

March 26, 2019

To: Dean Edward Iacobucci

From: Associate Dean Albert Yoon, Chair

RE: Curriculum Committee – Final Report

Committee Members: M. Fadel, L. Katz, S. Moreau, A. Niblett, R. Stacey, C. Valcke,
S. Faherty, Z. Biech, B. Cassidy, R. Prosen, and C. Mouland

List of upper year courses

We expect to offer the upper year courses and seminars listed in Appendix A.

New courses

The following new courses will be offered in 2019-20. For course descriptions, please see Appendix B.

- Comparative Contracts (Catherine Valcke)
- Discerning Law in the Fur Trade (Douglas Sanderson)
- History of the Common Law (Simon Stern)
- Intensive Course: Blockchain, AI, IOT and Law in The Fourth Industrial Revolution (Daniel Katz)
- Intensive Course: Constitutional Amendment in Canada and the World (Richard Albert)
- Intensive Course: Gender, Difference and Human Rights (Ratna Kapur)
- Intensive Course: International Intellectual Property Law (Ruth Okediji)
- Intensive Course: Law and Information Technology (Michael Birnhack)
- Intensive Course: The Crisis of the Modern Welfare State and Regulatory Reform (Gillian Lester)
- Intensive Course: Theories of the Rule of Law (Jeff King)
- Intensive Course: United States Securities Regulation (Paul Mahoney)
- Legal Devices (Simon Stern)
- Moot – Walsh Family Law Negotiation Competitive Program (Judith Huddart, Samantha Eisen)
- Ten Cases that Changed the World (Mayo Moran)
- Workshop: Legal Theory (Christopher Essert, Malcolm Thorburn)
- Clinical Legal Education: Externship - Citizen Lab (Ron Deibert, Siena Anstis, Christopher Parsons)
- Clinical Legal Education: Externship - Innovation and Entrepreneurship (Edward Iacobucci)
- Clinical Legal Education: Externship - Innovation and Entrepreneurship Seminar (Edward Iacobucci)
- Clinical Legal Education: Externship - Rexdale Health Justice Initiative Placement (Ann McRae, Sara Faherty)

Courses not offered in 2019-20

The following courses were offered in 2018-19 but will not be offered in 2019-20. Intensive courses offered in 2018-19 are omitted from the list.

- Academic Scholarship Seminar
- Advanced Contracts: The Law of Contractual Interpretation
- Advanced Criminal Procedure and Charter Issues

- Advanced Labour: Bargaining Rights
- Art of the Deal
- Canadian Legal History: Law and Indigenous Peoples in the New Dominion
- Canadian Migration Law
- Children, Youth and the Law
- Class Actions Law and Practice
- Climate Change Law
- Constitutional Advocacy
- Constitutional Rights in Comparative Perspective
- Corporate Transactions
- Corporations, Individuals, and the State
- Digital Content and the Innovative Economy
- Economic Analysis of Law
- Homelessness
- Indigenous People and Canadian Courts: Advocacy, Evidentiary and Ethical Issues
- International Commercial and Investor-State Arbitration
- International Human Rights Law
- John Rawls' Theory of Justice: An Introduction
- Kant's Philosophy of Law
- Law and Literature
- Law and Regulation of Banks and Financial Institutions
- Law of International Business & Finance Transactions
- Law, Institutions and Development
- Media and Defamation Law
- Private Pensions, Public Responsibilities: Law & Regulation of the Canadian Pension System
- Problems in Legal Design
- Public Health Law in Canada: The Role of the State, Law and Human Rights
- Secured Transactions
- Securities Litigation: The Public and Private Enforcement of Securities Law
- Sports Law
- Taxing Consumption: Economic and Social Policy Perspectives
- The Law and the Psyche
- Theory of the Private Law: Selected Topics and Texts
- Wrongful Convictions

Alternate year courses

The following are courses that were formerly offered every year, but have now been changed to alternate year status. For the list of courses offered in 2019-20, please see Appendix A.

- Aboriginal Law Practicum
- Advanced Contracts: The Law of Contractual Interpretation
- Advanced Criminal Procedure and Charter Issues
- Advanced Torts
- Art of the Deal

- Canadian Migration Law
- Class Actions Law and Practice
- Contested Corporate Transactions - Mergers and Acquisitions
- Corporate Transactions
- Freedom of Expression and Press
- Indigenous People and Canadian Courts: Advocacy, Evidentiary and Ethical Issues
- International Commercial and Investor-State Arbitration
- Media and Defamation Law
- Patent and Trade Secrets Law
- Real Estate Law
- Refugee Law
- Sports Law
- Wills and Estate Planning

Appendix A: List of upper-year courses

- Aboriginal Law Practicum (LAW377H1)
- Administrative Law (LAW202H1F) (0101)
- Administrative Law (LAW202H1F) (0102)
- Administrative Law (LAW202H1S)
- Advanced Advocacy: Problems and Techniques (LAW451H1)
- Advanced Corporate Law & Securities Regulation (LAW229H1S)
- Advanced Family Law: Resolving the Family Law Case (LAW329H1)
- Advanced Legal Research, Analysis and Writing (LAW307H1F)
- Advanced Legal Research, Analysis and Writing (LAW307H1S)
- Advanced Torts (LAW206H1S)
- Alternative Approaches to Legal Scholarship (Graduate) (LAW245H1F)
- Bankruptcy and Insolvency Law (LAW408H1S)
- Business Organizations (LAW212H1F)
- Business Organizations (LAW212H1S)
- Canadian Income Tax Law (LAW284H1F)
- Canadian Income Tax Law (LAW284H1S)
- Canadian Legal Methods and Writing (LAW395H1F)
- Capstone Course: The Role of the Judge (LAW603H1F)
- Clinical Legal Education Asper Centre Clinic Practicum (LAW392H1S)
- Clinical Legal Education Asper Centre for Constitutional Rights (LAW391H1F)
- Clinical Legal Education Asper Centre Half-Time Clinic (LAW729H1S)
- Clinical Legal Education DLS Full Time Program (LAW402H1F)
- Clinical Legal Education DLS Full Time Program (LAW402H1S)
- Clinical Legal Education DLS Part-time Program - Criminal Law Clinic (0101) (LAW209Y1Y)
- Clinical Legal Education DLS Part-Time Program - Employment Law Clinic (0106) (LAW209Y1Y)
- Clinical Legal Education DLS Part-Time Program - Family Law Clinic (0102) (LAW209Y1Y)
- Clinical Legal Education DLS Part-Time Program - Housing Law Clinic (0104) (LAW209Y1Y)
- Clinical Legal Education DLS Part-Time Program - Refugee and Immigration Law Clinic (0103) (LAW209Y1Y)

- Clinical Legal Education Externship - Aboriginal Legal Services of Toronto (0104) (LAW248Y1Y)
- Clinical Legal Education Externship - Advocates for Injured Workers (0101) (LAW248Y1Y)
- Clinical Legal Education Externship - Appellate Criminal Litigation Externship (LAW315Y1Y)
- Clinical Legal Education Externship - Barbra Schlifer Clinic (0102) (LAW248Y1Y)
- Clinical Legal Education Externship - Barbra Schlifer Clinic (LAW728H1S)
- Clinical Legal Education Externship - Board Governance Clinic (LAW485Y1Y)
- Clinical Legal Education Externship - City of Toronto: Municipal Government Lawyering (LAW565H1S)
- Clinical Legal Education: Externship - Environmental Law (LAW238H1S)
- Clinical Legal Education Externship - Health Justice Initiative Clinical Placement (LAW569Y1Y)
- Clinical Legal Education: Externship - Innocence Canada (LAW117H1S)
- Clinical Legal Education: Externship - Legislative Assembly Statutory Interpretation (LAW454H1S)
- Clinical Legal Education: Externship - M&A Litigation Externship (LAW398Y1Y)
- Clinical Legal Education: Externship - Ontario Human Rights Commission: Human Rights and Indigenous Peoples (LAW561Y1Y)
- Clinical Legal Education: Externship - Pro Bono Ontario Litigation Externship (LAW571H1F)
- Clinical Legal Education: Externship - Pro Bono Ontario Litigation Externship (LAW571H1S)
- Clinical Legal Education: Externship - Structural Genomics Consortium Externship (LAW396H1S)
- Clinical Legal Education: Externship - Structural Genomics Consortium Externship (LAW396Y1Y)
- Clinical Legal Education: International Human Rights Clinic (LAW548H1F)
- Clinical Legal Education: International Human Rights Clinic Practicum (LAW538H1F)
- Clinical Legal Education: International Human Rights Clinic Practicum (LAW538H1S)
- Clinical Legal Education: International Human Rights Clinic Half-Time (LAW718H1S)
- Competition Law and Intellectual Property (LAW579H1S)
- Competition Policy (LAW312H1S)
- Contested Corporate Transactions - Mergers and Acquisitions (LAW326H1)
- Copyright Policy in the Making (LAW358H1S)
- Copyright, Trademark and Patent (LAW384H1S)
- Corporate Income Tax (LAW310H1S)
- Crime & Punishment: Mandatory Minimums, The Death Penalty & other Current Debates
- Criminal Procedure (LAW232H1)
- Current Problems in Contract Law (LAW543H1F)
- Data Governance (LAW558H1F)
- Democracy, Politics, and the Law (LAW372H1S)
- Directed Research - Graduate Students only (LAW291H1F)
- Directed Research - Graduate Students only (LAW291H1S)
- Directed Research Program (LAW291H1F)
- Directed Research Program (LAW291H1S)
- Directed Research Program (LAW291Y1Y)
- Discrimination Law (LAW410H1F)
- Economic Torts (LAW481H1)
- Entertainment Law (LAW255H1)
- Environmental Law (LAW239H1S)
- Ethical Issues in Alternative Dispute Resolution (LAW521H1F)
- Evidence Law (LAW241H1F) (0101)
- Evidence Law (LAW241H1F) (0102)

- Evidence Law (LAW241H1S)
- Exploring the Intersections of Law and Social Work (LAW345Y1Y)
- Externship Seminar (LAW520H1F)
- Externship Seminar (LAW520H1S)
- Family Law (LAW244H1F)
- Family Law (LAW244H1S)
- Finance, Business and Accounting in the Law (LAW250H1)
- Financial Crimes and Corporate Compliance (LAW325H1)
- Financing the Small Technology Firm (LAW216H1S)
- Foreign Affairs and the Canadian Constitution (LAW309H1S)
- Foundations of Legal Theory (LAW578H1S)
- Freedom of Expression and Press (LAW346H1)
- Health Law and Bioethics (LAW267H1F)
- Indigenous Legal Traditions and the Imperial Response (LAW274H1S)
- Indigenous Peoples and Canadian Law (LAW370H1S)
- Intellectual Property: Copyright, Trademark and Patent (LAW384H1F)
- International Human Rights Law & Global Health: The Right to Health in Theory and Practice (CHL5704HS)
- International Trade Regulation (LAW285H1F)
- Introduction to Animals and the Law (LAW253H1F)
- Issues in Aboriginal Law and Policy (LAW281H1)
- Journal: Critical Analysis of Law - An Int'l & Interdisciplinary Law Review (LAW479Y1Y)
- Journal: Indigenous Law (LAW494Y1Y)
- Journal: Law and Equality (LAW493Y1Y)
- Journal: University of Toronto Faculty of Law Review (LAW380Y1Y)
- Labour and Employment Law (LAW263H1F)
- Labour and Employment Law (LAW263H1S)
- Labour Law Writers Workshop (LAW264H1S)
- Law and Policy of Public-Private Partnerships (LAW320H1)
- Law and Revolution (LAW555H1S)
- Law and Policy of Biotechnology (LAW581H1F)
- Law, Religion, and Democracy (LAW279H1F)
- Legal Design Lab (LAW492H1S)
- Legal Ethics (LAW362H1F)
- Legal Ethics (LAW362H1S)
- LLM Seminar
- LLM Seminar, Additional Skills-Based Modules
- LLM THESIS (LAW9999YY)
- Looking Ahead: The Blurred Lines of Technology, Body and Mind (LAW337H1S)
- Mediation (LAW531H1F)
- Mental Health and the Law (LAW266H1S)
- Moot - Arnup Cup Competition - (0101) (LAW430H1S)
- Moot - Callaghan Competitive Program (0102) (LAW430H1S)
- Moot - Canadian Labour Arbitration Competition (0101A) (LAW430Y1Y)
- Moot - Competitive Moot Coach (LAW440H1S)
- Moot – Corporate Securities Competitive Program - (0101B) (LAW430Y1Y)

- Moot - Donald G. Bowman Tax Competitive Program (0101C) (LAW430Y1Y)
- Moot - Gale Competitive Program - (0101D) (LAW430Y1Y)
- Moot - Grand Moot Competitive Program (LAW430H1F)
- Moot - Harold G. Fox Intellectual Property Competitive Program (0101E) (LAW430Y1Y)
- Moot - Isaac Diversity Competitive Program (0101F) (LAW430Y1Y)
- Moot - Jessup Competitive Program (LAW404Y1Y)
- Moot - Kawaskimhon Moot Competitive Program & Advanced Aboriginal Studies Competitive Prog. (LAW331Y1Y)
- Moot - Laskin Competitive Program (0101G) (LAW430Y1Y)
- Moot - Upper Year (LAW432H1S)
- Moot - Walsh Family Law Competitive Program - (0101H) (LAW430Y1Y)
- Moot - Warren K. Winkler Class Actions (0101I) (LAW430Y1Y)
- Moot - Wilson Competitive Program - (0101J) (LAW430Y1Y)
- Negotiation (LAW272H1F)
- Negotiation (LAW272H1S)
- Patent and Trade Secrets Law (LAW332H1)
- Perspectives on Civil Litigation, Procedure and Professionalism (LAW302H1)
- Privacy Problems (LAW545H1S)
- Private International Law (LAW218H1S)
- Public International Law (LAW252H1S)
- Real Estate Law (LAW275H1)
- Refugee Law (LAW532H1)
- Renewable Energy Policy (LAW356H1)
- Roman Law (LAW566H1F)
- Sanctity of Contracts in a Secular Age (LAW546H1S)
- Securities Regulation (LAW293H1F)
- Securities Regulation (LAW293H1S)
- Sentencing and Penal Policy (LAW323H1)
- Sovereignty, Referendum, and the Will of the People in Canada and the World (LAW259H1S)
- Statutes and Statutory Interpretation (LAW445H1F)
- Supervised Upper Year Research Paper (SUYP) (LAW599H1F)
- Supervised Upper Year Research Paper (SUYP) (LAW599H1S)
- Trial Advocacy (LAW205H1F)
- Trusts (LAW233H1F)
- Trusts (LAW233H1S)
- Wills and Estate Planning (LAW340H1)
- Women's Rights in Transnational Perspective (LAW301H1F)
- Workshop: Contemporary Issues in Health Law, Ethics and Policy (LAW501Y1Y)
- Workshop: Critical Analysis of Law (LAW221Y1Y)
- Workshop: Law and Economics Seminar (LAW399Y1Y)
- Workshop: Tax Law and Policy (LAW211Y1Y)

Appendix B: New courses

Comparative Contracts

Catherine Valcke

First Term: 3 credits; 2 hours

Max. Enrol: 25 (20 JD, 5 LLM/SJD/MSL/NDEGS/SJD U)

This course compares the enforcement of promises and agreements in common law (English, US, Canadian) and civil law (mostly French and Quebec) systems, with a view to unearthing possible similarities and differences in both the rules and the reasoning patterns. International instruments such as the UNIDROIT principles and the Vienna Convention on the International Sale of Goods, which aim to bridge common law-civil law differences and provide internationally uniform sets of rules, will also be considered. The matters discussed include the requirements of enforceability, remedies for breach, the effect of contracts on third parties, the effect of writing, and excuses for non-performance (unfairness, unexpected circumstances, and public policy).

Evaluation: 40% participation mark (20% bi-weekly 400 word comments on the readings assigned for class; 20% engaging with class discussion) and an 8-hour take-home examination (2,200 words problem-type) worth 60%.

Discerning Law in the Fur Trade

Douglas Sanderson

First Term: 3 credits; 2 hours

Max. Enrol: 18 (15 JD, 3 LLM/SJD/MSL/NDEGS/SJD U)

Perspective course

SUYRP

Note: This is an eligible course for credit towards the Aboriginal Legal Studies Certificate.

This seminar seeks to discern the various legal orders (Indigenous, civil, and common law) that regulated and made possible the fur trade. In addition, we will seek to understand the legal status of the Hudson's Bay Company, and Royal Charters more generally. While there have been several books about the fur trade, none has turned to consider the specifics of the legal regime that underlay the trade. This in turn means that as we read these texts, we will seek to discern law in non-legal texts. This seminar will turn heavily on student participation. There will be no lectures, and class time will be devoted to discussion of the texts, our impressions of the law, and in this way we will work together to find law in the fur trade.

Evaluation: a research paper of 6,250 7,500 words (90%) and participation (10%).

History of the Common Law

Simon Stern

First Term: 3 credits; 3 hours

Max. Enrol: 50 (40 JD, 10 LLM/SJD/MSL/NDEGS/SJD U)

An introduction to the history of the common law, emphasizing the development of criminal and civil procedure from the 11th century to the 19th century. Topics include: (1) the jury system – medieval origins, separation of petty and grand juries, changes in the function and composition of the jury from medieval to modern times, the varieties of jury control; (2) civil justice – the forms of actions and the pleading system; attorneys, bar, and bench; the regular and itinerant courts; legal education, law reporting, and the legal treatise; the evolution of contract law; Chancery, the trust, equitable procedure and remedies; the fusion of law and equity; the codification movement; historical perspectives on the right to a jury trial; (3) criminal justice – medieval criminal procedure; presentment and indictment; the recasting of criminal procedure in the sixteenth and seventeenth centuries; the officialization of prosecution and policing; Star Chamber; defence counsel and the rise of the adversary system in the eighteenth century; the privilege against self-incrimination; the law of evidence; criminal sanctions.

Evaluation: a research paper of approximately 6,250-7,500 words.

Intensive Course: Blockchain, AI, IOT and Law in The Fourth Industrial Revolution

Daniel Martin Katz

Second Term: 1 credit; 14 hours

Max. Enrol 25 (20 JD, 5 LLM/SJD/MSL/NDEGS/SJD U)

This is an applied course designed to introduce students to the emerging social, economic and legal issues associated with AI, IOT and blockchain and crypto-enabled technologies (including smart contracts, etc.). The course is a survey designed for students with little or no prior experience with these technologies. The course is divided into three modules: (1) an introduction to blockchain, AI and IOT and technologies; (2) applications of the technologies; and (3) the law applicable to the technologies.

Evaluation: will be evaluated based on a final paper of 2500 to 3000 words. Papers must be delivered to the Records Office by 4:00 p.m. on January 31, 2020.

Intensive Course: Constitutional Amendment in Canada and the World

Richard Albert

Second Term: 1 credit; 14 hours

Max. Enrol 25 (20 JD, 5 LLM/SJD/MSL/NDEGS/SJD U)

This course explores how constitutions around the world change and why reformers often break the rules the constitution establishes for its own amendment. We will use the Constitution of Canada as the basis for our comparative study of constitutional amendments around the world. Is the Canadian Constitution the world's most difficult to amend? Why doesn't the Canadian Constitution make anything unamendable, unlike other countries in the world, which protect human dignity, federalism, and secularism against amendment? What does the amendment process in Canada suggest about the most important values in this country? This course explains why no part of any constitution is more important than the rules we use to change it. And it reveals how constitutional amendment rules open a window into the soul of a constitution, exposing its deepest vulnerabilities and revealing its greatest strengths.

We will welcome the following scholars of constitutional law (and read their work) in our seminar-style discussions: Jamie Cameron (Osgoode), Kate Glover Berger (Western), Allan Hutchinson (Osgoode), Emmett Macfarlane (Waterloo), and Warren Newman (Justice Canada).

Evaluation: will be evaluated based on a final paper of 2500 to 3000 words. Papers must be delivered to the Records Office by 4:00 p.m. on January 31, 2020.

Intensive Course: Gender, Difference and Human Rights

Ratna Kapur

Second Term: 1 credit; 14 hours

Max. Enrol 25 (20 JD, 5 LLM/SJD/MSL/NDEGS/SJD U)

This intensive course will draw attention to how and why the relationship between human rights and gender has been highly fraught and replete with tensions. It will do so by exploring and unpacking two central claims on which human rights law is based: firstly, that human rights are universal; and secondly, that human rights are an optimistic, progressive and emancipatory pursuit. These claims will be interrogated by focusing on the treatment of gender as well as gender and difference in international human rights law. The course will be divided into two parts. In the first part students will be introduced to postcolonial and feminist theoretical approaches that have been developed in relation to gender, gender difference and the cultural 'Other'. The second part of the course will consider how these approaches complicate understandings of gender in relation to a range of human rights issues including gender equality; sexual violence and anti-trafficking campaigns; gender identity, sexual orientation, and the 'Other'; secularism and the Islamic veil bans; and gender, peace and security. In each session, students will be invited to trace the work that gender does in human rights advocacy and consider how and why human rights interventions on gender have disparate and at times even disempowering impacts. The course will prompt students to think about the future of gender in international human rights advocacy in light of this critical analysis.

Evaluation: will be evaluated based on a final paper of 2500 to 3000 words. Papers must be delivered to the Records Office by 4:00 p.m. on January 31, 2020.

Intensive Course: International Intellectual Property Law

Ruth Okediji

Second Term: 1 credit; 14 hours

Max. Enrol 25 (20 JD, 5 LLM/SJD/MSL/NDEGS/SJD U)

This course will cover fundamental principles of international IP law with an emphasis on comparative approaches to scope of protection, limitations and exceptions, and dispute settlement. Students will study major treaties that govern the international regulation of patents and copyrights, focusing on the implementation and enforcement of the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS). We will examine TRIPS obligations in light of a number of current global challenges (access to culture, access to medicines, climate change, and rights of indigenous peoples) closely associated with the international IP system. Finally, we will explore international IP enforcement mechanisms and the role of leading international organizations and non-governmental organizations in global IP norm-setting.

Evaluation: will be evaluated based on a final paper of 2500 to 3000 words. Papers must be delivered to the Records Office by 4:00 p.m. on January 31, 2020.

Intensive Course: Law and Information Technology

Michael Birnhack

Second Term: 1 credit; 14 hours

Max. Enrol 25 (20 JD, 5 LLM/SJD/MSL/NDEGS/SJD U)

What is the relationship between law and information technology (IT)? Does the law lag behind IT? Can the law regulate technology? This course will query the complex relationship between law and IT. It is a conceptual course, with the intention of providing students with tools to address additional IT Law topics in your individual research. We will encounter several answers to the overarching question and a few explanatory models. We shall ask not only whether the law can regulate technology, but also how. We will examine various regulatory modalities and legislative techniques. Accordingly, each of the topics we will discuss serves as a case study for one or more strands of the above, broader theoretical themes.

To inquire the above issues, we will sample few topics, such as online speech (shielding children from harmful material; the use of technological filters, the rise of new intermediaries, e.g., search engines and social networks, and the regulation of the public discourse), ISP liability, online anonymity, and digital privacy. We will *not* discuss IP, although it may come up in some discussions, and you may choose an IP-related topic for your paper.

The purpose of the course is to equip you with informed general perspectives about the law/information technology relationship, delve into several topics, and then enable you to closely study one topic, in your final paper.

Evaluation: will be evaluated based on a final paper of 2500 to 3000 words (90%); active class participation (10%). Papers must be delivered to the Records Office by 4:00 p.m. on January 31, 2020.

Intensive Course: The Crisis of the Modern Welfare State and Regulatory Reform

Gillian Lester

Second Term: 1 credit; 14 hours

Max. Enrol 25 (20 JD, 5 LLM/SJD/MSL/NDEGS/SJD U)

Social welfare states differ significantly from one country to another, but forces of globalization, and well as technological and demographic change have reshaped debates about the appropriate scope and aims of the modern welfare state. This short course examines the origins and objectives of the laws and regulations that construct welfare states in the global west from a comparative perspective, with attention to particular debates of interest in Canada today. The class will explore contemporary challenges to the stability of entrenched welfare state systems, with a focus on selected problems such as migration/multiculturalism, family policy, and retirement policy. The readings will be mainly from social science academic sources, and will range from theoretical to more practical.

Evaluation: will be evaluated based on a final paper of 2500 to 3000 words. Papers must be delivered to the Records Office by 4:00 p.m. on January 31, 2020.

Intensive Course: Theories of the Rule of Law

Jeff King

Second Term: 1 credit; 14 hours

Max. Enrol 25 (20 JD, 5 LLM/SJD/MSL/NDEGS/SJD U)

In this course, students will explore the origins, development and contemporary theories of the rule of law concept. Seminars will explore (1) the pre-twentieth century understandings of the rule of law in the work of Aristotle, John Fortescue and early republican thought in the United States; (2) the origins and development of the German *Rechtsstaat* idea, from Immanuel Kant through to World War II; (3) the libertarian conception of the rule of law in the work of Friedrich Hayek and contemporary scholars such as Randy Barnett; (4) the liberal egalitarian understanding evident in the writings of Lon Fuller, John Rawls and Joseph Raz; and (5) the social conceptions of the rule of law presently emerging which see private power as a source of 'arbitrary power' or 'private government' and hence a proper subject for regulation by rule of law norms. In the last three parts described above, the relationship between the rule of law and the welfare and regulatory state is a central concern.

The course will be aimed centrally at those who take an interest in either public law, jurisprudence, or constitutional theory, but should also interest those concerned with the application of rule of law norms to private law. Notably, philosophical training is not required to understand any of the readings. Essay topics can be agreed with a view to suiting the student's interests and aptitudes, subject only to a requirement that they are meaningfully connected to the central themes of the course.

Evaluation: will be evaluated based on a final paper of 2500 to 3000 words. Papers must be delivered to the Records Office by 4:00 p.m. on January 31, 2020.

Intensive Course: United States Securities Regulation

Paul Mahoney

Second Term: 1 credit; 14 hours

Max. Enrol 25 (20 JD, 5 LLM/SJD/MSL/NDEGS/SJD U)

The course will cover the basics of the regulation of primary and secondary securities markets, issuers, broker-dealers, and other market participants in the United States. The Securities Act of 1933 and the Securities Exchange Act of 1934, enacted during the Great Depression of the 1930s, made securities regulation a matter of federal government concern in the U.S. and continue to provide the basic structure and concepts of securities regulation. We will study those statutes in some depth and look at extensions of the regulatory system to new activities and actors through more recent statutes such as the Sarbanes-Oxley Act and the Dodd-Frank Act. Throughout, the course will consider the cross-border effects of the regulations and how Canadian issuers and financial intermediaries access the U.S. markets. It will also note a few key distinctions between the U.S. and Canadian approaches to securities regulation.

Evaluation: will be evaluated based on a final paper of 2500 to 3000 words. Papers must be delivered to the Records Office by 4:00 p.m. on January 31, 2020.

Legal Devices

Simon Stern

Second Term: 3 credits; 2 hours

Max. Enrol: 25; 20 JD, 5 LLM/SJD/MSL/NDEGS/SJD U

This course will offer a comparative and conceptual perspective on some of the tools, methods, and distinctions that courts use to solve problems, drawing primarily on ones that judges tend to invoke explicitly, but including some that have emerged in the scholarly literature. These will include: rules/standards, fact/law, the reasonable person, tests (balancing/multi-factor), exclusionary rules, property rules/liability rules, deeming provisions, presumptions, burden-shifting provisions, and acoustic separation. The list will be somewhat flexible, with the aim of choosing some of the later topics according to student interest. The reading will include Canadian, American, and British cases from a range of areas (e.g., constitutional law, evidence, procedure, criminal law, intellectual property, statutory interpretation) and some scholarly writing. We will take up one of these topics each week, reading cases demonstrating the uses and limits of these devices, and scholarly discussions examining them.

Evaluation: A research paper of 5,000-6,250 words (80%); a short discussion paper of 500 – 750 words (10%) and class participation (10%).

Moot – Walsh Family Law Negotiation Competitive Program

Judith Huddart and Samantha Eisen

Both Terms: 3 credits

Note: 3 credits (conditional enrol)

Pre or co-requisite: Family Law; Negotiation

Selection: Students who will have completed both Family Law and Negotiation by January can select this course in the lottery. This competition is likely to occur over the course of a weekend, starting on Friday night and ending on Sunday afternoon. Students who do not wish to participate on those days may not enrol in this course.

Note: Credits may be allocated in the following way: either 1 in the Fall term and 2 in the Winter term, or 0 in the Fall term and 3 in the Winter term.

Evaluation: 3 ungraded credits for satisfactory completion of the oral and written components of the competition. Students do not write a factum in this competition. Rather, they develop a negotiation plan of 1,250 words and complete a written assignment on the topic of the negotiation of 5,000 words. For grading purposes, the Walsh Family Law Negotiation Competition Faculty Advisor(s) will consider the written negotiation plan, the written assignment, and will consider the oral presentation as well. If the instructor has not seen the oral arguments, the oral presentation will not be considered, and the grade will be based exclusively on written submissions.

Ten Cases that Changed the World

[Follow up from Curriculum Committee in progress]

Mayo Moran

Second Term: 3 credits; 2 hours

Max. Enrol: 25 (20 JD, 5 LLM/SJD/MSL/NDEGS/SJD U)

Perspective course

ICT

SUYRP

Legal cases inevitably change the lives of those who are involved in them. But some legal cases have an impact that stretches far beyond their participants. This course focuses on ten cases that had a major impact on the world around them and that helped to shape our common history in dramatic ways. The course will explore one case each week and will examine the political and social world in which the case was situated, the people involved in the cases and the impact of the case on the events that followed. The cases that will be discussed will touch on issues as diverse as slavery, segregation, equality, products liability, freedom of contract, mass atrocity and political transition. The course aims to enhance our understanding of the interaction between law and the larger political and moral currents of our times and to develop law students legal literacy by exposing them to cases of fundamental legal importance.

Evaluation: 20% participation (10% class discussion; 10% presentation) and 80% research paper of 6,250 – 7,500 words (20% of this 80% will be for a proposal and annotated bibliography).

Workshop: Legal Theory

Malcolm Thorburn, Christopher Essert

Both Terms: 2 credits; 2 hours

Credit Note: 1 credit per term

Max. Enrol: 16 (11 JD, 5 LLM/SJD/MSL/NDEGS/SJD U)

First Term Schedule: (Friday: 12:30 - 2:00)

Second Term Schedule: (Friday: 12:30 - 2:00)

Note: Students cannot take more than one workshop for credit in a given year

Schedule: The Workshop will take place on Fridays intermittently throughout the year. See seminar series dates here: <https://www.law.utoronto.ca/scholarship-publications/workshops-and-seminars>

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

Previous workshop guests have included: John Gardner, Liam Murphy, Stephen Darwall, John Goldberg, Deborah Hellman, Thomas Hill, Frances Kamm, Will Kymlicka, Stephen Perry, Jerry Postema, Scott Shapiro, and Wil Waluchow, among others.

Evaluation: Registered students are required to attend all the workshops. In addition, they will prepare seminar questions of 125 words each on all but one workshop paper and one paper of approximately 3500 words on any theme relevant to law and philosophy. Evaluation will be based on this written work (80%) and on participation in the workshop 20% (10% contributions to class discussion, 5% performance during on-call day(s); 5% attendance).

Note: Students must pass both the paper and the participation component to receive credit for the workshop.

Clinical Legal Education: Externship – Citizen Lab

Ron Deibert, Siena Anstis, Christopher Parsons

Both Terms: 2 credits (1 ungraded credit per term)

Max enroll: 1 JD

Prerequisites: At least two of the following courses (or comparable courses):

1. Public International law
2. International human rights law
3. Data governance
4. Freedom of expression and the press
5. Democracy, politics and the law
6. Financial crimes and corporate compliance
7. Digital content and the innovative economy
8. Media and defamation law

Pre-requisites/Co-requisites: Externship Seminar

Note: Students enrolled in year-long externships must participate in the fall term Externship Seminar.

This course offers students the opportunity to develop interdisciplinary and legal research experience in a variety of areas of law, including domestic or international privacy law, domestic telecommunications law, domestic or international national security law, and information and communication technologies & international human rights law. The Citizen Lab is an interdisciplinary laboratory based at the Munk School of Global Affairs & Public Policy, University of Toronto, focusing on research, development, and high-level strategic policy and legal engagement at the intersection of information and communication technologies, human rights, and global security. Our research includes: investigating digital espionage against civil society, documenting Internet filtering and other technologies and practices that impact freedom of expression online, analyzing privacy, security, and information controls of popular applications, and examining transparency and accountability mechanisms relevant to the relationship between corporations and state agencies regarding personal data and other surveillance activities. This externship provides students with exposure to legal issues arising in the areas of privacy law, telecommunications law, national security law, and information and communication technologies & international human rights law.

Students will have the opportunity to develop the following skills:

- drafting legal research memoranda,
- compiling and interpreting empirical data,

- applying legal analysis in interpreting such data,
- conducting policy and legal research for Citizen Lab reports,
- writing and editing such reports.

Registration process:

To register for this course, please send an email to Sara Faherty at sara.faherty@utoronto.ca with a current CV, a short academic writing sample of max. 5 pages (an extract of a piece of writing is permissible), and a statement of interest including the following information:

1. Why you wish to enroll in the Citizen Lab externship program;
2. Your interest and experience in domestic or international privacy law, domestic telecommunications law, domestic or international national security law, and information and communication technologies & international human rights law;
3. A list of courses you have taken that are relevant to the Citizen Lab's practice areas and a brief explanation as to how they are relevant.

Students must apply to the externship by the deadline for course selection before the lottery.

Students will be interviewed for inclusion in the externship.

Note: Enrollment in this externship is conditional. The Records Office will add the externship to the student's course selection once participation is confirmed by the externship instructor. In the meantime, students must select sufficient credits for the term/year. Students approved for the externship will have the opportunity to adjust their credits before the add/drop deadline.

Evaluation: Students receive 2 ungraded credits for the completion of this placement.

Clinical Legal Education: Externship - Innovation and Entrepreneurship

Edward Iacobucci

Variable credits (ungraded) per term

Max Enrol: 12 (conditional enrol course)

Pre-requisites/Co-requisites: *Business Organizations; Innovation and Entrepreneurship Externship Seminar*

Note: Students enrolled in this externship must participate in the fall term *Innovation and Entrepreneurship Externship Seminar*. They must enrol in *Business Organizations* as either a co- or pre-requisite.

To register for this course, students must send a letter of interest and résumé to Sara Faherty at sara.faherty@utoronto.ca by the course selection deadline.

Learning objectives:

Students selected for the *Innovation and Entrepreneurship Externship* will join with start-up teams at Toronto law firms, and work directly with lawyers serving new clients for eight months. Each student will be partnered with a prominent law firm and will work supporting early stage technology companies (N.B., students' active work will take place exclusively with non-paying clients of these firms.) Students

will be supervised by a lawyer-supervisor within the partner organization to guide their learning and projects.

Externship-wide goals:

The primary goal of this externship is to give students hands-on experience working with the legal needs of emerging technology companies, including considerations around share structure, post-incorporation legal organization, corporate governance, protection of intellectual property, and general advisory work. Students participating in this externship will have an opportunity to develop their legal skills in a practice setting, including working directly with clients, conducting legal research and drafting corporate documents related to incorporation, human resource matters, and fundamental intellectual property planning.

While fieldwork assignments will necessarily vary from term to term, and from placement to placement, students enrolled in this externship can expect to be exposed to the following fundamental skills:

- Communication skills
- Problem solving
- Legal analysis and reasoning,
- Legal researchClient interaction and support
- File and practice management
- Relationship building and networking
- Recognizing and resolving ethical issue

Training:

Students will work closely with lawyers immersed in this field, and attend training opportunities available at their placement, as well as the *Innovation and Entrepreneurship Seminar*.

Placements:

A. Baker MacKenzie

Maximum Enrollment: ? JD students

[details to be filled in re this placement]

B. Creative Destruction Lab at Osler

Max Enrollment: 2 JD students

Students selected for the Creative Destruction Lab @ Osler Externship ("CDL @ Osler") will work under the supervision of lawyers from Osler's Emerging & High Growth Companies ("EHG") practice group in supporting the legal needs of early-stage technology companies participating in University of Toronto's Rotman School of Management's Creative Destruction Lab ("CDL"). During their time with CDL @ Osler, students will gain exposure to a wide range of issues and legal requirements that CDL emerging ventures face, from corporate and tax structuring, fundraising and shareholder agreements, employment and compensation-related matters, to intellectual property strategy.

Once training is complete, CDL @ Osler students will be assigned work onsite at Osler. Office space will again be provided. Students may also be assigned work to do on their own time. In addition to client and project-based assignments, students will attend client meetings and observe EHG lawyers in their daily practice, supporting their CDL clients' needs.

Timing: During the Fall term students will participate in training sessions at Osler on Fridays for approximately 6-8 hours per week. In the Winter semester, students will spend approximately 9-12

hours per week at the firm. Days of the week and timing will be flexible. Students may also be assigned work to do on their own time.

Credits: Students earn 2 ungraded credits during the Fall term and 3 ungraded credits during the Winter term.

C. Hatchery at Norton Rose Fulbright

Maximum Enrollment: 2 JD students

Norton Rose Fulbright's Canadian emerging business program offers accelerating technology companies and start-ups in complex global markets a way to move forward. The Norton Rose team has deep tech sector knowledge and offers customized service, and the strategic and cost-effective legal support they need to thrive in today's complex market. Norton Rose supports student teams at the U of T Faculty of Applied Science and Engineering's Entrepreneurship Hatchery.

[details to be filled in re this placement].

Timing:

Credits:

D. LaBarge Weinstein

Max Enrollment: 2 JD students

The team at LaBarge Weinstein dedicates its practice to advising early-stage, growth companies within the Canadian tech sector, as well as the VCs and investors who back them. They have extensive experience guiding founders from their ideation stage through to Series Seed financings and beyond. By participating in this externship, students will play a meaningful role in assisting counsel's core client base: unfunded, early-stage startups who require legal representation at a time when the founders cannot afford to pay for such services; these founders are often students themselves, including current or former student-entrepreneurs from U of T programs like ICUBE.

Students will attend onsite at LaBarge Weinstein's Toronto office (901 King St. W.) clinic on Wednesdays from 10am-2pm. Weekly, students will engage in another 2-3 hours of written work in relation to direct services (e.g. drafting share terms, corporate resolutions and share issuance materials, vesting agreements, shareholders' agreements, etc), as well as dedicated time to research developments in relevant legislation.

Timing: Students will attend onsite at LaBarge Weinstein's Toronto office (901 King St. W.) clinic on Wednesdays from 10am-2pm. Weekly, students will engage in another 2-3 hours of written work in relation to direct services (e.g. drafting share terms, corporate resolutions and share issuance materials, vesting agreements, shareholders' agreements, etc), as well as dedicated time to research developments in relevant legislation.

Credits: Students earn 3 ungraded credits.

E. Nitro Program at Blake

Max Enrollment: 1 student

Nitro is an innovative program that provides access to top-tier legal services for emerging technology companies at Blake, Cassels and Graydon LLP. Nitro is for companies in the seed and growth phases of their development. Nitro is designed to help guide and manage the progress of companies while reducing cost and risk.

Students will attend at Blake's offices to support the work of the Nitro program under the supervision of a lawyer. Students will also:

- Help build and map out a family office funding network. A lot of family offices are interested in tech financing and the student joining the Nitro team will be tasked with identifying them, cataloguing them, and figuring out the best way to engage them on potential opportunities.
- Assist with the development of the legal tech platform Founded. This product was launched in February 2019. The platform requires lot of input and feedback on what is working and what needs to be developed and the student will be able to assist with this.
- Assist with the development and refinement of the Nitro precedent library.

Timing: Students will spend four hours a week to be scheduled at a mutually convenient time.

Credits: 1 ungraded credit per semester.

F. Venture Technology and Emerging Growth Companies at Dentons [details to be filled in re this placement].

Dentons helps clients deal with the formidable challenges all emerging growth companies face, including accessing capital, protecting intellectual property, and recruiting and retaining top talent as they evolve their ideas from inception to mature business. Students in this placement will work with expert lawyers as they serve as legal and strategic advisors experienced in this terrain.

Clinical Legal Education: Externship - Innovation and Entrepreneurship Seminar

Edward Iacobucci

First Term: 1 credit (ungraded)

Max Enrol: 12 JD

Corequisite: *Innovation and Entrepreneurship Externship*

Note: This seminar will meet six times, twice early in the term, twice mid-term, and twice towards the end of the term. The meetings will be from 8.30 a.m. – 10.20 a.m. During the Fall 2019 term we will meet on September 10, September 12, October 22, October 24, November 26 and November 28.

The goal of the *Innovation and Entrepreneurship Externship* is to provide students with hands-on experience in working with start-up companies. Students will be placed with the innovation teams at Toronto law firms with top ranked innovation teams providing services to start up clients. This companion seminar will help students develop professional skills, and require them to reflect on the practice of law in this area. The seminar will provide an opportunity for students to integrate their practical, doctrinal and theoretical learning. Sessions will focus around substantive issues, skills building, professional responsibility and legal ethics, and include discussions of the issues raised by the students' casework. **Students enrolled in year-long externships must participate in the fall seminar.**

Evaluation: In order to receive credit, students must attend and participate in the seminar sessions and will be required to submit four 1000-word guided reflections during the term.

Clinical Legal Education: Externship - Rexdale Health Justice Initiative Placement

Ann McRae, Sara Faherty

Both Terms: 4 credits (2 ungraded credits per term)

Max enroll: 4 JD

Prerequisites: Externship Seminar

Note: Students enrolled in year-long externships must participate in the fall term Externship Seminar

Learning Objectives:

The goal of the externship is to permit students to observe and participate in service delivery to the most challenging and overlapping needs of clients with mental health issues, while addressing social determinants of health. Not all clients have mental health issues, but all have complex problems. Under the guidance of legal and mental health professionals, students will learn to isolate and prioritize issues and will learn techniques for managing client expectations. Students will participate in client intake at the clinic or at community health centers.

Students will attend onsite at Rexdale Community Legal Clinic located in the Rexdale Community Hub at 21 Panorama Court, Suite 24, in Toronto. Students will have access to a team of legal subject matter experts as well as multi-disciplinary team including health center staff. The work environment includes exposure to a community legal clinic, community health center and community hub dealing with housing problems, employment issues, immigration, public assistance, and disability support. The clinic hosts remote video hearings at the SBT; students may observe or represent depending on client demand.

File work can include any of the following:

- Legal research and writing
- Oral advocacy
- Drafting legal documents
- Client Communication

Enrollment: This clinic uses the standard course selection process. Select this course as you would with any other.

Evaluation: Satisfactory completion of the externship, including the submission of the required assignments, evaluations and logs, and a short research paper on one of the law reform and systemic advocacy issues earns two ungraded credits per term. Supervising lawyers will collaborate with the *Externship Seminar* on one assignment, which will be a short research paper on a health policy issue. The faculty supervisor assesses, in consultation with the field supervisor, whether the requirements for earning credit have been met.

Appendix C: Modified courses

Administrative Law (LAW202H1S)

Vincent Chiao

Second Term: 4 credits; 4 hours

Max Enrol: 75 JD

This course is an introduction to the regulatory state, and the role of courts within a regulatory state. Under the first heading, we will consider the rise of modern regulatory states in Europe and North America; the aims of regulation; and modes of regulation, from case-by-case litigation to cost-benefit analysis to nudging. Under the second heading, we will consider the degree to which courts owe deference to administrative decision-making, for instance, on grounds of expertise or democratic legitimacy. We shall also consider norms of “due process,” including the duty to consult the public; impartiality; and the acceptable extent of official discretion. An overarching objective of the course is to draw connections between the preoccupations of administrative law with longstanding political and philosophical concerns about the reach of the modern regulatory state.

Evaluation: There will be a 90% final 3 hour closed book exam. Course participation accounts for the remaining 10%.

Bankruptcy and Insolvency Law (LAW408H1S)

Adriana Robertson

Second Term: 4 credits; 4 hours

Max. Enrol: 60 (55 JD, 5 LLM/SJD/MSL/NDEGS/SJD U)

This course will involve a detailed study of the *Bankruptcy and Insolvency Act*, the *Companies’ Creditors Arrangement Act*, and the various insolvency regimes these statutes provide for, including personal and corporate bankruptcy, consumer and commercial proposals under the *Bankruptcy and Insolvency Act*, restructuring and liquidating *Companies’ Creditors Arrangement Act* proceedings, and international insolvencies.

In addition to the legal rules, considerable emphasis will be placed on the normative implications and economic consequences of these regimes.

Evaluation: Option A: 3-hour, open book final examination [100%]. Option B: 3,000 word paper (exclusive of footnotes) on a CCAA (restructuring)-related topic [50%] and a 1.5-hour, open book final examination [50%].

Note: Option A is the default evaluation method for this course. Students wishing to select Option B must receive written permission from the course instructor and notify the Records Office by March 1.

Business Organizations (LAW212H1F)

Mohammad Fadel

First Term: 4 credits; 4 hours

Max. Enrol: 85

Perspective course

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: A final 3-hour closed book examination supplemented by notes prepared personally by the student (90%) and class participation and regular attendance (10%). Each student will be on call for one class to take questions from the instructor during the semester.

Canadian Income Tax Law (LAW284H1F)

Emily Satterthwaite

First Term: 4 credits; 4 hours

Max. Enrol: 78 (73 JD, 5 LLM/SJD/MSL/NDEGS/SJD U)

Perspective course

Income taxes account for a large proportion of government revenues in Canada. This course examines the structure and function of the Income Tax Act and addresses a number of the social and economic policies implicit in its current form. Early readings and discussions will focus on the purposes of taxation, the social and economic role of the income tax, the key structural features of Canada's income tax, and the interpretation of tax legislation. The focus of the course will be on engaging with the policy principles underlying the Act's treatment of various sources of income and losses (from employment, business, capital and other sources), and how judicial interpretations of the Act have augmented or modified these principles.

Evaluation: Students will be evaluated through class participation in the form of written responses to short writing prompts (10 percent) and a scheduled three-hour open book final examination (90 percent).

Clinical Legal Education: Downtown Legal Services Full-Time Program (LAW402H1S)

Fall Term: 15 credits

Location: 655 Spadina Avenue

Max Enrol: 6 JD

Schedule: Students in the full-time program are expected to be at the clinic Monday – Friday during regular business hours.

Enrollment Notes: This course requires an application.

Enrollment in all the clinics for credit is limited to upper year students. **Enrollment in the spring term of the Full-Time Program is restricted to students who have summered with DLS or who have previously participated in another DLS credit program.** Exchange Students are not eligible to participate in clinics.

Enrollment in this clinic is conditional. The Records Office will add the clinic to the student's course selection once participation is confirmed by the clinic instructor. In the meantime, students must select sufficient credits for the term/year. Students approved for the clinic will have the opportunity to adjust their credits before the add/drop deadline.

Accepting an offer of placement with the clinic is a serious commitment. Once an offer of admission is accepted, students will require permission from the Faculty to withdraw.

Application Process:

To register for this course, you must email a Statement of Interest (maximum 2 pages) to the Executive Director, Lisa Cirillo at lisa.cirillo@utoronto.ca, by **June 28, 2019**.

Your statement of interest must indicate which division (practice area) you wish to work in and your reasons for this selection. For more information about DLS's divisions and the distinct learning opportunities offered by each, please refer to the DLS website <http://downtownlegalservices.ca/> as well as the course descriptions for the individual part-time clinics.

In addition to the above, your Statement of Interest should address the following points:

- a) personal or lived experience with our client communities and areas of practice;
- b) previous coursework and / or experience in related areas of study;
- c) any previous experience in public interest advocacy or social justice work;
- d) indicators of academic, analytical and research and writing ability, which may include grades in related classes; and
- e) any previous experience with lawyering or advocacy work.

Course Description:

This full-time, one term 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, individualized tutorials, substantive training sessions and course 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, 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 which provides services to low income people in the areas of criminal law, family law, employment law, housing law, refugee and immigration law, and university affairs. For a more detailed description of

the kinds of matters we work on in each of these areas of law, please refer to the description provided for the part-time (division-specific) clinics and to our website at <http://downtownlegalservices.ca/>.

In addition to the casework described above, students will participate in weekly education sessions throughout the term. These sessions will include substantive legal training, case rounds and multi-disciplinary seminars. Students in the full-time program also assist with clinic intake and participate in DLS's expansive community outreach program. In terms of the writing component, students in the full-time program will produce a series of short reflective writing exercises throughout the term and are also required to submit a 25-30 page research paper on an issue of law or practice related to their clinical experiences at DLS.

Generally, students in the full-time program will work in one area of law. Experienced caseworkers who have already completed one of the DLS part-time clinic programs or who have summered at DLS can apply to work in two divisions over the course of the term.

Evaluation: This course is graded on an HH/H/P/LP/F basis. Students will be evaluated on the basis of their clinical work, including casework, outreach activities and reflective writing (60%), their research paper (20%) and their attendance and participation in seminars (20%).

Students writing their Supervised Upper Year Research Paper in this full-time course must have a full-time faculty member as a co-supervisor.

Clinical Legal Education: Downtown Legal Services Part-Time Program – Criminal Law & Academic Offences Clinic (LAW209Y1-0101)

Instructors: Lisa Cirillo & Karen Bellinger
Both Terms: 8 credits; 3 hrs. seminar weekly + clinic work
Max. Enrol. 15 JD
Location: 655 Spadina Avenue

Schedule: Weekly seminar on Mondays (4 – 7 pm) plus a mandatory Joint Clinic Professionalism Training on Friday, September 20, 2019. Attendance at this session is mandatory to be eligible to participate in the clinic.

Enrollment Notes: This course does not require application.

Enrollment in all the clinics for credit is limited to upper year students. Exchange Students are not eligible to participate in clinics. This course does not require application.

Enrolling in a DLS clinic is a serious commitment. Once enrolment is confirmed, students will require permission from the Faculty to withdraw.

Course Description:

This **part-time, full-year 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, individualized tutorials, substantive training sessions and course 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, and to develop a conceptual and empirical understanding of public interest lawyering.

Students in the **Criminal Law & Academic Offences Clinic** will have the opportunity to represent clients facing charges in two unique settings: they will assist clients charged with summary conviction offences before the Ontario Court of Justice and they will also assist students charged with academic offences or facing charges under the University's *Code of Conduct*. The casework in both these settings includes client counseling; case theory formulation; legal research; drafting of pleadings, written submissions, facta and professional correspondence; development of litigation strategy; pre-trial procedures and negotiations with opposing counsel and oral advocacy.

Within our criminal law practice, students will have the opportunity to attend court for set date appearances, guilty pleas and trials. They will also work with outside counsel on summary conviction appeals. For the academic offences files, we represent clients charged with offences such as plagiarism, unauthorized aid, and personation. Within this area of practice, student caseworkers will have the opportunity to appear at dean's meetings, conduct negotiations and hearings.

Suggested Pre or Co-Requisites: Evidence, Criminal Procedure & Administrative Law

The program is conducted at **Downtown Legal Services**, a community legal clinic operated by the Faculty of Law which provides services to low income people in a number of areas of law. In addition to the casework described above, students will participate in weekly education sessions throughout the term. These sessions will include substantive legal training, case rounds and multi-disciplinary seminars. Credit students are also required to participate in the clinic's community outreach program and to write a series of short reflective papers.

Commitment:

While we strive to make the overall workload of the clinic comparable to a course of similar weight, the clinic involves real case work, with deadlines that are not always within our control. It also involves serious commitments to clients who are dealing with significant legal issues. In this sense, the clinic requires a commitment beyond what is normally expected in an academic seminar. The credit weighting of this course is designed to reflect this additional commitment.

Attendance at all seminars and training sessions is mandatory. In addition to the regular weekly seminar, students are required to attend the clinic regularly (2-3 times per week) to monitor developments on their files and to commit to a 2-hour weekly block of time (during regular business hours) when they will be present at the clinic. Students can use this time to work on their files and to meet with their supervising lawyers and clients. Students should expect that their clinic work will often require additional time over and above this block.

Evaluation: This course is graded on an HH/H/P/LP/F basis. Students will be required to produce regular written work related to their cases, as well as a series of short (4-6 pages) reflective journals, due at fixed intervals during the year. Students will be evaluated on the basis of their clinical (casework and outreach activities) work (60%), their reflective papers (20%) and their attendance and participation in seminars (20%).

Clinical Legal Education: Downtown Legal Services Part-Time Program – Employment Law & Academic Appeals Clinic (LAW209Y1-0106)

Instructors: Lisa Cirillo & Jennifer Fehr
 Both Terms: 8 credits; 3 hrs. seminar weekly + clinic work
 Max. Enrol: 8 JD
 Location: 655 Spadina Avenue

Schedule: Weekly seminar on Mondays (4 – 7 pm) plus a mandatory Joint Clinic Professionalism Training on Friday, September 20, 2019. Attendance at this session is mandatory to be eligible to participate in the clinic.

Enrollment Notes: This course does not require application.

Enrollment in all the clinics for credit is limited to upper year students. Exchange Students are not eligible to participate in clinics. This course does not require application.

Enrolling in a DLS clinic is a serious commitment. Once enrolment is confirmed, students will require permission from the Faculty to withdraw.

Course Description:

This **part-time, full-year 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, individualized tutorials, substantive training sessions and course 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, and to develop a conceptual and empirical understanding of public interest lawyering.

Students in **the Employment Law & Academic Appeals Clinic** will have the opportunity to assist clients in the areas of employment law and academic appeals to university tribunals. The casework in both areas will include client counselling; case theory formulation; legal research; drafting of pleadings, written submissions, professional correspondence; development of litigation strategy; pre-trial procedures; settlement negotiations; and oral advocacy.

Under the umbrella of employment law, students handle disputes with respect to employment standards, equal treatment in employment, denial of employment insurance benefits, and wrongful dismissal pursuant to the *Employment Standards Act*, the *Ontario Human Rights Code*, *Employment Insurance Act* and common law. Students conduct mediations and hearings at the Ministry of Labour, the Ontario Labour Relations Board, the Ontario Human Rights Tribunal, Small Claims Court and the Social Security Tribunal.

In the area of academic appeals, students will represent student clients of the University of Toronto, in overturning decisions of the University that the student has not met an academic standard or academic requirement of the University (i.e. failed course, termination from program). In challenging these decisions, student caseworkers will frequently rely on the *Ontario Human Rights Code*, internal

university policies as well as administrative law principles around procedural fairness. Student caseworkers in this clinic will have the opportunity to represent students at the Division level appeal as well as the Graduate Academic Appeals Board (GAAB) and the Academic Appeals Committee of the Governing Council.

Suggested Pre or Co-Requisites: Administrative Law. Students will also find it helpful to have an understanding of basic principles of contracts and employment law.

The program is conducted at **Downtown Legal Services**, a community legal clinic operated by the Faculty of Law which provides services to low income people in a number of areas of law. In addition to the casework described above, students will participate in weekly education sessions throughout the term. These sessions will include substantive legal training, case rounds and multi-disciplinary seminars. Credit students are also required to participate in the clinic's community outreach program and to write a series of short reflective papers.

Commitment:

While we strive to make the overall workload of the clinic comparable to a course of similar weight, the clinic involves real case work, with deadlines that are not always within our control. It also involves serious commitments to clients who are dealing with significant legal issues. In this sense, the clinic requires a commitment beyond what is normally expected in an academic seminar. The credit weighting of this course is designed to reflect this additional commitment.

Attendance at all seminars and training sessions is mandatory. In addition to the regular weekly seminar, students are required to attend the clinic regularly (2-3 times per week) to monitor developments on their files and to commit to a 2-hour weekly block of time (during regular business hours) when they will be present at the clinic. Students can use this time to work on their files and to meet with their supervising lawyers and clients. Students should expect that their clinic work will often require additional time over and above this block.

Evaluation: This course is graded on an HH/H/P/LP/F basis. Students will be required to produce regular written work related to their cases, as well as a series of short (4-6 pages) reflective journals, due at fixed intervals during the year. Students will be evaluated on the basis of their clinical (casework and outreach activities) work (60%), their reflective papers (20%) and their attendance and participation in seminars (20%).

Clinical Legal Education: Downtown Legal Services Part-Time Program – Family Law Clinic (LAW209Y1-0102)

Instructors: Lisa Cirillo & Richard Teicher
Both Terms: 8 credits; 3 hrs. seminar weekly + clinic work
Max. Enrol: 8 JD
Location: 655 Spadina Avenue

Schedule: Weekly seminar on Mondays (4 – 7 pm) plus a mandatory Joint Clinic Professionalism Training on Friday, September 20, 2019. Attendance at this session is mandatory to be eligible to participate in the clinic.

Enrollment Notes: This course does not require application.

Enrollment in all the clinics for credit is limited to upper year students. Exchange Students are not eligible to participate in clinics. This course does not require application.

Enrolling in a DLS clinic is a serious commitment. Once enrolment is confirmed, students will require permission from the Faculty to withdraw.

Course Description:

This **part-time, full-year 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, individualized tutorials, substantive training sessions and course 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, and to develop a conceptual and empirical understanding of public interest lawyering.

Students in the **Family Law Clinic** will have the opportunity to help clients resolve issues of custody, access, and support, either through negotiation or litigation. The casework will include client counseling; case theory formulation; drafting of pleadings, motion materials, conference briefs and financial statements; litigation strategy; negotiating with opposing counsel; and representing clients at first appearances, conferences and motions.

For students in the **Family Law Clinic**, such courses may include Family Law and Advanced Family Law. Prior volunteer experience at DLS or with the Family Law Project (through Pro Bono Students Canada) is also extremely helpful. Note: due to the risk of conflicts of interest, students are not permitted to participate in the DLS Family Law Clinic and PBSC's Family law project simultaneously.

The program is conducted at **Downtown Legal Services**, a community legal clinic operated by the Faculty of Law which provides services to low income people in a number of areas of law. In addition to the casework described above, students will participate in weekly education sessions throughout the term. These sessions will include substantive legal training, case rounds and multi-disciplinary seminars. Credit students are also required to participate in the clinic's community outreach program and to write a series of short reflective papers.

Commitment:

While we strive to make the overall workload of the clinic comparable to a course of similar weight, the clinic involves real case work, with deadlines that are not always within our control. It also involves serious commitments to clients who are dealing with significant legal issues. In this sense, the clinic requires a commitment beyond what is normally expected in an academic seminar. The credit weighting of this course is designed to reflect this additional commitment.

Attendance at all seminars and training sessions is mandatory. In addition to the regular weekly seminar, students are required to attend the clinic regularly (2-3 times per week) to monitor developments on their files and to commit to a 2-hour weekly block of time (during regular business hours) when they will be present at the clinic. Students can use this time to work on their files and to

meet with their supervising lawyers and clients. Students should expect that their clinic work will often require additional time over and above this block.

Evaluation: This course is graded on an HH/H/P/LP/F basis. Students will be required to produce regular written work related to their cases, as well as a series of short (4-6 pages) reflective journals, due at fixed intervals during the year. Students will be evaluated on the basis of their clinical (casework and outreach activities) work (60%), their reflective papers (20%) and their attendance and participation in seminars (20%).

Clinical Legal Education: Downtown Legal Services Part-Time Program – Housing Law Clinic (LAW209Y1-0104)

Instructors: Lisa Cirillo & Benjamin Ries
 Both Terms: 8 credits; 3 hrs. seminar weekly + clinic work
 Max. Enrol: 8 JD
 Location: 655 Spadina Avenue

Schedule: Weekly seminar on Mondays (4 – 7 pm) plus a mandatory Joint Clinic Professionalism Training on Friday, September 20, 2019. Attendance at this session is mandatory to be eligible to participate in the clinic.

Enrollment Notes: This course does not require application.

Enrollment in all the clinics for credit is limited to upper year students. Exchange Students are not eligible to participate in clinics. This course does not require application.

Enrolling in a DLS clinic is a serious commitment. Once enrolment is confirmed, students will require permission from the Faculty to withdraw.

Course Description:

This **part-time, full-year 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, individualized tutorials, substantive training sessions and course 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, and to develop a conceptual and empirical understanding of public interest lawyering.

As members of a team that fights to protect and extend the rights of students and low-income persons who do not own their housing, students in the **Housing Law Clinic** will have the opportunity to help tenants and/or co-op members resolve legal disputes with their housing providers, including: evictions; maintenance and repair problems; harassment, and discrimination. The casework will include client counseling; case theory formulation; drafting applications; preparing for hearings; litigation strategy; negotiating with opposing counsel; and conducting hearings where possible and/or necessary.

Students in the **Housing Law Clinic** regularly appear before the Landlord and Tenant Board to conduct hearings and participate in mediations. The same students also appear before the Human Rights Tribunal of Ontario and the Small Claims Court in a variety of proceedings that include settlement conferences, motions, trials, and enforcement actions. The clinic's outreach activities frequently include community organizing work with groups of tenants facing a common legal issue together.

Substantive rental and co-operative housing law builds on principles of contract, property, and tort law introduced in first year, but in a way that is relevant to the approximately one-half of Toronto's households (and majority of post-secondary students) who do not own their homes. Students will be required to examine the private and public law mechanisms that cause homelessness, while assisting clients for whom homelessness is often a prior experience and/or a future possibility.

Suggested Pre or Co-Requisites: Administrative Law, Evidence Law

The program is conducted at **Downtown Legal Services**, a community legal clinic operated by the Faculty of Law which provides services to low income people in a number of areas of law. In addition to the casework described above, students will participate in weekly education sessions throughout the term. These sessions will include substantive legal training, case rounds and multi-disciplinary seminars. Credit students are also required to participate in the clinic's community outreach program and to write a series of short reflective papers.

Commitment:

While we strive to make the overall workload of the clinic comparable to a course of similar weight, the clinic involves real case work, with deadlines that are not always within our control. It also involves serious commitments to clients who are dealing with significant legal issues. In this sense, the clinic requires a commitment beyond what is normally expected in an academic seminar. The credit weighting of this course is designed to reflect this additional commitment.

Attendance at all seminars and training sessions is mandatory. In addition to the regular weekly seminar, students are required to attend the clinic regularly (2-3 times per week) to monitor developments on their files and to commit to a 2-hour weekly block of time (during regular business hours) when they will be present at the clinic. Students can use this time to work on their files and to meet with their supervising lawyers and clients. Students should expect that their clinic work will often require additional time over and above this block.

Evaluation: This course is graded on an HH/H/P/LP/F basis. Students will be required to produce regular written work related to their cases, as well as a series of short (4-6 pages) reflective journals, due at fixed intervals during the year. Students will be evaluated on the basis of their clinical (casework and outreach activities) work (60%), their reflective papers (20%) and their attendance and participation in seminars (20%).

Clinical Legal Education: Downtown Legal Services Part-Time Program – Refugee & Immigration Law Clinic (LAW209Y1-0103)

Instructors: Lisa Cirillo & Prasanna Balasundaram
 Both Terms: 8 credits; 3 hrs. seminar weekly + clinic work
 Max. Enrol: 8 JD
 Location: 655 Spadina Avenue

Schedule: Weekly seminar on Mondays (4 – 7 pm) plus a mandatory Joint Clinic Professionalism Training on Friday, September 20, 2019. Attendance at this session is mandatory to be eligible to participate in the clinic.

Enrollment Notes: This course does not require application.

Enrollment in all the clinics for credit is limited to upper year students. Exchange Students are not eligible to participate in clinics. This course does not require application.

Enrolling in a DLS clinic is a serious commitment. Once enrolment is confirmed, students will require permission from the Faculty to withdraw.

Course Description:

This **part-time, full-year 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, individualized tutorials, substantive training sessions and course 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, and to develop a conceptual and empirical understanding of public interest lawyering.

The **Refugee and Immigration Law Clinic** represents individuals and families on a wide range of legal matters affecting migrants. The Clinic also maintains a test case litigation practice, advocating for the constitutional and procedural rights of migrants within administrative law. Students work on applications to prevent deportation, refugee protection claims, Permanent Residence applications based on Humanitarian and Compassionate grounds, and Pre-Removal Risk Assessments, as well as judicial reviews of these decisions at the Federal Court. Students also represent clients who have been found, or are at risk of being found, inadmissible to Canada for public safety and national security reasons. Students frequently represent vulnerable clients including children and youth, and women who have experienced abuse.

Students are involved at all stages of a client's legal matter from client counselling, case theory formulation, drafting client and expert affidavits, developing an evidentiary record, conducting legal research, preparing written submissions, hearing preparation and litigation. Students are able to work on complex and large litigation files that often span many years. Students also conduct media and political outreach where necessary, and work alongside community organizations committed to family reunification and a just and humane path to citizenship for migrant workers.

Suggested Pre or Co-Requisites: Administrative Law, Refugee Law and Immigration Law.

The program is conducted at **Downtown Legal Services**, a community legal clinic operated by the Faculty of Law which provides services to low income people in a number of areas of law. In addition to the casework described above, students will participate in weekly education sessions throughout the term. These sessions will include substantive legal training, case rounds and multi-disciplinary seminars. Credit students are also required to participate in the clinic's community outreach program and to write a series of short reflective papers.

Commitment:

While we strive to make the overall workload of the clinic comparable to a course of similar weight, the clinic involves real case work, with deadlines that are not always within our control. It also involves serious commitments to clients who are dealing with significant legal issues. In this sense, the clinic requires a commitment beyond what is normally expected in an academic seminar. The credit weighting of this course is designed to reflect this additional commitment.

Attendance at all seminars and training sessions is mandatory. In addition to the regular weekly seminar, students are required to attend the clinic regularly (2-3 times per week) to monitor developments on their files and to commit to a 2-hour weekly block of time (during regular business hours) when they will be present at the clinic. Students can use this time to work on their files and to meet with their supervising lawyers and clients. Students should expect that their clinic work will often require additional time over and above this block.

Evaluation: This course is graded on an HH/H/P/LP/F basis. Students will be required to produce regular written work related to their cases, as well as a series of short (4-6 pages) reflective journals, due at fixed intervals during the year. Students will be evaluated on the basis of their clinical (casework and outreach activities) work (60%), their reflective papers (20%) and their attendance and participation in seminars (20%).

Clinical Legal Education: Externship - Board Governance (LAW485Y1Y)

Instructor(s): Faculty Advisor, Ann Armstrong

Both Terms: 2 credits

Note: 1 credit (ungraded) per term

Max Enrol: 5 JD (conditional enrol course)

See details on how to register below.

Pre-requisites/Co-requisites: Business Organizations; Externship Seminar

Note: Students enrolled in year-long externships must participate in the fall term Externship Seminar.

Learning objectives:

Students selected for the Board Governance Externship will join with the OnBoard team at Rotman School of Management, and work directly with a Board of Directors for eight months. Each student will be partnered with a local board and will work on a legal governance issue of relevance to the needs of that organization. The student will be supervised by a lawyer-mentor within the partner organization to help guide their learning and project.

Students will participate in a variety of the legal tasks carried out by the corporate boards.

Goals:

A goal of the course is to develop students governance and leadership skills. Students participating in the Board Governance externship will have an opportunity to develop their legal skills in a practice setting, including conducting legal research and drafting corporate documents. Students will develop a broad understanding of board governance by attending on matters with experienced lawyers in selected boards in Toronto.

While fieldwork assignments will necessarily vary from term to term, and from student to student, students enrolled in this externship can expect to be exposed to the following fundamental skills:

- problem solving,
- legal analysis and reasoning,
- legal research,
- governance,
- relationship building and networking,
- communication,
- organization and management of legal work, and
- recognizing and resolving ethical dilemmas.

Depending on timing and individual placements, students may be exposed to

- negotiation,
- board meetings,
- working closely with board sub-committees,
- interviewing clients for data collection; qualitative research to collect data from board members and stakeholders;
- litigation,
- alternative dispute resolution procedures.

Training:

Students will attend a series of class meetings and labs offered at Rotman [Wednesdays, 4:15 to 6:15 pm]. During the class meeting students learn about Governance, Project Framing/Scoping, structuring working relationships with Mentors, conducting governance research, and delivering effective presentations.

During two or three labs students discuss pending work and support one another on a peer based model. Students will be required to submit a project scoping document, interim report, final report and other deliverables as requested by their client.

Assignments:

Students will be assigned work to do on their own time. Office space will not be provided. Arrangements will be made for students to attend a variety of significant meetings and events, sometimes sitting in on their peers projects when appropriate. Students will prepare legal memoranda based on their own research on current issues and draft a variety of corporate documents.

To register for this course: please send an email to Sara Faherty at sara.faherty@utoronto.ca with a current CV and a brief (500 word) statement of interest.

Students must apply to the clinic by the deadline for course selection before the lottery. Students will be interviewed for available positions. Acceptance to the Clinic is on a rolling basis and interested students are encouraged to apply early.

Note: Enrollment in this clinic is conditional. The Records Office will add the clinic to the student's course selection once participation is confirmed by the clinic instructor. In the meantime, students must select sufficient credits for the term/year. Students approved for the clinic will have the opportunity to adjust their credits before the add/drop deadline.

Evaluation: Satisfactory completion of the externship, including the submission of the required assignments and attendance will earn 2 ungraded credits (one per term).

Clinical Legal Education: Externship – Innocence Canada (LAW117H1S)

Instructor(s): Stéphanie Nowak, Bhavan Sodhi
 Second Term: 2 credits (ungraded)
 Schedule: Monday: 5:00 - 6:00 PM
 Max. Enrol: 4 JD

Pre-requisite or Co-requisite: Externship Seminar

Note: Students must participate in the winter term Externship Seminar.

Prerequisites: One of either Criminal Procedure, Evidence Law, or Wrongful Convictions.

Objectives:

The Innocence Canada externships allow students to experience directly the legal work of a non-profit organization working to overturn the criminal convictions of innocent people. This program is available for up to two students. Students will be exposed to a variety of legal work in the area of criminal law carried out by Innocence Canada such as drafting s. 696.1 applications, reviewing police investigatory files, trial transcripts and appeals motions, and assisting with bail applications.

Goals:

Students participating in the Innocence Canada externship will have an opportunity to develop their legal skills in a highly specialized criminal law setting. Students will develop an understanding of wrongful convictions and criminal law more broadly, by working directly with experienced lawyers on active case files.

While assignments will necessarily vary from term to term, and from student to student, students enrolled in this externship can expect to be exposed to the following fundamental skills:

1. problem solving,
2. legal analysis and reasoning,
3. legal research,
4. factual investigation,
5. communication,
6. investigative work,
7. organization and management of legal work,

8. recognizing causes of wrongful conviction in practice, and
9. identifying and exploring new avenues of fresh evidence.

Training:

Students will meet at Innocence Canada (111 Peter Street) weekly on Monday evenings from 5:00-6:00 p.m. The first of these meetings will consist of an introduction to Innocence Canada, wrongful convictions work and our priority cases. Additionally, all students will be required to sign a confidentiality and non-disclosure agreement at the first meeting. The following weeks will be an opportunity to discuss the progress of students' work and cases, and assign new work.

Assignments:

Students will be assigned work to do on their own time, over one or two shifts a week. Office space will be provided at the Innocence Canada office; however students will need to bring their laptops. It should be noted that certain files will only be accessible on-site; for these files, students will be required to work at the Innocence Canada office for a total of **6-8 hours** during regular office hours (Monday-Thursday, 9:00 a.m. -5:00 p.m.--Fridays are not an option). Students will prepare legal memoranda based on their own research on current issues. There may be an opportunity to participate in the writing of a s. 696.1 application to the Minister of Justice. Students will participate in investigatory work and fact finding.

Enrolment: If you are interested in working in this Externship, send an email to Sara Faherty at sara.faherty@utoronto.ca before January 7 at 5:00 pm. We will randomly select two students.

Evaluation: Satisfactory attendance, written work, and performance will earn two ungraded credits.

Competition Policy (LAW312H1S)

Anthony Niblett

Second Term: 3 credits; 3 hours

Max. Enrol: 40 (33 JD, 5 LLM/SJD/MSL/NDEGS/SJD U, 2 graduate students in Economics)

Perspective course

This course will explore the economic theories that underpin various aspects of competition policy. The course will focus on Canadian competition policy, but the policies of the United States and the EU 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 include: the economic and non-economic goals of competition policy; collusion, price fixing and facilitating practices; horizontal mergers; abuse of dominance; predatory pricing, price discrimination; and vertical restraints, including resale price maintenance, exclusive dealing, tying, and territorial restrictions. This course will be taught at the law school and is open both to law students and to honours and graduate students in economics. This course is not limited to students with a background in economics, but students will find it helpful to have a basic grounding in microeconomics.

Evaluation: There are 4 components to the course evaluation. Students will be required to write a final, 1 hour open book in-class test (30%); write a 2,000 word essay due at the end of the semester (30%); and write 6 short responses (250-500 words) answering questions about the reading (30%). There is also a 10% participation grade, based on student input into class discussions.

Democracy, Politics, and the Law (LAW372H1S)

Yasmin Dawood

Second Term: 3 credits; 2 hours

Max. Enrol: 25 (20 JD, 5 LLM/SJD/MSL/NDEGS/SJD U)

Perspective Course

ICT

This seminar examines the connections between democracy and the law. In what way does the law shape democracy? How should courts adjudicate disputes over the ground rules of democracy? Does the law help to sustain democratic politics, or does it undermine democracy? What role does the law play in the decline of democracy around the world?

The seminar covers various topics in the comparative law of democracy, such as money in politics, partisan gerrymandering, and the denial of voting rights. It also addresses contemporary worries about the decline of constitutional democracy by drawing on the experiences of various countries and by considering such topics as the effect of the Trump presidency on democracy, social media and democracy, and the rise in populism and authoritarianism. The readings are interdisciplinary and include materials from constitutional law and theory, democratic theory, and political science.

Evaluation: The course evaluation consists of: a 4,500-5,000 word paper (70%); 20% class participation (10% engaging in class discussion; 10% attendance); and two comments (1,000 words each) on the readings (each worth 5%, graded on a credit/no credit basis).

Discrimination Law (LAW410H1F)

Denise Reaume

First Term: 3 credits; 3 hours

Max. Enrol: 28 (22 JD, 4 LLM/SJD/MSL/NDEGS/SJD U, 2 MPP students)

Perspective course

SUYRP

This course will canvas key developments in discrimination law jurisprudence, focusing mainly on the Ontario Human Rights Code, the Canadian Human Rights Act, and the BC Human Rights Code.

We will canvass:

- the place of human rights legislation in the legal landscape,
- the key elements in a discrimination complaint:
 - what constitutes a prima facie case of discrimination,
 - the spheres within which discrimination is prohibited by the Code
 - the prohibited grounds and their role in defining discrimination,
 - the defences of bona fide occupational requirement and reasonable accommodation/undue hardship,
- Charter influences on Human Rights Code developments
- exceptions to the right not to be discriminated against, and
- the remedies available under the Codes.

After a brief survey of the doctrinal structure of discrimination law, the seminar will focus on a range of key issues that illustrate fundamental principles or mark significant developments.

Evaluation: Will be based on either three short writing assignments (total: approximately 6,000 to 7,000 words), or one research paper (approximately 7,500 words). The short assignments will cover the major issues covered in the course, and will likely be based on an in-depth analysis of one or more recent significant cases. Research paper topics should focus on an issue that pulls together a range of topics covered in the seminar; paper topics should be cleared with the instructor.

Students undertaking a research paper may request to write a Supervised Upper Year Research Paper in this course. Participation in discussions will be expected, but will not form part of the evaluation. This course qualifies as a Perspective Course.

Introduction to Animals and the Law (LAW253H1F)

[Follow up from Curriculum Committee in progress]

Angela Fernandez and Lesli Bisgould

First Term: 3 credits; 2 hours

Max. Enrol: 22

Perspective course

SUYRP

The subject of animals and the law has emerged nationally and internationally as a new and important topic which has implications in many traditional legal subject areas. We will examine the unique role that animals play as living property in a legal system conceived by and for human beings. On the one hand, they are things that we eat and use in experiments. On the other hand, they are beloved family companions. How does the law handle the discord?

This ambiguity will provide the context for examining the history of - and the historical basis for - laws with respect to animals. We will trace these, from the animal trials which began in thirteenth century Europe through the development of anti-cruelty laws to the current struggle to cope with the conflicting implications of biotechnology and other industrial uses of animals. Throughout, we will critically evaluate the legal status of animals as "property" and consider whether that status is defensible in modern times, asking whether animals should be viewed as objects, as legal subjects, as legal persons or as something else entirely.

Evaluation: The class will be run as part-lecture, part-discussion, with a participation grade for class discussion (10%), two comment papers (1250-1750 words each) worth 20% of the final grade, and an 8-hour one-question take-home examination (2500-3000 words) worth 70% of the final grade. The examination must be taken any time from 9:00 AM at the beginning of the exam period to the last day set as the deadline for written work at 10:00 AM. A limited number of students may arrange to write a SUYRP paper in the course. If a student is doing the SUYRP, that paper replaces the Take Home Exam for 70% of the grade, and the student will still be evaluated for two comment papers (1250-1750 words each) (20%) and participation (10%). The participation grade consists of attendance and input on discussion on a regular basis.

Labour and Employment Law (LAW263H1S)

Brian Langille

Second Term: 4 credits; 4 hours

Max. Enrol: 75 (70 JD, 5 LLM/SJD/MSL/NDEGS/SJD U)

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 work, 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 capability and thus the extent to which each contributes to a productive and just Canada. Key debates in Canadian constitutional labour law are also considered. The ability of this domestic system to operate within and respond to a reality of global economic integration is questioned and some elements of transnational labour law are reviewed.

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 in detail, including certification, unfair labour practices, bargaining, industrial conflict and the administration of the collective agreement. International approaches to labour regulation are also considered.

Evaluation: There are two options.

Option 1 is by a written 3-hour open book final examination.

Option 2 is 50% by a written 2-hour open book final examination and 50% by a 2,500 word non-research/think piece essay on a topic selected by the instructor, handed out about mid-way through the course and due on the last day for submitting written work for the term. Students must irrevocably choose their option before the question is handed out.

Labour Law Writers Workshop: Reforming Ontario Labour and Employment Law (LAW264H1S)

[Follow up from Curriculum Committee in progress]

Brian Langille

Second Term: 3 credits, 2 hours

Max. Enrol: 20 (15 JD, 5 LLM/SJD/MSL/NDEGS/SJD U)

Pre-requisite: Labour and Employment Law

Writing papers in law school can be a lonely and last minute business sometimes with less time for reflection or discussion with others than is desirable. This course seeks to avoid these possibilities. The idea is to bring together all those writing about labour and employment law, broadly conceived, to create a group of authors which will act as a support group for all at each stage of the writing process – selection of topic, ideas on an “angle of approach”, literature searches, construction of an outline, reading

of drafts, and finally presentation of papers in a workshop setting. Many and any specific topics considered in Labour and Employment Law can be on the table (everything from reconsidering parental leave, to the problem how to provide collective voice to workers like Ms. Lian in *Lian v J. Crew*, and on and on) along with many other concrete issues not covered in the basic course. But so too will more general issues about how to think about labour law and labour law reform in the world as we now find it. It will be up to each member of the workshop, in consultation with the instructor, to decide which topic merit consideration. Projects may be designed to be completed individually, jointly, or collectively. We may together decide on a schedule which does not require meeting every week but will require the standard total number of hours for 3 credits, but will involve a series of longer workshops where ideas are developed in a collegial manner and, later, drafts presented. In all probability we will use at least one Friday and Saturday, for these purposes. The key is that we will take a collegial approach and help each other in the writing process.

Evaluation: Class participation (25%); final paper of 6,000 – 7,500 words (75%).

Law and Revolution (LAW555H1S)

Ernest Weinrib

Second Term: 3 credits; 2 hours

Max. Enrol: 25 (20 JD, 5 LLM/SJD/MSL/NDEGS/SJD U)

Perspective Course

What is the relationship between the idea of legal order and the idea of revolution—the (frequently violent) replacement of one legal order with another? Some have argued that by its nature a legal order cannot contemplate being replaced, while others have argued that the possibility of revolution is the ultimate guarantee of the legal rights of the people. This seminar course will explore a number of questions related to this debate. How can law contemplate the possibility of revolution? Can a revolution be brought about in accordance with law or in the service of legal values? Do legal values have any relevance in revolutionary situations? How can law understand a non-violent revolution? What is the relevance of pre-revolutionary law in a post-revolutionary legal order? What, if anything, does revolution do to law? Can thinking about revolutions teach us anything about the nature of law? Is there any difference between revolution and the exercise of constituent power? Readings may include texts by Locke, Kant, Marx, Luxemburg, Pashukanis, Weil, Kelsen, Schmitt, Derrida, Mouffe, and MacKinnon.

Evaluation: Contributions to classroom discussion (10%), five 250-word (one-page) comments on the readings (25%), and a final paper of 5500 to 6500 words, involving careful reading of a text that was not assigned for the class (65%).

Looking Ahead: The Blurred Lines of Technology, Body, and Mind (LAW337H1S)

Ben Alarie and Daniel Debow

Second Term: 3 credits; 2 hours

Max. Enrol: 42 (27 JD, 2 LLM/SJD/MSL/NDEGS/SJD U, 13 non-law graduate students)

Perspective Course

This course surveys the implications of emerging socially and economically transformative technologies, including machine learning, nanomaterials, robotics, genetic engineering, etc. The aim is to explore how exponential technological change and innovation will affect law and society in a variety of contexts — including medicine, law, education, finance, transportation, communication, the arts, and government — throughout the world in the coming decades. This course will be open to graduate students in other faculties, including engineering and computer science, and will encourage interdisciplinary discussion. While much of the material will examine at an introductory level many emerging technologies, no formal scientific background is expected of students.

Evaluation: Six comments on the readings of up to 500 words each (60%) and a final paper of up to 3000 words (30%), class participation (10%).

Patent and Trade Secrets Law (LAW332H1S)

Donald Cameron, R. Scott MacKendrick

Second Term: 3 credits; 2 hours

Max Enrol: 36 (32 JD, 4 LLM/SJD/MSL/NDEGS/SJD U)

Patents and trade secrets protect commercially valuable inventions and information respectively. As the information age and biotechnology progress, 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 (construe) and how to enforce (litigate) 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 open-book sit-down examination, or four-hour take-home, only available at the start time of the sit-down examination, to be signed out from the Records Office. Note: The default mode of evaluation for this course is the sit-down exam. Students choosing the take-home option must notify the Records Office by March 1st.

Roman Law (LAW566H1F)

Ernest Weinrib

Second Term: 2 credits; 2 hours

Max. Enrol: 5 (4 JD, 1 LLM/SJD/MSL/NDEGS/SJD U)

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 4,000 words on the law of wrongfully inflicted damage.

Trusts (LAW233H1F)

Jim Phillips

First Term: 4 credits; 4 hours

Max. Enrol: 80 (78 JD, 2 LLM/SJD/MSL/NDEGS/SJD U)

The trust has been described by one illustrious legal scholar as "the greatest and most distinctive achievement...in the field of jurisprudence." The trust is a creation of the branch of English-derived jurisprudence known as Equity. The course offers an opportunity to increase understanding of the nature of Equity, operating as a supplement to the common law.

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 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 principles derived from these cases have equal application in the more complex "business" uses of the trust as well.

Evaluation: There will be a final examination, which may be done as an open book 3-hour examination, to be scheduled during the official examination period, or as an 8 (eight) hour take home examination, to be done the same day as the 3-hour examination.

Note: The default mode of evaluation for this course is a 3-hour exam. Students who plan to write a take home exam must notify the Records Office by November 1.

Women's Rights in Transnational Perspective (LAW301H1F)

Rebecca Cook

First Term: 3 credits; 2 hours

Max. Enrol: 22 (13 JD, 4 LLM/SJD/MSL/NDEGS/SJD U; 3 Political Science and 2 MGA students)

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

This course addresses how the methodology of rewriting of judgments developed in different countries might be applied to rewrite regional and international human rights decisions concerning women. The course applies this rewriting approach to explore such questions as:

- i. What methods, feminist and otherwise, are used to expose forms of gendered harms of different subgroups of women, such as sex workers, Indigenous women or women in the health or military sectors, and how might they be improved upon moving forward?

- ii. How can the equality analysis be sharpened, for example by reference to different theories of equality? and
- iii. How can regressive subthemes that allegedly subvert specific kinds of gender equality be more adequately addressed?

Judgments will be selected from various constitutional courts and human rights treaty bodies to address forms of subordination that are of transnational concern. The course aims to go beyond a formalistic understanding of legal obligations, in order to examine different perspectives on advancing gender equality in specific contexts.

Evaluation: 90% for written work is based on three papers of about 2,100-2,500 words each,-written throughout the semester for each of the seminar segments. The first paper will be a case comment on a court decision assigned for class, and the two remaining papers will be rewriting a specific section of a judgment assigned for class. 10% for class participation is based on short response papers of one page each for three of the classes where students are not submitting a longer paper. All papers are due by 8pm the night before the class in which they are discussed. A limited number of students may arrange with the professor to write a SUYRP in the course. If a student completes the SUYRP, that paper will constitute 90% of the grade and will replace the three written papers.