorandum or brief (25-30 pp.) 75% (on a project developed by partner organization and instructor); 15% for in-class seminar presentation and ongoing meetings on the work-in-progress, and 10% for class participation.
CLINICAL LEGAL EDUCATION - LEGAL CLINIC OF THE CENTRE FOR SPANISH SPEAKING PEOPLES - (0103) (LAW248Y1Y)

Both Terms: 2 credits (ungraded)
Max Enrol: 2 JD

Note: Enrollment in ALL the clinics for credit is limited. Interested students must apply to the appropriate clinic prior to course selection in July. If necessary, students will be interviewed for the available positions.

To register for this course: you must email a one-page statement of interest to Richelle Samuel samuelr@lao.on.ca by June 15, 2006 indicating why you wish to register for this clinic, what relevant background or skills you have for the clinic and how you see the Centre for Spanish Speaking Peoples clinic within your overall University of Toronto Faculty of Law experience.

Note: You may select the clinic on the on-line course system but will be waitlisted until the clinic has provided approval of your participation to the Assistant Registrar Records, Celia Genua at celia.genua.utoronto.ca. This approval should be provided by no later than the course selection deadline of July 6, 2006.

C.S.S.P. advises and represents Spanish speaking peoples in immigration, employment rights, tenant, human rights and income maintenance matters. Knowledge of Spanish is not a requirement for participation in the clinic.

Second and third year students may receive two ungraded credits for non-DLS clinic work and either six or fifteen credits for DLS clinic work upon satisfactory completion of the requirements described below. First year students do not receive course credits for clinic participation, but will receive a volunteer notation on their transcripts if they fulfill a clinic’s volunteer requirements. Volunteer notations are not available for upper year students.

In second and third year, a student is able to allocate two clinical work credits in each year towards his or her academic program (one per term or two in one term), subject to meeting the requirements. However, clinical work is a program which extends over both terms and to receive credit, students must enroll for the entire academic year. Accordingly, no credit will be shown on the academic transcript or interim Statement of Grades until the program has been successfully completed. Students may list clinic credit on their Course Selection Forms and must indicate the clinic in which they propose to work. Since course selection is settled in each term prior to actually satisfying the requirements of the clinic program, students who plan to earn academic credits through clinical work must ensure that they will either fulfill the requirements of the program or otherwise meet the credit requirements of the J.D. program. As with other courses in the academic program, students may not withdraw from the clinic program after the deadlines for adding/dropping courses.

Evaluation: Each clinic requires carriage of a minimum number of client files, attendance at shifts and may require attendance at lectures. The decision to grant or withhold credit will be made by the Faculty Advisor in consultation with the review counsel of each clinic.
CLINICAL LEGAL EDUCATION: INTERNATIONAL HUMAN RIGHTS CLINIC (LAW548H1F) Darryl Robinson

First Term: 3 credits; 3 hours
Max. Enrol: 8: 6 JD; 2 LLM

Note: Enrollment in ALL the clinics for credit is limited. Interested students must apply to the appropriate clinic prior to course selection in June. If necessary, students will be interviewed for the available positions.

In second term a one credit pass/fail practicum will be available for students who have previously completed the international human rights clinic, subject to approval of the instructor.

To register for this course, you must email a one-page statement of interest to Kara Norrington at ihrc.law@utoronto.ca by June 15, 2006. Please indicate in less than a page why you wish to register for this course, what relevant background or skills you have for the clinic and how you see the International Human Rights clinic within your overall University of Toronto Faculty of Law experience.

Note: You may select the clinic on the on-line course system but will be waitlisted until the clinic has provided approval of your participation to the Assistant Registrar Records, Celia Genua at celia.genua.utoronto.ca. This approval should be provided by no later than the course selection deadline of July 6, 2006.

This course offers students the opportunity to engage in international human rights advocacy, including litigation, under the supervision of experienced lawyers. The course challenges students to protect and promote international human rights in a variety of fora: before Canadian courts, foreign courts and at the international level in front of treaty bodies and international tribunals. The clinic is partnered with leading Toronto law firms in several complex and ongoing cases. Examples include: a claim on behalf of a Roma community before the European Court of Human Rights, comparative research to support the defence of Andrew Mwenda (charged with sedition in Uganda) and an aboriginal title action to protect Maya lands in the courts of Belize. It is expected that the clinic will become involved in projects with the International Criminal Court.

The clinic will meet twice a week for 1.5 hour sessions. One session will be organized as a seminar, which will focus on skills building (eg. research, interviewing, effective brief writing) and on substantive issues in international human rights litigation (eg. the various avenues, laws and procedures of treaty bodies, international criminal tribunals and courts, immunities and the interpenetration of domestic and international law). Seminars will frequently feature Faculty and visiting experts who will address the clinic on subjects within their expertise.

The other session is an opportunity to evaluate active cases, discuss challenges and strategy and consider issues particular to each case. Students are expected to attend all meetings involving their team. Students will also be expected to present oral case analyses to the clinic director and to scrutinize the applicable law and the method of advocacy for their cases.

The casework may include formulation of case theories and advocacy strategies, legal research, drafting of briefs, facta or reports, interviewing clients and witnesses and attendance at hearings. Attendance at clinic meetings is mandatory. This course requires a significant commitment.

Evaluation: JD students are evaluated on their clinical work and their participation in seminars on an honours/pass/fail basis. Graduate students are evaluated on the graduate grading scale.
CLINICAL LEGAL EDUCATION: INTERNATIONAL HUMAN RIGHTS CLINIC PRACTICUM (LAW538H1S) Darryl Robinson

Second Term
one credit

Max. Enrol: 8

Registration in this course is only available to students enrolled in the International Human Rights clinic course in the fall or in previous years and who have obtained the approval of the instructor to continue their work into the second semester. Students may apply for an additional credit where the workload warrants.

Under the continuing supervision of an experienced lawyer, students will continue to litigate international human rights cases which they commenced working on during the first semester. Students will be challenged to protect and promote international human rights in a variety of fora, including Canadian courts and tribunals, regional and UN Treaty bodies and before international criminal tribunals. Students will be expected to present oral case analyses to the clinic director and to scrutinize the applicable law and the method of advocacy for a given case.

The casework may include formulation of case theories and advocacy strategies, legal research, drafting of briefs, facta or reports, interviewing clients and witnesses and attendance at hearings.

For details regarding registering for the clinic please see the course description for the International Human Rights Clinic (LAW548H1F).

Note: Students enrolled in the International Human Rights clinic in previous years may apply to the director, as per instructions described under the International Human Rights Clinic (LAW548H1F), to continue working on files under the practicum portion of the program in the second term only. However, preference will be given to current students.

Evaluation: Students are evaluated on their clinical work on an honours/pass/fail basis.

CLINICAL LEGAL EDUCATION: PUBLIC INTEREST ADVOCACY: THE INTENSIVE PROGRAM (CLINICAL) (LAW402H1F) Judith McCormack

First Term: 12 credits; 2 hours
Max. Enrol: 5
Schedule: T: 2:10 – 4:00

Note: This intensive program includes both clinical work and a paper. For technical reasons, students wishing to do the program must register for the clinical component and the paper component separately by registering for both:
Public Interest Advocacy: The Intensive Program (Clinical) (LAW402H1F) and Pubic Interest Advocacy: The Intensive Program (Paper) (LAW562H1F)

Extended Paper

Note: Enrollment in ALL the clinics for credit is limited. Interested students must apply to the clinic and be approved by the director prior to course selection in July. Students may be interviewed for the available positions.

To register for this course, you must email a statement of interest to Judith McCormack, at judith.mccormack@utoronto.ca by June 30, 2006. Please indicate why you wish to register for this course and how you see the Public Interest Advocacy: The Intensive Program within your overall University of Toronto Faculty of Law experience.

This full-time, semester long, clinical education program offers students the opportunity to explore legal principles and social policy issues in an empirical, public interest context. The program challenges students to examine issues with respect to the many intersections of law and social inequality in a critical
way, while at the same time allowing them to develop the professional and ethical literacy which is essential to the practice of law. Through their clinical work and a weekly seminar, students are provided with the chance to test relationships between legal rules and the realities of the justice process, to investigate the complex legal problems and policy issues which affect low income communities, to examine the role of law in both social stagnation and social change, and to develop a conceptual and empirical understanding of public interest lawyering.

The program is conducted at Downtown Legal Services, a community legal clinic operated by the Faculty of Law at the University of Toronto. The clinic is dedicated to providing innovative legal services to low income clients in downtown Toronto, and offers legal assistance in the areas of criminal law, housing law, immigration/refugee law, employment law, child and family advocacy, human rights, and academic appeals and offences. DLS also operates satellite clinics at Out of the Cold for Homeless Clients, at Street Outreach Services for a clientele consisting of street-involved youth, at 519 Church Street, where the clientele includes members of transgendered community, and at the Immigration Holding Centre, for immigration and refugee detainees. The clinic’s other initiatives include an active public legal education program, test case litigation and other law reform activities.

Students carry a caseload of twelve real civil and criminal cases throughout the semester, attend shifts and education sessions on substantive law, procedure and professional skills, participate in a weekly two hour seminar, and write a paper of a substantial scholarly character. The casework includes client counselling; case theory formulation; legal research; drafting of pleadings, written submissions, opinion letters or other correspondence; development of case strategy; and representation in pre-trial procedures, settlement negotiations, hearings or trials. Students receive structured, supportive supervision and individualized teaching from the lawyers at the clinic.

The seminars operate in an integrated way with the clinical work by using various analytical, ethical and strategic dilemmas which arise in cases as focal points for more reflective, critical inquiry. The seminars also draw on multi-disciplinary theory with respect to social inequality to provide students with sophisticated understanding of the context in which their clinical work takes place. Finally, the seminars consider lawyering theory and professional skills necessary for effective advocacy.

For their papers, students are encouraged to produce contributions to clinical scholarship with respect to an aspect of public interest law or advocacy, professional ethics, social justice or the theoretics of practice. To facilitate the creation of publishable work, students receive individual attention with respect to the development of their topics and the progress of their writing. **Evaluation:** Students are evaluated on their clinical work, their participation in seminars, and on their papers. Three of the fifteen credits are associated with the weekly seminar and the paper, and are evaluated by letter grades. The remaining twelve credits are graded on an honours/pass/fail basis. Note: Students writing their Extended Paper in this intensive course must have a full-time faculty member as a co-supervisor.
CLINICAL LEGAL EDUCATION: PUBLIC INTEREST ADVOCACY: THE INTENSIVE PROGRAM (PAPER) (LAW562H1F) Judith McCormack

First Term: 3 credits; 2 hours
Max. Enrol: 5
Schedule: T: 2:10 – 4:00

Extended Paper

Note: This intensive program includes both clinical work and a paper. For technical reasons, students wishing to do the program must register for the clinical component and the paper component separately by registering for both:
Public Interest Advocacy: The Intensive Program (Clinical)(LAW402H1F) and
Public Interest Advocacy: The Intensive Program (Paper)(LAW562H1F)

Note: Enrollment in ALL the clinics for credit is limited. Interested students must apply to the clinic and be approved by the director prior to course selection in July. Students may be interviewed for the available positions.

To register for this course, you must email a statement of interest to Judith McCormack, at judith.mccormack@utoronto.ca by June 30, 2006. Please indicate why you wish to register for this course and how you see the Public Interest Advocacy: The Intensive Program within your overall University of Toronto Faculty of Law experience.

This full-time, semester long, clinical education program offers students the opportunity to explore legal principles and social policy issues in an empirical, public interest context. The program challenges students to examine issues with respect to the many intersections of law and social inequality in a critical way, while at the same time allowing them to develop the professional and ethical literacy which is essential to the practice of law. Through their clinical work and a weekly seminar, students are provided with the chance to test relationships between legal rules and the realities of the justice process, to investigate the complex legal problems and policy issues which affect low income communities, to examine the role of law in both social stagnation and social change, and to develop a conceptual and empirical understanding of public interest lawyering.

The program is conducted at Downtown Legal Services, a community legal clinic operated by the Faculty of Law at the University of Toronto. The clinic is dedicated to providing innovative legal services to low income clients in downtown Toronto, and offers legal assistance in the areas of criminal law, housing law, immigration/refugee law, employment law, child and family advocacy, human rights, and academic appeals and offences. DLS also operates satellite clinics at Out of the Cold for Homeless Clients, at Street Outreach Services for a clientele consisting of street-involved youth, at 519 Church Street, where the clientele includes members of transgendered community, and at the Immigration Holding Centre, for immigration and refugee detainees. The clinic’s other initiatives include an active public legal education program, test case litigation and other law reform activities.

Students carry a caseload of twelve real civil and criminal cases throughout the semester, attend shifts and education sessions on substantive law, procedure and professional skills, participate in a weekly two hour seminar, and write a paper of a substantial scholarly character. The casework includes client counselling; case theory formulation; legal research; drafting of pleadings, written submissions, opinion letters or other correspondence; development of case strategy; and representation in pre-trial procedures, settlement negotiations, hearings or trials. Students receive structured, supportive supervision and individualized teaching from the lawyers at the clinic.

The seminars operate in an integrated way with the clinical work by using various analytical, ethical and strategic dilemmas which arise in cases as focal points for more reflective, critical inquiry. The seminars also draw on multi-disciplinary theory with respect to social inequality to provide students with sophisticated understanding of the context in which their clinical work takes place. Finally, the seminars consider lawyering theory and professional skills necessary for effective advocacy.

For their papers, students are encouraged to produce contributions to clinical scholarship with respect to an aspect of public interest law or advocacy, professional ethics, social justice or the theoretics of
practice. To facilitate the creation of publishable work, students receive individual attention with respect to the development of their topics and the progress of their writing.

**Evaluation**: For their papers, students are encouraged to produce contributions to clinical scholarship with respect to an aspect of public interest law or advocacy, professional ethics, social justice or the theoretics of practice. To facilitate the creation of publishable work, students receive individual attention with respect to the development of their topics and the progress of their writing.

**CLINICAL LEGAL EDUCATION: PUBLIC INTEREST ADVOCACY: THE PART-TIME PROGRAM**

(LAW402Y1Y) Judith McCormack

**Both Terms: 6 credits; 3 hours**
**First Term Schedule: Two hour seminars in the first term.**
**Max. Enrol: 35; 32 JD; 3 LLM/SJD**
**Schedule: T: 2:10 – 4:00**

**Note**: Enrollment in ALL the clinics for credit is limited. Interested students must apply to the clinic and be approved by the director prior to course selection in July. Students may be interviewed for the available positions.

To register for this course, you must email a statement of interest to Judith McCormack, at judith.mccormack@utoronto.ca by June 30, 2006. Please indicate why you wish to register for this course and how you see the Public Interest Advocacy: The Intensive Program within your overall University of Toronto Faculty of Law experience.

This part-time, two semester clinical education program offers students the opportunity to explore legal principles and social policy issues in an empirical, public interest context. The program challenges students to examine issues with respect to the many intersections of law and social inequality in a critical way, while at the same time allowing them to develop the professional and ethical literacy which is essential to the practice of law. Through their clinical work and seminars, students are provided with the chance to test relationships between legal rules and the realities of the justice process, to investigate the complex legal problems and policy issues which affect low income communities, to examine the role of law in both social stagnation and social change, and to develop a conceptual and empirical understanding of public interest lawyering.

The program is conducted at Downtown Legal Services, a community legal clinic operated by the Faculty of Law at the University of Toronto. The clinic is dedicated to providing innovative legal services to low income clients in downtown Toronto, and offers legal assistance in the areas of criminal law, housing law, immigration/refugee law, employment law, child and family advocacy, human rights, and academic appeals and offences. DLS also operates satellite clinics at Out of the Cold For Homeless Clients, at Street Outreach Services for a clientele consisting of street-involved youth, at 519 Church Street, where the clientele includes members of the transgendered community, and at the Immigration Holding Centre, for immigration and refugee detainees The clinic’s other initiatives include an active public legal education program, test case litigation and other law reform activities.

Students carry a caseload of five real civil and criminal cases throughout the two semesters, attend shifts and education sessions on substantive law, procedure and professional skills, and participate in three hour seminars during the first term only. The casework includes client counselling; case theory formulation; legal research; drafting of pleadings, written submissions, opinion letters or other correspondence; development of case strategy; and representation in pre-trial procedures, settlement negotiations, hearings or trials. Students receive structured, supportive supervision and individualized teaching from the lawyers at the clinic.

The seminars operate in an integrated way with the clinical work by using various analytical, ethical and strategic dilemmas which arise in cases as focal points for more reflective, critical inquiry. The seminars also draw on multi-disciplinary theory with respect to social inequality to provide students with sophisticated understanding of the context in which their clinical work takes place. Finally, the seminars consider lawyering theory and professional skills necessary for effective advocacy.
**Evaluation:** Students are evaluated on their clinical work, including their written advocacy, and their participation in seminars. Students must complete the requirements for both semesters to obtain the six credits, which are graded on an honours/pass/fail basis.

**COMMUNITY PLANNING: PROBLEMS IN URBAN POLICY AND LAND USE REGULATION (LAW224H1S) Eran Kaplinsky**

**Second Term: 3 credits; 2 hours**  
**Max. Enrol: 25: 20 JD; 5 LLM/SJD**

This seminar examines selected problems in the area of community planning and land use regulation, with particular emphasis on the financial and economic aspects of the law. Topics include expropriation (procedure and compensation), the compensation-betterment problem, municipal and infrastructure finance (property assessment and taxation; development charges), growth management (Ontario's greenbelt legislation, zoning and subdivision controls), architectural controls, and urban renewal (housing codes, rehabilitation, public redevelopment and public housing). Other topics may be substituted for the above as the instructor's and students' interests dictate.**Evaluation:** based on a paper (25-30 pages) or two papers (totaling 25-30 pages) for 90% of the grade, and class participation (10%).

**COMPETITION POLICY (LAW312H1S) Edward Iacobucci**

**Second Term: 3 credits; 2 hours**  
**Max. Enrol: 30: 20 JD; 2 LLM/SJD; 8 graduate students in Economics**  
**Schedule: Th: 10:10 – 12:00**

**Extended Paper**  
**Perspective Course**

This course will be taught at the law school and is open both to law students and honours and graduate students in economics. It is assumed that law students taking the course have a basic grounding in micro-economics. The purpose of this course is to explicate and explore the implications of economic theory for various aspects of competition policy. The course will focus on Canadian competition policy, but the policies of the United States and the European Union will also be examined. The course will review the economic theory in order to provide a framework for evaluating the legal treatment of various practices. Topics to be addressed include: the economic and non-economic goals of competition policy; collusion, price fixing and facilitating practices; horizontal mergers; monopoly and monopolization; price discrimination and predatory pricing; and vertical restraints, including resale price maintenance, exclusive dealing, tying, territorial restrictions and requirements contracting.**Evaluation:** Students will be required to write a 20 page paper on a topic of their choosing (80%). The balance of their evaluation (20%) will be based on class participation and five 1-2 page comments on the readings.**Note:** "Students agree that by taking this course all required papers may be subject to submission for textual similarity review to Turnitin.com for the detection of plagiarism. All submitted papers will be included as source documents in the Turnitin.com reference database solely for the purpose of detecting plagiarism of such papers. The terms that apply to the University's use of the Turnitin.com service are described on the Turnitin.com web site".
COMPETITIVE MOOTING PROGRAM - (LAW430H1S)

Second Term: Two or three credits depending on credit option approved

Note: Tryouts for the Competitive Moots take place in the Fall. In the meantime you must select sufficient credits for the term/year. Once selected for the team you MUST complete the Mooting Election Form available in the Records Office and submit it by the deadline date shown on the Sessional Dates. The approved Moot will then be added to your program and you will have the opportunity to adjust your credits.

Students in second and third year must try out in order to be selected for the Aboriginal*, Callaghan, Gale, Laskin, Niagara,** Wilson, Securities Law and Mathews, Dinsdale & Clark LLP Canadian Labour Arbitration Competition. Mooting Teams may receive academic credit in the following ways: (For the Jessup Moot and Arnup Cup see below)

Option A: Two credits, on an Honours/Pass/Fail basis, for the written component of the competitive moot. Mark to be assigned by the Faculty Advisors of each competitive moot. The grading may include an evaluation of the oral as well as the written component of the competition.

Option B: With notice to the Student Programs and Petitions Committee and the approval of the Moot Faculty Advisor or another faculty member, two credits, with full academic grading, for the written component of the competitive moot plus another writing project. The additional writing project is to be 10 to 15 pages and related in subject matter of the moot. For grading purposes, the Moot Faculty Advisor will consider the written factum or memorial prepared for the moot and the added written component for grading and may consider the oral presentation as well. If the grading is done by a faculty member other than the Moot Faculty Advisor, the oral presentation will not be considered.

Option C: With the approval of the Student Programs and Petitions Committee and the Moot Faculty Advisor or another faculty member, one additional graded credit may be arranged, which will include a written project more extensive than the one contemplated in Option B. To receive one additional graded credit, students must undertake a writing project that is not only substantially longer than the one required for Option B above (at least 35 pages), but which also involves considerably more research and deeper analysis of the issue(s). Students will not be approved for this option merely for writing a longer paper. Rather, the work entailed should be of a qualitatively different nature and go well beyond the research and writing required for the preparation of the factum or memorial. For grading purposes, the Moot Faculty Advisor will consider the written factum or memorial prepared for the moot and the added written component for grading and may consider the oral presentation as well. If the grading is done by a faculty member other than the Moot Faculty Advisor, the oral presentation will not be considered. The Student Programs and Petitions Committee can approve requests for more than one additional credit. However, in line with the guideline above, it would need to be persuaded that the proposal contemplates work which is equivalent to an additional seminar course.

The Jessup Cup
The basic structure of credit for the Jessup Moot is the same as for the other moots. However, under Options A and B students in the Jessup will receive three (3) credits. These credits will presumptively be allocated two (2) in the first term and one (1) in the second term. Public International Law is a pre- or co-requisite for the Jessup, and students will be expected to work on the Jessup memorial throughout the first term, completing a substantial draft of it by the paper deadline at the end of first term. [In exceptional cases, students with strong backgrounds in International Law studies may be eligible to participate in the Jessup, with the prior permission of the Faculty Advisor.] Under Option C, students in the Jessup Moot will receive one graded credit in addition to the three credits for Options A and B. Students will receive one additional credit for participation in the world round of the Jessup Cup, if the team qualifies. The grading would be as previously arranged, as per the options set out above. (If this credit renders the student's record in excess of the Faculty's ceiling on maximum credits, he or she may apply for permission to carry a higher course load from the Student Programs and Petitions Committee.) In view of the timing of the international round of the Jessup moot (usually the first week in April), the students
involved may need to apply to the Student Programs and Petitions Committee for accommodation to their program (e.g. re-scheduling of examinations, extensions for submission of papers). However, students will be expected to complete the evaluation requirements of the courses in which they are enrolled and may not withdraw from courses as a result of gaining entry into the international round.

Arnup Cup Trial Advocacy Competition
Co-ordinator: Adjunct Professor Julie Hannaford

Students enrolled in the Trial Advocacy course may be eligible to participate in this competition, normally held at the Faculty of Law at the University of Windsor in March. Selection is made by the Trial Advocacy course instructors. Students will receive two ungraded credits which may be applied to satisfy the credit requirements in the second term. Students who advance to the Sopinka Cup will be eligible for one additional credit.

Mathews, Dinsdale & Clarke LLP Canadian Labour Arbitration Competition
Faculty Advisor: Adjunct Professor Laura Trachuk

The Mathews, Dinsdale and Clark LLP Canadian Labour Arbitration Competition is open to second year students. The competition takes place between eight 2 person teams from various law schools across Canada. All arbitrations are based on an Agreed Set of Facts. Students are expected to have researched and be prepared to comment on all the issues which are raised by the Agreed Statement of Facts. The competition rules do not require the submission of a written factum. Students may try out to be selected for the team on either a voluntary or for credit basis. Students may receive academic credit (2 credits) by submitting a written factum to the Faculty Advisor for grading on an Honours/Pass/ Fail basis. This corresponds with Option A, above. Options B and C, above are also open. Further details about the competition may be obtained from the Office of the Assistant Dean, Students.

* See Advanced Aboriginal Studies (331) in the Course Descriptions.

Evaluation: See options A, B and C

COMPULSORY MOOT - UPPER YEAR (LAW432H1S)

Second Term: 1 credit

Note: Students wishing to complete the Moot requirement in a competitive moot must try out for a competitive moot in the fall. In the event that you are not selected for a competitive moot team you must then add the compulsory moot to your program. Every effort will be made to ensure that the tryouts for the competitive moots are completed prior to the deadline dates for the compulsory moot.

DEADLINE DATES FOR COMPULSORY MOOTS - TBD

Note: The following deadline times and dates will be strictly adhered to. No exceptions will be made.

The Moot Court Board is located in the back passageway of the lower rotunda in Flavelle House. All notices for the compulsory moot will be posted on this board.

Note: Students must ensure that they are available to moot as assigned. Accommodations will only be made in accordance with Faculty policy. Students requesting accommodation must contact Associate Dean Sossin.

Every student is required to participate in a moot and its successful completion is an academic requirement of the Faculty of Law. Students work in groups of four and choose their moot topic and moot date by lottery. Students are expected to work over a two-week period during the month of January developing the factum and oral argument, culminating in a moot before a three person panel.

- Students in the 3-year J.D. program or three-year combined programs may fulfil this requirement in either second or third year.
Students in the Half-Time Program may fulfill this requirement in either the second half of second year or the second half of third year.

Students in four-year combined programs may fulfill this requirement in either the third or fourth year of their program.

This requirement must be fulfilled while you are in residence at this Faculty. Any change to these arrangements must be approved by the Student Programs and Petitions Committee, following a written request for variation.

Note: Students may fulfill the mootng requirement through participation in a competitive moot. Students selected for competitive mootng should refer to the section Academic Credit for Mooting.

**Evaluation:** Based on both the factum and the oral presentation students will receive one ungraded credit, on an honours/pass/fail basis.

CONSTITUTIONAL COURTS AND CONSTITUTIONAL RIGHTS (LAW433H1F) Lorraine Weinrib, Aharon Barak, Dieter Grimm and Frank Iacobucci

First Term: 3 credits; 3 hours
Max. Enrol: 40: 25 JD; 10 LLMSJD; 5 graduate Political Science students
Schedule: T: 4:10 – 7:00

**Extended Paper**

**Perspective Course**

This is an advanced course in comparative constitutional law. It combines the format of an intensive course with a regular 3 credit course. Professor Weinrib will organize and teach most of the course. Our eminent visitors, who capped their careers in academic law with appointments to the highest courts of their countries, will participate in the course on an intensive schedule during the term.

The course will explore various features of modern constitutional theory and practice in a comparative study of the constitutional systems of Canada, Germany and Israel.

The course begins with a brief study of the of the Third Reich to provide grounding for modern constitutional thought and practice. We then examine the German Constitution, and its highly respected Constitutional Court, created after the War to commit the state to respect an array of rights and freedoms based on individual human dignity. The Israeli legal system shares this normative commitment while also protecting Israel as a “Jewish and democratic state”. Canada’s Charter comes into the picture as a rights-protecting regime remarkably similar to Germany’s and, in addition, as the chosen model for Israel’s rights-protecting texts and their interpretation.

Examination of these systems provides the opportunity to evaluate the ways in which the political norms that emerged after WWII at the national and supra-national levels continue to shape the political institutions and legal structures of each country.

Reading materials will include the relevant constitutional texts, leading constitutional decisions and secondary material.

**Evaluation:** five 2 page comments on class readings and discussions, spaced evenly throughout the term (20%), and a final paper of approximately 20 pages, based on the course readings (80%).

Students doing extended papers in this course may reduce their in-term comments to three. These papers may work out elements of the extended paper.

Extended papers may be research papers. Paper topics to be approved by Professor Weinrib.
CONSTITUTIONAL LITIGATION (LAW237H1F) Lorraine Weinrib

First Term: 3 credits; 3 hours
Max. Enrol: 25: 20 JD; 5 LLM/SJD
Schedule: W: 4:10 – 7:00

Extended Paper
Perspective Course

This course takes you into the backrooms of Charter litigation. We consider the distinctive roles that the Charter casts on the various actors engaged at every stage of litigation, including judges, lawyers (in private practice, in public interest advocacy centers, in government) academics, policy-makers, public interest groups, parties, experts, legislators and media commentators. Against this background, we examine the place of Charter litigation in our legal culture and its effect on the political process. Students will become familiar with the documentation generated in leading cases, e.g., memoranda of fact and law, factual records, transcripts, and affidavits. Class meetings will include discussions based on court documents and secondary literature, exercises to develop litigation skills, visits from experienced litigators and analysis of videotapes of oral argument in the Supreme Court of Canada.
Evaluation: Two short written assignments submitted during the term, designed to build litigation expertise, as well as class participation (15%); final project of 15-20 pages (85%).

CONTESTED CORPORATE TRANSACTIONS (LAW326H1S) Patricia Koval

Second Term: 3 credits; 2.5 hours
Max. Enrol: 25: 20 JD; 5 LLM/SJD
Schedule: M: 6:10 – 8:30

Pre-requisite: Business Organizations
Pre-requisite or Co-requisite: Securities Regulation

This course will examine and analyze the principles, issues and dynamic interaction of corporate and securities laws which commonly occur in transactions involving contests for control of corporations. It will focus on a representative series of transactions, including hostile take-over bids, "insider" bids and proxy contests. Emphasis will be given throughout the course to developing an in-depth understanding of legal principles and issues through the study of actual Canadian contested corporate transactions.
Evaluation: Will be by a 48 hour take-home examination (85%) and class participation. to be signed out from and returned to the Records Office. The examination may be taken during any 48 hour period between the first day of the examination period and due no later than the set deadline for written work in the applicable term (see Take-home Policy for details).

CORPORATIONS, INDIVIDUALS AND THE STATE (LAW288H1F) Ian Lee

First term: 3 credits; 2 hours
Max Enrol: 30: 25 JD; 5 LLM/SJD
Schedule: Th: 4:10 – 6:00

Extended Paper
Perspective Course

This seminar examines the implications of the large business corporation for the traditional understanding of public law as concerned with the relationship between individuals and the State. How do corporations fit into the traditional picture, or do they require its modification? Does the legal personality of corporations entail that the law should generally treat them as if they were individuals?
Alternatively, is the law, despite corporations’ legal personality, concerned in reality with the rights and responsibilities of the individuals behind the “corporate veil”—such as executives, employees and investors? Still another possible approach is to view corporations as powerful institutions in their own right, and perhaps even as analogues of the State, rather than as if they were individuals or mere associations of individuals.

We will explore these themes through readings on the following topics, among others: (1) corporate criminal responsibility, (2) corporate standing to invoke rights under the Charter, (3) corporations and the political process, (4) issues concerning transnational corporations, (5) delivery of public services by corporations, and (6) “democracy” and the internal governance of corporations.

**Evaluation:** Students may choose between two alternatives:

1. a 3,500-5,000 word research paper (80%) together with two short papers (10% each). The short papers will be 800-1,000 words each and will require discussion of the course materials (topics will be posted).
2. six short papers (approx. 17% each). The short papers will be 800-1,000 words each and will require discussion of the course materials (topics will be posted).

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**CRIMINAL JUSTICE HISTORY (CRI3160H) (LAW354H1S) Jim Phillips**

Second Term: 3 credits; 2 hours  
Max. Enrol: 25: 20 JD; 5 LLM/SJD  
Schedule: M: 2:10 – 4:00

**Extended Paper**  
**Perspective Course**

This course is principally about Canadian criminal justice history, from the mid eighteenth to the late nineteenth century, although we begin with eighteenth-century Britain. The course will examine the structure and ideologies of the British criminal justice system imported to the Canadian colonies, and the nineteenth and twentieth century developments in the criminal law, policing, prosecution, trial, and punishment. Although the focus is on large changes in policies and institutions, close attention is paid throughout to the socio-political context(s) in which criminal justice systems operated.

**Evaluation:** There are two principal components of the evaluation for the course:

1. A c. 25 page (6,000 words) research paper on a topic approved by the instructor (80%).
2. Class participation (20%). The participation component is made up of two parts:
   - General participation in the weekly class meetings, a prerequisite for which is, of course, attendance.
   - Submission of 4(four) 700 word (c.3 pages) comments on any four of the assigned readings. The comments will not be graded, but they will be commented on and returned.

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**CRIMINAL LAW THEORY (LAW564H1F) Alan Brudner**

First Term: 3 credits; 2 hours  
Max. Enrol: 25: 20 JD; 5 LLM/SJD  
Schedule: T: 2:10 – 4:00

**Extended Paper**  
**Perspective Course**

This course inquires into the theoretical foundations of the criminal law with a view to progressing toward an understanding of the elements of crime, of justifications, excuses, mitigations, and of responsibility for harmful consequences. The theme of the course is the contest between unified and pluralistic theories. Thus, we consider such questions as: To what extent can a theory of what justifies punishment explain the central doctrines of the criminal law? Is the criminal law wholly explicable in terms of a single framework of penal justice, or does it require a plurality of frameworks for its illumination? If a plurality,
the criminal law best understood as reflecting a tension between competing theories of justice, or is there a way of integrating the frameworks within a single all-embracing one? We will read articles on the theory of punishment, on the relevance of intention, on attempts, self-defence, necessity, provocation, and responsibility for outcomes of actions.

Evaluation: Will be by a written paper (25-30 pp) 90% and an in-class presentation 10%.

CRIMINAL PROCEDURE (LAW232H1?) TBA?

DIRECTED RESEARCH PROGRAM (LAW291H1S) Alan Brudner

Second Term
Max. Enrol: 30: 25 JD; 5 LLM/SJD

Note: Adjunct Faculty may not supervise Directed Research Projects.

Extended Paper
Perspective Course

Graduate Students Note: Graduate students may apply to write a directed research paper under the supervision of a graduate faculty member, of between 1 to 4 credits. Written requests with a one-page outline must be submitted to Kay Joachim, Assistant Dean. See full description and guidelines below.

To encourage original doctrinal, inter-disciplinary, or empirical research, second and third year students may gain credits by participating in the Directed Research Program. Second year students will normally receive either three or four credits; third year students may receive between three and eight credits. The guideline for 4 credits, is a paper of 50-60 pages, at least 4 meetings per term, and a penultimate draft. No student may receive more than eight credits over two years. Proposals must include a detailed statement of the project, and an explanation of the amount of credit requested.

The selected topic must make conceptual sense, have sufficient academic content and be pursued by feasible research methods. The project should preferably aim at publishable conclusions, in whole or part by adaptation, for instance in a journal article, in submissions to a ministry, law reform agency or other governmental or professional committee, or for presentation by special interest groups, such as consumer's groups.

Types of Directed Research
Team projects and interdisciplinary research are permitted and encouraged. Empirically-oriented research projects are also encouraged. The final paper should reflect not merely the results of data gathering, but an analysis of the data and, where appropriate, of the methods used.
Students are welcome to build upon data gathering undertaken in other contexts, such as summer jobs. Students with experience in a clinical setting may prepare a research paper relevant to their work or experiences. Students may develop themes relevant, for instance, to welfare law, immigration law, workers' compensation, landlord/tenant and rent review, family and child law, and minor criminal and delinquency matters, addressing substantive, procedural or administrative aspects. Papers may take the form of a traditional academic paper, memoranda on cases handled by students, briefs for presentation to private or governmental agencies, or other forms acceptable to faculty supervisors and the Directed Research Committee.

Proposal Requirements
Interested students are encouraged to approach members of the teaching faculty with a coincidental interest to discuss their project, to seek supervision, and to seek advice in drafting their proposal. Students should produce for their proposed supervisors and the Directed Research Committee a reasonably detailed outline of their proposed research project including:
- an outline of the idea to be pursued,
- the research methods to be employed,
• the research sources to be tapped,
• any expected problems, and
• a preliminary bibliography.

This information is considered in determining credit allocation for the project and should be presented so as to justify the credit proposed. Students should make whatever preliminary arrangements are needed to secure relevant data enough in advance that they can start work on the project early in the term. For example, if the research requires the co-operation of an outside party, to gain access to files for an empirical study, this co-operation should be secured well in advance of the deadline for submission of proposals.

Submission Process
• Proposals must be approved by supervisors before being submitted to the Committee. It is the responsibility of the student to ensure adequate time to discuss a proposal with their supervisor and obtain approval before the deadline for submission of the proposal to the Committee. Students planning to start their project in September should submit a proposal to their intended supervisor one week before the first day of term. Students planning to start in January should approach their intended supervisor before the end of the first term and agree on a date for submission of a proposal so as to ensure supervision approval before the second term deadline for submission to the Committee.
• The proposal, together with the Directed Research Form, must then be submitted to the Administrator of the Directed Research Committee by the deadlines below. The student should submit a total of four copies of both the proposal and form. The Committee may suggest that the student amplify or amend the proposal prior to making a final decision.
• The submission deadlines are shown on the Sessional Dates found on the inside back cover of this Syllabus or on the web at www.law.utoronto.ca. These dates are designed to ensure that Directed Research approval can be determined before the deadline for adding and dropping other courses so that students' programs can be finalized in a timely fashion. Therefore, extensions will be granted only in exceptional circumstances. The Committee will undertake to have read and approved (or raised questions about) the proposals by the add/drop date in each term.
• Any student who wishes to keep open the option of dropping Directed Research in favour of taking another course should submit her or his proposal well before the deadline date for submitting Directed Research proposals.
• If a student wishes to convert a Directed Research Project for the first term into a Directed Research Project for the full year, the student must apply to the Directed Research Committee for permission to do so prior to submitting a first draft of his or her work to the supervisor of the project.

Both the supervisor and Committee will look to ensure that the proposed topic has sufficient academic content, and that the research methods are feasible. In particular they will satisfy themselves that the project makes conceptual sense, that it can be done in the time allotted, and that the research material is available without any obstacles to its use, such as confidentiality. The general test to be used in accepting or rejecting a project is whether the topic is capable of supporting a paper suitable for publication (either in whole or part or in adapted form) and whether it will make a new contribution to an area. The test of potential publication is not to be a standard for marking. "Publication" will not be interpreted narrowly. For example, the production of several consumer protection pamphlets suitable to be issued to members of the public, or the submission of a written brief to a governmental or law reform agency might be eminently suitable. The committee will take account of the student's non-academic and non-legal academic background such as summer jobs or previous university programs which give special expertise.

The principles which will guide the Committee in making the credit allotment are these:
• Three credits is the basic allotment. However, where a third year student can demonstrate that the magnitude or complexity of the project and the demand on time by contrast with other courses require additional credit, the Committee may allot additional credit up to a maximum of eight.
Where the student is expanding on previous work, it may be appropriate to assign as few as two credits.

- If the research involves use of human subjects, ethics review may be required. Such proposals must be accompanied by a "Human Subject Certification for the Humanities and Social Sciences" form, available from the Administrator of the Directed Research Committee. The Committee will forward this form to the Faculty's Ethics Review Committee for consideration.
- In particular circumstances where the research work would more sensibly be spread over two terms, the Committee may allow credit to be allocated over two terms.
- Students may take the program in either the fall or spring term of their second and third years depending on the availability of the supervisor. Except with the permission of the Student Programs and Petitions Committee, a student may enrol in only a single Directed Research Program in an academic year.

Supervision

- Students will meet regularly with their supervisors and on the average at least once every two weeks, to discuss the progress of the research.
- Faculty from other departments in the University will be encouraged to undertake joint supervision of law students in the Program. A teaching member of this faculty would serve as a joint supervisor and evaluator both to maintain a focus for the research within the law faculty and to ensure a direct link with the Committee.
- The work will be expected to be of high quality and will be judged by the supervisors according to the thoroughness of the research displayed, the difficulty of the problems treated, the degree of originality, the coherence of structure and argument and the suitability of papers to the goals they set.

Deadline for Submission of Completed Research

Students will be required to submit their completed work by the date determined by their faculty supervisors, but in any event no later than the final deadline for submitting papers as determined by the administration. When all credits are allocated to one term, the work must be completed by the deadline date for written work from that term.

Change of Credit

Students wishing to change the amount of credit for their project or the allocation as between terms should submit a revised proposal justifying the change along with a Change of Credit form. Applications for change of credit must be made before the date on which a first draft is due to be submitted to the supervisor as indicated on the original proposal.

Note: Students who intend to fulfil the extended paper requirement through Directed Research must also submit an Extended Paper form to the Records Office signed by the supervising faculty member. Do not submit this form to the Directed Research Committee.

DISCRIMINATION LAW: EQUALITY IN THE PRIVATE SECTOR (LAW410H1F) Denise Réaume

First Term: 4 credits; 4 hours
Max. Enrol: 50: 45 JD; 5 LLM.SJD; 5 MAIR
Schedule: M: 2:10 – 4:00; W: 2:10 – 4:00

This course will provide an overview of the basic principles of discrimination law and the conception of equality informing them as developed under the Ontario Human Rights Code and the Canadian Human Rights Act. The Codes prohibit discrimination on various enumerated grounds and in a variety of settings. We will canvass:
- the historical development of human rights legislation,
- the rationale for the use of an administrative body rather than the courts to process discrimination complaints,
• the scope of the prohibited grounds,
• what counts as discrimination or the ‘standard of fault’ in discrimination cases,
• the defences of bona fide occupational requirement and reasonable accommodation,
• exceptions to the right not to be discriminated against,
• the remedies available under the Codes, and
• the principles of interpretation that inform adjudication in the human rights area.

A central theme of the course is the interests protected by the Codes (access to goods or opportunity, dignity, economic interests) and the corresponding standard of conduct required of employers, landlords, etc.

The Supreme Court of Canada has pronounced Human Rights Codes to be legislation “of a special nature, not quite constitutional, but certainly more than ordinary”. Human Rights Codes significantly reduce the scope of freedom of contract, judged by common law standards, and expand the scope of non-voluntary obligations beyond those yet recognized at common law. In doing so, they extend the notion of equality from the constitutional context to some private interactions. The course will explore this hybridization of public and private law. It will also provide an opportunity for further consideration of administrative law issues in a specialized context, of employment law issues, and of the applicability of fundamental features of contract and tort doctrine to a statute-based cause of action.

There will be some consideration of s. 15 jurisprudence in light of the overlap between the Charter and the Code in the interpretation of the concept of discrimination.

Evaluation: There are two evaluation options:
• A three-hour 100% 'sit down' exam. The exam will be closed book, but the questions will be given out in advance to provide time to think about the issues. From a longer advance list of questions a smaller number will be selected for inclusion on the exam.
• A series of three or four short writing assignments spread over the term and totaling approximately 45 pages. The assignments will be designed to cover the major issues covered in the course. A limit may be placed on the number of students allowed to take up this option.

EDUCATION LAW (LAW488H1S) Eric Roher

Second Term: 3 credits; 2 hours
Max. Enrol: 30: 18 JD; 2 LLM/SJD; 10 OISE
Schedule: Thursday 4:10 – 6:00

Increasingly, those involved in education, whether as teachers, administrators or lawyers, are facing new issues that are specific to the field. Educators have unique common law and statutory powers and responsibilities in relation to their staff and students. This course focuses on policy and legislation designed to manage and regulate our publicly-funded education system. The Ontario Education Act and Regulations provide a framework regarding the powers and responsibilities of school boards, teachers and principals. In recent years, the government has restructured the education system in Ontario. In addition to navigating through major components of the legislation, the course will examine negligence and liability issues, student records and confidentiality, the changing role of school principals, documenting teacher performance, the Internet in a school context and dealing with problem parents. The recent introduction of Safe Schools Act, 2000 will provide an opportunity to critically assess measures to be taken to ensure a responsible and respected school environment. In addition, the course will examine constitutional aspects of education in the context of conducting a search of a student, independent student publications and the off-duty conduct of teachers.

Evaluation: Students will be required to write a 20-25 page paper on a topic of their choosing (80%); The balance of their evaluation (20%) will be based on class participation.
ENTERTAINMENT LAW (LAW255H1S) Graham Henderson

Second Term: 3 credits; 2 hours  
Max. Enrol: 35: 30 JD; 5 LLM/SJD  
Schedule: Th: 4:10 – 6:00

This is a specialized contract law course that will cover the copyright and contractual issues that are essential to the film, television, music and digital media industries. Having said that, we will emphasize the practical over the theoretical. A central objective is to provide students with an understanding of the music, film and television businesses. Just as important, you will meet several entertainment lawyers, each of whom has his or her own distinctive style of practicing entertainment law. You will examine and discuss actual agreements with the lawyers who negotiated them. Your course of study will cover the practical and legal aspects involved in the acquisition and exploitation of various rights. For example: domestic and international distribution, licensing, publishing and production agreements. It is intended that you will come away from the course with an appreciation not just for the legal issues that underlie the various agreements, but also the negotiation of those agreements. There will be a particular focus on digital media and new developments in copyright law.  
Evaluation: 30 page research paper.

ENVIRONMENTAL LAW (LAW239H1F) Andrew Green

First Term: 3 credits; 2 hours  
Max. Enrol: 40: 35 JD; 5 LLM/SJD  
Schedule: Th: 2:10 – 4:00

Extended Paper

Note: If you wish to register for the Practicum please select the course Environmental Law Practicum (LAW238H1S)

A survey course of environmental law and policy, including common law and statutory regimes. Particular emphasis is placed on Ontario law and federal law. Substantive areas considered will include air, water and waste management, toxic pollutants and contaminated land. Procedural topics will include regulatory approaches, environmental assessment and enforcement. Some attention will be paid to the economic and scientific background to environmental problems. Problems with current regulatory and liability regimes will be considered.  
Evaluation: Students will be required to write a 2-page (double spaced) comment on selected readings for three of the classes (20%) and a 20 page (double spaced) paper on an issue of their choosing (80%).

ENVIRONMENTAL LAW PRACTICUM (LAW238H1S) Andrew Green, Alan D. Levy

Second Term: 1 credit  
Max. Enrol: 5

Note: Students must be registered in Environmental Law (LAW239H1F) in order to be eligible to participate in the Environmental Law Practicum

Students may obtain an additional one hour, ungraded credit for working on a current environmental case with an environmental law practitioner. Students should sign up for the practicum when they sign up for the course. Assignments will be made at the beginning of the first semester and will take approximately 24 hours to complete. Assignments must be completed at the latest, by end of March 2007. Deadlines will depend on timing of the practicum and will be determined by the instructors on an individual basis. Credit
for the practicum will not be granted until the practicum is completed. Therefore, students should allocate the practicum credit to the second term. Cases may involve civil actions, prosecutions, administrative hearings or appeals. The practicum will be directed by Mr. Alan D. Levy, a practitioner with environmental experience and a director of the Canadian Environmental Law Association in consultation with Professor Green. The number of practicum placements may be limited depending on the availability of appropriate assignments. For details see the practicum description, available from Professor Green.

**Evaluation:** Students have the following options:
(i) write a short paper, total length about 10 (double spaced) pages, on the insights this experience shed on the issues covered in the class; or
(ii) extend the length of their research paper in Environmental Law by 10 pages with this extended paper engaging with the issue that is the subject of their practicum experience.

**EVIDENCE LAW (LAW241H1F) Martha Shaffer**

**First Term:** 4 credits; 4 hours  
**Max. Enrol:** 75: 74 JD; 1 LLM/SJD  
**Schedule:** T: 2:10 – 4:00; Th: 2:10 – 4:00

This course provides an introduction to the basic principles of the law of evidence. Common law and statutory rules of evidence are analyzed in light of the adversary system, the Canadian Charter of Rights and Freedoms, and other social values. While both civil and criminal evidence issues are considered, the focus is on the admissibility of evidence in criminal cases. Topics to be covered may include: relevancy, testimonial competence, the rule against hearsay, opinion evidence, character evidence, privilege and related matters, confessions, and illegally obtained evidence.

**Evaluation:** Will be by a three-hour open book final examination. This examination may be based upon a detailed fact situation handed out some weeks in advance.

**EVIDENCE LAW (LAW 241H1S) Rollie Thompson**

**Second Term:** 4 credits; 4 hours  
**Max Enrol:** 75: 74 JD; 1 LLM/SJD  
**Schedule:** M: 10:10 – 12:00; W: 10:10 – 12:00

As an introduction to the law of evidence, the course examines basic concepts of relevance, admissibility and weight, in criminal and civil cases. Topics covered include: burden and standard of proof, judicial notice, real and demonstrative evidence, competence and compellability of witnesses, examination of witnesses, opinion evidence, character evidence, credibility, hearsay and hearsay exceptions, confessions, unconstitutionally-obtained evidence, and privilege. The policy considerations underlying particular rules, as well as the origins, development and constitutional significance of such rules are examined and critically assessed.

**Evaluation:** Students will be evaluated by a 3-hour open book examination (100%).
EXPLORING THE INTERSECTIONS OF LAW AND SOCIAL WORK (LAW345Y1Y) Danielle Szandtner

Both Terms: 3 credits  
Three credits over two years  
First Term Schedule: (M: 6:10 - 8:00)  
Second Term Schedule: (M: 6:10 - 8:00)

Note: One meeting last Monday of every month excluding December 2005 and April 2006. Max. Enrol: 15 JD

Note: Where a holiday falls on the Monday, the class will be rescheduled for the following Tuesday evening or on another agreed upon date.

This seminar is a required course for students in each of the final two years of the J.D./M.S.W. combined degree program (in other words students are required to attend the seminar over a two year period) and open to students enrolled in the Faculty of Social Work who have completed an J.D. degree and to students enrolled in the Faculty of Law who have completed either a B.S.W. or M.S.W. degree. The seminar will meet once a month for two hours and as noted above, the 3 credits are earned after two years of participation – and completion of the course requirements.

The primary purpose of the seminar is to explore the multiple intersections between law and social work. This exploration will be situated within a broader set of ideas and debates about "disciplines", "multi-disciplinarity" and "inter-disciplinarity". The manner in which theories, practices and interventions have been developed in relation to particular disciplines or professions will be explored, and the strengths and limitations of such approaches exposed in different substantive areas. So too, the potential for multi- or inter-disciplinary approaches will be explored in particular areas. The particular substantive topics to be pursued will vary from year to year, in part depending upon the field practical experiences of students enrolled in the course at any given time, but could include such issues as the intersections of law and social work in the areas of child abuse, woman abuse, child custody, mental health, housing, etc.

The course will also examine the often divergent ethical norms governing the practices of law and social work and the implications of this for inter-disciplinary professionals.

Evaluation: Students are required to read all of the assigned readings. In addition, there will be two principal forms of evaluation:

1. Class Preparation
   The class will be divided into two groups. For each class, half of the students will each be responsible for preparing a 250-500 word comment on one or more of the readings. The other half will be responsible for responding to the comments during the class. Students will switch roles the following class: writers will become readers, readers will become writers.
   The written comment can touch on any aspect of the reading. Where possible, students should try to relate the readings to their own experiences working and studying in law and social work.
   Students will make their comments available to the other group of students and the instructors by no later than 5:00 p.m. on the Friday immediately before the Monday/Tuesday class. Comments should be distributed by email. Where email is not an option alternate arrangements shall be made.
   Comment writers should be prepared to lead the class discussion. Comment readers should be prepared to facilitate conversation by responding to the comments during the class.
   The Class preparation mark will constitute 50% of your mark in each of the 1 credit and 2 credit years. The written comments will constitute 30% and class participation 20% of the class preparation mark.

2. Final Paper Topics to be decided
   In the 1 credit year, students are required to write a 10 page paper
   In the 2 credit year, students are required to write a 20 page paper

   The final paper mark will comprise 50% of your mark in each of the 1 credit and 2 credit years.
   In your 1 credit year your mark will constitute 1/3 of your overall grade for the course.
   In your 2 credit year your mark will constitute 2/3 of your overall grade for the course.
FAMILY LAW (LAW244H1F) Brenda Cossman

First Term: 4 credits; 4 hours  
Max. Enrol: 100: 99 JD; 1 LLM/SJD  
Schedule: T: 10:10 – 12:00; Th: 10:10 - 12:00

This course offers a general introduction to the law relating to family relationships, particularly the rights and obligations between husband and wife, unmarried heterosexual co-habitants, gay and lesbian co-habitants, and parent and child. Topics to be covered will include formation and dissolution of marriage, economic relations between spouses, contractual ordering of domestic relationships, domestic violence, child custody and support. Some attention will be devoted initially to developing an understanding of the nature of the institution referred to as “the family”. Thematic emphasis will be placed on an examination of the proper role of the state in prescribing family relationships and the assumptions regarding the family which inform existing legal regulation.  
Evaluation: Will be by a three-hour final open book examination.

FAMILY MEDIATION: THEORY AND PRACTICE (SWK4619HF) Howard Irving

First Term: 3 credits; 3 hours  
Max. Enrol: 5 JD

Schedule: (T: 1:30 - 4:30) Room: Held at Social work  
Note: First day of class September 12

A major difficulty of family law is that the problems brought by families are often not primarily legal problems; they are deep human problems in which the law is involved. Voluntary settlements, which are worked out on an emotional as well as on an intellectual level, are not only more humane than those forced by litigation, but are also more practical, economical and likely to endure. In the Divorce Act and recent Provincial legal reforms, Family Mediation as a viable option to traditional practices is strongly supported. In order to meet this challenge, we must begin to develop a critical awareness of the various approaches to dispute resolution.

The overall objective is to provide students with a family mediation model of intervention. A feminist and multi-cultural perspective in this emerging interdisciplinary approach will be given. Practical application is stressed, combining theory, research findings, and conflict resolution skills. Role plays and video tapes of actual situations are utilized throughout the sessions. 

Course content includes various aspects of custody, access, financial and property settlements. Policy issues will be discussed as they relate to direct practice which includes joint custody, mediation, arbitration, child welfare mediation, and custody evaluation. 

Evaluation: See listing in department of Social Work
FAULT AND RESPONSIBILITY (LAW403H1F) Bruce Chapman

First Term: 3 credits; 2 hours  
Max. Enrol: 25: 20 JD; 5 LLM/SJD  
Schedule: Th: 2:10 – 4:00

Extended Paper  
Perspective Course

This course will examine key questions of fault and responsibility in tort and criminal law as well as in other legal areas. The course will bring together philosophical, legal, and other relevant materials to explore how we allocate responsibility through conceptions of fault, the extent to which this allocation can be justified, and the larger implications of this way of approaching responsibility. Since the "reasonable person" test, or objective standard, is one of the key mechanisms that the law has for allocating responsibility, it will be a central topic of concern. Thus, we will address critiques and defences of the standard and will consider whether the standard can be justified in principle. The course will also consider whether it can be invoked without introducing socially determined conceptions of the "ordinary" or "normal" that serve merely to reinforce existing stereotypes and inequalities. Substantive legal issues that will come up for discussion include the legal responsibilities of children and the disabled, as well as problems of fault in sexual assault, provocation, and self-defence. The course will also address fundamental questions about how fault implicates the relationship between public law norms and private law and the relationship between fault in criminal law and fault in private law. Some of the implications of these different understandings of fault for contemporary issues of collective responsibility and responsibility for historical wrongs will also be addressed.  
Evaluation: Class participation 20%, and a paper (25-30 pages) 80%.

FREEDOM OF EXPRESSION AND PRESS (LAW346H1F) David Lepofsky

First Term: 3 credits; 2 hours  
Max. Enrol: 12: 10 JD; 2 LLM/SJD  
Schedule: W: 5:10 – 7:00

This course explores the content of, purposes of, and justifiable limits on freedom of expression and freedom of the press. It explores the theoretical underpinnings of these guarantees in a democracy, and the history of their legal treatment under the U.S. Constitution and under Canadian law before the enactment of the Charter of Rights. Thereafter, the bulk of the course will involve an examination of the leading controversial issues surrounding free speech and press. These include: e.g. pornography laws, hate propaganda laws, and the relationship between free speech and equality rights; the clash between freedom of the press to report on court proceedings and the accused's right to a fair trial, free from prejudicial publicity; the right of public servants to engage in partisan political activity; protection of national security and the scope for political dissent; free speech versus the protection of individual privacy and reputation by defamation laws; regulation of the electoral process through controls on campaign contributions and spending limits; and the claims by journalists for special constitutional protections for gathering and disseminating news, e.g. through a privilege against compelled disclosure of confidential news informants.

This in-depth examination of freedom of expression and press serves as a springboard for understanding the workings of the Charter of Rights generally, through a more intensive scrutiny of these fundamental freedoms than is possible in an introductory constitutional law course. Course themes will include: whether free expression can bear different meanings in different societies; what role the media plays in a democracy, and its relationship to the public and the government; what makes free expression a fundamental freedom, distinct from other rights; and to what extent can the courts, through the litigation process, effectively address these fundamental questions.
Evaluation: Student evaluation will include three components: (a) essay on a specific free expression and press topic from among those to be covered in class - minimum 25 pages (70%); (b) class oral presentation on the essay topic (10%); class participation and term mark (20%).

FROM BLUEPRINTS TO BUILDINGS: LEGAL ISSUES IN THE CONSTRUCTION INDUSTRY
(LAW306H1F) Harvey Kirsh

First Term: 2 hours 3 credits
Max. Enrol: 25: 20 JD; 5 LLM/SJD
Schedule: Th: 4:10 – 6:00

Perspective Course

The construction industry is the largest industry in Canada, employing hundreds of thousands of people and contributing millions of dollars to the economy. It is comprised of residential (e.g., housing), industrial (e.g., plants, factories), commercial (e.g., office towers, retail stores), institutional (e.g., schools, hospitals, etc.), and infrastructure (e.g., roads, sewage treatment plants, transportation systems, power projects, etc.) sectors, and is characterized by a complex web of business and legal relationships. The cast of players includes design professionals (architects, engineers), developers, builders, general contractors, project managers, subcontractors, material and equipment suppliers, mortgage lenders and bonding/insurance companies. The focus of this course is on the review and analysis of the legal aspects of the relationships between the various parties, including their respective roles, rights, obligations and remedies, by reviewing the applicable legislation, the developing jurisprudence, and the custom in the industry. What is referred to as 'construction law' is really a weave of overlapping, intersecting areas of law, including contract, tort, real property, debtor-creditor, agency, trusts, etc; legislation relating to sale of goods, personal property security, liens, workers' compensation, labour, occupational health and safety, etc.; and 'custom in the trade', to the extent that it may assist in interpretative analysis. This course will review the interplay between those areas of law, with particular regard to their application in the construction setting.

Evaluation: a research paper (25-30 pp.) 75%: on a subject approved by the instructor; and 25% for two written assignments. Each of the two written assignments will be 3 - 5 pages in length.

GENDER, POLITICS, AND ISLAMIC LAW (LAW361H1F) Anver Emon

First Term: 3 credits; 2 hours
Max Enrol: 40: 32 JD; 8 LLM/SJD
Schedule: M: 4:10 – 6:00

Extended Paper

This course presents an interdisciplinary approach to the issue of gender in Islam. Students will explore the various ways that Islamic law addresses and conceptualizes gender difference. The course primarily focuses on the area of family law (i.e. marriage, divorce, child custody) while also exploring other areas such as inheritance, testimony, female guardianship, and business practices, to introduce students to how Islamic law regulates the position and status of women in society. Students will also be exposed to the impact and influence of colonialism and 20th century Islamization campaigns on the role that women and their bodies are made to play in manifesting an Islamic vision and an Islamically authentic society.

Evaluation: will be based on two short assignments, 3-5 pages each, in response to a selected week’s readings (15% each). The final written paper will involve both research and analysis, topic(s) to be determined by instructor. If students wish to pursue a topic of their own, they can do so only with prior consent of the instructor. Length: 20-25 pages (70%). A limited number of students can apply to do an Extended Paper.
GOVERNING GOVERNANCE: LEGAL INSTITUTIONS AND CORPORATE PERFORMANCE IN COMPARATIVE PERSPECTIVE (LAW556H1S) Edward Iacobucci

Second Term: 3 credits; 2 hours
Max. Enrol: 24: 12 JD; 12 LLM/SJD
Schedule: T: 10:10 – 12:00

Extended Paper
Perspective Course

This seminar will focus on corporate governance in different jurisdictions around the world. It will consist of a number of introductory sessions led by the instructor, followed by sessions led by students about research they are conducting on comparative corporate governance. The first sessions will introduce the concept of corporate governance, describe how relevant institutions vary across jurisdictions, and consider how corporate governance institutions affect micro- and perhaps macroeconomic performance. The student presentations will involve a description of the research agenda that the presenters are pursuing, as well as questions and suggestions from other seminar participants. The presentations will be done in pairs; to the extent possible we will pair JD students with LLM students. While the presentations involve coordinated work with a partner, students will also be required individually to write twenty page papers on the subject of their presentations.

Evaluation: Students will be required to write a research paper of 20 pages worth 75% of the grade and class discussion including seminar presentation worth 25%.

INFORMATION LAW (LAW545H1S) Lisa Austin

Second Term: 4 credits; 4 hours
Max. Enrol: 75: 70 JD; 5 LLM/SJD
Schedule: T: 2:10 – 4:00; Th: 2:10 – 4:00

Note: We will be joined periodically by Priscilla Platt, who will provide a number of guest lectures to enhance student understanding of the practice of privacy law and its current challenges.

Information plays an increasingly central role in both the interactions between individuals within the private sector and in the interactions between the individual and the state. Determining who may collect, access, use, or disseminate information impacts not only the shape of the new economy but also the protection of democratic values and civil liberties within our emerging information society. Apart from intellectual property regimes, Canadian law determines rights and obligations with respect to information in a variety of ways, including: Charter protection of privacy and freedom of expression, data protection law such as access to information and privacy legislation, and common law doctrines including defamation and the law of confidential information. This course provides an overview of the doctrinal principles and leading cases in these areas of law. A central theme will be whether our existing legal vocabulary is nuanced enough to address emerging notions of informational wrongs. To this end, in addition to studying existing case law we will also ask how the law would deal with practices that have not yet been well-tested in the courts including email surveillance, biometrics, data mining, spam, special concerns regarding genetic information, and security and law enforcement developments post-September 11. While this course will primarily focus on Canadian law, comparisons will be drawn from other jurisdictions as appropriate.

Evaluation: Each student may choose between: a final 3 hour open-book examination or three written (10-15 page) assignments (which will be designed to survey the principal elements of the course as well as provide some practical skills in the area) all due on the same day as the examination.
INNOVATION AND KNOWLEDGE TRANSFER IN CITY REGIONS (JPJ 494HS) (LAW509H1S) David A. Wolfe

Second term: 3 credits; 2 hours
Max. Enrol: 25: 20 JD; 5 LLM/SJD
Schedule: W: 2:10 – 4:00

Required Reading: JPJ494HS Course Kit (available from instructor)

This course surveys two of the key themes related to the process of innovation in a knowledge based economy: the process by which new knowledge is generated and effectively transferred to those organizations with the potential to commercialize it; and secondly, the paradoxical relationship between knowledge creation and proximity in a modern global economy. Increasingly the global economy is seen as a knowledge-based one, hence the critical importance of understanding how new knowledge is generated and deployed in the form of new products and processes. At the same time, the more global the economy becomes, the greater the value of proximity, hence the fascination with how to foster the growth of new technology-based clusters, such as Silicon Valley. This course surveys the state of current knowledge about both these processes and explore the implications of this understanding for public policies designed to stimulate knowledge transfer and promote the growth of regional industry clusters. **Evaluation:** will consist of a research paper of 25-30 pages (70%) and seminar participation and presentations 30%.

INTELLECTUAL PROPERTY: PATENTS, COPYRIGHTS AND TRADEMARKS (LAW384H1F) Leah Theriault

First Term: 4 credits; 4 hours
Max. Enrol: 75: 70 JD; 5 LLM/SJD
Schedule: M: 10:10 – 12:00; W: 10:10 – 12:00

The aim of the course is to provide the student with the fundamentals of copyright, trademarks, and patent. Topics to be examined under the rubric of copyright include the protection of dramatic, musical, artistic, and literary works (including computer software); the relation between authorship and ownership; originality; the idea/expression dichotomy; infringement; and the defence of fair dealing. Topics to be examined under the rubric of trade-marks include the differences between the common law action for passing-off and trademark infringement; distinctiveness; use; and the criteria for trade-mark registration. Topics to be examined under the rubric of patent include novelty; non-obviousness; utility; and infringement.

The course will seek to assess copyright, trade-marks, and patent from the point of view of both their normative justification and their policy objectives. We will attempt to view particular legal disputes involving copyright, trade-marks and patent as illustrations of more general problems pertinent to the very definition of ‘property’ and ‘intellectual property’ in contemporary society.

**Evaluation:** 3 hour, open book, final examination.

INTELLECTUAL PROPERTY: PATENTS, COPYRIGHTS AND TRADEMARKS (LAW384H1S) Ariel Katz

Second Term: 4 credits; 4 hours
Max. Enrol: 75: 70 JD; 5 LLM/SJD
Schedule: T: 2:10 – 4:00; Th: 2:10 – 4:00

Information is as basic to the knowledge economy as natural resources were to the industrial economy and human resources to the service economy. As the economy’s dependence on new information grows, the institutions that manage its creation, use and exchange become more critical. Yet the law creates rights over information (known as intellectual property (IP) rights) much differently than it does over goods
or services. The rationale and means for IP rights constitute the subjects of this course. While patents, copyrights and trademarks arise from disparate legislative and jurisprudential histories, they share one common object: the protection of an investment in new information, and share common concerns: how to ensure such investments without unduly impairing access to such information by end-users and future creators. We organize our study of IP rights around this unifying theme.

**Evaluation:** The course grade will be based on a 3-hour open book final examination.

**INTERNATIONAL COMMERCIAL ARBITRATION (LAW513H1S) Paul Michell**

**Second term: 3 credits; 2 hours**  
**Max. Enrol: 25: 20 JD; 5 LLM/SJD**  
**Schedule: M: 7:00 – 8:50**

This seminar examines arbitration as a dispute resolution process for international commercial disputes through a critical analysis of the applicable statutes, rules, treaties, institutions, national and international cases, and awards. Topics include the history, nature and scope of international arbitration; the advantages and disadvantages of arbitration as a method of dispute resolution; the domestic and international sources of arbitration law, with a focus on the UNCITRAL Model Law and the New York Convention of 1958; arbitration agreements; ad hoc and institutional arbitration; the authority, jurisdiction, and obligations of arbitrators; the role of the courts in the arbitration process; the concepts of arbitrability, separability, and competence-competence; the enforcement of arbitration agreements; provisional and protective measures; the role of the tribunal and the parties; challenges to arbitrators; procedure, evidence, and choice of law in arbitral proceedings; arbitral awards; challenges to, judicial review of, and enforcement of awards; privacy and confidentiality; problems of mixed arbitration and sovereign immunity; and investor-state arbitration under NAFTA and bilateral investment treaties. Throughout, relevant comparisons are made with domestic commercial arbitration and civil litigation.

**Evaluation:** Students will be evaluated by:

1. a 25-30 page essay on a topic to be discussed with the instructor beforehand (80%); and
2. class participation, as determined by the instructor (20%).

**INTERNATIONAL ENVIRONMENTAL LAW (LAW225H1F) Laura Nemchin**

**First Term: 3 credits; 3 hours**  
**Max. Enrol: 40: 35 JD; 5 LLM/SJD**  
**Schedule: T: 4:30 – 7:30**

**Perspective Course**

This course will provide an introduction to the basic concepts and mechanisms of international environmental law. It is structured so as to examine the field from a variety of perspectives, serving as course themes and intended to leave students with an understanding of both limitations and possibilities. Thus, while the course explores different topical areas (e.g. acid rain, ozone layer depletion, shared water resources, forest protection, climate change, South-North issues, trade & environment issues), the goal is not merely to know how international environmental law responds to the challenges at hand, but also to arrive at some overarching insights into its workings. Key questions, pursued throughout, include: What “tools” are available to international environmental law as a branch of public international law? What are the particular challenges to be met by international environmental law in modern international society? What is the interplay between normative and regime-oriented approaches in the development of international environmental law? In addition to an understanding of these questions, students will: acquire knowledge of the most relevant customary rules and emerging principles; gain an understanding of the basic structure and process of international environmental agreements.

**Evaluation:** Students must participate in a pleading and negotiating exercise (15%). The balance of their evaluation (85%) will be based on a final three hour open book examination.
INTERNATIONAL TAXATION (LAW349H1S) David Duff

Second Term: 3 credits; 2 hours  
Max. Enrol: 50: 40 JD; 5 LLM/SJD; 5 JD/MAIR  
Schedule: F: 10:10 – 12:00

Pre-requisite: Canadian Income Tax Law  
Pre-requisite or co-requisite: Taxation of Partnerships and Corporations

This course is an introduction to the taxation in Canada of persons engaged in income-earning activities internationally. Issues covered will include the jurisdiction to tax income based on the taxpayer’s residence and source of income; domestic and treaty-based methods to prevent international double taxation of income; the allocation of income within multinational enterprises; anti-avoidance rules designed to prevent tax deferral by foreign affiliates and tax-base shifting through thin capitalization; and the abuse of tax treaties. In addition to substantive tax rules, the course will examine the various mechanisms through which international tax issues are resolved, including advance pricing agreements and Competent Authority negotiations. The potential long-term prospects for multilateral (as opposed to bilateral) solutions to the problems of international double taxation, tax avoidance and evasion will also be discussed. The goal of the class is to provide an overview of the relevant law—both internationally and domestically—giving due respect to its complexity and the policies underlying it, and to identify and discuss the issues that most frequently arise.

Evaluation: will be by final 3-hour open book examination.

INTERNATIONAL TRADE REGULATION (LAW285H1F) Michael Trebilcock

First Term: 3 credits; 2 hours  
Max. Enrol: 40: 20 JD; 10 LLM/SJD  
10 Economics students  
Schedule: W: 2:10 – 4:00

Extended Paper  
Perspective Course

This seminar will explore the regulatory framework governing international trading relations. It will begin with the economic theory of international trade and in particular the case for free trade, then examine the politics of trade policy and objections and sources of opposition to free trade. The following topics will be examined: international economic institutions, the Bretton Woods System, the GATT/WTO, NAFTA, international regulation of tariffs, national tariff administration, the principles of nondiscrimination (most favoured nation and national treatment) with a special focus on antidumping regulation, subsidies and countervailing duties, safeguards, adjustment assistance, trade and agriculture, trade in services, trade-related investment measures, trade-related intellectual property rights, trade and health and safety, trade, labour and human rights standards, trade and the environment and trade and development. The seminar will strongly emphasize the institutions and political economy of international trading relations and how economic and political forces have shaped current regulatory policies and may shape future policies.

Evaluation: Students will be required to write two to three page comments on selected readings for five of the classes (50%) and a 15 page paper on an issue of their choosing (50%). Students who satisfy the extended paper requirement through this course will be required to write a reduced number of comments (2).
INTRODUCTION TO LEGAL CULTURE & LEGAL HISTORY (LAW214H1F) Angela Fernandez

First Term: 3 credits; 3 hours
Max. Enrol: 60: 50 JD; 10 LLM/SJD
Schedule: T: 10:45 – 12:00; Th: 10:45 – 12:00

Extended Paper
Perspective Course

It is often noted that lawyers occupy an internal professional world unique onto themselves – their own legal culture. The form and shape of that world is greatly influenced by historical forces of which we are normally only dimly aware. This course is an introduction to key features of that legal culture through the lens of legal history.

The goal of the course is to introduce students to the work of various Canadian, American, and (some) English legal historians, whose work focuses primarily on the late nineteenth century, a time of intense “professionalization” for North American lawyers. Following introductory classes on general theoretical orientation, substantive topics focus on the case study or microhistory, lawyers’ lives: books and forms, law and order, constitutional order, statecraft through codification, and legal education.

Questions will include: What are some of the pitfalls and promises of intellectual legal history? What are the relative strengths and weaknesses of “external” legal histories compared with “internal” ones? How is the relationship between law and society conceptualized in these different approaches? What are the virtues of the case study approach? What is the value of work that uses a biographical perspective or focuses on an internal professional form?

Depending on course enrolment, the format will be lectures based on assigned readings.

Evaluation: A 48 hour take-home examination to be signed out from and returned to the Records Office. The examination may be taken during any 48 hour period, excluding weekends, between the first day of the examination period and due no later than the set deadline for written work in the applicable term.

If numbers permit, the lecture format may be revised to include a discussion component, in which case, there will be a 15% participation grade.

Students may also arrange with the professor to write a paper to satisfy the Faculty’s extended paper requirement. Although the course itself requires no prior knowledge of or training in history, this might be relevant with respect to the extended paper option. This option is limited to students whose papers will use primary source materials.

JEWISH LAW (LAW360H1S) Gidon Sapir

Second Term: 3 credits; 2 hours
Max. Enrol: 25: 20 JD; 5 LLM/SJD
Schedule: Th: 4:10 – 6:00

Perspective Course

Jewish law encompasses all aspects of human life. In addition to classical religious rules and rituals, Jewish law deals comprehensively with legal matters that arise in both the private, public, the civil and criminal realms. Thus, it deals not only with “religious law” in the narrow sense -- religious requirements concerning the relationship between people and God -- but it also covers people’s relationships in secular matters such as business dealings, financial arrangements, contracts, etc. Though the roots of Jewish law are ancient, it has been subject to a continuous process of revision and progress as new situations arise.
The course will consist of three parts: the first part provides a short introduction to the structure and sources of Jewish law; the second part studies selected legal issues in Jewish law, such as abortion, assisted suicide, religion and the state, judicial discretion, intellectual property and environmental law; the third part discusses the incorporation of elements of Jewish law into the Israeli legal system since 1948, and the current debate concerning its role.

**Evaluation:** A 48 hour take-home examination to be signed out from and returned to the Records Office. The examination may be taken during any 48 hour period, excluding weekends, between the first day of the examination period and due no later than the set deadline for written work in the applicable term.

**JUDICIAL REVIEW IN COMPARATIVE PERSPECTIVE (LAW213H1F) Gidon Sapir**

*First term: 3 credits; 2 hours*
*Max. Enrol: 25: 20 JD; 5 LLM/SJD*
*Schedule: W: 4:10 – 6:00*

In the beginning of the 21st century, it seems that the age of parliamentary democracy had passed and that the concept of constitutional democracy had swept the world. Yet, closer study reveals that the picture is not uniform. First, substantively different versions of the constitutional model may be identified. Second, it is already possible to see the first signs of a shift to a stage of synthesis in which a new constitutional model is being generated which integrates the principle of 'the supremacy of the legislature' with that of the 'supremacy of the judiciary'.

This course will concentrate on presenting various constitutional models and examining their advantages and disadvantages. The course will be divided into three parts. In the first part we shall describe the 'traditional constitutional model' and its underlying rationale. In addition, we shall distinguish between various versions of this model and illustrate them by describing and comparing the constitutional mechanism in a number of countries (United States, Germany, France and Italy). In the second part, we shall examine several arguments against the traditional constitutional model and various proposals made to resolve those arguments. In the third part, we shall describe the 'synthesized model', explain its rationale and illustrate it by describing the constitutional mechanism in a number of countries which have apparently adopted it (Canada, New Zealand and Great Britain).

**Evaluation:** A 48 hour take-home examination to be signed out from and returned to the Records Office. The examination may be taken during any 48 hour period, excluding weekends, between the first day of the examination period and due no later than the set deadline for written work in the applicable term.

**JOURNAL: INDIGENOUS LAW (LAW494Y1Y) Darlene Johnston**

*Both Terms: 2 credits*
*Max. Enrol: 12 JD*

**Note:** Senior Board Members will be selected by the Director in the Spring of each year.

Students who serve as Senior Board Members of the Indigenous Law Journal may receive two academic ungraded credits. A student must commit themselves to the Indigenous Law Journal responsibilities for the entire year to obtain credit. However, students are permitted to allocate one credit to each term or both credits to either term. No credit will be shown on the interim statement of grades until the program has been fully completed. It is strongly recommended that Senior Board Members take Professor Johnston's course, Aboriginal Peoples and Canadian Law.

The specific requirements which must be satisfied by the Senior Board Members of the Indigenous Law Journal to obtain credit will be determined by the administration, following consultation with the current Editor-in-Chief and the Faculty Advisor to the Indigenous Law Journal. These requirements could include submission to the Faculty Advisor of the one-page critiques of articles prepared by each of the Senior Board Members. In any event, it will be the decision of the Faculty Advisor as to whether or not the requirements for credit have been satisfied.

**Evaluation:** n/a
Students who serve as the Editors-in-Chief, or Senior Editors of the Journal of International Law and International Relations (JILIR) may receive two academic credits to be graded on an Honours/Pass/Fail basis. Graduate students are graded on the graduate grading scale. Eligible students must commit themselves to their JILIR responsibilities for the entire academic year to obtain credit. Students are required to allocate their credits as follows: one credit to each term. No credit will be shown on student's records until the program has been fully completed.

Evaluation: All students who wish to receive academic credit for the JILIR must prepare detailed comments on each of the papers passed up to the Senior Board. These comments are expected to be incisive and detailed, covering both issues of style and substance. Each comment should be 1 to 2 pages in length. Comments must be handed to the Faculty Advisor's secretary on the Thursday before the Senior Board meeting each term.

Students who serve as Editors-in-Chief, or Senior Editors of the Journal of Law & Equality may receive two ungraded credits. A student must commit themselves to their Journal of Law & Equality responsibilities for the entire year to obtain credit. However, students are permitted to allocate one credit to each term or both credits to either term. No credit will be shown on the interim statement of grades until the program has been fully completed.

The specific requirements which must be satisfied by the Editors-in-Chief, and Senior Editors of the Journal of Law & Equality to obtain credit will be determined by the administration, following consultation with the current Editors-in-Chief and the Faculty Advisor to the Journal of Law & Equality. These requirements could include submission to the Faculty Advisor of the one-page critiques of articles prepared by each of the Editors-in-Chief, and Senior Editors. In any event, it will be the decision of the Faculty Advisor as to whether or not the requirements for credit have been satisfied.

Evaluation: n/a

Students who serve as the Editors-in-Chief, Executive Editor or Senior Editors of the University of Toronto Faculty of Law Review may receive three academic credits to be graded on an Honours/Pass/Fail basis. Graduate students are graded on the graduate grading scale. Eligible students must commit themselves to their Law Review responsibilities for the entire academic year to obtain credit. Students are permitted to allocate their credits as follows: (a) one credit to one term and two credits to the other, or (b) three
credits to one term. No credit will be shown on student's records until the program has been fully completed.

**Evaluation:** All students who wish to receive academic credit for the Law Review must prepare detailed comments on each of the papers passed up to the Senior Board. These comments are expected to be incisive and detailed, covering both issues of style and substance. Each comment should be 2 to 3 pages in long. Comments should be handed to the Faculty Advisor's secretary on the Thursday before the Senior Board meeting each term.

LABOUR LAW (LAW263H1F) Kerry Rittich

**First Term:** 4 credits; 4 hours  
**Max. Enrol:** 50: 46 JD; 2 LLM/SJD; 2 JD/MAIR  
**Schedule:** T: 10:10 – 12:00; Th: 10:10 – 12:00

This course surveys the legal regimes that regulate the work relationship, a system that includes the common law, statutory regulation and collective bargaining law. In addition to covering the basic principles of each of these legal regimes, the course is intended to critically compare the manner and the extent to which each addresses issues such as employment security, workers' collective interests, and individual rights. The course will also consider the relationship between domestic regulation and global economic integration and the role of legal regulation in respect of both productivity and equity in the new economy.

Specific topics to be covered include the common law contract of employment, including wrongful dismissal; the legislation and administration of employment standards; other forms of statutory regulation such as human rights legislation; and the law of collective bargaining, including certification, unfair labour practices, bargaining, industrial conflict and the administration of the collective agreement.

**Evaluation:** Will be by written 2-hour open book examination (one half of final mark) and one essay (10-12 pages - one half of final mark) written during the term and handed in on or before the last day of the examination period.

LABOUR LAW (LAW263H1S) Brian Langille

**Second term:** Four credits: four hours  
**Max Enrol:** 50: 49 JD; 1 LLM/SJD  
**Schedule:** T: 10:10 – 12:00; Th: 10:10 – 12:00

At the core of successful economies and just societies are human beings at work. This course is a survey of our system of law regulating the work, relationship, a system which includes common law, general statutory regulation, and collective bargaining law. In addition to covering the basic principles of each of these legal regimes, the course is intended to compare critically the manner and the extent to which each of them structures, liberates, or constrains, human capital, and thus the extent to which they contribute to a productive and just nation. The ability of this domestic system to operate within and respond to a reality of global economic integration is also considered.

At the core of the course is the issue of the law's contribution to the workplace with its complicated issues of the demands of productivity and justice as well as the relationship between the two. Specific topics include the common law contract of employment, including wrongful dismissal; employment standards legislation and its administration; and other statutory forms of regulation including human rights legislation. The law of collective bargaining will be canvassed, including certification, unfair labour practices, bargaining, industrial conflict and the administration of the collective agreement.

**Evaluation:** will be by written 2-hour open book examination (one half of final mark) and a series of three brief (3-5 pages) written assignments during the term (the last of which is to be handed in with the exam).(one half of final mark).
LAND USE PLANNING AND LOCAL GOVERNMENT LAW (LAW584H1F) Eran Kaplinsky

First Term: 3 credits; 2 hours
Max. Enrol: 25: 20 JD; 5 LLM/SJD
Schedule: Th: 2:10 – 4:00

The course explores the legal framework for implementing urban and land use policy. The course begins with some controversial questions: What is the nature of local government, and what powers should municipalities have? When should development be regulated and when left to the market? The course proceeds to examine a range of planning tools, both public (official plans, zoning, subdivision controls, development agreements and financial incentives, and antisprawl legislation) and private (e.g., nuisance, restrictive covenants, and homeowner associations), focusing on their relative efficacy and fairness. The rights of landowners and other affected parties will also be discussed, as will the ability of administrative and quasi-judicial agencies to review municipal decisions and to resolve land use disputes. Planning and economic theory will be applied to contemporary debates over issues such as “smart growth” and sprawl, urban design, and housing affordability.

Evaluation: 2¼-hour, open-book examination, or a paper of 20-25 pages on a topic approved by the instructor.

LAW AND FILM (LAW217H1F) Brenda Cossman

First Term: 3 credits; 2 hours
Max. Enrol: 40: 38 JD; 2 LLm/SJD
Schedule: W: 2:10 – 4:00

Extended Paper
Perspective Course

Note: Students are expected to attend and participate in all classes and screenings.

This course will explore the ways in which law, lawyers and the legal system have been represented in film. It will consider different ways of thinking about the relationship between law and film, and focus on a number of recurrent themes, including the positive versus negative representation of lawyers, the pursuit of truth in the justice system, legal ethics or the absence thereof, and legal education. Attention will be paid to film’s continued focus on particular forms of law, particularly the criminal justice system, as well as its more recent interest in issues of environmental law, family law and product liability. The course will also consider how a range of cultural anxieties have been represented in and through film, including attention to issues of gender, race and sexuality.

We will view and/or discuss a number of classic ‘law’ films, such as To Kill a Mockingbird, 12 Angry Men, Judgment at Nuremberg, The Verdict, A Civil Action, Erin Brockovich, A Class Action, Philadelphia, The Accused, The Paper Chase, Legally Blond, and Kramer versus Kramer.

Evaluation: will be on the basis of a 25 page term paper. Students who wish to write a longer paper may fulfill the Extended Paper requirement.
LAW AND LITERATURE (LAW355H1F) Ed Morgan

First term: 3 credits; 2 hours  
Max Enrol: 25: 20 JD; 5 LLM/SJD  
Schedule: T: 4:10 – 6:00

Extended Paper  
Perspective Course

This course will introduce the basic concepts of the Law and Literature movement in legal scholarship. The focus will be on discovering the ways in which literary studies inform law and legal analysis, although there will also be some discussion of the ways in which law and legal themes have informed literature. The readings will include some of the major contemporary writings in the Law and Literature field, as well as some primary literary texts of relevance to law. These latter texts will range from the ancient (Bible) to the medieval (Chaucer) to the modern (Kafka, Joyce, Woolf) and post-modern (Nabokov, Borges), with some Canadian content (Atwood, Richler) added for good measure. All will be examined with a view to discerning the thematic, stylistic, and hermeneutic lessons they offer for lawyers.  
Evaluation: A research paper 25 pages (100%).

LAW AND THE HOLOCAUST (LAW 210H1F) KRISTEN RUNDLE

First Term: 3 credits; 2 hours  
Max Enrol: 25: 20 JD; 5 LLM/SJD  
Schedule: M: 2:10 – 4:00

Perspective Course

This course examines the relationship between law and the origins and implementation of the events known as the ‘Holocaust’. Students will study such topics as the lessons for legal philosophy arising from Hitler’s rise to power and the collapse of the Weimar Republic, the legalization of the Nazi racial-biological worldview through eugenics and anti-Jewish legislation, the character of parallel anti-Jewish legal programs in Vichy France and elsewhere, the challenge to our conceptions of legal and moral responsibility that is presented by the idea of ‘administrative massacre’, and the question of how the Nazi legal era has been represented in mainstream jurisprudence. Throughout the seminar, special attention will be given to the professional and philosophical questions that arise from the crucial role played by lawyers, judges, and the machinery of bureaucracy in the implementation of the Nazi project.  
Evaluation: One research paper (25 pages; maximum 6000 words) 70% on a subject approved by the instructor, one short writing task based on allocated readings 15%, (5-7 pages; maximum 1500 words) and class participation (15%).

LAW, INSTITUTIONS AND DEVELOPMENT (LAW243H1S) Michael Trebilcock and Mariana Prado

Second Term: 3 credits; 2 hours  
Max. Enrol: 40: 30 JD; 5 LLM/SJD; 5 JD/MA (International Relations)  
Schedule: W: 2:10 – 4:00

Extended Paper  
Perspective Course

This seminar will examine the role of law and institutions in promoting development in less developed countries. The topics that will be addressed include: competing conceptions of development: economic, political and social; theories of economic growth; the New Institutional Economics; democracy and
development; public administration and development; competing theories of the role of law in development; ethnic diversity; corruption; land and property rights reform; infrastructure and development; state-owned enterprises: privatization and reform; corporate governance and finance; foreign investment and trade policy; tax policy; and, the role of foreign aid and international institutions in development.

**Evaluation:** Students will be required to write two to three page comments on selected readings for five of the classes (50%) and a 15 page paper on an issue of their choosing (50%). Students who satisfy the extended paper requirement through this course will be required to write a reduced number of comments (2).

**Law, Religion and Public Discourse (LAW497H1F) Jennifer Nedelsky**

First Term: 3 credits; 2 hours  
Max Enrol: 25: 20 JD; 5 LLM/SJD  
Schedule: T: 2:10 – 4:00

**Extended Paper**  
**Perspective Course**

What is lost when secularism defines the norms of public discourse in ways that prohibit reference to religious beliefs as the source of claims or arguments? This question will be explored in relation to historical examples of the interaction between law and religion and current issues such as abortion, marriage and the promotion of human and animal rights. We will also consider the issue of dialogue with those, such as many aboriginal peoples, who do not accept the Enlightenment division between the spiritual and the political. While the course will explore the background context of the separation of church and state (noting the different forms that has taken), the primary focus will not be on constitutional guarantees of religious freedom. One of the central purposes of the course will be to envision ways in which religious and spiritual beliefs could become respectable dimensions of legal, political, and academic discourse while sustaining a deep respect for pluralism and attending to the dangers that underlie the commitment to the separation of church and state.

**Evaluation:** Class participation (including weekly written comments either on one of the readings or on another student’s written comments) 25%; A 25-page paper, 75%. (Arts and Sciences undergraduates who need graded work returned before the drop date will write one 5-page paper and one 20-page paper.)  
**Note:** Students agree that by taking this course all required papers may be subject to submission for textual similarity review to Turnitin.com for the detection of plagiarism. All submitted papers will be included as source documents in the Turnitin.com reference database solely for the purpose of detecting plagiarism of such papers. The terms that apply to the university's use of the Turnitin.com service are described on the Turnitin.com web site.

**Legal Research and Writing for International Law Students (LAW505H1F) Beatrice Tice, John Papadopoulos, Susan Gratton**

First Term: 2 credits; 2 hours  
Max. Enrol: 18: 6JD; 12LLM/SJD  
Schedule: F: 9:10 – 11:00

This course, aimed at graduate and other students who have studied law abroad, provides a brief introduction to the Canadian legal system including the legislative and judicial process. Attention is then given to conducting legal research emphasizing print and online primary and secondary sources of law for Canada, the United States and the United Kingdom. Scholarly legal writing will also be emphasized throughout, including legal citation, the use of plain English in legal drafting and the design and preparation of a law-related thesis. Classes will be a combination of lectures, problem-based group
learning, computer lab training and library training. Hands-on training will be provided for using Quicklaw, Westlaw, CARSWELL, Lexis, the Internet and other law-related online material.

**Evaluation:** Students will be evaluated throughout the course on three short research memos of approximately 10 - 12 pages each (33.33% each).

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**LITIGATION AND SOCIAL CHANGE (LAW316H1S) Peter Rosenthal**

**Second Term:** 3 credits; 2 hours  
**Max Enrol:** 25: 20 JD; 5 LLM/SJD  
**Schedule:** W: 4:10 - 6:00

**Perspective Course**

This course will consider the ways in which litigation can be a useful tool in struggles for progressive social change. During the first several weeks we will consider a variety of positions on the positive and negative aspects of litigation, relationships between litigation and political organizing, and techniques of advocacy appropriate to the pursuit of political objectives. This part of the course will draw upon readings in "critical legal studies" and other academic literature. The bulk of the course will consist of student projects. Early in the semester, each student will design a project in consultation with the instructor. Suitable topics would include aspects of the general problem, such as using litigation as a political platform, creative ways of using court demeanour and procedures, or the limits of litigation. Other projects might analyze past, current or proposed cases. For example, a study might be made of the role of the women's movement in leading to the finding that Canada's abortion law was unconstitutional, possible torts of racial and sexual harassment might be explored, or the potential of litigation for policing the police could be investigated. There could also be empirically-based projects, such as conducting a survey to determine Toronto’s best and worst judges. In some instances it may be possible for the student to work with a practitioner or a community group involved in preparing a case. Each student will make a presentation to the class and will write a paper of about 25 pages about her or his research topic.

**Evaluation:** Class participation and seminar presentation (30%), and a research paper of approx. 25 pages (70%).

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**MEDICAL JURISPRUDENCE (LAW267H1F) Bernard Dickens and Joanna Erdman**

**First Term:** 3 credits; 2 hours  
**Max. Enrol:** 50: 40 JD; 10 LLM/SJD  
**Schedule:** T: 2:10 – 4:00

**Extended Paper**  
**Perspective Course**

Medical jurisprudence will be treated as the legal principles and provisions applicable to the practice of medicine and related health care in routine and acute instances. The course text will be supplemented by further materials assigned in advance of classes. The course will be in lecture format, but loosely structured in order to accommodate class discussion. The proposed topics, following an introductory class on the Canadian health care system, will be: the regulation of health care professionals, negligence and malpractice, informed consent, confidentiality, minors, state intervention in pregnancy, reproductive technology, developments in genetics, human subject research and decision making at the end of life. However, if students want to offer to introduce topics of their own choice this will be accommodated.

**Evaluation:** Students will have a choice of writing a 3-hour open book examination, a paper (approximately 25 pages), or a 48 hour take-home examination (100%) to be signed out from and returned to the Records Office. The examination may be taken during any 48 hour period between the
first day of the examination period and due no later than the set deadline for written work in the applicable term, (see Take-home Policy in Syllabus for details). A limited number of students may fulfil the Extended Paper Requirement for this course.

MENTALLY DISORDERED ACCUSED (LAW336H1F) Hy Bloom, Richard Schneider

First Term: 3 credits; 2 hours
Max Enrol: 25: 20 JD; 5 LLM/SJD
Schedule: T: 6:10 – 8:00

The presence of mentally disordered accused in the criminal justice system is recognized as an expanding phenomenon. The system will be examined from pre-arrest through to sentencing. Aside from the traditional issues surrounding fitness to stand trial and criminal responsibility the course will consider the relevancy of mental disorder at all junctures within the criminal justice system. Aspects of mental disorder will be examined including definitions, presentation, and determination.

Mental Disorder and the Law: Historical Considerations
Per-arrest and Police Discretion / Diversion of the Mentally Disordered Accused
Dangerousness and Risk Assessment
Fitness to Stand Trial
Judicial Interim Release
Criminal Responsibility
Automatism
Diminished Responsibility
Psychiatric Assessments/Remands/Treatment
Opinion Evidence/Expert Evidence
Confidentiality and Privilege
Sentencing the Mentally Disordered Accused

Evaluation: Each student will assume responsibility for leading a seminar discussion on one of the above topics. This may be done individually or in pairs depending upon class enrollment. This presentation will be worth 40% of the total grade. A research paper of 25-30 pages in length will make up 50% of the total grade and general class participation will make up 10% of the grade.

MODERN POLITICAL TRIALS (LAW342H1S) (HIS1271HS) Michael Marrus

Second Term 3 credits; 2 hours
Max Enrol: 15: 5 JD; 2 LLM/SJD; 8 (Arts & Science, mainly History)
Schedule: Th: 9:10 – 11:00

What are political trials? According to one recent definition, these are trials in which the outcome "depends on an evaluation of the defendant's political attitudes and activities." Among other things, this seminar course will test that definition, and begins with the hypothesis that there can be other sorts of political trials, in which courtroom arguments speak to issues of political importance in different societies. Many different circumstances, it should be come clear, can contribute to making trials political. To examine these propositions, we will look at European and North American trials in the nineteenth and twentieth centuries. The approach will be interdisciplinary, and will draw upon legal, political, historical and social analyses of the various trials selected for the course.

Evaluation: One short essay approximately (1250 words) comparing two of the trials discussed in the course, due on February 26 (15%); and one longer essay approximately (6000 words), entitled "Reflections on Political Trials," drawing upon themes discussed in the course, due on April 13, (70%). Participation (15%): based on attendance and class participation.
NATIONAL SECURITY, CRIMINALITY, HUMAN RIGHTS AND NON-CITIZENS (LAW256H1F) Barbara Jackman

First Term: 3 credits; 2 hours
Max Enrol: 25: 20 JD; 5 LLM/SJD
Schedule: 4:10 – 6:00

Perspective Course

In a post 9/11 world national security has become a primary focus of many states, including Canada. As a corollary to this, human rights issues have come to the fore, raising concerns about racial, religious and ethnic profiling, secret hearings, indefinite detentions, renditions and the strengthening of enforcement mechanisms related to crime and security. The impact on non-citizens has been profound. This course will address a range of issues arising from the Canadian national security and crime prevention agenda as this is applied to non-citizens. The primary focus will be Canada, but with reference to debates and practices in the international context and other state jurisdictions. Issues to be covered include: the legal definitions of concepts such as national security, threats and terrorism, and the parameters of their application; Canadian statutory and administrative practices meant to ensure protection of Canadian society; differential practices between citizens and non-citizens; evaluation of these processes in light of domestic and international human rights norms; the role and responsibilities of security agencies, such as the RCMP and the Canadian Security Intelligence Service, and of defence and crown counsel; the role of the courts and their response to security cases coming before them; and use of international human rights agencies and treaty bodies.

Evaluation: based on class participation (30%) and paper 25-30 pages in length (70%).

NEGOTIATION (LAW272H1F) Allan Stitt

First Term: 2 credits; 3 hours
Max. Enrol: 30: 28 JD; 2 LLM/SJD
Schedule: M: 4:10 – 7:00

Note: Attendance in this course is mandatory. Students on the waiting list must attend until added/dropped from the course.

Note: Classes will run for three hours and the course will go for nine weeks.

Although most of us negotiate countless times every day, in both personal and work-related contexts, few of us ever sit back to analyze whether we negotiate well and whether we can improve our negotiation technique. Negotiation is a skill that can be learned and improved by practising and experimenting. This will be a course in doing. Students will negotiate a number of hypothetical fact scenarios, and will analyze the results and techniques used. We will also have a number of classroom "exercises" designed to help improve negotiating skills. By the end of the course, I hope that students will be able to go into any negotiation confident that they have learned techniques that will consistently produce a "good" result. The theories taught in the course will be based on those in the book Getting To Yes by Roger Fisher, William Ury and Bruce Patton (2nd edition). There will not be a lot of required outside reading.

Evaluation: Participants will be evaluated (Honours/Pass/Fail) based partly on class participation and attendance (30%). Because the simulated negotiations are designed for specific numbers of people, attendance during class hours will be required and attendance will be taken. Students will also be asked to keep a Negotiation Journal (70%). Graduate students are graded on the graduate grading scale and are asked to submit an additional paper/essay on a topic related to negotiation.
PATENT AND TRADE SECRETS LAW (LAW332H1S) Donald Cameron, R. Scott MacKendrick

Second Term: 3 credits; 2 hours  
Max. Enrol: 45: 42 JD; 3 LLM/SJD  
Schedule: T: 4:10 – 6:00

Patents and trade secrets protect commercially valuable inventions and information respectively. As the information age and biotechnology progresses, these legal monopolies and "know-how" have become increasingly important to commerce. This course will examine: protectable subject matter (novelty, non-obviousness, secrecy and the problems with specific technologies such as computer software, business methods and biotechnology); the mechanisms used to obtain protection (nationally and internationally); maintenance, how to read (construction) and how to enforce (including infringement) a patent; and licensing. The scope and overlap of patent and trade secret protection will also be studied. Evaluation: Students have the option of doing either a final 2 hour sit-down examination, or 48-hour take-home, only available at the start time of the examination, to be signed out from and returned to the Records Office. Note: Students choosing the take-home option will not be permitted to reschedule other exams due to choosing this option.

PERSPECTIVES ON CIVIL LITIGATION, PROCEDURE & PROFESSIONALISM (LAW302H1S) Barry Weintraub and Susan Heakes

Second Term: 2 credits; 2 hours  
Max Enrol: 25: 20 JD; 5 LLM/SJD  
Schedule: W: 6:10 – 8:00

Perspective Course
Civil Procedure is fundamental to the resolution of disputes in our various court systems. It is much more than sets of rules that must be memorized. This course is designed to assist future lawyers with an interest in litigation to understand the framework and theoretical underpinnings of civil procedure, and to understand the consistency, and tensions, between civil procedures and professional responsibility and ethics. The aim of the course is to enable the creative practical application of civil procedure principles to issues in the modern practice of litigation. Evaluation: two short papers, 8-10 pages each, and each worth (30%), and class participation (40%).

PHILOSOPHICAL FOUNDATIONS OF THE COMMON LAW (502H1F) Professor Ripstein

First Term: 3 hours; 3 Credits  
Max Enrol: 35: 30 JD; 5 LLM/SJD  

Extended paper  
Perspective Course
Private law is animated by concerns about justice and individual responsibility. The aim of this course is to examine the relationship between those ideas as they arise in private law, and related ideas of justice and responsibility that arise in relation to morality on the one hand, and to distributive justice on the other. Some of the questions we will consider include: does private law have a distinctive conception of individual responsibility? If so, is that conception defensible? Is private law implicitly committed to an idea of social justice (or opposed to such ideas?) Can private law accommodate such concerns? Should it be modified to do so? How is the distinction between nonfeasance and misfeasance (most notoriously captured in the absence of a duty to rescue) related to broader concerns about justice?
Readings will be drawn from legal and philosophical writings on both private law and distributive justice, as well as selected cases.

**Evaluation**: Students are required to write one-page weekly comments on the readings (10%), class participation (10%) and a final essay (25 pages 80%).

**POLITICAL THEORY OF G.W.F. HEGEL (POL444Y1Y) (LAW282Y1Y) Alan Brudner**

Both Terms: 4 credits; 2 hours  
Max. Enrol: 5: 4 JD; 1 LLM/SJD  
Schedule both terms: Th: 2:10 – 4:00

**Extended Paper**  
**Perspective Course**

This course will study Hegel's political philosophy through a reading of the Philosophy of Right and of a substantial part of the Phenomenology of Spirit. While the course will be primarily devoted to a close reading of these texts, several general themes will also be discussed, including Hegel's understanding of the relationship between philosophic knowledge and the state, his understanding of the relationship between the ancient and modern worlds, his differences with Kant on the status of law and political life, and his place with respect to the tradition of liberal political theory.

**Evaluation**: will be based on either one research paper of approx. 40 pages in length, or two papers (one per term), each approximately 20 pages in length, or three papers, each approximately 15 pages in length. Students may fulfil both the Extended Paper and Perspective paper requirements in this course.

**PRIVATE INTERNATIONAL LAW (LAW228H1F) Janet Walker**

First Term: 4 credits; 4 hours  
Max. Enrol: 75: 70 JD; 5 LLM/SJD, 5 JD/MAIR  
Schedule: Th: 10:10 – 12:00 AND 2:10 – 4:00 (be aware that the afternoon time slot will not show on your timetable or stop you from registering for courses on a Thursday in the 2:10 – 4:00 slot)

As a result of the movement of individuals, goods and services across both provincial and national boundaries, legal problems often contain elements involving more than one jurisdiction. The field of law known as either "private international law" or "conflict of laws" deals with the principles that determine: (1) when courts will assume jurisdiction to decide cases with such 'foreign' elements; (2) when courts will recognise or enforce the judgments of courts from other jurisdictions; and (3) how to choose which legal system's substantive law will govern the resolution of issues in dispute. The focus will be on conflict of laws issues in contract and torts, with the choice of law rules in other areas of private law discussed in more general terms. The course will be taught from a comparative perspective, with reference to the law of other common law countries, Europe and the United States. The foundations of private international law will also be explored, including its relationships to Canadian federalism and to public international law.

**Evaluation**: A 3-hour closed-book examination (100%) including a 20- minute reading period and an option to write a "no downside risk" 1500-word essay (worth approximately 1/3 of the grade) based on one of two questions distributed 7 days prior to the examination and submitted to the invigilator at the end of the examination.
PRIVATE PENSIONS, PUBLIC RESPONSIBILITIES: THE LAW AND REGULATION OF THE CANADIAN PENSION SYSTEM (LAW390H1S) Mitch Frazer and Ari N. Kaplan

Second term: 3 credits; 2 hours  
Max Enrol: 25: 20 JD; 5 LLM/SJD  
Schedule: T: 6:10 – 8:00

Note: Pre- or co-requisites (but not required): Administrative Law, Labour Law, Trusts

One of the challenges of pension law is the difficulty with which to pigeonhole it into our conventional regulatory mindset. Legal regimes that import a regulatory component are often described by reference to one of two broad purposes: one, statutory schemes the predominate purpose of which is to deliver a social program by either conferring a social benefit or regulating social behaviour, or two, schemes that regulate economic behaviour with the objective of providing stability and fairness in capital markets or correcting a perceived imbalance in those markets. These conventional assumptions are simply inadequate or inapplicable in the case of pensions. On one hand, the establishment of an employer-sponsored pension plan is a voluntary exercise and, therefore, a pension plan will often exist purely as a function of a contract. On the other hand, provincial pension legislation originally required employers to establish a pension plan for their employees. This was a policy initiative that intended – and to an extent still intends, notwithstanding its voluntariness – to download onto the private sector the delivery of a social program, albeit regulated by government. Pension law exploits the dichotomy between these two rationales: one rationale being that the law should aim to defer as much as possible to common law contractual rights, and the other being that the law should reinforce the public policy objectives relating to pensions by ensuring a minimum level of sustenance following an employee’s working life. In this course, we will consider this dichotomy as we explore the nature of pension plan sponsorship, administration, investment, regulation, amendment, reorganization, termination and surplus.

Evaluation: Research paper (20-30 pp.) 60% on a subject approved by the instructor; 20% for one seminar presentation, 20% for class participation.

PUBLIC INTERNATIONAL LAW (LAW252H1S) Karen Knop

Second Term: 4 credits; 4 hours  
Max. Enrol: 75: 65 JD; 5 LLM/SJD; 5 JD/MAIR  
Schedule: M: 2:10- 4:00; W: 2:10 – 4:00

This course provides an overview of the structure and process of the international legal system. It will canvass the conceptual and institutional foundations of international law and provide an introduction to the main theoretical debates in the field.

Students will be introduced to: the sources of international law (treaties, custom, and the debates about the role of other sources); the concept of international legal personality (the concept of the sovereign state; the evolving role of other international actors, such as international organizations, non-governmental organizations and individuals); questions of jurisdiction over territory and persons; the relationship between international and domestic law; the peaceful settlement of international disputes. Topical areas covered in the course may include: the key features of the UN system (UN Charter; the roles of UN organs such as the Security Council and the International Court of Justice); the law relating to the use of force; the law of state responsibility; the protection of human rights; international criminal law; international humanitarian law; the law of the sea.

Evaluation: Three hour open book exam 100%.
PUBLIC LAW, SOCIAL REGULATION AND POVERTY (LAW499H1S) Professor Lorne Sossin

Second term: 3 credits: 2 hours  
Max Enrol: 25: 20 JD; 5 LLM/SJD  
Schedule: Th: 2:10 – 4:00

Extended Paper  
Perspective Course

This seminar will engage students in a critical analysis of the legal system's responses to poverty related issues. Topics covered will include social assistance and workfare, homelessness and housing, legal aid, panhandling, as well as the dilemmas and debates concerning globalization and poverty. Law's intersection with poverty will be examined from a number of conceptual perspectives, including human rights standards (e.g. the Charter, the Bill of Rights, Human Rights Codes and international human rights instruments), procedural safeguards and administrative law, and the distribution of authority for poverty related programs under Canadian federalism. Finally, theoretical approaches to the legal regulation of poverty will be canvassed, including feminist legal analysis, critical race theory and law and economics.  
Evaluation: Students will have the choice of writing a research essay (25-30 pages) or three short essays (8-10 pages each) based on the course material due at three intervals throughout the term. The writing component of the course will be worth 80% of the final grade and will be due at the Faculty deadline. There will be a participation component of the course as well worth 20%.

REAL ESTATE LAW (LAW275H1F) Bradley McLellan

First Term: 3 credits; 3 hours  
Max. Enrol: 75: 74 JD; 1 LLM/SJD  
Schedule: T: 5:30 – 8:20

This course studies the manner in which interests in land are bought, sold and mortgaged. The following aspects of purchase transactions are considered: the agreement of purchase and sale (the meaning of certain clauses and drafting traps); role and potential liability of real estate agents; physical defects, including environmental contamination; investigation of title to property; and title insurance. The course also covers the various land registration systems, condominiums, and electronic searching and registration. Remedies available to the parties when the transaction is not completed, including damages and specific performances are also examined. Finally, the course considers the nature and creation of mortgages and mortgage remedies.  
Evaluation: Will be by way of a final 3 hour open book scheduled examination.

RELIGION AND THE LIBERAL STATE: THE CASE OF ISLAM (LAW321H1S) Mohammad Fadel

Second term: 3 credits; 2 hours  
Max Enrol: 25: 20 JD; 5 LLM/SJD

Extended Paper Course  
Perspective Course

This seminar will address, as a theoretical matter, the relationship of religion to a liberal state, with particular attention to the writings of John Rawls as set forth in Political Liberalism and leading "religion" cases law from various liberal jurisdictions that address the relationship of religion and a liberal constitutional order.  We will, simultaneously with our theoretical readings, attempt to apply these themes in the particular case of Islam within a liberal constitutional order. No prior knowledge of Islam or Islamic law is required.  
Evaluation: Students will submit a 30 page paper which will represent 90% of their final grade. The remaining 10% will be awarded based on class participation.
REPRODUCTIVE AND SEXUAL HEALTH LAW (LAW386H1F) Rebecca Cook and Joanna Erdman

First Term: 3 credits; 2 hours
Max Enrol: 25: 15 JD; 10 LLM/SJD
Schedule: W: 8:45 – 10:35

Extended Paper
Perspective Course

Note: This course serves as a prerequisite to some of the international human rights internships. This course addresses national and international legal protection and promotion of reproductive and sexual health. It examines the comprehensive nature of reproductive health, including fertility control and promotion, treatment of sexually transmitted diseases, such as HIV/AIDS, and abusive sexual relations. The course provides introductory overviews of the background law and its interaction with ethical principles. The course surveys different disciplinary dimensions, such as biomedical, epidemiological and social science perspectives that can be used in the development and application of reproductive and sexual laws. It analyzes the effectiveness of the law in protecting groups at high risk of reproductive health disadvantages, such as adolescents.

Students taking this course during the second semester must register in first semester, students who want to continue their work done in first semester will be encouraged to do so for an additional one credit. The second semester course will meet every other week, and will be structured around key research themes of interest to both the students and the instructor agreed at the end of the first semester. The aim is to enable students to develop their first semester work into papers of publishable quality for submission to a relevant law journal.

Evaluation: All students must complete four short assignments (3 pages) related to the readings (15%). The balance of the evaluation (85%) will be based on:
• a research paper or legal memorandum (approximately 20 pages), or
• a 48 hour take-home examination (100%) to be signed out from and returned to the Records Office. The examination may be taken during any 48 hour period between the first day of the examination period and due no later than the set deadline for written work in the applicable term (see Take-home Policy in the Syllabus for details).
A limited number of students may fulfill the Extended Paper requirement in this course.

REPRODUCTIVE AND SEXUAL HEALTH LAW (LAW386Y1Y) Rebecca Cook and Joanna Erdman

Both Terms: 4 credits
First Term 3 credits; 2 hours
Second term 1 credit; 1 hour every other week

Max. Enrol: 12: 6 JD; 6 LLM/SJD

Extended Paper
Perspective Course

Note: Students may find it helpful to have taken or be taking Public International Law and International Human Rights Law (or equivalent).

Note: This course serves as a pre-requisite to some of the international human rights internships.

This course addresses national and international legal protection and promotion of reproductive and sexual health. It examines the comprehensive nature of reproductive health, including fertility control and
promotion, treatment of sexually transmitted diseases, such as HIV/AIDS, and abusive sexual relations. The course provides introductory overviews of the background law and its interaction with ethical principles. The course surveys different disciplinary dimensions, such as biomedical, epidemiological and social science perspectives that can be used in the development and application of reproductive and sexual laws. It analyzes the effectiveness of the law in protecting groups at high risk of reproductive health disadvantages, such as adolescents.

Students taking this course during the second semester must register in first semester, students who want to continue their work done in first semester will be encouraged to do so for an additional one credit. The second semester course will meet every other week, and will be structured around key research themes of interest to both the students and the instructor agreed at the end of the first semester. The aim is to enable students to develop their first semester work into papers of publishable quality for submission to a relevant law journal.

**Evaluation**: for the first semester, all students must complete four short assignments (3 pages) related to the readings (15%). The balance of the evaluation (85%) will be based on:

- a research paper or legal memorandum (approximately 20 pages), or
- a 48 hour take-home examination (100%) to be signed out from and returned to the Records Office. The examination may be taken during any 48 hour period between the first day of the examination period and due no later than the set deadline for written work in the applicable term (see Take-home Policy in the Syllabus for details).

A limited number of students may fulfill the Extended Paper requirement in this course.

**Evaluation**: for the second semester one credit course will be by students’ presentation of their papers in class (10%) and their developed research papers (90%).

**RESTITUTION (LAW277H1F) Ernest Weinrib**

**First Term: 3 credits; 3 hours**  
**Max Enrol:** 25: 20 JD; 5 LLM/SJD  
**Schedule:** T: 10:45 – 12:00; Th: 10:45 – 12:00

**Extended Paper**

Throughout the common law world it is now generally recognized that, along with contract and tort, there is a distinct and fundamental third category of liability within private law: the defendant must make restitution of any enrichment unjustly made at the expense of the plaintiff. As the youngest branch of private law liability, this category is in considerable flux, is the subject of much academic controversy, and has implications for many different areas of law. This course deals with the basic problems in this developing field. The questions we will be concerned with are historical (how did this principle of liability develop?), theoretical (what is its structure and grounding?), definitional (what makes something an “enrichment”? What makes an enrichment “unjust”? When is an enrichment “at the expense of” another?), doctrinal (when is there restitutionary liability for unrequested benefits, for benefits conferred by mistake or under compulsion, or for gains made by wrongful acts?), and categorical (how is this ground of liability related to tort and contract?).

**Evaluation**: Students are required to write eight comments, each not more than one page, and a final essay of approximately twenty pages. Evaluation will be on the basis of the essay, but a student who does not submit the comments as required will have five marks deducted from the essay grade. A limited number of students will be permitted to fulfill the Extended Paper Requirement.
RIGHTS (LAW436H1F) Hamish Stewart

First Term: 3 credits; 2 hours
Max Enrol: 25: 20 JD; 5 LLM/SJD
Schedule: Th: 2:10 – 4:00

Extended Paper

Perspective Course
What are rights? Why do we have them? Can rights be founded exclusively on the promotion of some conception of social welfare or must they rest on a different sort of normative foundation? These questions will be explored through close reading of important texts in legal and political theory, possibly including texts by Locke, Kant, Hegel, Hohfeld, Hart, Raz, Dworkin, Rawls, and Posner.

Evaluation: Will be by weekly notes on the reading (10%), class participation (10%), and a final paper 25-30 pages (80%). The final paper will require close reading of an important text that is not part of the required reading for the course.

ROMAN LAW (CLA336H1F) Ernest Weinrib

First Term: 2 credits; 2 hours
Max. Enrol: 3 JD
Schedule: Th: 3:00 – 5:00

Note: (This course is offered through the Department of Classics.)

An introduction to Roman Law. The course will focus on the Roman law of wrongfully inflicted damage (including negligence) and will feature the reading of translated extracts from Roman legal literature. The course will consider such matters as the relationship between procedure and substance in the development of Roman Law, the role of the jurists and of juristic writings, and the conceptions of wrongfulness, responsibility, causation and damage that emerge from the Roman legal texts. Required book: Bruce Frier, A Casebook on the Roman Law of Delict.

Evaluation: For law students, evaluation will be by a paper of about 25 pages on the law of wrongfully inflicted damage.

SECURED TRANSACTIONS (LAW318H1F) Anthony Duggan

First Term: 4 credits; 4 hours
Max. Enrol: 75: 74 JD; 1 LLM/SJD
Schedule: M: 2:10 – 4:00; W: 2:10 – 4:00

This course is concerned with the modern law of secured transactions in personal property. It involves a detailed study of the Ontario Personal Property Security Act, with reference to corresponding laws in other provinces and Article 9 of the United States Uniform Commercial Code. The following topics will be covered:

1. the nature and function of security;
2. the history and policy of the personal property security statutes;
3. the policy and function of registration;
4. the validity of security agreements and the rights of the parties between themselves;
5. third party disputes (priorities);
6. default and enforcement;
7. conflict of laws issues; international developments and reform issues.

Evaluation: Will be a 3-hour open book examination.
SECURITIES REGULATION (LAW293H1F) Anita Anand

First term: 4 credits; 4 hours  
Max. Enrol: 80: 79 JD; 1 LLM/SJD  
Schedule: T: 2:10 – 4:00; Th: 2:10 – 4:00

Pre-requisite: Business Organizations

This course examines the regulation of Canadian capital markets, focusing on: public offerings, exempt distributions, continuous disclosure obligations, insider trading, takeover bids and enforcement issues. The main objective of the course is to develop an understanding of securities legislation and relevant case law. A further focus of the course is to analyze the regulatory regime in light of the regulatory mandate to protect investors and maintain fair and efficient capital markets.

Evaluation: A 3-hour open-book examination (100%) OR a 3 hour open-book examination worth 75% and a "no downside risk" 4000 word paper worth 25% submitted to the invigilator at the end of the examination. Topic to be approved by the instructor. Paper will count only if it raises the student’s mark.

SECURITIES REGULATION (LAW293H1S) Jeffrey Macintosh

Second Term: 4 credits; 4 hours  
Max. Enrol: 80: 79 JD; 1 LLM/SJD  
Schedule: T: 9:10 – 11:00; Th: 9:10 – 11:00

Pre-requisite: Business Organizations

The primary aim of this course is to develop doctrinal fluency in the following areas:

1. primary market disclosure obligations (including the basic prospectus obligation, prospectus exemptions, the short-form or "POP" prospectus, and the "bought deal");
2. secondary market disclosure obligations;
3. registration (i.e. licensing) of securities market professionals;
4. takeover bids;
5. insider trading; and
6. the discretionary powers of securities regulators.

In addition to developing doctrinal fluency, the above-noted topics will be critiqued from a policy perspective. The main focus, however, will be on developing an understanding of the statute and case law.

Evaluation: will be by a final 3-hour open book examination.

SENTENCING AND PENAL POLICY (CRI 3355H1F) (LAW323H1F) David Cole

First Term: 3 credits; 2 hours  
Max. Enrol: 25: 17 JD; 3 LLM/SJD  
5 Criminology Students  
Schedule: W: 6:10 – 8:00

This course examines various aspects of the Canadian sentencing system. While this course is primarily legal in its orientation, the aim is to augment the discussion of sentencing issues with philosophical and criminological literature.

The course commences with a consideration of the philosophical dimensions of sentencing and an examination of certain empirical issues, such as problems in assessing the efficacy of deterrence theory and of penal measures, and the difficulties involved in the prediction of dangerousness. Thereafter, considerable emphasis is placed on legislative and judicial approaches to the sentencing function and the
procedural aspects of the Canadian sentencing system. Other topics for consideration include: victim participation, sentencing circles, sentencing of Aboriginal offenders, mandatory sentences, restorative justice, young offenders, plea arrangements and sentencing and paroling those convicted of murder

Evaluation: a research paper (25-30 pages) (80%) and class participation (20%).

SPORTS LAW (LAW255H1F) Gordon Kirke

First Term: 3 credits; 2 hours
Max. Enrol: 40: 35 JD; 5 LLM/SJD
Schedule: T: 8:30 – 10:20

In this course, we will study owner/player relations in various sports including contract negotiation, collective bargaining and the by-laws of the various professional leagues. We will focus on discipline of players, including discipline imposed by the employer club and the league, and judicial review. Remedies for breach of contract and the concept of inducing breach of contract will be discussed in the sports context, including the concept of tampering, with a practical case study involving a player wishing to retire from one sport to play in another sport. We will consider the concept of restraint of trade and competition law in the sports industry. We will consider the legal consequences of injuries and immoral conduct in sports.

Evaluation: will be based on seminar participation (20%) and a 25-page research paper (80%).

TAXATION OF PARTNERSHIPS AND CORPORATIONS (LAW310H1S) David Duff

Second Term: 4 credits; 4 hours
Max. Enrol: 50: 48 JD; 2 LLM/SJD
Schedule: M: 8:45 – 10:35; W: 8:45 – 10:35

Pre-requisite: Canadian Income Tax Law

In Canada, most business activity is carried on through partnerships or corporations. This course reviews the taxation of these enterprises and their owners under the Income Tax Act. Introductory lectures consider the purposes of income computation and tax levied at the enterprise level, discuss the differences between the tax treatment of partnerships and corporations, and review key concepts from the basic income tax course. The remainder of the course is divided into four parts: (1) the taxation of partnership income, partnership interests, and partnership reorganizations; (2) the taxation of resident corporations on different categories of income; (3) the taxation of resident shareholders on various kinds of corporate distributions (e.g., dividends and shareholder benefits); and (4) the taxation of corporate reorganizations (e.g., transfers of property to a corporation, amalgamations, and divisive reorganizations).

Evaluation: four 10-page written assignments (25% each) OR a 24 hour take-home examination (100%) to be signed out from and returned to the Records Office. The examination may be taken during any 24 hour period, excluding weekends, between the first day of the examination period and due no later than the set deadline for written work in the applicable term.

TELECOMMUNICATIONS AND INTERNET LAW (LAW223H1F) Jonathan Daniels, Peter Ruby

First Term: 3 credits; 2 hours
Max Enrol: 25: 20 JD; 5 LLM/SJD
Schedule: M: 8:45 – 10:35

As the telecommunications and Internet fields continue to pass through a period of profound technological and economic change, this seminar will explore the key constitutional, administrative law, regulatory, policy, business and technological aspects of their environment. The course will provide both broad context and focus on issues of current interest in the industry. Telecommunications questions to be
addressed in the seminar include: To what extent and is a sector specific regulator, such as the CRTC, required to regulate the telecommunications industry? How should new technologies, such as Voice over Internet Protocol (VOIP) be regulated? How do the CRTC and Competition Bureau interact given that both have jurisdiction over telecommunications? How does international law, and Canada’s obligations under the WTO, impact Canadian domestic telecommunications regulation? In what manner, and should, the CRTC regulate the Internet? Internet matters will focus on: How to determine who has jurisdiction over the Internet? What is the liability of Internet service providers? What are the boundaries of digital copyright? What is the law of cyber-libel? How are privacy rights and spam regulated on the Internet?

**Evaluation**: A research paper approximately 20-25 pages [70%] on a topic agreed on after consultation with the instructors. An outline of the paper must be approved by the instructor. There will be two classes devoted to review of the materials and discussions. Prior to each review session, each student must produce a question and answer (1 page) [10% for each review assignment] on a topic covered by the seminar. Each assignment will be due on the Thursday at 5:00 pm before the relevant review class. Finally there will be a grade for class participation [10%].

THE LAW AND PRAXIS OF INTERNATIONAL HUMAN RIGHTS (LAW294H1S) Nehal Bhuta

**Second Term: 4 credits; 4 hours**

**Max Enrol**: 70: 50 JD; 15 LLM/SJD; 5 JD/MA (International Relations)

**Schedule**: T: 4:10 – 6:00; Th: 4:10 – 6:00

**Pre- or Co-requisite**: Public International Law

This course aims to achieve two goals: first, to equip students with a technical competence in articulating, interpreting and responding to claims made in the language of international human rights law, and to enable students to navigate sources, principles and arguments effectively, and; second, to induce students – even as they familiarize themselves with the law of human rights – to simultaneously understand “human rights” as a field of political praxis. Through the course, students will ideally become more reflexive in understanding the diverse, and at times contradictory, political effects of articulating claims in terms of human rights, and the way in which “human rights” are used in local, national and global political struggles. Students will be encouraged throughout the course to “think the limits” of human rights as a political praxis, and the pros and cons of articulating demands in the language of human rights. Readings will be drawn from both law and social sciences.

**Evaluation**: A 10-12 page analytical paper (based on course readings) due mid-term (40%) and a 24 hour take-home exam (60%) to be signed out from and returned to the Records Office. The examination may be taken during any 24 hour period between the first day of the examination period and due no later than the set deadline for written work in the applicable term.

THE LAW OF INTERNATIONAL BUSINESS AND FINANCE TRANSACTIONS (LAW371H1F) Mohammad Fadel

**First term: 3 credits; 3 hours**

**Max Enrol**: 50: 40 JD/ 10 LLM/SJD

**Schedule**: M: 4:10 – 5:25; W: 4:10 – 5:25

This course deals with domestic and international regulations that affect transnational business and financial transactions, that is, business and financial transactions in which the laws of more than one jurisdiction are involved. Students will be introduced to several issues that cut across various types of transnational transactions: the role of lawyers from different national systems; transnational dispute resolution (before national courts and arbitral tribunals); the place of international law and other domestic legal systems; the extraterritorial application of domestic legal rules; and the role of international bodies. The course will then examine various practical problems focused on different types of transnational business and financial transactions and the documents typically used in such transactions.

**Evaluation**: A final 3-hour open book examination 90%, and class participation 10%.
THEORIES OF EQUALITY (LAW207H1S) Sophia Reibetanz Moreau

Second Term; 3 credits; 2 hours
Max. Enrol: 25: 16 JD; 2 LLM/SJD
7 Philosophy Students
Schedule: T: 10:10 – 12:00

Extended Paper
Perspective Course

The aim of this seminar is to examine philosophical accounts of equality and to apply them to s.15 of the Charter and to discrimination law in the private sector. Analytic philosophers have recently devoted much discussion to why it matters that the state treat citizens equally, and to what this requires. We will begin by considering some of their accounts, and investigating whether they justify certain aspects of our courts’ current approach to s.15 or suggest alternative approaches. Some of the questions we will ask are: Why is equality valuable, and what sort of equality is valuable? Can a single, unified account be given of its value, or are there different reasons for valuing equality, which may lead to incompatible directives? What exactly does “dignity” mean, and can either philosophical texts or case law from other jurisdictions help us develop a more systematic account of what respect for dignity entails? In the second part of the course, we will turn to discrimination law in the private sector. We will explore how the demands of equality differ when it is not the state, but a private entity, that is bound to treat people as equals. Among the questions we will ask here are: Is there a single type of wrong involved in all forms of discrimination, or does discrimination law attempt to rectify a number of different wrongs? What is the nature of these wrongs, and why is it appropriate for the state to regulate them? Was Laskin C.J.C. correct in asserting, in Seneca College of Applied Arts and Technology v. Bhadauria, [1981] 2 S.C.R. 181, that a tort of discrimination cannot arise at common law?

Evaluation: Class participation (30%); One in-class presentation of 15 minutes, focusing on the reading for that week – required but not graded; Final essay of 25 pages (70%).

THE POWER GAME: ENERGY LAW AND POLICY IN ONTARIO (LAW356H1F) George Vegh

First Term: 3 credits, 2 hours
Max Enrol: 25: 20 JD; 5 LLM/SJD
Schedule: Th: 8:45 – 10:35

Pre-or Co-requisite: Administrative Law

The Course will be divided into three sections. First, it will provide a brief overview of the traditional rationale for public utility regulation generally and in the energy sector specifically. Topics covered in this area include: the focus on economic efficiency as the central rationale for energy regulation; the responsibility of an independent regulator to make decisions through an adjudicative system; and the role of the courts in maintaining the key elements of procedural fairness. The second section will look at the challenges faced by the Ontario energy sector and the different regulatory approaches that have been applied to address them. This section will focus on the major structural reforms introduced in the early stages of “deregulation” and their refinement or even abandonment leading to the current state of a “hybrid” approach to regulation. It will include a detailed review of the roles and responsibilities of the key institutions in the regulation of electricity: the Ontario Energy Board, the Independent System Operator, the Ontario Power Authority and the various publicly owned agencies, such as Hydro One, Ontario Power Generation and the municipally owned local distribution companies. The final section of the course will involve a critical look at whether the traditional approach to public utility regulation is capable of addressing the complex and urgent issues facing the Ontario energy sector. This section will also consider regulatory innovation in addressing new supply requirements, with emphasis on the challenges in encouraging the development of conservation initiatives and alternative sources of power.

Evaluation: Research paper (20-25 pp.) 75% on a subject approved by the instructor; seminar presentation 15%; and class participation 10%.
THE PRACTICE OF COMPETITION LAW: EFFECTIVE MANAGEMENT OF COMPETITION LAW RISK
(LAW299H1S) Paul Collins and Carolyn Naiman

Second Term: 2 credits; 2 hours
Max Enrol: 25: 20 JD; 5 LLM/SJD
Schedule: W 4:10 – 6:00

Pre-requisite: Competition Policy

This course will explore the importance of competition law in the Canadian economy. Using case studies from various industry sectors, explore with us how lawyers analyze the competition law and policy issues present in a wide array of business conduct, applying both practical legal tools and economic theory to a series of “real world” business situations.

Emphasis will be placed on the effective management of competition law risk and the practical aspects of evaluating the competitive effects of various business practices including mergers and acquisitions, strategic alliances and joint ventures, pricing and distribution strategies and other business activities. Addressing and resolving government and private challenges will also be discussed. The goal of the course is to explore how private parties identify, allocate and manage competition law risk and to develop an understanding about how they ought to do so.

Evaluation: five written assignments (4-5 pages each) comprising 80% of the grade with in-class participation and two in-class assignments each comprising 10% of the grade.

TRIAL ADVOCACY (LAW205H1F) Graham Glancy, Julie Hannaford

First Term: 3 credits; 3 hours
Max. Enrol: 60
Room: BLH
Schedule: Mondays 6:10 – 7:00
Thursday 6:10 – 8:00

Note: Attendance in this course is mandatory. Students on the waiting list must attend until added/dropped from the course

Note: Because of the intensive nature of the course, and because of the way that the classes build on each other, attendance in this course is mandatory. Further, because this course is taught by practitioners and because the course delivers trial practice skills, all students must understand and be prepared to conduct a final trial on either a Saturday or Sunday at the end of term, and as well to understand that there may be changes that arise to accommodate practitioners and students’ schedules.

This course delivers the skills necessary to conduct a jury or non jury trial. The course is also structured so that each student can develop a personal style of advocacy that is effective and appropriate for the individual student.

The course begins with basic trial advocacy skills (examination in chief and cross examination) and builds toward the more advanced skills (opening and closing, impeachment, difficult witnesses). Students also become involved in analysis and strategy in trial planning. It is organized around a one hour lecture/demonstration followed by a two hour workshop. The lecture/demonstration focuses on the elements of the skills needed for the performance of specific exercises in the subsequent two hour session. Teaching and learning take place in small groups. In these small groups, students conduct (pre-assigned) tasks such as examinations in chief, cross examinations, opening addresses, and closing arguments. Performances of specific tasks are reviewed and analyzed under the critical guidance of instructors in the course. Advanced problems in the making and handling of objections and evidentiary issues, the effective introduction and use of exhibits, the impeachment and rehabilitation of witnesses,
and the examination of expert witnesses are addressed within the same small group formats. Part of the small group sessions will be dedicated to group discussion and “brainstorming” on strategies and case analysis. For at least three of the classes, the witnesses will be “real life counterparts” such as police officers, homicide investigators, and forensic psychiatrists.

The course will include the conduct of a short (2 hour) trial on one of the Thursday evenings, and will conclude with the conduct of a full trial (on a Saturday or a Sunday) at the end of the course. In both the short and the full day trials, students work in teams. The final full day trials take place on a weekend in late November.

**Evaluation:** Grading in this course is designed to take into account the progress of the student over the duration of the course: thus, each small group performance is assessed, and the cumulative results are reviewed with a focus on whether the student progressed in skills development and the performance at the Final Trials (65%)

Grading of written component (35% total): students are required to develop a theory of one or more cases – and will be required to deliver drafts of tasks to be performed in advance of the performances.

- Theme and Theory of the case paper: Due: mid way through course (500 words) (10%)
- Fundamentals paper: discussion of witness examination, opening statement and closing argument in terms of essential elements of each (500 to 1000 words) (15%)
- Trial notebook: Due: end of course before Final trial. Students will be required to hand in a final trial notebook which will contain all witness preparations, an outline of the theme and theory of the case, motions, evidentiary issues etc. and will be graded according to content and organization (10%)

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**TRUSTS (LAW233H1F) Albert Oosterhoff**

**First Term: 4 credits; 4 hours**

**Max. Enrol: 75: 75 JD**

**Schedule: M: 8:45 – 10:35; W: 8:45 – 10:35**

The trust has been described by one illustrious legal scholar as "the greatest and most distinctive achievement performed by Englishmen in the field of jurisprudence." This course will examine the basic concepts of the trust, its essential elements, and the practical consequences of failure to ensure that all essential elements are in place. The course will also study selected aspects of the administration of a trust as an ongoing institution.

The trust is a creation of the branch of England-derived jurisprudence known as Equity. The course offers an opportunity to increase understanding of the nature of Equity, operating as a supplement to the basic common law.

The trust, as an institution, has practical application in every field of applied law. For reasons of convenience, most of the examples which we will study will be drawn from the area of "personal trusts", that is, situations where the creator of the trust is employing the institution to make economic provision for persons or causes which he or she cares about. The student should remember that the principals derived from these cases have equal application in the more complex "business" uses of the trust as well.

**Evaluation:** will be by a 24 hour take-home examination to be signed out from and returned to the Records Office. The examination may be taken during any 24 hour period, excluding weekends, between the first day of the examination period and due no later than the set deadline for written work in the applicable term.
TRUSTS (LAW233H1S) Anthony Duggan

Second Term: 4 credits; 4 hours  
Max. Enrol: 75: 74 JD; 1 LL.M/SJD  
Schedule: M: 2:10 – 4:00; W: 2:10 – 4:00

The trust has been described by one illustrious legal scholar as "the greatest and most distinctive achievement performed by Englishmen in the field of jurisprudence." This course will examine the basic concepts of the trust, its essential elements, and the practical consequences of failure to ensure that all essential elements are in place. The course will also study selected aspects of the administration of a trust as an ongoing institution.

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Evaluation: will be by a 2 hour open book examination and an essay question distributed at the beginning of the exam period and collected with the exam booklets at the end of the scheduled exam.

VENTURE CAPITAL FINANCING (LAW216H1S) Jeffrey Macintosh

Second Term: 3 credits; 2 hours  
Max Enrol: 30: 25 JD; 5 LLM/SJD  
Schedule: W: 2:10 – 4:00

Pre-requisite: Business Organizations  
Pre-requisite or Co-requisite: Securities Regulation

Extended Paper  
Perspective Course

Venture capital financing has become a major source of capital for small technology-driven firms. In this course we will examine the following:

- What is venture capital? How is it distinguished from other sources of financing? What kinds of firms use venture capital financing?
- The history of the venture capital industry in Canada, with a focus on the past 10 years.
- The size and structure of the venture capital industry. In this respect, we will look at Labour Sponsored Venture Capital Corporations, private funds, corporate funds, government funds, and institutional funds, with a focus on the first two types.
- Legal documentation for a typical venture capital deal, including the term sheet, subscription agreement, and shareholders’ agreement.
- The nature of the legal agreements binding investors with venture capital fund managers.
- Venture capital "exits", the means by which venture capitalists harvest their investments and move on to other investments, with a particular focus on initial public offerings.
- How venture capital in Canada compares to venture capital in other countries.
- The nature and structure of the angel investor industry in Canada (an important precursor to venture capital).

The course will involve visits by a significant number of market actors, including venture capitalists, lawyers, investment bankers, and others. The practical perspective furnished by these visitors will be
counter pointed by an academic analysis of various aspects of the venture capital industry, from the viewpoint of the financial economist.

Evaluation: will be by a paper of approximately 25 pages in length.

WOMEN'S RIGHTS IN INTERNATIONAL LAW (LAW301H1F) Rebecca Cook

First Term: 3 credits; 2 hours

Max Enrol: 25: 10 JD; 10 LLM/SJD; 5 JD/MA (International Relations)
Schedule: T: 8:45 – 10:35

Extended Paper
Perspective Course

Note: Students may find it helpful to have taken or be taking Public International Law and International Human Rights Law (or equivalent).

Note: This course serves as a pre-requisite to some of the international human rights internships.

This course addresses the challenges of achieving the international legal protection of the human rights of women. It reviews how international and regional human rights conventions have been applied to prevent, punish and remedy the violations of women’s rights in international, regional and domestic forums. It examines how the norm of the prohibition of all forms of discrimination against women has been applied, and how it might be more effectively applied, particularly to subgroups of women such as those marginalized by race and ethnicity. It explores how feminist theories, empirical data and narratives might be used to expose women’s experiences of injustice. The course aims to go beyond a formalistic understanding of international legal obligations in order to examine different approaches to fostering compliance with the human rights of women in different cultures and religious traditions.

Evaluation: All students must complete four short assignments (3 pages) related to the readings (15%). The balance of the evaluation (85%) will be based on:

(a) a research paper or legal memorandum (approximately 20 pages), or
(b) a 48 hour take-home examination (100%) to be signed out from and returned to the Records Office. The examination may be taken during any 48 hour period between the first day of the examination period and due no later than the set deadline for written work in the applicable term (see Take-home Policy in Syllabus for details).

A limited number of students may fulfill the Extended Paper requirement in this course.

WOMEN'S RIGHTS IN INTERNATIONAL LAW (LAW301Y1Y) Rebecca Cook

Both Terms: 4 credits
First Term 3 credits: 2 hours
Second term 1 credit: one hour meeting every other week
Schedule: First Term: T: 8:45 – 10:35
Second Term: Ad hoc meetings

Max. Enrol: 10: 5 JD; 5 LLM/SJD

Extended Paper
Perspective Course

Note: Students may find it helpful to have taken or be taking Public International Law and International Human Rights Law (or equivalent).
Note: This course serves as a pre-requisite to some of the international human rights internships.

This is the full year version of Women’s Rights in International Law (LAW301H1F) which provides students the opportunity to further refine their work from the first term course.

This course addresses the challenges of achieving the international legal protection of the human rights of women. It reviews how international and regional human rights conventions have been applied to prevent, punish and remedy the violations of women's rights in international, regional and domestic forums. It examines how the norm of the prohibition of all forms of discrimination against women has been applied, and how it might be more effectively applied, particularly to subgroups of women such as those marginalized by race and ethnicity. It explores how feminist theories, empirical data and narratives might be used to expose women's experiences of injustice. The course aims to go beyond a formalistic understanding of international legal obligations in order to examine different approaches to fostering compliance with the human rights of women in different cultures and religious traditions.

During the second semester of this course students will meet every other week. The course will be structured around key research themes of interest to both the students and the instructor agreed at the end of the first semester. The aim is to enable students to develop their first semester work into papers of publishable quality for submission to a relevant law journal.

**Evaluation: first semester:** All students must complete four short assignments (3 pages) related to the readings (15%). The balance of the evaluation (85%) will be based on:

- a research paper or legal memorandum (approximately 20 pages), or
- a 48 hour take-home examination (100%) to be signed out from and returned to the Records Office. The examination may be taken during any 48 hour period between the first day of the examination period and due no later than the set deadline for written work in the applicable term (see Take-home Policy in the Syllabus for details).

A limited number of students may fulfill the Extended Paper requirement in this course.

**Evaluation second semester:** will be by students’ presentation of their papers in class (10%) and their developed research papers (90%).

**WORKSHOP: DIVERSITY (LAW 365Y1Y) Martha Shaffer**

**Both Terms:** 2 credits; 2 hours (One credit per term)

**Max. Enrol:** 20: 18 JD; 2 LLM/SJD

**Perspective Course**

**Schedule:** Workshop sessions are usually held on Wednesdays or Fridays from 12:10-1:45 see published schedule

The Faculty of Law at the University of Toronto runs a regular Diversity Workshop Series that meets approximately 8 times throughout the academic year. Students wishing to register in the Workshop may do so for academic credit.

Previous workshop guests have included: Katherine Franke, Anita Allen, Yasmeen Abu-Laban, Scot Wortley, Leti- Volpp, Radha Jhappan, Catherine Dauvergne, Patrick Weil, Marie-Claire Foblets and Carl Stychin.

**Evaluation:** Students will attend all the workshops, including those co-sponsored with another Workshop Series. In addition, students will prepare two-page comments on each workshop paper and one paper of approx. 10 pages on any theme relevant to any workshop. Evaluation will be based on this written work (90%) and on participation in the workshop (10%).
WORKSHOP: FEMINISM AND LAW (LAW376Y1Y) Brenda Cossman

Both Terms: 2 credits; 2 hours (One credit per term)
Max. Enrol: 20: 18 JD; 2 LLM/SJD

*Perspective Course*

The Faculty of Law at the University of Toronto runs a regular Feminism and Law Workshop Series that meets on average every two weeks throughout the academic year. Students wishing to register in the Workshop may do so for academic credit.

Previous workshop guests have included: Janet Halley, Nicola Lacey, Katherine Franke, Katherine Abrams, Joan Williams, Judith Resnick, Wendy Brown, Adrienne Davis.

*Evaluation*: Students will attend all the workshops (approximately 8). In addition, students will prepare two-page comments on each workshop paper and one paper of approx. 10 pages on any theme relevant to any workshop. Evaluation will be based on this written work (90%) and on participation in the workshop (10%).

WORKSHOP: CONTEMPORARY ISSUES IN HEALTH LAW AND POLICY (LAW501Y1Y ) Colleen Flood

Both Terms: 2 credits; 2 hours (1 credit per term)
Max. Enrol: 25: 10 JD; 10 LLM/SJD; 5 PhD Health Policy students

First Term Schedule:  Th: 12:20 - 2:00
Second Term Schedule:  Th: 12:20 - 2:00

*Perspective Course*

The Health Law Group at the University of Toronto runs a regular Seminar Series that meets on average every two weeks throughout the academic year. Students wishing to participate in the Series may do so for academic credit.

The Seminar Series attracts both speakers and participants from a wide range of disciplines as well as from a wide range of institutions. The goal of the Series is to introduce students to a variety of interdisciplinary approaches (incorporating law, economics, bioethics, philosophy, political science, etc.) and to explore contemporary issues in health law and policy. Previous speakers have included William Sage (Columbia Law School), Bartha Knoppers (Université de Montreal), David Cutler (Harvard University), Roy Romanow, David Weisbrot (President of the Australian Law Reform Commission), and Michael DeClerq (Chair of the Canadian Health Council). Topics have included litigating health care rights, medical savings accounts, the definition of medical necessity, medical malpractice reform, genomic databases, health privacy, the regulation of medical research, reform of the Canada Health Act, privatization in health care, the Romanow recommendations and many others.

*Evaluation*: Students must attend all seminars (approximately 10) in addition to the two or three other meetings throughout the Series to discuss expectations and work in progress. In addition, students will prepare 5 short written papers (5-6 pages each) on themes relevant to five of the Seminar Series papers (or paper recommended for analysis by the speaker). Evaluation will be based on this written work (85%) and on participation in the seminars (15%).
WORKSHOP: LAW AND GLOBALIZATION (LAW586H1F) Kerry Rittich

First Term: 2 credits; 2 hours (one credit per term)
Max. Enrol: 25: 12 JD; 8 LLM/SJD

Schedule: (W: 4:10 - 6:00)
Note: As per schedule posted on official notice boards

Perspective Course

This seminar is designed to explore 2 interrelated issues: the role of law in global economic integration and the global diffusion of social, economic, political and cultural norms on the one hand, and the effect of global transformations on legal rules, processes, and institutions on the other.

Globalization is a complex phenomenon that raises important questions of social justice, democracy, and welfare. It also poses new regulatory challenges, for example, in respect of the economy, border control, the environment, and equality. The seminar will consider the ways in which both states and international institutions are responding to these challenges; it will also provide a forum in which to reflect on the ways in which legal scholars in a wide range of domestic and international fields are rethinking their fields and disciplines.

How much of 'globalization' is actually new; how much is recognizable from the past? Are we really in a world of legal 'convergence', or can we see diversity and fragmentation too? Where new problems are emerging, what values and interests are at stake, and what rules and institutions do we possess to manage these changes? How are different groups situated in relation to change? What opportunities do different groups possess to influence the direction of change? What analytic frameworks are available with which to assess them?

The seminar will be structured around introductory readings to the legal aspects of globalization and presentations by guest lecturers who are working on cutting edge issues around globalization.

Evaluation: Students are expected to read closely and participate in all seminars; in addition, students will write comments of 5 pages on 5 of the papers presented in the seminar. Evaluation will be assessed based on both written work (80%) and participation (20%).

WORKSHOP: LAW AND ECONOMICS SEMINAR (LAW399Y1Y) Edward Iacobucci and Michael Trebilcock

Both Terms: 2 credits; 2 hours (One credit per term)
Max. Enrol: 12: 10 JD/ 2 LLM/SJD
First Term Schedule: W: 12:20 - 2:00
Second Term Schedule: W: 12:20 - 2:00

Perspective Course

The Law and Economics Program at the University of Toronto runs a regular Law and Economics Workshop Series that meets on average every two weeks throughout the academic year. Students wishing to register in the Workshop may do so for academic credit.

Previous workshop guests have included: Richard Posner, George Priest, Robert Clark, Frank Easterbrook, Dan Fischel, Alan Schwartz, Oliver Williamson, James Buchanan, Gary Becker, Sam Peltzman, Richard Epstein, Steven Shavell, Roberta Romano, Patricia Danzon, Mitchell Polinsky, and Robert Cooter.

Evaluation: Students will attend all the workshops (approximately 10). In addition, students will prepare two-page comments on each workshop paper and one paper of approx. 10 pages on any theme relevant to any workshop. Evaluation will be based on this written work (90%) and on participation in the workshop (10%).
WORKSHOP: LEGAL HISTORY SEMINAR (LAW322Y1Y) Jim Phillips

Both Terms: 2 credits; 2 hours (One credit per term)
Max. Enrol: 8: 7 JD; 1 LLM/SJD
First Term Schedule:  W: 6:30 – 8:30
Second Term Schedule:  W: 6:30 – 8:30

Perspective Course

The Legal History Seminar meets 10-12 times a year, with participants drawn from graduate students and faculty in law and history from U of T, York, McMaster and other institutions, as well as law students. Paper topics are drawn from all areas of legal history, and the speakers are a mix of locally-based academics and those invited from other, mostly Canadian, Universities (although we do have foreign guests from the United States and Australia). Students wishing to register in the workshop may do so for academic credit.

In addition to the workshops, there will be two mandatory introductory sessions conducted by the instructor to introduce students to themes in legal history. Previous experience in studying history at the undergraduate level is not a prerequisite, but it is strongly recommended.

Evaluation: Students will attend the mandatory sessions and any 8 of the workshops. In addition, students will prepare two-page comments on each workshop paper and one paper of approx. 10 pages on any theme relevant to any workshop. Evaluation will be based on the 10-page paper (70%) and on participation in the workshop (30%).

WORKSHOP: TAX LAW AND POLICY (LAW211Y1Y) Benjamin Alarie

Both Terms: 2 credits; 2 hours One credit per term
Max. Enrol: 12: 10 JD; 2 LLM/SJD

Pre-requisite: Canadian Income Tax Law

Perspective Course

This seminar runs in conjunction with the James Hausman Tax Law and Policy Workshop. The James Hausman Tax Law and Policy Workshop brings domestic and international tax law and policy scholars to the law school to present current research work 8-10 times throughout the academic year.

In the past, the workshop has included presentations by leading tax scholars including Jack Mintz, Brian Arnold and Richard Bird (Canada), Assaf Likhovski and Tsilly Dagan (Israel), Eduardo Baistrocchi (Argentina), Michael Lang (Austria), and Daniel Shaviro, Reuven Avi-Yonah, Edward McCaffery, Kirk Stark and Joel Slemrod (United States).

Evaluation: Students will attend all the workshops (8-10) throughout the year, preparing two-page comments in advance of each workshop (60%), and will also be responsible for one longer paper of approximately 3000 words relating to the topic of any one of the workshops (30%). Workshop participation will count for 10% of the grade for the course.