

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

Goold

Course

3 CREDITS

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

Evaluation:

Students will be given the option of choosing either: (a) a 3-hour 100% closed-book exam: or (b) a 2-hour 70% closed-book exam plus a 30% take home assignment.

Professor Ben Goold is a full time member of the UBC Faculty of Law.

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

Stewart, J.

Course

3 CREDITS

CHANGE September 8, 2016: Course description and evaluation method.

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

Evaluation:

20% participation and the option of a 80% final assignment or 80% final exam.

Professor James Stewart is a full time member of the UBC Faculty of Law.

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

Beaudry

Course

3 CREDITS

This course will introduce students to major schools of thought in jurisprudence, including natural law, legal positivism, feminist jurisprudence and critical race theory. It will also examine theories and concepts underlying different substantive areas of the law, and legal concepts such as justice, dignity, liberty and equality.

The course thus has the dual aim of presenting a selective survey of influential readings in legal theory and of providing students with the tools to develop a critical perspective on contemporary legislation and caselaw. The course will provide students with opportunities for collaborative learning and developing oral presentation skills, through an evaluated group presentation on one of the twelve topics explored.

Evaluation:

3-hour closed-book exam (60%) + participation (40%)

Jonas-Sebastien Beaudry is a full time member of the UBC Faculty of Law.

LAW 307.001 **Women, Law and Social Change**
 Term 1 Term 2

Parkes

Course

3 CREDITS

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

Evaluation: Evaluation will be by way of a combination of attendance and participation (10%); short, written assignments (30%); and an open-book examination (60%).

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

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

Cui

Seminar

3 CREDITS

This seminar offers a selective introduction to the economic analysis of the law. Narrowly conceived, law and economics is a body of scholarship that uses the classical models of rational choice and welfare economics to analyze the rationales and likely impact of various areas of substantive law, legal institutions, and legal processes. More broadly conceived, law and economics uses a wide variety of theoretical and empirical tools from economics to deepen our understanding of legal systems. In this course we will first examine some of the classic theorems and results of law and economics in the areas of property, contract and civil procedure. We will then consider how this scholarship both sheds light on and is enriched by the study of the relationship between law and economic development. The course will introduce students not only to some of the theoretical claims in this area of scholarship but also to recent advances in empirically testing the claims.

Required Text

- Steven Shavell, FOUNDATIONS OF ECONOMIC ANALYSIS OF LAW, Harvard University Press, 2004
- Articles to be distributed

Evaluation

- 15% class participation
- 10% for a presentation on one assigned reading during the term.
- 10% for one short papers (1,500 words max) due late February.
- 65% for one term paper (5,000 words max) on any topic covered in the course or a topic approved by the instructor.

Professor Wei Cui is a full time member of the UBC Faculty of Law.

LAW 312D.004**Topics in Philosophy of Law & Theoretical Perspectives****Natural Law in Theory & Practice**
 Term 1 Term 2

Trotter

Seminar

3 CREDITS

Until the relatively recent ascendancy of positive law, the Western legal tradition, and particularly the common law, was understood from a Natural Law perspective – i.e. that a just law exists somewhere beyond our charters, statutes, and legal textbooks, and that the job of practitioners and the courts is to discover and elucidate its principles in the context of particular cases.

To many practitioners and law students, there remains something relevant and compelling about such an understanding of the law. It promises to provide a robust and consistent framework by which to be able to evaluate whether a law is just or unjust, and how to approach the core Constitutional conundrum for the modern liberal state – the ‘balancing’ of ‘competing [positive] rights’. It also has the potential to better integrate with the philosophical or religious approaches by which many people live their lives.

This course will begin with a concentrated introduction to Natural Law Theory. Drawing upon authors as diverse as Aquinas, Blackstone, C.S. Lewis, Martin Luther King Jr. (Letter from Birmingham Jail), and John Finnis, we will explore the core principles of the Natural Law perspective, both historically and contemporarily, as well as a brief look at its main critiques. Guest teachers will be used where possible, such as professors from UBC’s sister institution of Regent College. Students are encouraged to explore the intersection of their own philosophical or religious beliefs with Natural Law theory, both where they agree, and where they do not.

The course then shifts into applying the Natural Law perspective to contemporary Canadian legal problems seen through the lens of recent cases, and those now appearing on the horizon. Problems explored will include freedom of religion (e.g. TWU (both 2001 and 2014); Saskatchewan Marriage Commissioner Reference); free speech (e.g. Kempling; Pridgeon; Whatcott); school curriculum and governance issues (e.g. S.L., Loyola; Ontario Accepting Schools Act); public prohibitions and regulations based on Natural Law understandings of the role of the state in society (assisted suicide/Carter; prostitution/Bedford; drug policy/PCS); and other topics of interest to students in the class (Civil Disobedience has been a popular topic in the past). Where possible, guests will include counsel in the cases we are considering. We will discuss breaking cases as they come to our attention through the news. The approach in this second portion of the course is a truly practical one – i.e. how can we, as lawyers, not only think through a Natural Law lens, but also ‘translate’ Natural Law concepts into contemporary legal language and principles so that they can be brought to bear in the courtroom?

This course is offered once every two years only. The minimum registration is six students.

Evaluation:

-Preparation for and active participation in weekly seminar: 25%. Depending on the size of the class, this component of the mark will likely include each student taking a turn leading a class discussion during the second phase of the course.
 -a term paper devised in consultation with the instructor of no more than 25 pages: 75%. Students are encouraged to write their term papers with a view to submitting them for publication in a law journal after the course concludes, or in factum format as if filed in court, although this is not a requirement.

Geoffrey Trotter (B.A., J.D. (UBC)) is an alumnus of UBC Law and a repeat adjunct professor. While a student, one of his term papers was published in the Saskatchewan Law Review on the topic of religious freedom rights of marriage commissioners. He clerked with the BC Supreme Court, articulated at Bull Housser & Tupper LLP, and then practiced civil litigation and administrative law at the downtown Vancouver firm of Gudmundseth Mickelson LLP until early 2013. He currently runs his own civil litigation practice (www.gtlawcorp.com). Geoffrey has acted as lead or co-counsel in a number of cases dealing with freedom of religion, freedom of speech, and other issues where he brings natural law perspectives to bear in courtroom-appropriate ways. He was counsel to an intervener before the BC Court of Appeal and the Supreme Court of Canada in the Carter v. Canada physician-assisted suicide case, as well as at the BC Supreme Court and BC Court of Appeal in the current TWU law school litigation. Prospective students are welcome to contact Mr. Trotter at 604-678-9190 with any questions they may have prior to registering.

LAW 316.001 International Law Term 1 Term 2

Mickelson, K.

Course

3 CREDITS

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

Evaluation:

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

Professor Karin Mickelson is a full time member of the UBC Faculty of Law.

LAW 319.001 International Human Rights Term 1 Term 2

Stewart, J.

Course

3 CREDITS

This course provides students with a comprehensive overview of human rights in international law. The course will have three phases:

Phase 1 deals with the development and internationalization of human rights within international law. It will explore how and why this process took place, then assess the extent to which these standards reflect universal notions of value, fairness and justice. As part of this process, we will compare and contrast several specific rights regimes, involving civil/political as well as economic, social and cultural rights.

Phase 2 explores implementation mechanisms for human rights standards, be they global, regional or domestic. Through this phase of the course students not only learn about the practical mechanisms available for voicing human rights complaints before judicial fora, they also obtain a vision of possible avenues of working in this field, and have the opportunity to reflect on the strengths and weaknesses of human rights as a system.

Phase 3 assesses modern societal problems from human rights perspectives, with a specific focus on the role of corporations in a globalized economy. We will spend some time at the beginning of class identifying issues that are specially interesting to us as a group, but we could address labour rights in the textile industry, rights to healthcare in light of pharmaceutical patents, environmental degradation from oil mining or any related issue.

The course is ideally suited to those who have inquiring minds, are broadly interested in justice, like to participate in respectful dialogue from potentially radically different viewpoints, and enjoy a mixture of theory and practice.

Evaluation:

20% participation in class, option of 80% paper or 80% final exam.

Professor James Stewart is a full time member of the UBC Faculty of Law.

LAW 323D.001 **International Environmental Law**

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

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

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

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

Evaluation:

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

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

Professor Karin Mickelson is a full time member of the UBC Faculty of Law.

LAW 325.001 **Conflict of Laws**

Term 1 Term 2 Edinger *Course* 3 CREDITS

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

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

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

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

Required text:

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

Evaluation:

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

Professor Liz Edinger is a full time member of the UBC Faculty of Law.

LAW 325.002**Conflict of Laws** Term 1 Term 2

Peters

Course

3 CREDITS

CHANGE January 13, 2017: Classroom.

In today's global economy, where people and businesses carry out activities in multiple jurisdictions and migrate to and from other jurisdictions with relative ease, litigation and transactions taking place in British Columbia often involve so-called "foreign" elements, that is, connections with jurisdictions other than British Columbia.

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

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

Litigators need to understand conflict of law principles in order to deal with each of these areas as they arise in litigation. Solicitors need to understand them too, in order to assist clients in assessing:

(a) in which jurisdiction and under what jurisdiction's law are disputes between contracting parties likely to be tried on the application of conflict of laws principles;

(b) what contract terms they should bargain for in order to bring about some certainty in a range of possible outcomes on jurisdiction and choice of law.

This course involves a survey of the jurisprudence and legislation applicable to each of the three areas identified above.

Required text:

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

Evaluation:

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

Lisa A. Peters (B.A. (U.B.C., 1984), LL.B (U.B.C., 1987), Cert. Civil Law/Comparative Law (University of Sherbrooke, 1986)). After clerking with the Supreme Court of British Columbia in 1987, Ms. Peters practiced as a criminal and civil litigator for a decade before joining Lawson Lundell LLP in 1997. She has appeared at all levels of court in Canada. She is a member of the Bar of B.C., Yukon, N.W.T. and Nunavut.

Ms. Peters is the senior research and opinions partner at Lawson Lundell. In addition to preparing opinions for clients on a wide range of legal issues, she supports the firm's litigation group in drafting submissions and factums and consulting on litigation strategy. She carries out legislative analysis and drafting for both government and organizations making submissions to government. She served as a B.C. delegate to the Uniform Law Conference of Canada from 2005 to 2012. She currently serves on the executive of the British Columbia Law Institute.

LAW 331A.001 **Topics in Cultural Heritage and Art Law** **Transnational Issues in Art, Culture and Law**
 Term 1 Term 2 Pessach Seminar 1 CREDITS

***Seminar meets Tues & Thurs, Mar 14, 16, 21, 23, 2:00-5:00 PM, Rm 115; Wed, Mar 22, 12:30-2:00 PM, Rm 122.
 Course conflicts are allowed for this class.***

As art increasingly travels across borders, transnational and comparative legal issues in the regulation of art and culture have grown increasingly important and complex. This seminar examines the intersections of law, culture and the "art world," with a focus on these transnational and comparative aspects. Among the topics to be discussed are: (1) the artist's moral and economic rights in works of art; (2) artistic freedom and its limits; (3) government patronage and support of the arts and culture; (3) legal aspects of museums, libraries, and other cultural institutions; (4) regulation of creative industries; (5) regulation of archives and other "memory institutions"; (6) distinctions between the legal treatment of "popular culture" and "high culture"; and (7) the critical cultural studies movement. Each topic will be discussed and analyzed through the dimensions of international law, comparative law and the impact of digitization and the Internet on the practice, theory and legal regulation of the topic.

Evaluation:
 Final Paper.

Graded Honours/Pass/Fail.

Guy Pessach (LL.B., LL.D. (Hebrew University Jerusalem)) is a Law Professor at the Faculty of Law, Hebrew University Jerusalem.

Guy's main areas of research are Copyright Law, Art & Law, Comparative and International Aspects of the Creative Industries and Law & Technology.

Guy was a Post-Doctoral Fulbright Scholar, Residential Fellow at the Information Society Project, Yale Law School; a Visiting Professor at Columbia Law School & the Center for Transnational Legal Studies, Georgetown University Law School and also an Erasmus Mundus, Visiting Scholar at the Center for Law, Society and Pop Culture, University of Westminster.

Prior to his academic career, Guy clerked for Justice Zamir at the Israeli Supreme Court.

LAW 334.001 **Introduction to Asian Legal Systems** **Asian Legal Systems**
 Term 1 Term 2 Cheng Matsui Kim Course 3 CREDITS

This course plans to offer introduction to the legal systems of Asia, focusing on the People's Republic of China, Japan, Korea and Vietnam. The course has two objectives. The first is to learn the basic skills of comparative law based on the introduction of purposes and method of comparative law outlined in the Transnational Law course by discussing the proper comparative approach in Asian context. The second is to introduce basic aspects of legal systems of each country as related to certain common themes: law and economic development, law and social change, and the growth of civil society. The course is scheduled to have five components: (1) the Chinese component (Potter), (2) the Japanese component (Matsui), (3) the Korean component (4) the Vietnamese component, and (5) wrap-up sessions regarding the similarities and differences among four countries.

Evaluation:
70% paper, 30% final exam.

*Jie Cheng (Ph.D. (Beijing University Law School)). Professor Cheng has taught at Tsinghua University Law School since 1999 before she joined UBC Faculty of Law, right after receiving a Ph.D. in Law from Beijing University. She has held visiting appointments at Oslo University, Sciences Po. Paris, Chinese University of Hong Kong, and Hong Kong University. In addition, she was a Senior Fulbright visiting scholar at Yale Law School during 2003-4, the Nathaniel Fensterstock Visiting Associate Professor of Law at Columbia Law School in Fall 2013, and Bates Lea Exchange Professor in Fall 2015. Professor Cheng has written many academic articles and several books in the area of constitutional law, including *Essence of Constitutionalism: Open Government Under Law*, and most recently, *Constitution as Law of Governance: An Institutional Analysis of Chinese Constitutional System*.*

Professor Shigenori Matsui is a full time member of the UBC Faculty of Law.

John C.H. Kim

LAW 336.001 **Chinese Law: Implications for**
Canada-China Relations
 Term 1 Term 2 Cheng Course 3 CREDITS

This course aims to develop a critical understanding of law in China. Attention will be given to both the contemporary functions of the law and to historical legal legacies, as well as to the Western influences on the Chinese legal development. The course starts with an historical examination of legal development in China, with a focus on changing perceptions of law and perceived functions of law in society. It then analyses legal development since 1978 in a politico-economic and socio-legal context. The course will then undertake a detailed examination of specific branches of law, including constitutional law, administrative law, civil (contract and property) law, business law (focusing foreign direct investment and outbound investment), civil procedural law, and criminal justice system. The course concludes with an outlook of Chinese legal reforms in the future. Comparative study and implications for Canada-China relations will also be discussed in the course.

Evaluation:
Participation will count 20% of the final grade; documentary analysis (a short writing assignment in which students will complete an analysis (a short writing assignment in which students will complete an analysis of selected terms contained in official and semi-official documents) will count for another 20%; a take-home exam will count the rest 60% of the final grade.

*Jie Cheng (Ph.D. (Beijing University Law School)). Professor Cheng has taught at Tsinghua University Law School since 1999 before she joined UBC Faculty of Law, right after receiving a Ph.D. in Law from Beijing University. She has held visiting appointments at Oslo University, Sciences Po. Paris, Chinese University of Hong Kong, and Hong Kong University. In addition, she was a Senior Fulbright visiting scholar at Yale Law School during 2003-4, the Nathaniel Fensterstock Visiting Associate Professor of Law at Columbia Law School in Fall 2013, and Bates Lea Exchange Professor in Fall 2015. Professor Cheng has written many academic articles and several books in the area of constitutional law, including *Essence of Constitutionalism: Open Government Under Law*, and most recently, *Constitution as Law of Governance: An Institutional Analysis of Chinese Constitutional System*.*

LAW 338D.001**Japanese Law****Business Law in Japan** Term 1 Term 2

Matsui

Seminar

3 CREDITS

This seminar is designed to introduce business law in Japan. Japan is the third largest economy in the world and its business law is very important to do business with Japanese companies. Moreover, there are many distinctive features in Japanese business law, so different from Canadian law. The seminar first outlines the general legal system and legal process, such as historical development of law, the judicial system, judges, attorneys, prosecutors, legal education system and judicial procedure. Then, it examines various fields of law related to business, including the basic constitutional foundation (structure of the government and protection of economic freedoms), basic rule of private law (contract and tort), basic issues in business law (corporation law, corporate governance, derivative suits, anti-trust regulation, security regulation, and protection of intellectual property rights), and business related issues (labour law and environmental law).

Pre-requisites:

There are no pre-requisites for taking this seminar.

Evaluation:

Class participation 30% and final assignment 70%.

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

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

Syllabus:

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

Professor Shigenori Matsui is a full time member of the UBC Faculty of Law.

LAW 340.001**Comparative Law** Term 1 Term 2

Cheng

Course

3 CREDITS

This course is designed to give the students basic understanding of two leading traditions of the world: civil law tradition and common law tradition. The course will especially focus on Germany and France as representing the civil law tradition and U.K. and the U.S as representing the common law tradition. The students can learn the similarity and difference between these two legal traditions through examinations of historical background, constitutional system, judicial review, judicial system, legal education and legal profession, interpretation and judicial process and civil procedure. The students can then learn the impact of convergence between these two traditions.

The basic understanding of two legal traditions is vital for legal practice in Canada because lawyers will face increasing number of cases in UK, U.S. and in Europe. Moreover, since Quebec maintains the civil law tradition with respect to civil law, the basic understanding of similarity and difference between these two different legal traditions is essential for anyone who practices in Canada. This course will be also useful for students coming from civil law background to understand the common law tradition of Canada. The course will also give the students basic understanding of comparative law methodology and brief outline of other legal traditions of the world, including Socialist law, Asian law, and Islamic law. The students can then apply this methodology to understand these other legal traditions of the world more fully. This course is also ideal for those students who want to know the American legal system and the difference between Canada and the United States. If you are planning to practice in the United States, the basic knowledge of the American legal and judicial system is essential.

Evaluation:

The students are supposed to write at the end of the semester a paper on one aspect of comparative law. The paper should be at least fifteen-pages long with footnotes or bibliography. The evaluation of the students will be based on class participation (30%) and final paper (70%).

Syllabus:

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

*Jie Cheng (Ph.D. (Beijing University Law School)). Professor Cheng has taught at Tsinghua University Law School since 1999 before she joined UBC Faculty of Law, right after receiving a Ph.D. in Law from Beijing University. She has held visiting appointments at Oslo University, Sciences Po. Paris, Chinese University of Hong Kong, and Hong Kong University. In addition, she was a Senior Fulbright visiting scholar at Yale Law School during 2003-4, the Nathaniel Fensterstock Visiting Associate Professor of Law at Columbia Law School in Fall 2013, and Bates Lea Exchange Professor in Fall 2015. Professor Cheng has written many academic articles and several books in the area of constitutional law, including *Essence of Constitutionalism: Open Government Under Law*, and most recently, *Constitution as Law of Governance: An Institutional Analysis of Chinese Constitutional System*.*

LAW 341.001 European Union Law Term 1 Term 2

Biukovic

Course

3 CREDITS

This course is an introduction to the law and institutions of the European Union (EU). It examines the relationship between EU Law and the domestic law of its 28 member states as a unique constitutional and political arrangement between the member states in the light of the Lisbon Treaty (2009). Further, it considers the relationship between EU Law and international law. From its beginnings in the 1950s as a common market, the EU has been invested with responsibilities going well beyond its original mandate of trade and commerce including environment, natural resources, justice and home affairs, a single currency, human rights and other matters.

The first part of the course is devoted to the examination of the historical, economic and political origins of the EU. It will also examine EU institutions and how they work in coordination with the government institutions of the EU member states. The focus will be on the role of the Court of Justice in establishing the EU legal order. The second part examines the economic integration of EU member states into an economic and political union. It does this by focusing on the basic legal rules and concepts of the EU Single Market founded on the 'four freedoms' or free movement of persons, goods, services, and capital. The topics of the substantive rights and obligations protected by EU law, including fundamental human rights and EU citizenship, are considered as well. The third and final part of the course examines the relationship between the EU and International Law. It considers how the EU internalizes international treaties it negotiates and signs on, such as the World Trade Organization (WTO) related agreements and the Canada-European Union Comprehensive Economic and Trade Agreement (CETA).

Evaluation:

Evaluation will be by means of class participation (10%), one short assignment (20%) and a final research paper (70%).

Professor Ljiljana Biukovic is a full time member of the UBC Faculty of Law.

LAW 342A.001 Topics in Comparative LawComparative Federalism Term 1 Term 2

Crommelin

Seminar

1 CREDITS

***Seminar meets Tues & Thurs, Mar 9, 14, 16, 21, 9:30 AM-12:30 PM, Rm 115; Wed, Mar 15, 12:30-2:00 PM, Rm 122. Course conflicts are allowed for this class.* CHANGE: Course description.**

This seminar provides a comparative study of selected aspects of federalism in Canada and Australia. It examines the nature and significance of the federal principle in the design and operation of the systems of government in these countries. Specific topics include the democratic implications of organisation of multiple polities on a territorial basis, the extent and effect of economic union, the institutional arrangements for protection of human rights and freedoms, and the accommodation of indigenous peoples within the federal union.

Pre-requisites:

Canadian Constitutional Law

Evaluation:

Research paper on a topic approved by the instructor (2,500 words).

Final paper submission deadline: April 10, 2017 (to be submitted by email to the instructor).

Graded:

Honours/Pass/Fail.

Michael Crommelin is Zelman Cowen Professor of Law in the University of Melbourne. He was Dean of the Melbourne Law School from 1989 to 2002, from 2003 until 2007, and in 2010. He has held visiting academic appointments the University of British Columbia, Georgetown University, the University of Virginia, and l'Université Panthéon-Assas Paris II. His teaching and research interests are in constitutional law, comparative law and resources and energy law. He is a member of the American Law Institute and a fellow of the Australian Academy of Law.

LAW 342C.002	<u>Topics in Comparative Law</u>	<u>Topics in French Common Law</u>	
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	Magnan	Course	3 CREDITS

Description du cours:

Le cours d'introduction à la common law en français est destiné aux étudiantes et étudiants de 2e, 3e année qui ont le français comme langue maternelle ou qui ont complété leurs études secondaires en immersion. Les principes généraux du droit pénal, de la plaidoirie, des droits linguistiques et du droit des affaires seront explorés afin d'offrir un contexte pour faciliter l'acquisition de la terminologie juridique en français.

Course Description:

This course will be offered to second and third year students having French as a first language or having completed high school in French immersion. General principles in criminal law, advocacy, language rights and business law will be explored, offering a context to facilitate the acquisition of French legal terminology.

Structure du cours:

Le cours sera offert en 4 modules. Chaque module comprendra :1) une présentation en présentiel d'un expert; 2) des activités d'apprentissage en ligne qui viseront l'amélioration du français juridique (rédaction, exercices de correction, groupes de discussion afin de se préparer pour la présentation de l'expert), et 3) une session qui mettra l'emphase sur la participation étudiante et le français orale des étudiants (présentations, exercices de plaidoirie).

Course Structure:

The course will be offered in four parts. Each unit will include: 1) a presentation from a French-speaking subject-matter expert, 2) on-line learning activities focusing on juridical French (composition, correction exercises, group discussions in preparation for expert presentations); and 3) a session emphasizing experiential learning and oral practice (presentations, oral advocacy).

Méthode d'évaluation / Evaluation:

- Travaux - Assignments
- Résumés d'arrêts - Case briefs (10%)
- Avis juridique - memorandum (50%)
- Exposé oral - Moot (10%)
- Participation
- En class - In class (questions for experts) (10%)
- En ligne - On line (10%)
- Eg. Discussion forums; Wikis
- Terminologie - Language Component (10%)
- Eg. On-line quizzes; correction exercises

Professor Caroline Magnan studied political science at McGill before graduating from the French Common Law Program at the University of Ottawa in 2006. A Fulbright Scholar and recipient of the Fondation Ricard Scholarship, Prof. Magnan completed her LLM at Harvard. She then clerked for Justice Bastarache at the Supreme Court of Canada.

Before joining the faculty, Prof. Magnan worked as bilingual legal counsel with the Alberta Court of Appeal and with a tax firm in Calgary. Prof. Magnan resides in Calgary, where she has been working as Director of the Pan-Canadian French Common Law Program since September 2015.

LAW 342D.001 **Topics in Comparative Law** ***Islamic Law and Legal Theory***
 Term 1 Term 2 Ahmed Seminar 3 CREDITS

Cross-listed with RELG 475B and RELG 514B.

"Islamic law" has become something of a proxy in modern debates for larger theories and ideologies. Muslims across the world call for a "return to Islamic law" as a panacea for the ills of modernity. Several states in the United States have introduced bills that would ban Islamic law from being practiced and enforced within their borders. Muslims and non-Muslims contest the definition and applicability of Islamic law, in what has become a heated global argument. Our class will begin with the origins of Islamic law and trace its trajectory alongside the political fortunes and misfortunes of the Muslim empire. We will read primary sources in translation that will help us understand how Muslims conceived of Islamic law, and we will read secondary texts that will situate those conceptions in a socio-historical context. Class lecture and discussion will be centered around complicating our ideas about what is "Islamic" as well as what constitutes "law."

Evaluation:

The class will be evaluated according to the following criteria:

Class Participation: 15% (10%)– Students are required to attend actively participate in every class. The grade is divided between active attendance (10%) and professionalism (5%).

In-Class Presentation: 25% (10%)– Groups of two students will present on a primary source selection that will be provided. The group will lead a class discussion on the selection for 50 minutes. The presentation will be graded based on the following criteria:

-Description: Introduce the text and the author in their historical context and briefly describe their reception-history.

-Analysis: Explain what the author is doing in the text, highlight some of the main points that pull us into the work, and outline the author's method of argumentation.

-Defense: Convince the class the author's method and conclusions are the best way to conceive of the subject.

-Discussion: Create lively discussion around the text.

Research Paper: 60% (80%) – This paper will demonstrate your mastery over the concepts covered in class and in the readings, as well as your ability to integrate that mastery with outside research. You will submit a topic in class on February 25th and the paper will be due via turnitin.com on the date of our scheduled final exam, at the end of the scheduled time. The turnitin ID for the class is 5889876 and the enrolment password is spring2013. (UG: 16-18 pages, G: ~25 pages)

Rumee Ahmed (B.A., Philosophy (University of Maryland, College Park), PhD Religious Studies (University of Virginia 2008)) is a new Assistant Professor in Islamic Studies in the Department of Classical, Near Eastern and Religious Studies at UBC. He comes to us after teaching for three years at Colgate University in upstate New York. Professor Ahmed is an expert in Islamic Law and his first book, entitled Narratives of Islamic Legal Theory, will be published by Oxford University Press in March 2012.

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

Matsui

Course

3 CREDITS

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

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

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

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

Evaluation method:

30% class participation

70% final examination or assignment

Class participation:

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

Final examination or final assignment:

Students can choose whether to challenge final examination or to submit final assignment.

The final examination will ask students to analyze a specific question in light of the protection of freedom of expression. Evaluation is based on the ability to understand the underlying issues, ability to analyze these issues in light of the precedents and established framework, ability to critically analyze the existing doctrines, and ability to express opinions in concise and persuasive languages. Students should be able to answer the question easily if they read all the assignments and participate in the class discussions.

If the student chooses to submit a final paper instead of taking the examination, the student needs to choose one topic related to freedom of expression in Canada, the United States or any other countries and write a paper on that issue. The standard for the paper is 15 pages (double spaced), including footnotes or bibliography. The student needs to submit the paper by the deadline, the final day of examination, 4 pm. The paper will be evaluated based on the topic choice, organizing skill, research skill, and writing skill. I will be happy to assist the student to select an appropriate topic and to find necessary materials to finish the paper.

Syllabus:

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

Professor Shigenori Matsui is a full time member of the UBC Faculty of Law.

LAW 343D.001

Topics in Public Law

Privacy and the Law

Term 1 Term 2 Goold

Seminar

3 CREDITS

Cross-listed with LAW 560.002.

This course considers the social, political, and legal implications of the increasing use of surveillance technologies in countries like Canada, the United States, and the United Kingdom. In particular, it focuses on the legal protections these jurisdictions afford to privacy, and critically examines the effectiveness of the regulatory frameworks and institutions established to protect individuals from overly intrusive public and private sector surveillance.

Evaluation:

Major research paper (3500-4000 words) 80%

Two 15-minute class presentations 20%

Required Materials:

Solove, *Understanding Privacy* (Harvard)

Professor Ben Goold is a full time member of the UBC Faculty of Law.

LAW 343D.002**Topics in Public Law****Animals and the Law** Term 1 Term 2

Prince

Shroff

Seminar

3 CREDITS

CHANGE July 22, 2016: Co-instructor change.

This course will explore the rapidly evolving area of animal law from both a practical examination of the current legal issues involving non-human animals and a theoretical examination of what issues may emerge in the future. Students will be asked to critically consider the current legal status of animals as property in various areas of law including criminal, torts, wills, contract and constitutional law. They will explore questions such as whether or not animals should be afforded additional rights and what impact, if any, new “animal rights” may have on these areas of law and on human and non-human relationships.

Municipal, provincial and federal legislation regulating animal welfare and treatment will be reviewed and opportunities for legislative change will be discussed. The course encompasses companion animals, wildlife, exotic animals, animals raised for food, animals in entertainment and in research. The focus of this course will be on both a scholarly understanding of the subject and a pragmatic approach to practice in this area of law, whether as a specialty or as related to other more traditional legal fields. Through written material, discussion, topical media and case law review, students will consider the tools available to lawyers to effect social, cultural and legal change to our perspective on how we see, speak about and protect animals.

Evaluation:

75% Research paper / 25% Attendance and Participation

Amber Prince, (B.A. (Simon Fraser University), LL.B. 2005 (UBC), LL.M. 2007 (University of Victoria)) focused her LL.M. thesis on animal cruelty legislation, under the supervision of Law Professor Maneesha Deckha. Since 2006 Ms. Prince also runs a legal advocacy program for women with Atira Women's Resource Society. Her practice areas include: family law, administrative law, simple wills / estates issues, some Aboriginal law issues, assistance to victims of crime and animal law. She is also a member of the Sucker Creek First Nation, an avid horsewoman, and has more recently become crazy about cats.

V. Victoria Shroff (Bachelor of Arts in Sociology (Honours), (U.B.C. 1990), LL.B. (U.B.C. 1996)), called to the B.C. Bar in 1997, has a civil litigation practice at Shroff & Associates in downtown Vancouver. Animal Law has emerged as a principled field of inquiry and practice in its own right over the past few decades. It is a fascinating area of law that encompasses case and statutory law where an animal is at the core of the matter. For the past 16 years, Ms. Shroff has had a strong focus on animal law. She is one of the first animal law practitioners in B.C. and her practice has garnered national media attention, particularly in the areas of serious dog bite, pet insurance, animal custody, veterinary malpractice and animals in society. Ms. Shroff has appeared in B.C. Provincial Court, Supreme Court and the Court of Appeal as litigation counsel. She is pleased to return to Allard Law in the capacity of adjunct professor.

LAW 343D.003 **Topics in Public Law** **Crown Liability**
 Term 1 Term 2 Horsman Hughes, J. Seminar 3 CREDITS

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

Evaluation:

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

*Karen Horsman, Q.C., (B.A. (Carleton University 1988), LL.B. (UBC 1992)), is a litigator with the British Columbia Ministry of Justice in Vancouver. Ms. Horsman represents the government in a wide range of litigation matters and has been counsel in some of the leading Crown liability cases in Canada, including several recently argued before the Supreme Court of Canada. She is co-editor of the text *Government Liability: Law and Practice*, and authored the chapters on *Negligence and Misfeasance in Public Office*. Ms. Horsman is widely recognized as one of the leading experts in British Columbia on Crown liability.*

*Jacqueline Hughes (B.BA (Simon Fraser University, 2001), LL.B (University of Victoria, 2004)) is Legal Counsel with the British Columbia Ministry of Justice in Vancouver and represents the government in a wide variety of litigation including administrative, public law, civil, and human rights matters. Prior to joining the Ministry of Justice, Ms. Hughes practiced first at a national firm, then spent 8 years with a top-tier litigation boutique. Ms. Hughes has appeared before all levels of the British Columbia courts, the Federal Court and various administrative tribunals and is a contributing editor of *Fraser, Horn & Griffin, The Conduct of Civil Litigation in British Columbia*, looseleaf (Ontario: LexisNexis Canada Inc. 2007).*

LAW 343D.004 Topics in Public Law Civil Liberties
 Term 1 Term 2 Gratl Paterson, J. Seminar 3 CREDITS

Cross-listed with LAW 560.003.

This seminar will explore a range of contemporary civil liberties issues, and is intended to acquaint students with the fundamental concepts and interests that inform the legal relationship between the individual and the state. The aim of the course is to encourage informed debate and research, rather than to promote a particular perspective. Guest experts in the relevant area of law are often invited for their perspective. Past guest lecturers have included members of the judiciary, senior members of the B.C. bar, parties in leading Charter cases, and policy experts from across the province.

The seminar will begin with a fresh look at the classic notions of autonomy and paternalism filtered through topics such as the sex trade, medical marijuana, and assisted suicide. We then turn to judicial balancing of competing rights, including freedom of religion, association, and expression, as seen in Supreme Court of Canada decisions in Harper (3rd party election spending limits), Chamberlain (same-sex instructional materials in schools) and Trinity Western University (religious freedom and education), and section 7 rights through cases like Insite (drug policy), Bedford (sex work), and Carter (physician-assisted suicide).

Next, we address the ambitious expansion of electronic surveillance and its implications on privacy. In this realm, we will look at the implications of the recent revelations of mass spying and legal challenges to such activity, cross-border information sharing and the decreasing significance of territorial sovereignty, and "lawful access" (mandating technological uniformity to enhance government access to private data sources).

The seminar closes with an overview of developments in the area of National Security and Terrorism. This fast changing legislative landscape is fertile territory for analysis of the appropriate limits of national security and anti-terrorism powers. We intend to cover issues such as closed courtrooms and trial secrecy, accountability and oversight mechanisms for national security agencies, policing of dissent, listing of terrorist entities and individuals, definitions of terrorism and national security, investigative hearings, and deportation of non-citizens using Security Certificates.

Evaluation:

Grades will be assigned on the basis of a 20-25 page term paper (90%) and seminar participation and contribution (10%).

Jason B. Gratl (B.A. (University of Waterloo), M.A. (University of Waterloo), LL.B. (University of Toronto)) is a former President of the B.C. Civil Liberties Association (BCCLA) and practices in the areas of criminal and constitutional litigation.

Josh Paterson (B.A.Hons. (University of Waterloo), M.A. (University of Toronto), J.D. (University of Toronto)) is the Executive Director of the B.C. Civil Liberties Association. His legal career has focused on protecting some of the most marginalized people in Canada from human rights violations, civil liberties restrictions, discrimination and environmental injustice. Prior to joining BCCLA in 2013, he practiced Aboriginal and Environmental law at a non-profit in Vancouver, and his work on the legal issues connected with oil pipelines and tankers recently landed him on the cover of LEXPERT magazine in 2012. He clerked at Ontario's Superior Court of Justice.

LAW 348D.001 **Comparative Constitutional Law** Term 1 Term 2

Matsui

*Seminar***3 CREDITS**

This seminar is a comparative study of the Canadian Constitutional Law and the American Constitutional Law. The students will learn the differences in the historical background, basic philosophy, structure of the government, and the mechanism of protection of individual rights between Canada and the United States. Specific topics examined will include the foundation of judicial review, federalism principle, the power of the Congress, the power of the judiciary, the mechanism of protection of individual rights, religious freedom, freedom of expression, equality right, including the treatment of homosexual couples, and substantive due process such as abortion, sexual freedom and right to die, right to bear arms and search and seizure. The students will explore why the abortion issue or same-sex marriage issue is so controversial in the United States, why defamatory speech is granted such a strong constitutional protection, why hate speech regulation is so difficult in the United States, and why affirmative action to end the racial discrimination is so controversial.

Pre-requisites:

There is no pre-requisite requirement to take this seminar. It would be wonderful if the student has basic understanding of the Canadian Constitutional Law, but the student can learn the basic principles of the Canadian Constitutional Law by comparing it with the American Constitutional Law by taking this seminar.

Evaluation:

Class participation 30% and final assignment 70%.

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

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

Syllabus:

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

Professor Shigenori Matsui is a full time member of the UBC Faculty of Law.

LAW 348D.002	<u>Comparative Constitutional Law</u>	<u>Australian and South African Constitutional Law in Comparative Perspective</u>
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Ross
		Seminar
		3 CREDITS

SEMINAR CANCELLED.

You are cordially invited to participate in an innovative teaching experiment sponsored by The Pennsylvania State University and the University of British Columbia - a course on Comparative Canadian/Australian/South African law (with background insights from U.S. law), taught simultaneously via teleconferencing to law students at both schools.

The seminar, initially funded by a grant from your government, is designed to have students use the comparative method to gain a deeper understanding of their own country's institution and jurisprudence through the study of other federal countries originating as English colonies. The prepared materials will focus primarily on how each country's approach to constitutional law reflects our different values and history.

Topics for the class discussions will include: congressional v. parliamentary legislation; federalism; substantive due process protection of individual rights; equality v. liberty; constitutional protection of equality norms; the right to property; the significance of a unitary or dual court system and the role of constitutional values in private litigation; the Supreme Court's role as an arbiter of constitutional politics; and treatment of aboriginals. In addition, we will explore the extent to which courts and individual rights can meaningfully serve to protect discrete minority groups. The purpose of this course is on drawing comparisons, so that, for example, an examination of reproductive rights will focus on different values rather than pitting pro- and anti- students from both sides of the border against each other in a moral/political debate.

The course will be taught by Stephen Ross, a Visiting Professor at UBC for over 16 years. If you want to know more about Professor Ross before taking this course, you can consult with Profs. Weiler, Elliot, Bakan, Black and Edinger, whom he got to know well during many trips to UBC.

Interested students should feel free to e-mail Professor Ross at sfr10@psu.edu with any additional questions. Professor Ross hopes to see as many of you as possible next year.

Evaluation:

Most of the grade (60%) will be based upon a research paper. Students will select a topic where Canadian law (it need not be constitutional law) differs from South African and/or Australian law, identifying differences between approaches and identifying the extent to which history and values explain these differences. A seminar-like setting is anticipated, so there will be no final examination, but students will be graded in part on class participation (20%), and in part based on 2-3 assigned short (2-3 page) casenotes analyzing how foreign cases would be decided under Canadian law.

Professor Stephen Ross (J.D. (University of California Boalt Hall School of Law)) is Professor at the The Pennsylvania State University as well as a Visiting Professor at the University of Sydney and UBC Faculties of Law. He joined the Penn State faculty after over 20 years at the University of Illinois and has also visited at the University of New Brunswick and the University of Montreal. He was associate editor of the California Law Review at the University of California, Berkeley. He has served as minority counsel for the Committee on the Judiciary of the United States Senate, as an attorney with the Federal Trade Commission and the Antitrust Division of the U.S. Department of Justice, and as a clerk for Judge Ruth Bader Ginsburg of the United States Court of Appeals for the District of Columbia. Professor Ross teaches courses in judicial methods, sports law, and Canadian law. He is the author of books relating to antitrust, sports law, and a casebook on comparative constitutional law, and numerous articles in the areas of general antitrust and competition policy in the U.S. and Canada, comparative constitutional law, sports antitrust issues both domestically and internationally, and statutory interpretation.

LAW 349D.001 **Topics in Constitutional Law** **Charter Litigation**
 Term 1 Term 2 Smith, L. Seminar 3 CREDITS

CHANGE December 14, 2016: Classroom.

The Canadian Charter of Rights and Freedoms allows individuals and (sometimes) organizations to challenge legislation or government action in court. This seminar will examine substantive legal principles developed in the jurisprudence regarding selected provisions of the Charter including s. 1 (guarantee and limitation of rights) s. 7 (life, liberty and security of the person), s. 15 (equality), s. 3 (democratic rights) and s. 2 (freedom of religion, expression, assembly or association). It will also examine the process of Charter litigation and what such litigation can accomplish, using a case study method with visits by leading litigation lawyers. The cases examined will be ones in which legislation or government action has been challenged under Charter. Litigation strategies will be discussed, and some of the unique legal, procedural and evidentiary considerations that arise in Charter litigation (who has standing to bring a challenge? how is an evidentiary record created? what remedies are available?) We will also spend some time on the background and context of Charter litigation.

Evaluation:

Evaluation will be based on a substantial research paper (70%), and class participation (30%).

THE HONOURABLE LYNN SMITH, Q.C.

Lynn Smith (B.A., (University of Calgary), LL.B. (University of British Columbia), LL.D. (Hon.) (Simon Fraser University)) was appointed to the Supreme Court of British Columbia in 1998. She served as a Justice of that Court until September 2012.

In 2005-06, Justice Smith was Executive Director of the National Judicial Institute, on secondment from the Court. She is a Judicial Associate of the National Judicial Institute and serves on the faculty of the Charter and Evidence Workshops as well as the New Federally-Appointed Judges Program. She has been involved in international judicial education exchanges with China, Scotland, Ghana and Viet Nam.

Prior to her appointment as a judge, she practised law, specializing in civil litigation. She taught law at the University of British Columbia 1981-97 in areas including Constitutional Law, Evidence, Civil Litigation, and Real Property. She has published books and articles in the fields of Charter equality rights, civil litigation and evidence, human rights, and women's equality. She was Dean of the U.B.C. Law Faculty 1991-97.

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

This course looks at some of the wide variety of legal issues confronting Aboriginal peoples lying beyond the recognition and affirmation of Aboriginal and treaty rights under section 35 of the Constitution Act, 1982. Topics will include several issues that come up in relation to the Indian Act (membership and status, and recent changes to such things as land management), modern treaty-making processes and outcomes, current Metis legal struggles (around identity, land and status), sentencing in the criminal law context, child and family law issues, and various movements toward degrees of self-governance (and/or self-determination).

Evaluation:

Evaluation will be by way of a final examination.

Associate Professor Darlene Johnston is a full time member of the UBC Faculty of Law.

LAW 353.001**Aboriginal & Treaty Rights****Aboriginal Title Litigation** Term 1 Term 2

Rosenberg, D.

Course

3 CREDITS

The law now recognizes that aboriginal title exists in British Columbia. It exists beyond the borders of Indian Reserves and is not confined to areas defined by treaties. The law on aboriginal title continues to develop and evolve. Most recently the Supreme Court of Canada has pronounced on the test for proof of aboriginal title, what aboriginal rights and title confers to the holder, and what the constitutional constraints are on provincial regulation of land that is subject to aboriginal title. We will look at these issues as well as reconciliation as that term is understood in aboriginal law. We will discuss the remedies that flow from breaches of aboriginal rights and title. We will discuss consultation and accommodation and the honour of the Crown in this area of the law.

Evaluation:

This is a 3 credit course. This is an advanced course which will require a significant amount of reading and analytical thought. There will be a final exam.

Lecture Topics:

1. Introduction to section 35 Aboriginal Rights and Title Claims
2. The Nature of Aboriginal Title including general features, the test for aboriginal title, the date of sovereignty, the definition of the aboriginal group
3. Evidentiary issues in aboriginal title litigation
4. Infringement
5. Justification
6. Fiduciary duty and honour of the Crown
7. Constitutional issues: division of powers and statutory authority
8. Aboriginal title and treaty rights
9. Aboriginal title compared to other aboriginal rights such as hunt and trapping rights

*David M. Rosenberg, Q.C. (LL.B. (UBC 1978)) clerked for the Chief Justice of the Supreme Court of British Columbia and then articulated and worked as an associate at a large downtown firm. Since 1980 he has been a partner in the firm which he co-founded. The firm is now called Rosenberg Law. He presently specializes in aboriginal law and class action litigation. He has conducted several appeals before the Supreme Court of Canada and has represented First Nations on some of the leading cases concerning aboriginal rights and title. Most recently he represented the Tsilhqot'in in the case that has defined aboriginal title for British Columbia and the rest of Canada, *Tsilhqot'in Nation v. British Columbia* 2014 SCC 44. David has been teaching as an adjunct professor at the University of British Columbia for the last 24 years.*

LAW 356.001 **First Nations & Economic
Development**

Term 1 Term 2 Hanna *Course* **3 CREDITS**

CHANGE January 3, 2017: Classroom.

The economies of aboriginal communities are considered to be one of the fastest growing sectors of business in Canada, resulting in a growing area of law. Economic development by aboriginal people is considered one of the means towards self-sufficiency. Recent legal developments aimed at reconciliation, accommodation and regulatory improvement will assist aboriginal people in managing and prospering from their lands and resources. The objective of this course is to provide students with practical grounding in the various legal and developmental issues that arise when aboriginal people engage in economic development initiatives. With a view to opportunities, barriers and recent developments, the topics canvassed will include: legal framework for community economic development, economic accommodation of aboriginal rights, negotiations, impact benefit agreements, corporate social responsibility, corporate structures, reserve land development, Indian Act issues, financing, and taxation. Case studies from the mining, pipeline and hydro sectors will be reviewed.

Evaluation:

Evaluation will be by presentation and paper.

Darwin Hanna (B.A. (Simon Fraser University 1992), L.L.B. (UBC 1995)) was called to the B.C. Bar in May of 1996 and practices as a partner with the Vancouver law firm Callison & Hanna, Barristers & Solicitors. He provides legal representation to aboriginal groups in the aboriginal law area, with a focus on comprehensive and specific land claims, self-government and community development in B.C. and the N.W.T.. He is of the Nlaka'pamux Nation from the community of Lytton.

LAW 358D.001 **Topics in First Nations Law****An Introduction to Indigenous Legal Orders
within the Settler State**

Term 1 Term 2 Mack *Seminar* **3 CREDITS**

CHANGE June 6, 2016: Subtitle.

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

Evaluation:

The following three assignments will be graded:

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

Johnny Mack is a full time member of the UBC Faculty of Law.

LAW 358D.002**Topics in First Nations Law****Metis Law** Term 1 Term 2

Teillet

Barkaskas

Seminar

3 CREDITS

The course will trace the development of Métis Law from inception to the present, examining how Métis law intersects with First Nations law and how it has developed into its own unique branch of aboriginal law. Weekly lectures will cover identity, harvesting rights, title and land claims, constitutional interpretation, human rights, administrative law, fiduciary duty, honour of the crown and consultation. Materials will include Metis Law in Canada, case law and supplementary readings that explore the unique issues Métis raise in Canadian law.

Evaluation:

10% for attendance/participation

10% for leading a facilitation

20% for a research memo

60% for an opinion letter

Jean Teillet Jean Teillet, IPC (BFA, LLB, LLM), Partner, Pape Salter Teillet LLP, in Vancouver and Toronto. Ms. Teillet is called to the Bar in Ontario, BC, NWT, Manitoba and Yukon. She specializes in aboriginal rights litigation and negotiations. Ms. Teillet is the chief negotiator for the Stó:lō Xwexwilmexw treaty which is being negotiated through the BC Treaty process. She was counsel at the Supreme Court of Canada in Powley, Taku River and Beckman and acted as counsel for interveners in numerous other cases including MMF, Cunningham, Haida, Delgamuukw, Blais, Paul, and Behn. Ms. Teillet represented an intervener in Daniels at the Federal Court of Appeal. She also maintains an active role as a national and international public speaker on aboriginal rights, access to justice, identity, reproductive rights and charter issues. Ms. Teillet is the author of numerous legal articles on aboriginal rights law and Métis Law in Canada. She is a former Treasurer and Vice-President of the Indigenous Bar Association, and was the first recipient of the Law Society of Upper Canada's Lincoln Alexander Award in recognition of her work for the community. She is one of the 19 women honoured in the ongoing Trailblazer Exhibit at the University of Toronto Law School. In 2011, Jean was awarded the title "Indigenous Peoples' Counsel" by the Indigenous Bar Association. In 2012, she was awarded the Queen Elizabeth II Diamond Jubilee Medal. Ms. Teillet has been awarded two honorary doctorates from Guelph University and the Law Society of Upper Canada. Lexpert rates Ms. Teillet as a "consistently recommended" lawyer and Canadian Legal Expert rates her as a "leading practitioner" in aboriginal law. She is the great grand niece of Louis Riel.

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

LAW 359.001 Family Law

Term 1 Term 2 Jimale Redmond Course 4 CREDITS

Cross-listed with LAW 557D.001.

This course surveys the legal framework surrounding family relationships in Canada – from formation to breakdown. We also explore the socio-economic and cultural implications of family law and the relevance of gender, sexual orientation, class and race to the legal regulation of family relations. The topics covered include cohabitation, marriage, adoption, assisted reproduction, child welfare, family violence, divorce, property and debt division, children (custody, guardianship, parental responsibilities, and access/parenting time), spousal support, child support, agreements, and alternative dispute resolution. The Divorce Act, the Family Law Act, and other relevant legislation will be addressed and, in particular, a focus of the course will be on the jurisprudence developing under the Family Law Act, which came into force on March 18, 2013.

Materials:

Materials will be available for purchase at the UBC Bookstore.

Evaluation:

100% Final Exam.

Zahra Jimale (LL.B. (University of Victoria 2009)) was called to the Bar in 2010. Ms. Jimale articulated with a prominent family law lawyer and her practice since has been primarily in family law. In June 2014 she started her own family law practice, Jimale Law Corporation.

Ms. Jimale assists clients with complex and contentious family disputes involving divorce, guardianship and parenting arrangements, support issues and disputes over division of assets and debts. She has appeared before the British Columbia Provincial Court, Supreme Court, and Court of Appeal. She has assisted clients with applying for and defending against leave applications to the Supreme Court of Canada. Ms. Jimale's practice philosophy is "do no harm" and pursues her clients' interests vigorously and with patience and compassion.

Karen Redmond (B.A. (University of Western Ontario); B.Ed. (UBC); LL.B. (UBC)) was called to the Bar of British Columbia in 2004. Her areas of practice include criminal law and family law and she opened her own firm in 2011, Redmond Family Law, and has practiced exclusively family law since 2011.

As a family law litigator, Ms. Redmond has appeared at all levels of Court in BC, including the Supreme Court and the Court of Appeal. She has experience in all aspects of family law, understands divorce and separation from the client's perspective and knows first-hand that every situation is unique and requires consideration concerning approach and resolution.

Ms. Redmond is qualified in Collaborative Divorce and is the current co-chair of Collaborative Divorce Vancouver. She is a member of the CBA the BC Trial Lawyers Association and is on the Mediate BC Roster.

LAW 359.002 Family Law

Term 1 Term 2 Bell, T. Robin Course 4 CREDITS

Cross-listed with LAW 557D.002.

This course surveys the legal framework surrounding family relationships in Canada – from formation to breakdown. We also explore the socio-economic and cultural implications of family law. The topics covered include cohabitation, marriage, adoption, assisted reproduction, child welfare, family violence, divorce, property and debt division, children (custody, guardianship, parental responsibilities, and access/parenting time), spousal support, child support, agreements, and alternative dispute resolution. The Divorce Act, the Family Law Act, and other relevant legislation will be addressed and, in particular, a focus of the course will be on the jurisprudence developing under the Family Law Act, which came into force on March 18, 2013.

Materials: Materials will be available for purchase at the UBC Bookstore.

Evaluation:
100% Final Exam.

Todd R. Bell is a partner with Schuman Daltrop Basran & Robin. He received his LLB in 2007 and was called to the bar in 2008. Mr. Bell's practice is exclusively limited to family law. Mr. Bell is focused primarily but not exclusively towards litigation, providing assistance to those families whose matters are either not amenable to the collaborative or mediation streams or cannot otherwise be resolved without recourse to the Courts. Mr. Bell has extensive litigation experience at all levels of Court in British Columbia and has argued some of the leading decisions under the Family Law Act.

Fiona Robin is a partner of Schuman Daltrop Basran & Robin. She obtained her undergraduate degree at the University of Calgary, her law degree at the University of British Columbia and was called to the British Columbia bar in 2000. She received her certification as a Family Law Mediator in 2003.

Prior to becoming a lawyer, Ms. Robin worked on Parliament Hill in Ottawa as a political assistant for six years. Specifically, she was an advisor to the Minister of Indian Affairs where she provided advice on topics such as land claims and treaty issues. She then worked for the Solicitor General of Canada where she provided advice on issues pertaining to the Royal Canadian Mounted Police and enforcement policy. Ms. Robin also worked at INTERPOL headquarters in Lyon, France.

Active in the legal community, Ms. Robin has been a contributing author to the Annotated Family Practice manual since 2003. She is a frequent guest lecturer for the Professional Legal Training Course and has written and presented several papers for Continuing Legal Education. Ms. Robin is a founding member of the Family Law Advocates Group (FLAG) which is a study group comprised of senior members of the family bar.

Ms. Robin serves on the Board of Governors of Simon Fraser University, where she chairs the Audit, Risk and Compliance Committee. She is also a member of the Judicial Advisory Committee for British Columbia.

LAW 368D.001 Sexuality & Law

Term 1 Term 2 MacDougall, B. Seminar 3 CREDITS

This seminar examines the intersection of law and sexuality and gender identity. It examines the legal treatment of sexual minorities, principally in Canada, but internationally as well to a certain extent. The seminar focuses on a different specific context each week, including public participation and recognition, children, marriage and partnerships, multiple minorities, expression, criminal law, health, religion.

Evaluation:
Students will be assessed on the basis of 30% participation and presentation, 15% paper proposal and 55% research paper.

Professor Bruce MacDougall is a full time member of the UBC Faculty of Law.

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

Course 4 CREDITS

Cross-listed with LAW 509.001.

Many of the laws that regulate the behaviour of people and organizations in modern society are administered primarily by administrative agencies, not courts. This course provides an introduction to the the rules, principles and policy considerations that shape the powers of these administrative decision-makers. It is intended to provide a foundation for further study in more specialized areas, such as human rights, labour relations, immigration and refugee law, professional self-governance, environmental protection, and capital markets regulation. Major topics will include administrative law remedies, procedural fairness, bias and independence, and substantive judicial review of administrative decision-making. The course aims to look beyond the standard administrative law preoccupation with judicial review, to include the study of administrative agencies themselves. We will devote special attention to regulatory design questions, including those raised by B.C.'s current Administrative Justice Reform initiative, and to novel rule-making approaches in Canada and beyond.

Evaluation:

Assessment will be based on a 3 hour open-book examination, worth 100% of the course grade.

Professor Cristie Ford is a full time member of the UBC Faculty of Law.

LAW 372.002 **Administrative Law** Term 1 Term 2 Ford

Course 4 CREDITS

Cross-listed with LAW 509.002.**CHANGE July 6, 2016: Course description.**

Many of the laws that regulate the behaviour of people and organizations in modern society are administered primarily by administrative agencies, not courts. This course provides an introduction to the the rules, principles and policy considerations that shape the powers of these administrative decision-makers. It is intended to provide a foundation for further study in more specialized areas, such as human rights, labour relations, immigration and refugee law, professional self-governance, environmental protection, and capital markets regulation. Major topics will include administrative law remedies, procedural fairness, bias and independence, and substantive judicial review of administrative decision-making. The course aims to look beyond the standard administrative law preoccupation with judicial review, to include the study of administrative agencies themselves. We will devote special attention to regulatory design questions, including those raised by B.C.'s current Administrative Justice Reform initiative, and to novel rule-making approaches in Canada and beyond.

Evaluation:

Assessment will be based on a 3 hour open-book examination, worth 100% of the course grade.

Professor Cristie Ford is a full time member of the UBC Faculty of Law.

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

Salter

Course

4 CREDITS

Cross-listed with LAW 509.003.**CHANGE June 3, 2016: Day, time, instructor, course description.**

Administrative law is the body of rules which governs the executive branch's relationship with the public, as well as the judiciary's oversight of this relationship. Administrative law affects the aspects of life we value most as a society; our nationality, health care, education, family, home, and employment, among many others. While few of us will participate in a court case, almost all of us will be affected by an administrative law decision, usually many times over the course of our lives.

This course will examine the legal framework for administrative decision-making in a variety of contexts, from government administrators to quasi-judicial tribunals. We will study administrative law's foundational rules, principles, and policy considerations and explore the ways in which these continue to evolve. Finally, we will consider how Canada's administrative law system might progress to better fulfill its goals of independence, expertise, accessibility, and fairness.

We will cover the following major topics:

- The source and scope of administrative law powers
- The requirements of procedural fairness
- Bias and independence
- Standards of judicial review
- Administrative law and the constitution
- Policy-making vs. adjudication
- Proportionality: balancing efficiency with justice
- Administrative law reform

Administrative law is a challenging course to teach in one semester. For this reason, the course will endeavour to provide students with the tools to assess government decision-making from an administrative law perspective in a variety of areas they may later study, including labour law, immigration law, and environmental law.

Evaluation:

You will be evaluated in this course based on the following:

JD students:

- Final Examination, open book, three hours (100%)

LLM students:

- Final Examination, open book, three hours (85%)
- In addition, graduate students will be responsible for preparing a 20-minute class presentation on an aspect of administrative law, accompanied by a five-page, double-spaced summary of their presentation (15%). I will provide some presentation options, or students may choose a topic.

Shannon Salter (B.A. (UBC 2001), LL.B. (UBC 2005), LL.M. (University of Toronto 2011)) is the Chair of the Civil Resolution Tribunal. Ms. Salter clerked with the British Columbia Supreme Court, practiced litigation at a large Vancouver law firm for several years, and has served as a vice chair of the Workers' Compensation Appeal Tribunal. Ms. Salter is also a commissioner of the Financial Institutions Commission, vice president of the British Columbia Council of Administrative Tribunals, and a past board member of the College of Registered Nurses of British Columbia. She has been actively involved in providing pro bono legal advice and representation throughout her career. She is a member of the Law Society of British Columbia.

LAW 372.004 **Administrative Law**

Term 1 Term 2 Gruber Dickson Course 4 CREDITS

Cross-listed with LAW 509.004.

CHANGE July 22, 2016: Co-instructor added.

Many of the laws that regulate the behaviour of people and organizations in modern society are administered primarily by administrative agencies, not courts. This course provides an introduction to the the rules, principles and policy considerations that shape the powers of these administrative decision-makers. It is intended to provide a foundation for further study in more specialized areas, such as human rights, labour relations, immigration and refugee law, professional self-governance, environmental protection, and capital markets regulation. Major topics will include administrative law remedies, procedural fairness, bias and independence, and substantive judicial review of administrative decision-making. The course aims to look beyond the standard administrative law preoccupation with judicial review, to include the study of administrative agencies themselves. We will devote special attention to regulatory design questions, including those raised by B.C.'s current Administrative Justice Reform initiative, and to novel rule-making approaches in Canada and beyond.

Evaluation:

Assessment will be based on an in-class oral presentation worth 10% and a 3 hour open-book examination worth 90% of the course grade.

David Gruber (J.D. (University of Victoria 1996), LL.M. (University of Cambridge 1998)) is a partner of Farris, Vaughan, Wills & Murphy LLP, where he practises primarily in the areas of commercial litigation & arbitration, insolvency & restructuring, and public & administrative law. He is a member of the editorial board of the Federated Press journal "Professional Liability and Discipline Litigation" and the author of a number of papers and articles.

Tim Dickson

LAW 374.001 **Municipal Law**

Term 1 Term 2 Manhas Course 3 CREDITS

CHANGE January 13, 2017: Classroom.

Municipal Law is an administrative law course set in the context of the powers of local governments. Local governments enact laws regulating a wide range of activities. They also operate a wide range of services and, like private corporations, employ people and own substantial assets. The legislative, administrative and quasi-judicial powers of local governments will be examined. This includes the powers and limitations of municipal councils and regional boards, the duties and responsibilities of elected and appointed local government officials and the control the courts exercise over local governments. Major topics include local government organization, grounds for judicial review, conflicts of interest, the regulating and licensing of businesses, proprietary and contractual powers and relationships, tort and the public body and the considerable authority local governments have over subdivision of land, land use and planning.

Evaluation:

Evaluation will be by examination.

Sukhbir Manhas (LL.B. (UBC 1996)) articulated with Young, Anderson. After being called to the bar in May 1997, Mr. Manhas practiced with the firm as an associate lawyer until January 2005, when he joined the firm's partnership. Mr. Manhas' law practice involves advising clients on general local government law issues as well as representing them in civil and quasi-criminal proceedings before arbitrators, administrative tribunals, and the courts of this province and the nation. Mr. Manhas is currently a member of the Municipal Law, Civil Litigation and Construction Law subsections of the B.C. Branch of the Canadian Bar Association and frequently speaks at seminars and courses on local government and civil litigation issues put on by the Continuing Legal Education Society, the Local Government Management Association, and the Justice Institute of British Columbia.

LAW 377.001 **Immigration Law** Term 1 Term 2

Kaushal

Course

3 CREDITS

Cross-listed with LAW 554C.001.

Immigration law determines who gets into Canada and on what terms. This course will examine the framework for entry, residence, and citizenship established by the Immigration and Refugee Protection Act. Students will learn the criteria for the various immigration classes. Topics will include: family immigration, skilled workers, investors and entrepreneurs, international students, temporary foreign workers, provincial nominee programs, criminal and medical inadmissibility, and removals (including detention and deportation). We will also examine the intersection between immigration law and other fields of law such as international law and constitutional law. This course focuses primarily on the Immigration and Refugee Protection Act and its regulations and case law, but attention will be paid throughout to the historical, philosophical, and normative aspects of immigration law. Students will be asked to think critically about how immigration law treats different classes of people.

Law 378C covers refugee law. The two courses complement each other and students interested in research or practice in this field are advised to take both courses.

Evaluation:

Students may choose between a 100% final exam or a 40% case comment and a 60% final exam.

Assistant Professor Asha Kaushal is a full-time member of the UBC Faculty of Law.

LAW 378C.001 **Issues in Immigration & Refugee Law** **Refugee Law** Term 1 Term 2

Arbel

Course

3 CREDITS

COURSE CANCELLED.

This course is an overview of international refugee law as applied in Canada. Topics covered will include: how refugees are defined, who is excluded from refugee protection, how refugee law relates to international human rights, how refugee status is determined in Canada, how the Canadian system compares to similar systems in the common law world, and an introduction to the key aspects of refugee law practice in Canada. The course will include both domestic and international law, and will consider the impact of recent changes to Canada's refugee system.

Evaluation:

There will be a variety of assessment options, one of which is a final exam, from which students may choose.

There is no overlap in content between this course and Law 377.

Efrat Arbel is a full time member of the UBC Faculty of Law.

LAW 379B.001 Externship Business Law Clinic
 Term 1 Term 2 Baron Chow *Clinical* 4 CREDITS

Registration by permission only. The clinical component will meet on Wednesdays, 2:00-5:00 PM, Allard room 427, and Fridays, 10:30 AM-12:00 PM, Allard room 115.

The Business Law Clinic, or Law 379B.001/Law380A.001 is a new clinical program comprised of 6 credits. 4 credits are based on the practical clinic component and 2 credits are based on the academic component. The practical component is evaluated on a pass/fail basis and the academic component is comprised of reflective journal presentations, participation in seminar discussions and a written assignment.

379B.001

Students will learn how to provide business oriented legal advice to small business owners, entrepreneurs, non-profit organizations, and individuals meeting certain criteria. Law 379B.001 has two parts. The first part is an intake hour where students, under supervision, will practice law firm management, professional ethics, professional responsibility, client intake and file management. The second part is a three hour clinic where students will have direct hands-on experience, under clinical supervision, to interview clients, conduct commercial law files, and give advice. Students will research, draft documents, and report back to their client at follow-up appointments.

Evaluation:

Students will be evaluated on their attendance, the progression of their interview skills and the quality of their work product, on a pass/fail basis.

Pre-requisite: LAW 459 Business Organizations

Co-requisite: LAW 380A.001 Externship Reflection: Business Law Clinic Reflection

Christine Baron (B.A. 2000 (UBC), LL.B. 2003 (UBC)) is a sole practitioner with a general solicitor's practice. She assists small business clients with a variety of matters including incorporations, leases, non-competition agreements and other contracts. She has helped many not-for-profit societies with their incorporations and bylaws. She also practices estate planning and estate administration. Before starting her own firm in 2010, she articulated at Bull Housser then joined a boutique firm with a general solicitor's practice.

Catherine Chow (B.A. 1994 (University of Calgary), LL.B. 1997 (University of Calgary), LL.M. 2007 (UBC)) is Vice President and General Counsel at Keg Restaurants Ltd. Ms. Chow is responsible for a broad portfolio of legal matters across Canada and US for 100+ locations in The Keg estate: financing, real estate, business development, franchising, key partnership agreements, risk management, litigation, trademark protection, and compliance. Before joining The Keg in 2006, she had a thriving private practice as a commercial and real property lawyer in Alberta and British Columbia.

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

Baron

Chow

*Clinical***4 CREDITS**

Registration by permission only. The clinical component will meet on Wednesdays, 2:00-5:00 PM, Allard room 427, and Fridays, 10:30 AM-12:00 PM, Allard room 114.

The Business Law Clinic, or Law 379B.001/Law380A.001 is a new clinical program comprised of 6 credits. 4 credits are based on the practical clinic component and 2 credits are based on the academic component. The practical component is evaluated on a pass/fail basis and the academic component is comprised of reflective journal presentations, participation in seminar discussions and a written assignment.

379B.001

Students will learn how to provide business oriented legal advice to small business owners, entrepreneurs, non-profit organizations, and individuals meeting certain criteria. Law 379B.001 has two parts. The first part is an intake hour where students, under supervision, will practice law firm management, professional ethics, professional responsibility, client intake and file management. The second part is a three hour clinic where students will have direct hands-on experience, under clinical supervision, to interview clients, conduct commercial law files, and give advice. Students will research, draft documents, and report back to their client at follow-up appointments.

Evaluation:

Students will be evaluated on their attendance, the progression of their interview skills and the quality of their work product, on a pass/fail basis.

Pre-requisite: LAW 459 Business Organizations

Co-requisite: LAW 380A.001 Externship Reflection: Business Law Clinic Reflection

Christine Baron (B.A. 2000 (UBC), LL.B. 2003 (UBC)) is a sole practitioner with a general solicitor's practice. She assists small business clients with a variety of matters including incorporations, leases, non-competition agreements and other contracts. She has helped many not-for-profit societies with their incorporations and bylaws. She also practices estate planning and estate administration. Before starting her own firm in 2010, she articulated at Bull Housser then joined a boutique firm with a general solicitor's practice.

Catherine Chow (B.A. 1994 (University of Calgary), LL.B. 1997 (University of Calgary), LL.M. 2007 (UBC)) is Vice President and General Counsel at Keg Restaurants Ltd. Ms. Chow is responsible for a broad portfolio of legal matters across Canada and US for 100+ locations in The Keg estate: financing, real estate, business development, franchising, key partnership agreements, risk management, litigation, trademark protection, and compliance. Before joining The Keg in 2006, she had a thriving private practice as a commercial and real property lawyer in Alberta and British Columbia.

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

Barrett

Clinical

8 CREDITS

Registration by permission only.

The International Justice and Human Rights Clinic gives students the opportunity to work on pressing human rights and global justice concerns through hands-on work on international cases and projects. The year-long clinic is for second and third year students at UBC Law and Osgoode Hall Law Schools. The clinic is based at UBC, with Osgoode Hall students participating by video link. The clinic will include a 3-unit seminar in the Fall semester, followed by a 8 unit practicum in the Spring semester.

In the Fall seminar, students will study international human rights, international humanitarian and international criminal law and apply these fields to cutting-edge issues of human rights and global justice. The seminar will provide students with the substantive legal foundation necessary to undertake the spring practicum work with competence and professionalism. Evaluation will be based on class participation and a final paper.

In the Spring practicum, students gain experience applying international law by working on specific cases with a range of international justice organizations, including international criminal courts and tribunals, United Nations human rights bodies, and non-governmental organizations. Student work may involve contributing to litigation in international criminal courts and tribunals; drafting human rights reports; drafting legal memos and briefs and conducting and presenting legal research that aims to influence public policy.

Students will work in teams under close supervision of the Clinic Director, Nicole Barrett, with final case submissions due at the end of the Spring term. The practicum will be graded on a honors/pass/fail basis based on clinical work, a weekly journal, and a 1,500 word reflective paper.

Requirements:

Students must sign up for the full-year clinic and may not drop the course after the first class meeting. While there are no obligatory course prerequisites, prior coursework or experience in international human rights, international criminal law or international humanitarian law is recommended. There is space for ten students, five at each institution. To apply, students should submit a resume, grade transcript and a 1-2 page letter to the Director. Selected student applicants will be contacted for an interview.

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

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

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

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

Major publications include:

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

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

Registration by permission only.

CHANGE November 8, 2016: Instructor added.

The Women's Legal Centre offers upper year law students an opportunity to participate in clinical legal externship in a social justice setting, and with an emphasis on the circumstances of women and their experiences within the justice system. This program will be open to a maximum of six law students each term. Law students must be in their second or third year of law school, and have taken family law as a prerequisite to applying to work and study at the Rise Women's Legal Centre. Students enrolled in this program will have the opportunity to obtain practical experience in managing client files and representing their clients in court, and may also gain exposure to systemic and appellate cases through the Centre's partnership with West Coast LEAF. The Women's Legal Centre will focus on family law, and students may also have the opportunity to take cases in other areas of law affecting their clients. In addition to managing their case loads, students attending the Centre will complete a seminar course in community lawyering, and a 6250-word research paper. Students will receive a total of 15 academic credits for their participation in a term at the Women's Legal Centre: 11 based on the pass/fail practical component and 14 based on the graded academic component.

Kim Hawkins (Masters in International Human Rights Law (University of Oxford 2012), J.D. (University of Victoria 2005), B.Sc. (University of Victoria 1999)) is the Executive Director of Rise Women's Legal Centre. She previously worked at the Legal Resources Centre in South Africa, the Yukon Human Rights Commission, and from 2009 to 2014 was a staff lawyer at a busy legal aid clinic in Whitehorse, Yukon Territory, practising in the areas of criminal, family, and child protection and appearing regularly at all levels of Yukon court system. She has travelled extensively in northern Canada with circuit courts, where she worked primarily with Indigenous peoples encountering the justice system. She served as President of the Board of the Yukon Women's Transition Home Society from 2010 to 2014.

Vandana Sood (J.D. (UBC, 2010), M.Sc. (University of Calgary, 1997), B.Sc. (University of Calgary, 1994)) is the Supervising Lawyer of the Rise Women's Legal Centre. Vandana was called to the bar in British Columbia in 2011. Vandana was a solo practitioner for 3 years, and practised primarily in the areas of family law, child protection law (as parent's counsel) and immigration law, with a focus on assisting women from immigrant, refugee, and visible minority communities who had experienced family violence. Vandana appeared regularly in the Provincial and Supreme Courts of British Columbia, as well as before the Immigration & Refugee Board. Prior to launching her solo practice in 2013, Vandana worked with Indigenous peoples at Donovan & Company, articulated in criminal law with Glen Orris Q.C., and worked as a Mental Health Advocate for the Community Legal Assistance Society (CLAS) during law school.

Raji Mangat (J.D. (University of Victoria 2004), M.A. International Affairs (Carleton University 1999), B.A. (UBC 1997)) is the Director of Litigation at West Coast Women's Legal Education and Action Fund (West Coast LEAF). She conducts litigation for the organization and oversees the management and strategic direction of West Coast LEAF's litigation portfolio on a range of cases that impact substantive equality for women in BC. As part of her work at West Coast LEAF, Raji also serves as Liaison Counsel to the Rise Women's Legal Centre where her work is aimed at identifying and litigating systemic issues in family law and child protection. Prior to joining West Coast LEAF, Raji was counsel at the BC Civil Liberties Association, where she worked generally on litigation and policy matters with a particular focus on criminal justice system reform, civil forfeiture and voting rights. Raji first began practicing law at Sullivan & Cromwell in New York City in 2004, where she specialized in complex class action litigation and regulatory investigations. From 2003-2004, she served as a law clerk for the Honourable Frank Iacobucci of the Supreme Court of Canada. Since leaving private practice, Raji has worked at the International Criminal Tribunal for the Former Yugoslavia in The Hague and at the International Secretariat of Amnesty International in London. She has also consulted on a wide range of advocacy projects for international non-profit organizations. Raji currently sits on the board of Access Pro Bono.

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

Term 1 Term 2 Hawkins, K. Sood Mangat Clinical 11 CREDITS

Registration by permission only.**CHANGE November 8, 2016: Instructor added.**

The Women's Legal Centre offers upper year law students an opportunity to participate in clinical legal externship in a social justice setting, and with an emphasis on the circumstances of women and their experiences within the justice system. This program will be open to a maximum of six law students each term. Law students must be in their second or third year of law school, and have taken family law as a prerequisite to applying to work and study at the Rise Women's Legal Centre. Students enrolled in this program will have the opportunity to obtain practical experience in managing client files and representing their clients in court, and may also gain exposure to systemic and appellate cases through the Centre's partnership with West Coast LEAF. The Women's Legal Centre will focus on family law, and students may also have the opportunity to take cases in other areas of law affecting their clients. In addition to managing their case loads, students attending the Centre will complete a seminar course in community lawyering, and a 6250-word research paper. Students will receive a total of 15 academic credits for their participation in a term at the Women's Legal Centre: 11 based on the pass/fail practical component and 14 based on the graded academic component.

Kim Hawkins (Masters in International Human Rights Law (University of Oxford 2012), J.D. (University of Victoria 2005), B.Sc. (University of Victoria 1999)) is the Executive Director of Rise Women's Legal Centre. She previously worked at the Legal Resources Centre in South Africa, the Yukon Human Rights Commission, and from 2009 to 2014 was a staff lawyer at a busy legal aid clinic in Whitehorse, Yukon Territory, practising in the areas of criminal, family, and child protection and appearing regularly at all levels of Yukon court system. She has travelled extensively in northern Canada with circuit courts, where she worked primarily with Indigenous peoples encountering the justice system. She served as President of the Board of the Yukon Women's Transition Home Society from 2010 to 2014.

Vandana Sood (J.D. (UBC, 2010), M.Sc. (University of Calgary, 1997), B.Sc. (University of Calgary, 1994)) is the Supervising Lawyer of the Rise Women's Legal Centre. Vandana was called to the bar in British Columbia in 2011. Vandana was a solo practitioner for 3 years, and practised primarily in the areas of family law, child protection law (as parent's counsel) and immigration law, with a focus on assisting women from immigrant, refugee, and visible minority communities who had experienced family violence. Vandana appeared regularly in the Provincial and Supreme Courts of British Columbia, as well as before the Immigration & Refugee Board. Prior to launching her solo practice in 2013, Vandana worked with Indigenous peoples at Donovan & Company, articulated in criminal law with Glen Orris Q.C., and worked as a Mental Health Advocate for the Community Legal Assistance Society (CLAS) during law school.

Raji Mangat (J.D. (University of Victoria 2004), M.A. International Affairs (Carleton University 1999), B.A. (UBC 1997)) is the Director of Litigation at West Coast Women's Legal Education and Action Fund (West Coast LEAF). She conducts litigation for the organization and oversees the management and strategic direction of West Coast LEAF's litigation portfolio on a range of cases that impact substantive equality for women in BC. As part of her work at West Coast LEAF, Raji also serves as Liaison Counsel to the Rise Women's Legal Centre where her work is aimed at identifying and litigating systemic issues in family law and child protection. Prior to joining West Coast LEAF, Raji was counsel at the BC Civil Liberties Association, where she worked generally on litigation and policy matters with a particular focus on criminal justice system reform, civil forfeiture and voting rights. Raji first began practicing law at Sullivan & Cromwell in New York City in 2004, where she specialized in complex class action litigation and regulatory investigations. From 2003-2004, she served as a law clerk for the Honourable Frank Iacobucci of the Supreme Court of Canada. Since leaving private practice, Raji has worked at the International Criminal Tribunal for the Former Yugoslavia in The Hague and at the International Secretariat of Amnesty International in London. She has also consulted on a wide range of advocacy projects for international non-profit organizations. Raji currently sits on the board of Access Pro Bono.

LAW 379E.001 **Externship** **Judicial Externship**
 Term 1 Term 2 Barkaskas *Clinical* **12 CREDITS**

Registration by permission only. Restricted to 3rd Year students only. Externships at Provincial Court of British Columbia.

Students will conduct legal research for judges, will attend trials and other judicial processes in Criminal, Civil and Family divisions of the Provincial Court of B.C., and will perform legal drafting tasks requested by judges. Students may participate in additional projects as approved by the Office of the Chief Judge and the Faculty Supervisor. Students may be placed in one registry or in a rotation of registries to ensure they receive opportunities to work in all areas of the Provincial Court practice.

Evaluation:
Pass/Fail.

Pre-requisites for application:

- Students must be in third year.
- LAW 476 (formerly LAW 280) Evidence is required.

The following courses are highly recommended: LAW 400 (formerly LAW 260) Advanced Criminal Procedure, LAW 359 (formerly LAW 240) Family Law, and LAW 469 (formerly LAW 270) Civil Procedure.

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

LAW 379E.002**Externship****Judicial Externship** Term 1 Term 2

Barkaskas

Clinical

12 CREDITS

Registration by permission only. Restricted to 3rd Year students only. Externships at Provincial Court of British Columbia.

Students will conduct legal research for judges, will attend trials and other judicial processes in Criminal, Civil and Family divisions of the Provincial Court of B.C., and will perform legal drafting tasks requested by judges. Students may participate in additional projects as approved by the Office of the Chief Judge and the Faculty Supervisor. Students may be placed in one registry or in a rotation of registries to ensure they receive opportunities to work in all areas of the Provincial Court practice.

Evaluation:
Pass/Fail.

Pre-requisites for application:

- Students must be in third year.
- LAW 476 (formerly LAW 280) Evidence is required.

The following courses are highly recommended: LAW 400 (formerly LAW 260) Advanced Criminal Procedure, LAW 359 (formerly LAW 240) Family Law, and LAW 469 (formerly LAW 270) Civil Procedure.

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

LAW 380A.001 **Externship Reflection** **Business Law Clinic - Reflection**
 Term 1 Term 2 Baron Chow Workshop 2 CREDITS

Registration by permission only. The Reflection component will meet Fridays, 8:30-10:30 AM in Allard room 115.

The Business Law Clinic, or Law 379B.001/Law380A.001 is a new clinical program comprised of 6 credits. 4 credits are based on the practical clinic component and 2 credits are based on the academic component. The practical component is evaluated on a pass/fail basis and the academic component is comprised of reflective journal presentations, participation in seminar discussions and a written assignment.

380A.001

Students will develop their substantive knowledge of business law in a two hour seminar setting. Topics will include giving preliminary advice to small business start-ups, incorporating companies and not-for-profit societies, drafting and advising on a variety of commercial contracts (partnership agreements, shareholders agreements, non-competition agreements, leases and other types of contracts) as well as law firm management, professional ethics, professional responsibility, client intake and file management.

Evaluation:

Students will be graded on reflective journal presentations, class participation in weekly seminar discussions, and one written assignment (drafting a client letter) based on a commercial fact-pattern.

Pre-requisite: LAW 459 Business Organizations

Co-requisite: LAW 379 Externship: Business Law Clinic

Christine Baron (B.A. 2000 (UBC), LL.B. 2003 (UBC)) is a sole practitioner with a general solicitor's practice. She assists small business clients with a variety of matters including incorporations, leases, non-competition agreements and other contracts. She has helped many not-for-profit societies with their incorporations and bylaws. She also practices estate planning and estate administration. Before starting her own firm in 2010, she articulated at Bull Housser then joined a boutique firm with a general solicitor's practice.

Catherine Chow (B.A. 1994 (University of Calgary), LL.B. 1997 (University of Calgary), LL.M. 2007 (UBC)) is Vice President and General Counsel at Keg Restaurants Ltd. Ms. Chow is responsible for a broad portfolio of legal matters across Canada and US for 100+ locations in The Keg estate: financing, real estate, business development, franchising, key partnership agreements, risk management, litigation, trademark protection, and compliance. Before joining The Keg in 2006, she had a thriving private practice as a commercial and real property lawyer in Alberta and British Columbia.

LAW 380A.002 **Externship Reflection** **Business Law Clinic - Reflection**
 Term 1 Term 2 Baron Chow Workshop 2 CREDITS

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380A.001

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Evaluation:

Students will be graded on reflective journal presentations, class participation in weekly seminar discussions, and one written assignment (drafting a client letter) based on a commercial fact-pattern.

Pre-requisite: LAW 459 Business Organizations

Co-requisite: LAW 379 Externship: Business Law Clinic

Christine Baron (B.A. 2000 (UBC), LL.B. 2003 (UBC)) is a sole practitioner with a general solicitor's practice. She assists small business clients with a variety of matters including incorporations, leases, non-competition agreements and other contracts. She has helped many not-for-profit societies with their incorporations and bylaws. She also practices estate planning and estate administration. Before starting her own firm in 2010, she articulated at Bull Housser then joined a boutique firm with a general solicitor's practice.

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LAW 380B.001**Externship Reflection****International Justice & Human Rights Clinic** Term 1 Term 2

Barrett

Seminar

3 CREDITS

Registration by permission only.

The International Justice and Human Rights Clinic gives students the opportunity to work on pressing human rights and global justice concerns through hands-on work on international cases and projects. The year-long clinic is for second and third year students at UBC Law and Osgoode Hall Law Schools. The clinic is based at UBC, with Osgoode Hall students participating by video link. The clinic will include a 3-unit seminar in the Fall semester, followed by a 8 unit practicum in the Spring semester.

In the Fall seminar, students will study international human rights, international humanitarian and international criminal law and apply these fields to cutting-edge issues of human rights and global justice. The seminar will provide students with the substantive legal foundation necessary to undertake the spring practicum work with competence and professionalism. Evaluation will be based on class participation and a final paper.

In the Spring practicum, students gain experience applying international law by working on specific cases with a range of international justice organizations, including international criminal courts and tribunals, United Nations human rights bodies, and non-governmental organizations. Student work may involve contributing to litigation in international criminal courts and tribunals; drafting human rights reports; drafting legal memos and briefs and conducting and presenting legal research that aims to influence public policy.

Students will work in teams under close supervision of the Clinic Director, Nicole Barrett, with final case submissions due at the end of the Spring term. The practicum will be graded on a honors/pass/fail basis based on clinical work, a weekly journal, and a 1,500 word reflective paper.

Requirements: Students must sign up for the full-year clinic and may not drop the course after the first class meeting. While there are no obligatory course prerequisites, prior coursework or experience in international human rights, international criminal law or international humanitarian law is recommended. There is space for ten students, five at each institution. To apply, students should submit a resume, grade transcript and a 1-2 page letter to the Director. Selected student applicants will be contacted for an interview.

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

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

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

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

Major publications include:

- The Legal Framework for Combating Human Trafficking for Sexual Exploitation, Canadian Women's Foundation*

(forthcoming, 2014)

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

LAW 380C.001**Externship Reflection****Judicial Externship**

Term 1 Term 2

Barkaskas

Locke

Workshop

4 CREDITS

Registration by permission only. Restricted to 3rd Year students only.

LAW 380 is designed to promote reflective practice, to enhance learning gained through the experiential learning of LAW 379 Externship, and to ensure a significant academic component to students' learning. The course will focus on specific topics relevant to the externship placements of students in any given term, but will normally include most of: the role(s) of the lawyer; professional responsibility; legal ethics; representation of disempowered members of society; legal culture; culture and conflict; as well as topics arising from the externship placements (e.g. the role of courts and the judiciary, and specific case-driven considerations arising from externships). All externship students meet weekly for three hours. Additional assignments will be completed outside of class.

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

Jeffrey Locke (B.A. (UBC, 2004) and LL.B. (UBC, 2008)) was called to the B.C. Bar in 2009 and practices primarily in the area of construction, surety, personal injury, and defamation litigation.

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

Barkaskas

Locke

Workshop

4 CREDITS

Registration by permission only. Restricted to 3rd Year students only.

LAW 380 is designed to promote reflective practice, to enhance learning gained through the experiential learning of LAW 379 Externship, and to ensure a significant academic component to students' learning. The course will focus on specific topics relevant to the externship placements of students in any given term, but will normally include most of: the role(s) of the lawyer; professional responsibility; legal ethics; representation of disempowered members of society; legal culture; culture and conflict; as well as topics arising from the externship placements (e.g. the role of courts and the judiciary, and specific case-driven considerations arising from externships). All externship students meet weekly for three hours. Additional assignments will be completed outside of class.

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Jeffrey Locke (B.A. (UBC, 2004) and LL.B. (UBC, 2008)) was called to the B.C. Bar in 2009 and practices primarily in the area of construction, surety, personal injury, and defamation litigation.

LAW 380C.003**Externship Reflection****Women's Legal Clinic** Term 1 Term 2

Hawkins, K.

Sood

Mangat

Seminar

4 CREDITS

Registration by permission only.**CHANGE November 8, 2016: Instructor added.**

The Women's Legal Centre offers upper year law students an opportunity to participate in clinical legal externship in a social justice setting, and with an emphasis on the circumstances of women and their experiences within the justice system. This program will be open to a maximum of six law students each term. Law students must be in their second or third year of law school, and have taken family law as a prerequisite to applying to work and study at the Rise Women's Legal Centre. Students enrolled in this program will have the opportunity to obtain practical experience in managing client files and representing their clients in court, and may also gain exposure to systemic and appellate cases through the Centre's partnership with West Coast LEAF. The Women's Legal Centre will focus on family law, and students may also have the opportunity to take cases in other areas of law affecting their clients. In addition to managing their case loads, students attending the Centre will complete a seminar course in community lawyering, and a 6250-word research paper. Students will receive a total of 15 academic credits for their participation in a term at the Women's Legal Centre: 11 based on the pass/fail practical component and 4 based on the graded academic component.

Kim Hawkins (Masters in International Human Rights Law (University of Oxford 2012), J.D. (University of Victoria 2005), B.Sc. (University of Victoria 1999)) is the Executive Director of Rise Women's Legal Centre. She previously worked at the Legal Resources Centre in South Africa, the Yukon Human Rights Commission, and from 2009 to 2014 was a staff lawyer at a busy legal aid clinic in Whitehorse, Yukon Territory, practising in the areas of criminal, family, and child protection and appearing regularly at all levels of Yukon court system. She has travelled extensively in northern Canada with circuit courts, where she worked primarily with Indigenous peoples encountering the justice system. She served as President of the Board of the Yukon Women's Transition Home Society from 2010 to 2014.

Vandana Sood (J.D. (UBC, 2010), M.Sc. (University of Calgary, 1997), B.Sc. (University of Calgary, 1994)) is the Supervising Lawyer of the Rise Women's Legal Centre. Vandana was called to the bar in British Columbia in 2011. Vandana was a solo practitioner for 3 years, and practised primarily in the areas of family law, child protection law (as parent's counsel) and immigration law, with a focus on assisting women from immigrant, refugee, and visible minority communities who had experienced family violence. Vandana appeared regularly in the Provincial and Supreme Courts of British Columbia, as well as before the Immigration & Refugee Board. Prior to launching her solo practice in 2013, Vandana worked with Indigenous peoples at Donovan & Company, articulated in criminal law with Glen Orris Q.C., and worked as a Mental Health Advocate for the Community Legal Assistance Society (CLAS) during law school.

Raji Mangat (J.D. (University of Victoria 2004), M.A. International Affairs (Carleton University 1999), B.A. (UBC 1997)) is the Director of Litigation at West Coast Women's Legal Education and Action Fund (West Coast LEAF). She conducts litigation for the organization and oversees the management and strategic direction of West Coast LEAF's litigation portfolio on a range of cases that impact substantive equality for women in BC. As part of her work at West Coast LEAF, Raji also serves as Liaison Counsel to the Rise Women's Legal Centre where her work is aimed at identifying and litigating systemic issues in family law and child protection. Prior to joining West Coast LEAF, Raji was counsel at the BC Civil Liberties Association, where she worked generally on litigation and policy matters with a particular focus on criminal justice system reform, civil forfeiture and voting rights. Raji first began practicing law at Sullivan & Cromwell in New York City in 2004, where she specialized in complex class action litigation and regulatory investigations. From 2003-2004, she served as a law clerk for the Honourable Frank Iacobucci of the Supreme Court of Canada. Since leaving private practice, Raji has worked at the International Criminal Tribunal for the Former Yugoslavia in The Hague and at the International Secretariat of Amnesty International in London. She has also consulted on a wide range of advocacy projects for international non-profit organizations. Raji currently sits on the board of Access Pro Bono.

LAW 380C.004**Externship Reflection****Women's Legal Clinic** Term 1 Term 2

Hawkins, K.

Sood

Mangat

Seminar

4 CREDITS

Registration by permission only.**CHANGE November 8, 2016: Instructor added.****CHANGE December 21, 2017: Seminar time change. Seminar will meet at Women's Legal Clinic.**

The Women's Legal Centre offers upper year law students an opportunity to participate in clinical legal externship in a social justice setting, and with an emphasis on the circumstances of women and their experiences within the justice system. This program will be open to a maximum of six law students each term. Law students must be in their second or third year of law school, and have taken family law as a prerequisite to applying to work and study at the Rise Women's Legal Centre. Students enrolled in this program will have the opportunity to obtain practical experience in managing client files and representing their clients in court, and may also gain exposure to systemic and appellate cases through the Centre's partnership with West Coast LEAF. The Women's Legal Centre will focus on family law, and students may also have the opportunity to take cases in other areas of law affecting their clients. In addition to managing their case loads, students attending the Centre will complete a seminar course in community lawyering, and a 6250-word research paper. Students will receive a total of 15 academic credits for their participation in a term at the Women's Legal Centre: 11 based on the pass/fail practical component and 4 based on the graded academic component.

Kim Hawkins (Masters in International Human Rights Law (University of Oxford 2012), J.D. (University of Victoria 2005), B.Sc. (University of Victoria 1999)) is the Executive Director of Rise Women's Legal Centre. She previously worked at the Legal Resources Centre in South Africa, the Yukon Human Rights Commission, and from 2009 to 2014 was a staff lawyer at a busy legal aid clinic in Whitehorse, Yukon Territory, practising in the areas of criminal, family, and child protection and appearing regularly at all levels of Yukon court system. She has travelled extensively in northern Canada with circuit courts, where she worked primarily with Indigenous peoples encountering the justice system. She served as President of the Board of the Yukon Women's Transition Home Society from 2010 to 2014.

Vandana Sood (J.D. (UBC, 2010), M.Sc. (University of Calgary, 1997), B.Sc. (University of Calgary, 1994)) is the Supervising Lawyer of the Rise Women's Legal Centre. Vandana was called to the bar in British Columbia in 2011. Vandana was a solo practitioner for 3 years, and practised primarily in the areas of family law, child protection law (as parent's counsel) and immigration law, with a focus on assisting women from immigrant, refugee, and visible minority communities who had experienced family violence. Vandana appeared regularly in the Provincial and Supreme Courts of British Columbia, as well as before the Immigration & Refugee Board. Prior to launching her solo practice in 2013, Vandana worked with Indigenous peoples at Donovan & Company, articulated in criminal law with Glen Orris Q.C., and worked as a Mental Health Advocate for the Community Legal Assistance Society (CLAS) during law school.

Raji Mangat (J.D. (University of Victoria 2004), M.A. International Affairs (Carleton University 1999), B.A. (UBC 1997)) is the Director of Litigation at West Coast Women's Legal Education and Action Fund (West Coast LEAF). She conducts litigation for the organization and oversees the management and strategic direction of West Coast LEAF's litigation portfolio on a range of cases that impact substantive equality for women in BC. As part of her work at West Coast LEAF, Raji also serves as Liaison Counsel to the Rise Women's Legal Centre where her work is aimed at identifying and litigating systemic issues in family law and child protection. Prior to joining West Coast LEAF, Raji was counsel at the BC Civil Liberties Association, where she worked generally on litigation and policy matters with a particular focus on criminal justice system reform, civil forfeiture and voting rights. Raji first began practicing law at Sullivan & Cromwell in New York City in 2004, where she specialized in complex class action litigation and regulatory investigations. From 2003-2004, she served as a law clerk for the Honourable Frank Iacobucci of the Supreme Court of Canada. Since leaving private practice, Raji has worked at the International Criminal Tribunal for the Former Yugoslavia in The Hague and at the International Secretariat of Amnesty International in London. She has also consulted on a wide range of advocacy projects for international non-profit organizations. Raji currently sits on the board of Access Pro Bono.

LAW 381.001 **Disabilities & Law** Term 1 Term 2

Beaudry

Course

3 CREDITS

This course will introduce students to fundamental issues in disability law.

We will start by asking “who is the ‘disabled subject?’”, “what is disability?”, and what expectations of “normalcy” are implicit in approaching some questions in the field.

We will then critically examine legal concepts used in disability law and how they are interpreted (e.g. reasonable accommodation, equality, discrimination, dignity). We will also explore the difficulties that people with disabilities face in relation to access to justice, education and healthcare, as well as other controversial issues, such as political participation, sterilization, assisted dying, and socio-economic rights.

We will draw from legal materials from different jurisdictions and from the inter-disciplinary field of disability studies to explore the evolving landscape of disability law and the challenges it continues to pose to law- and policymakers.

Evaluation:

Students will be evaluated on the basis of an individual paper (5000 words) culminating in a class presentation. Topics can be chosen, on a first-come basis, out of a list of topics and readings pre-determined by the instructor.

Evaluation:

90% Individual term project

10% Participation

Jonas-Sebastien Beaudry is a full time member of the UBC Faculty of Law.

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

Beaudry

Course

3 CREDITS

CHANGE June 13, 2016: Course title.

This course introduces students to fundamental notions in medical ethics and Canadian health law and policy. In order to grasp some of the major issues in this quickly evolving and challenging legal field, we will examine positive law (case law, legislation) and bioethical literature bearing on topics such as: governance and regulation of healthcare; rationing and access to healthcare; consent to treatment and limited decisional capacity; issues of privacy (patient confidentiality, genetic information); biomedical research; medical negligence; beginning of life issues (seriously ill infants, abortion, control of fertility in reproductive medicine); end-of-life issues (assisted dying; treatment of elderly); ownership of the body; mental health law and emerging health technologies. The course will also briefly introduce students to the fields of public health and to the social obstacles faced by vulnerable populations within the landscape of Canadian health law.

Students will be evaluated on the basis of an individual project, including a 20 min. presentation on their work in progress, culminating in a paper (5000 words/ 10 p. single space) to be handed in at the end of the term.

Evaluation:

90% Individual term project

10% Participation

Jonas-Sebastien Beaudry is a full time member of the UBC Faculty of Law.

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

Seminar

3 CREDITS

Cross-listed with LAW 560.001.

The task of redirecting economic development in more sustainable directions is among the preeminent challenges of this century. The law is a critical, if underappreciated, element of this transformation. This highly interactive seminar will provide students with the opportunity to improve their negotiation, speaking, writing, and legal drafting skills. Through a series of mock negotiations, role-plays and drafting exercises, students will develop a deep knowledge of the complexity and challenges of regulating and resolving sustainability conflicts.

This seminar will be of particular interest to students looking to deepen their understanding of environmental law and natural resource law, in both local and transnational contexts, and to those interested in becoming more effective and reflective negotiators and dealmakers.

Evaluation:

Evaluation will be based on active participation in class exercises, simulations, negotiations and seminar discussions (30%) and a research paper (70%).

Professor Natasha Affolder is a full time member of the UBC Faculty of Law.

LAW 390.001 **Environmental Law Workshop** Term 1 Term 2 Carlson

Nowlan

Workshop

3 CREDITS

CHANGE June 28, 2016: Workshop added. July 13, 2016: Pre-requisite removed.

This course provides students with an appreciation of the theory and practice of public interest environmental law. Students will become familiar with a range of environmental law issues covered in biweekly seminars, and will gain practical experience in a non-governmental organization (NGO) in association with West Coast Environmental Law. Course topics will be drawn from West Coast's current work on law reform and environmental dispute resolution, such as legal approaches to address climate change, ways to integrate Indigenous law with environmental law to manage resource development more sustainably, reform of environmental assessment, and legal mechanisms to address marine and coastal management. Through the placement with West Coast, students will develop and apply legal research, analytical, and written skills.

Because West Coast Environmental Law is actively engaged in legal and strategic work, students in this course will be required to sign a confidentiality agreement regarding all client information obtained through the student placement at West Coast Environmental Law.

Evaluation:

Evaluation will be based on a research paper (75%) and class participation (25%).

Deborah Carlson is Staff Counsel at West Coast Environmental Law and has been responsible for the Green Communities Program since 2010. Prior to joining West Coast worked as part of the climate change team at the David Suzuki Foundation and as a litigator in Vancouver.

Linda Nowlan is Staff Counsel at West Coast Environmental Law. A public interest lawyer with over two decades of experience, she is a former Executive Director of West Coast, and has also worked at WWF-Canada, the UBC Program on Water Governance, and as a litigator in Vancouver.

LAW 392.001**Natural Resources** Term 1 Term 2

Armstrong

Course

3 CREDITS

CHANGE June 29, 2016: Course added. August 5, 2016: Course description.

This is a general survey course which will cover law and policy issues in relation to the ownership, management, development and protection of natural resources, including land, water, forests, minerals, coal, oil and gas, wildlife and fisheries. Broadly speaking, Natural Resources Law is the body of legal rules and processes that govern the ownership, development and protection of natural resources. In addition to the basic framework of laws and regulations applying to each type of natural resource, the course will address the processes for environmental assessment and authorization of natural resource projects, and will address the legal framework of Aboriginal rights and interests as they pertain to the ownership, development and protection of natural resources.

Evaluation:

Evaluation will be based 100% on a final exam.

Brad Armstrong (B.A. Economics (UBC), M.Sc. Economics (University of London), LL.B. (McGill University)) has extensive experience in matters involving Aboriginal, constitutional, regulatory and environmental law in British Columbia, Yukon, Northwest Territories and Nunavut. He represents clients in the natural resources sector and has particular experience in land and water, forestry, mining, oil and gas and aquaculture. Mr. Armstrong advises and represents resource companies, project proponents, business organizations and governments in relation to negotiations and litigation concerning Aboriginal rights, claims and treaties. He has extensive experience relating to major resource project approvals including regulatory processes, environmental assessments, impact and benefits agreements, judicial review proceedings and injunctions.

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

Collie

Course

3 CREDITS

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

Evaluation:

Final exam

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

LAW 395.001**Forest Law** Term 1 Term 2

Mancell

Garton

Course

3 CREDITS

Forest resources have long been a cornerstone of British Columbia's economy and natural environment. Government has created a complex regulatory regime in an effort to balance a diverse array of often competing interests in these resources, including those of industrial users, public interest groups, government, and First Nations. The interface between these different visions of forest resource management have produced many of the most challenging questions that BC lawyers and foresters have had to address in recent decades.

Initially, we will examine the current legislative regime that regulates activities in BC forests, as well as the legal nature of the forest tenures or entitlements that the BC government may grant to the private sector, First Nations, and other groups. We will then address a number of more specific topics:

- forest practices and environmental standards that govern industrial operations, and the framework that the BC government uses to weigh competing wildlife, heritage, environmental and industrial interests;
- policy options and a survey of comparative forest regulatory regimes in selected other jurisdictions;
- the nature and effect of aboriginal interests and claims in respect of the forests and activities undertaken thereon;
- the financial interest of the Crown in BC's forest resources, and enforcement of that interest;
- the administrative enforcement and appeal mechanisms under the Forest Act and the Forest and Range Practices Act;
- various commercial law issues a "forestry" lawyer may encounter in practice.

Throughout the course, we will hear from guest speakers who can provide different expertise or perspectives on some of the issues that will arise.

Evaluation:

100% final exam.

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

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

LAW 397.001 **Oil & Gas Law** Term 1 Term 2

Armstrong

Course

3 CREDITS

COURSE CANCELLED.

This course will cover all aspects of oil and gas law including the process for securing tenure over oil and gas rights under the Petroleum and Natural Gas Act, and the regulation of oil and gas activities under the Oil and Gas Activities Act by the Oil and Gas Commission. We will also address the environmental assessment of oil and gas projects including oil sands, conventional and non-conventional gas production (shale gas), and liquid natural gas (LNG) and the regulation of interprovincial pipelines and facilities by the federal government under the National Energy Board Act. The course will also address commercial agreements such as oil and gas leases and farmout agreements.

Evaluation:

Course evaluation will be 100% by examination.

Brad Armstrong (B.A. Economics (UBC), M.Sc. Economics (University of London), LL.B. (McGill University)) has extensive experience in matters involving Aboriginal, constitutional, regulatory and environmental law in British Columbia, Yukon, Northwest Territories and Nunavut. He represents clients in the natural resources sector and has particular experience in land and water, forestry, mining, oil and gas and aquaculture. Mr. Armstrong advises and represents resource companies, project proponents, business organizations and governments in relation to negotiations and litigation concerning Aboriginal rights, claims and treaties. He has extensive experience relating to major resource project approvals including regulatory processes, environmental assessments, impact and benefits agreements, judicial review proceedings and injunctions.

LAW 400.001 **Advanced Criminal Procedure** Term 1 Term 2

Harris, N.

Course

3 CREDITS

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

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

Evaluation:

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

Nikos Harris is a full-time member of the UBC Faculty of Law.

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

Jackson

*Seminar***3 CREDITS**

This seminar is designed to give students an understanding of that part of the criminal justice system about which lawyers know the least - the prison. We will review the historical evolution of the prison and its ideological underpinning and how it is now subject to the rule of the law and the scrutiny of the legal profession. We will consider the evolution of jurisprudence including the duty to act fairly and the impact of the Charter on prison justice. Included among the areas we will be examining are the law and procedure governing disciplinary hearings; solitary confinement; transfer to higher security; and the administration of the parole system.

Students will be required to prepare a paper and will have the opportunity of working on specific cases dealing with prisoners' rights. This may include either working directly with prisoners who are without counsel or, for those who have counsel, assisting counsel in the preparation of cases for trial or on appeal. An important part of the seminar will be visits to federal institutions and meetings with prisoners.

In addition to providing students with an understanding of the law and social policy surrounding the prison, this seminar will also help develop in more detail the understanding of administrative law. For this reason, it is recommended that students have taken, or are taking concurrently, LAW 372 Administrative Law.

Professor Michael Jackson is a full time member of the UBC Faculty of Law. He has taught courses and seminars on Aboriginal and treaty rights in the law school since 1973. He was co-counsel in the Delgamuukw case, the recent Haida Nation case, and a consultant for the Royal Commission on Aboriginal Peoples.

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

Grant

*Web-based***3 CREDITS*****This course does NOT fulfill the seminar requirement.***

This course will cover the law and policy surrounding culpable homicide offences in Canada: murder, manslaughter and infanticide. The course is primarily a web-based course although there will be an initial in-person organizational meeting, a final in-person review class and 2-3 meetings throughout the term to check in with students and review materials covered online. The schedule for these sessions will be made available at the first in-person class.

Each week students will be expected to have read a block of material and to participate in writing in the discussion of fact patterns and policy-based questions based on the week's readings. Each student will be expected to lead the class discussion twice throughout the term.

In addition to dealing with each of the offences, we will cover the sentencing regimes for each offence, defences and a number of policy-based topics including intimate partner homicide and corporate homicide. We will also examine the impact of harsh mandatory minimum sentences for murder.

Evaluation:

Evaluation will be through a combination of 1 mid-term written assignment, online written class participation and an open book final exam.

Interested students may enroll in the course directly or contact Professor Grant if they have questions: grant@allard.ubc.ca.

The enrolment in this class is limited to 20 students.

Professor Isabel Grant is a full time member of the UBC Faculty of Law.

LAW 406C.001 Topics in Criminal Justice Principles of Sentencing
 Term 1 Term 2 Grant Course 3 CREDITS

COURSE CANCELLED.

This is a survey course designed to teach students the theory and practice of sentencing persons convicted of crime. We will examine the principles of sentencing, the types of sentences available in the Criminal Code and the methodology of how a judge is expected to decide on the appropriate disposition. We will also examine the plea negotiation process and students will have an opportunity to engage in a mock plea negotiation. Topics to be covered include conditional sentence orders, mandatory minimum sentences, the over- incarceration of indigenous offenders, sentencing for homicide, dangerous offender and long-term offender designations, and the use of parole ineligibility.

Evaluation:

Students will be evaluated on the basis of class participation, 1-2 short midterm assignments and a final closed book exam during the scheduled exam period.

Enrollment is limited to 20. Students with questions should contact Professor Grant at 604-822-3140 or grant@allard.ubc.ca.

Professor Isabel Grant is a full time member of the UBC Faculty of Law.

LAW 407.001 Taxation
 Term 1 Term 2 Cui Course 4 CREDITS

Cross-listed with LAW 506.001.

The income tax is the largest single source of government revenue in Canada and an important instrument both for the expression of societal values and for the delivery of social and economic policies. This course examines the basic structure of the income tax through a careful reading of the Income Tax Act and relevant judicial and administrative interpretations.

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

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

Evaluation:

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

Required materials:

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

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

Professor Wei Cui is a full time member of the UBC Faculty of Law.

LAW 407.002 Taxation Term 1 Term 2 Sheppard

Course 4 CREDITS

Cross-listed with LAW 506.002.

This section of the course is an introduction to Canadian income tax law, including procedural and substantive law. Students will learn how to apply the Income Tax Act, Regulations, treaties, case law and government publications to solve tax problems.

The focus is on the taxation of individuals, emphasizing issues of interest in the general practice of law. The major substantive areas to be dealt with include the tax base, whose income is taxed in Canada and the taxation of employment, property and business income, and capital gains. Teaching will combine lectures, class discussions, and problem solving.

Evaluation:

Evaluation will be determined by the instructor in consultation with the class.

Required materials:

1. Materials on Canadian Income Tax, latest edition
2. Income Tax Act, latest edition

Professor Tony Sheppard is a full time member of the UBC Faculty of Law.

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

Course 3 CREDITS

***Cross-listed with LAW 562.001 Taxation of Corporations & Shareholders.*
CHANGE June 3, 2016: Days of week.**

Corporations constitute the most significant form of business organization in Canada and other developed countries, accounting for roughly 20 percent of federal and provincial income tax revenues in 2010-11. This course examines the taxation of corporations and shareholders in Canada, beginning with a general overview of the legal character of corporations and the structure of corporate taxes in Canada, then turning to a detailed examination of statutory rules and judicial decisions governing: (1) the taxation of income received by public and private corporations; (2) the taxation of shareholders on share sales, corporate distributions, and benefits and appropriations; and (3) transfers of property to a corporation as well as other kinds of corporate reorganizations.

Required Materials:

1. David G. Duff and Geoff Loomer, Taxation of Business Organization in Canada, (Toronto: LexisNexis, forthcoming), chapters 5-15.
2. Income Tax Act, latest edition

Evaluation: 100% exam

Pre-requisite: Law 407 Taxation or Law 562 Fundamental Concepts in Tax Law

Professor David G. Duff is a full time member of the UBC Faculty of Law.

LAW 409.001 **Taxation of Partnerships and Other
Flow-Through Entities** Term 1 Term 2 Duff

Course

3 CREDITS

***Cross-listed with LAW 563.001 Taxation of Partnerships and Other Flow-Through Entities.*
CHANGE June 3, 2016: Days of week.**

Partnerships, trusts and corporations constitute the main types of legal organizations through which persons carry on business activity and tax planning in Canada and most other jurisdictions around the world. This course examines the taxation of partnerships and trusts in Canada, considering the characterization of these legal relationships in law and for tax purposes, the computation and taxation of income received by a partnership or trust, the tax implications of distributions of income from a partnership to a partner and a trust to a beneficiary, the tax treatment of interests in partnerships and trusts, and tax rules governing the transfer of property to and from partnerships and trusts.

1. David G. Duff and Geoff Loomer, *Taxation of Business Organization in Canada*, (Toronto: LexisNexis, forthcoming), chapters 5-15.
2. David G. Duff, *Supplementary Materials on the Taxation of Trusts* (2015), to be distributed electronically.
3. *Income Tax Act*, latest edition

Evaluation: 100% exam

Pre-requisite: Law 407 Taxation or Law 562 Fundamental Concepts in Tax Law

Professor David G. Duff is a full time member of the UBC Faculty of Law.

LAW 410.001 International Taxation Term 1 Term 2 Cui

Course

3 CREDITS

Cross-listed with LAW 565.001 International Taxation.
CHANGE January 6, 2017: Classroom.

The increased globalization of economic activity over the past few decades has made the international dimension of tax law and policy increasingly important. This course examines tax rules governing the taxation of non-residents carrying on income-earning activities in Canada (inbound rules) as well as tax rules governing the taxation of Canadian residents earning income in other countries (outbound rules).

Introductory classes examine the basic structure of the international tax regime, the sources of international tax law (statutory rules, bilateral tax treaties, and judicial decisions), the interpretation of tax treaties, jurisdiction to tax, and international tax avoidance. Subsequent classes consider statutory rules, treaty provisions and judicial decisions governing the taxation of Canadian source income earned by non-residents, and the taxation of foreign-source income earned by Canadian residents.

Required Materials:

1. Jinyan Li, Arthur Cockfield, and J. Scott Wilkie, *International Taxation in Canada*, 3d ed. (Toronto: LexisNexis Canada Inc., 2014).
2. Supplementary Materials on International Taxation
3. Income Tax Act, latest edition

Evaluation:

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

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

Pre-requisite: Law 407 Taxation

*Professor Wei Cui is a full time member of the UBC Faculty of Law.***LAW 411D.001** Tax Policy Term 1 Term 2 Cui

Seminar

3 CREDITS

Cross-listed with LAW 566.001 Tax Law & Policy Workshop.
CHANGE January 6, 2017: Classroom.

This seminar course will be given in colloquium format. For most of the weeks, prominent tax specialists and scholars from a variety of disciplines (law, economics, political science, accounting, and others) from Canada, the U.S. and other countries will present their current or recent research during a colloquium session. A preparatory session will be held before each colloquium session to discuss relevant background reading. Topics will vary depend on the speakers invited. (During Spring 2016, reforming TFSA rules in Canada, taxing Uber drivers, designing "smart tax returns" to deter cheating, looking through corporate entities to determine wealth concentration in Canada, and international taxation.) During weeks when there are no speakers, students will be introduced to select conceptual tools for analyzing tax policy. These will include but are not limited to tools of economic analysis, such as the concepts of the economic incidence of taxation, excess burden, the different types of return to investment (e.g. rent, risk, and riskless return), and welfare economics.

Evaluation:

Student performance will be evaluated on the basis of class participation (including one presentation) counting 30%, and the weighted average grade of both short response papers and a longer term paper, counting 70%.

Professor Wei Cui is a full time member of the UBC Faculty of Law.

LAW 412.001 Taxation of Trusts and Estates Term 1 Term 2

Smith, N.

Course

3 CREDITS

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

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

Evaluation:

100 per cent for final exam for JD candidates and 70% for final exam and 30% for term paper for LLM students.

Prerequisite: LAW 407 (previously LAW 220) Taxation.

Textbook: Taxation of Trusts and Estates: a Practitioner's Guide 2016

Nick P. Smith (B.Sc., Biology, great distinction (McGill University), LLB, (UBC 1988)). He was called to the B.C. Bar in 1989. He is a regular author and presenter on trust and tax issues for various professional organizations and is a founding principal of Legacy Tax + Trust Lawyers in Vancouver. For over 25 years his practice has focused on tax planning for individuals, corporations and trusts, and designing integrated tax and estate plans. He also has extensive experience representing taxpayers in tax disputes with taxation authorities. He has qualified as an expert witness in taxation in the Supreme Court of British Columbia and has been recognized by his peers as a leading lawyer in Canada in his field in both Lexpert and Best Lawyers in Canada.

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

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

This seminar will deal with the resolution of tax controversy in Canada. It will explore key practical issues arising in the operation of a tax advisory and litigation practice. The relevant provisions in the Income Tax Act will be the focus of discussion. The seminar will assist in refining analytical, organizational and judgment skills necessary for serving tax clients, solving tax problems and developing strategies for achieving successful tax outcomes at all stages of the tax disputes process (from audit to appeal). This seminar will also consider issues unique to daily tax practice including questions of document creation and retention, information disclosure, access and privilege, and administrative dispute resolution processes. Material will be illustrated through the use of a case study approach. Participants will learn tax practice, audit, objection and appeal issues and will apply them to the case study.

It is intended that students will also visit the Tax Court of Canada and will hear insights of practitioners from the private tax bar, the Department of Justice, one or more CRA officials and one or more judges involved in the tax dispute process.

Students must have a copy of the most recent edition of the Canadian Income Tax Act and a copy of the course materials prepared by the instructor.

Evaluation:

Students will be evaluated on the basis of a 20 page research paper, class participation, and one other written assignment.

Enrolment:

The seminar size will be restricted to 20 students.

Prerequisite or co-requisite: LAW 407 (previously LAW 220) Taxation.

Ed Kroft, Q.C. (LL.B. (Osgoode Hall 1978), LL.M. (UBC 1980), CPA (Hons)) is a partner with Blake Cassels & Graydon LLP and is the leader of that firm's Tax Controversy and Litigation Group. Ed has taught tax law and tax policy as an adjunct professor in the Faculty of Law over the past 20 years. Ed's practice is exclusively dedicated to handling federal and provincial tax disputes, including those related to transfer pricing. He appears before all levels of court, including Supreme Court of Canada, and has published extensively on taxation issues. Ed sits on the editorial board of Tax Litigation and Canadian Tax Journal and sat for 20 years on the Rules Committee of the Tax Court of Canada. He is a recipient of the Award for Excellence in Income Tax Practice and Education from the Canadian Institute of Chartered Accountants and the Queen Elizabeth II Diamond Jubilee Medal.

LAW 416.001**Labour Law** Term 1 Term 2

Gusikoski

Course

3 CREDITS

This course is designed to provide students with a foundation in labour law and the various legal regimes that affect the unionized workplace. Students will learn about the principal provisions of the Labour Relations Code and related jurisprudence on such issues as certifications, unfair labour practices, union and employer successorships, strikes, lockouts and a union's duty of fair representation. This course will also provide an overview of the more salient features of arbitral jurisprudence covering such topics as just cause, seniority, contracting out and estoppel. Lastly, the class will expose students to a variety of other areas of law that have an impact on the legal landscape of the workplace, including the Charter, human rights law and the law of privacy.

Evaluation:

90% final exam and 10% participation.

Colin Gusikoski received his commerce and law degrees from the University of Saskatchewan. He completed his masters of laws at Osgoode Hall Law School, writing his thesis in the area of occupational health and safety regulation. After law school, Colin articulated at a leading union-side labour law firm in Toronto and completed an internship in international human rights law. Since then, he has practiced labour and administrative law at Victory Square Law Office, where he is currently a partner. Colin has represented private and public sector unions before numerous tribunals and has appeared at both superior and appellate levels of court in BC and Saskatchewan.

LAW 418D.001	Resolution of Labour Disputes	<u>Labour Arbitration</u>				
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	Hickling	Lanyon	Gordon	Seminar		3 CREDITS

Cross-listed with LAW 560.004.
CHANGE August 17, 2016: Classroom.

This seminar will cover such matters as the statutory framework (federal and provincial); the grievance procedure under collective agreements; the authority of arbitrators to deal with pre-hearing matters and to admit evidence that would not be admissible at common law; the relationship between common law and equitable jurisprudence developed by the courts (on such matters as estoppel, laches, mistake and restitution) and arbitral jurisprudence; the arbitral approach to the interpretation of collective agreements as compared to the treatment of contracts at common law; the arbitral approach to issues of discipline and termination of employment (as compared to those of the courts and other tribunals); the expansion of the remedial jurisdiction of arbitration boards under statute and decisions of the Supreme Court of Canada; jurisdiction relating to Human Rights and privacy issues; the appeal and review of arbitral awards under provincial and federal legislation; interest arbitration; differing approaches of the courts and arbitrators to determining legal rights and obligations; and interest arbitration. We plan to enlist the aid of leading practitioners and the bench.

Evaluation:
80% paper, 20% participation.

Professor Hickling is Professor Emeritus of the UBC Faculty of Law. He taught Labour Law in various jurisdictions for over 37 years, including a total of 28 at UBC. He introduced the course on Individual Employment Law course in the early 1990s. Following compulsory retirement from UBC in 1999, he served as Vice Chair of the B.C.L.R.B. until mid-2002. He subsequently returned to teach Individual Employment Law for a number of years. He has chaired arbitration boards under both federal and provincial jurisdictions as well as adjudicating wage recovery and wrongful dismissal cases under the Canada Labour Code.

Stan Lanyon (LL.B. (UBC 1977)). Prior to entering private practice as an arbitrator/mediator, Mr. Lanyon was Chair of the Labour Relations Board of British Columbia, 1992 - 1996. He practiced civil and criminal law and later labour law until 1992. Mr. Lanyon has been an adjunct professor in the Faculty of Law, UBC. He has also been an adjunct professor at the Centre for Labour and Management Studies, Faculty of Commerce, UBC. He has written and published numerous articles on labour law. Mr. Lanyon is a mediator/arbitrator in both the private and public sectors and has acted as a neutral in virtually every sector of the economy. He is a member of the National Academy of Arbitrators. Mr. Lanyon was Co-Chair of two 1998 Legislative Committees on Labour Law Reform.

Joan Gordon (LL.B. (UBC 1983)) began her full-time practice as a labour arbitrator/mediator in 1996. Since then, she has arbitrated/mediated labour disputes in a wide variety of provincial and federal industries in both the public and private sectors. In addition to her independent arbitration/mediation practice, Ms. Gordon holds appointments as a part-time adjudicator with the Yukon Public Service Staff Relations Board and the Yukon Teachers' Staff Relations Board. She is a panelist on several rosters of arbitrators including the Collective Agreement Arbitration Bureau of British Columbia, the ADR Institute of Canada as a Chartered Arbitrator, and the federal Mediation and Conciliation Service under the Canada Labour Code. From 1992-1996, Ms. Gordon was a Vice Chair at the British Columbia Labour Relations Board. For the decade preceding that appointment, she was a partner at a Vancouver law firm where she practised primarily labour and administrative law. Ms. Gordon is a past President of the Arbitrator's Association of British Columbia and a past Director of the British Columbia Council of Administrative Tribunals. She was inducted into the National Academy of Arbitrators in 2006, and is a member of numerous other professional associations including the British Columbia Industrial Relations Association.

LAW 419C.001 Individual Employment Law

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

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

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

Evaluation:

Student evaluation will be based on an examination.

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

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

LAW 419D.001 **Individual Employment Law** **Law and the Modern Workplace**
 Term 1 Term 2 Zwack Bayne Vipond Seminar 3 CREDITS

Cross-listed with LAW 560.004.

The face of workplace law today has dramatically changed, as a result of the emergence of human rights, privacy and occupational health laws. These laws have opened the doors to employee claims of addictions and/or mental and physical disabilities; employee complaints regarding harassment, discrimination and bullying; and employee complaints regarding privacy violations and unsafe workplaces. With rising health care costs and other pressures on government and society, employers are increasingly required to focus on their employees' overall wellness. At the same time, technology and social media are blurring the boundaries between work life and private life, with a resulting expectation that the workplace reflect the goals and values of all of its participants.

This course is designed to give students a full appreciation of these various modern day workplace issues; how they arise, their legal and ethical implications for employers and employees, and their broader societal impact.

Format:

The class will be primarily a discussion format and will include presentations by outside speakers, including legal practitioners with expertise in the given area, representatives from major corporations and a medical expert to discuss medical/legal evidentiary challenges.

Evaluation:

Reaction papers: 20% of final grade

Class participation: 40% of final grade

Final paper: 40% of final grade

Due Dates:

Reaction papers: Day before class by 5:00PM (two per term)

Final paper proposal: Sixth week of class

Final paper: End of exam period

Andrea Zwack (B.A. (University of Calgary 1987), LL.B. (UBC 1991), LL.M. (Harvard University 1996)) practises law with the firm Gall Legge Grant Munroe LLP, primarily in the areas of labour, employment and human rights law. She is a member of the Bars of Alberta and B.C. She was a law clerk to the late Mr. Justice Sopinka of the Supreme Court of Canada 1992-93, and in her subsequent Master's studies she concentrated on international human rights law. In her practice she has represented both complainants and respondents in workplace-related human rights matters before the Human Rights Tribunal, and has been involved with numerous human rights and Charter-related matters before grievance arbitrators, the Labour Relations Board, and all levels of court in the country.

Kate Bayne (B.Comm (Queen's University), LL.B. (UBC 1995), LL.M. (Columbia University 1998)) clerked for the Supreme Court of Canada and then joined the law firm of Heenan Blaikie, where she practiced in the areas of labour, employment and human rights law for over 15 years. She currently works independently as a contractor, providing legal consulting services to employers. She has taught in the Law Faculty at UBC as an adjunct professor since 1998 and remains very involved in adult education.

Melanie Vipond (B.A.H. (Queen's University 2004), LL.B. (University of Ottawa 2007), JSM (Stanford University 2010)) is a lawyer with the firm Gall Legge Grant Munroe LLP. Her Master's studies at Stanford University focused on a comparative analysis of U.S. and Canadian labour law. Ms. Vipond practices in the areas of labour, employment, human rights and occupational health law and has been involved in several cases before grievance arbitrators, the Human Rights Tribunal, WCAT, the Labour Relations Board, and all levels of court.

LAW 423D.001	<u>Topics in Intellectual Property</u>	<u>Intellectual Property & Human Rights</u>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Reynolds, G.	<i>Seminar</i>	3 CREDITS

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

Co-requisite: Intellectual Property Law

Evaluation:

Major paper (70%)

In-class presentation (10%)

Class participation (20%)

Assistant Professor Graham Reynolds is a full time member of the UBC Faculty of Law.

LAW 424.001 **Communications Law** Term 1 Term 2

Festinger

Course

3 CREDITS

CHANGE January 6, 2017: Classroom.

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

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

Evaluation:

Class Preparation & Participation - 40%

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

Jon Festinger, Q.C. (LL.B., B.C.L. 1980 (McGill University)) is a Vancouver, British Columbia based counsel and educator.

As a graduate of McGill University's Faculty of Law, Jon began his legal career in private practice, in turn becoming General Counsel of WIC Western International Communications, Senior Vice President of the CTV Television Network, and Executive Vice President, Business & General Counsel of the Vancouver Canucks. Jon practices law through Festinger Law & Strategy. Currently Jon is Chair of Ronald McDonald House British Columbia. Jon teaches media, communications, corporate and sports law topics. He has taught courses at the UBC Faculty of Law since 1993, as well as at various times teaching at the Thompson Rivers University Faculty of Law, the University of Victoria Faculty of Law and the UBC Graduate School of Journalism. Jon is a Professor of Professional Practice at Simon Fraser University and a faculty member at the Centre for Digital Media (<http://thecdm.ca>).

Jon is the author of the first edition of "Video Game Law" published by LexisNexis in 2005, co-author of the 2nd Edition published in 2012 (<http://www.lexisnexis.com/store/ca/catalog/booktemplate/productdetail.jsp?prodId=prd-cad-01004>). He was Guest Editor of the Volume 46, Number 3 of the UBC Law Review "Digital Media, Video Games, and the Law" (2013) authoring the introductory essay to that issue. As well, Jon authored "Mapping the Electronic Highway: A Survey of Domestic and International Law Issues" 1995, Volume 29, University of British Columbia Law Review.

The website for Video Game Law (including videos of lectures, course materials and ancillary materials) can be found at <http://videogame.law.ubc.ca>

Twitter: @jonfestinger

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

PSN: cdmjon

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

Matsui

Seminar

3 CREDITS

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

Pre-requisites:

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

Evaluation:

Class participation 30% and final assignment 70%.

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

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

Syllabus:

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

Professor Shigenori Matsui is a full time member of the UBC Faculty of Law.

LAW 430.001 **Advanced Legal Research** Term 1 Term 2

Tsiakos

Workshop

3 CREDITS

Class meets in Rm 208 in the Law Library. This workshop does NOT fulfill the 3 credit seminar requirement.

This skills-based course offers upper year students advanced instruction in legal research, writing, and analysis. It builds on skills acquired in Law 180 (Legal Research and Writing). The course focuses on Canadian legal research, but will also touch on researching international law and the laws of other jurisdictions including England, the United States, and the European Union. Instruction in writing focuses on legal analysis and forms of writing common to legal practice. Within this framework, students will develop their research and analytical skills through weekly exercises, two written assignments, and close examination of research tools and techniques.

Evaluation:

Weekly attendance, preparation, and participation are mandatory. Each student will be evaluated on class participation, including a series of in-class exercises (10%) and two - three assignments focusing on BC and Canada (90%).

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

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

Class meets in Rm 208 in the Law Library. This workshop does NOT fulfill the 3 credit seminar requirement.

This course offers upper year students advanced instruction in legal research, writing, and analysis. It builds on skills acquired in Law 180 (Legal Research and Writing). In this course, students will be exposed to a variety of legal topics, focusing primarily on Canadian legal research, but will also touch upon comparative research. This course will take an intensive workshop format, involving significant in-class participation and exercises from which to develop and practice legal research skills. Within this framework, students will further develop analytical and writing skills through two to three written assignments.

Evaluation:

Weekly attendance, preparation, and participation are mandatory. Each student will be evaluated on class participation, including a series of in-class exercises (20%) and two to three assignments (80%).

Bethany Hastie is a Lecturer at the Peter A Allard School of Law. She holds a doctorate and masters in law from McGill University, and a Juris Doctor from the University of British Columbia.

LAW 430.003 Advanced Legal Research Term 1 Term 2 Hastie *Workshop* 3 CREDITS

Class meets in Rm 208 in the Law Library. This workshop does NOT fulfill the 3 credit seminar requirement.

This course offers upper year students advanced instruction in legal research, writing, and analysis. It builds on skills acquired in Law 180 (Legal Research and Writing). In this course, students will be exposed to a variety of legal topics, focusing primarily on Canadian legal research, but will also touch upon comparative research. This course will take an intensive workshop format, involving significant in-class participation and exercises from which to develop and practice legal research skills. Within this framework, students will further develop analytical and writing skills through two to three written assignments.

Evaluation:

Weekly attendance, preparation, and participation are mandatory. Each student will be evaluated on class participation, including a series of in-class exercises (20%) and two to three assignments (80%).

Bethany Hastie is a Lecturer at the Peter A Allard School of Law. She holds a doctorate and masters in law from McGill University, and a Juris Doctor from the University of British Columbia.

LAW 434.001 Medical Negligence Law Term 1 Term 2

Samtani

Course

3 CREDITS

Students who previously completed LAW 382 Law & Medicine are not allowed to register for LAW 434 Medical Negligence Law.

This class is an introduction to the field of health law and, in particular, the issues of professional negligence concerning physicians and hospitals. The focus of the class will be on developing an understanding of the components of a medical malpractice action. We will focus on issues of the doctor-patient relationship, consent, standard of care and causation. In considering these issues, we will explore practical issues that arise in medical malpractice actions including the nature and function of expert witnesses, the use of documentation and difficulties of proof. We will also consider health law issues from an administrative perspective with a focus on the College of Physicians and Surgeons of British Columbia.

The objective of this course is to expose participants to the basic foundations concerning medical legal issues in both a civil and, to a lesser extent, administrative context. By the end of the course, the expectation is that participants will be in a position to identify legal issues pertaining to physicians.

Course readings will be found in the casebook. A recommended, but optional, information source is *Legal Liabilities of Doctors and Hospitals in Canada*, Picard & Robertson (4th ed 2007).

Class instruction will be in form of both lecture and "Socratic instruction". Accordingly, it is expected that all class members will participate in discussion and exercises.

Evaluation:

The course grade will be determined on the basis of a 75% final examination and 25% class participation.

Raj Samtani (B.A. (Simon Fraser University 1987), LL.B. (UBC 1990), LL.M., Health Law Specialization (York University 2012)) practices primarily in the areas of medical malpractice and insurance litigation. He was admitted to the bar of British Columbia in 1991 and has appeared at all levels of court, including the Supreme Court of Canada. Mr. Samtani is an adjunct professor at the University of British Columbia Faculty of Law, instructing in the areas of trial advocacy and health law. He was also a tutor for the UBC Faculty of Medicine "Doctor, Patient & Society" course. He is a member of the Medical-Legal Society of BC, the Defence Research Institute, and the Canadian Bar Association.

LAW 435C.001	Topics in Tort Law	<u>Personal Injury Law</u>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Kazimirski	Kovacs	Course 3 CREDITS

CHANGE December 21, 2016: Co-instructor.

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

Course Objectives:

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

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

Required Reading Materials:

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

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

Evaluation:

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

- Final Exam (50%)
- Written Assignment (25%): students will complete a directed research project and prepare a written opinion/argument on the topic.
- Class Participation (25%): students will attend class, participate in class discussion, and email “weekly reflections” commenting on the lecture.

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

Sandra L. Kovacs is a senior lawyer with KazLaw Injury Lawyers. After more than a decade working in defence of injury claims, Sandy's practice with KazLaw now focuses solely on advocating for plaintiffs with catastrophic or otherwise complex personal injury claims arising in the context of medical malpractice, sexual assault or exploitation, occupier's liability, motor vehicle accidents, and aviation accidents. In her spare time, Sandy is a committed volunteer to the local legal community; she is a past president of the Vancouver Bar Association and, more recently, has served as president of the Law Courts Inn.

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

Brasil

Hermanson

Seminar

3 CREDITS

This course explores how modern society resolves - or tries to resolve - civil disputes arising from mass wrongs. Such wrongs are typified by asymmetries of organization, power and access and by a troublesome tendency to traverse political and geographic boundaries. These characteristics make mass wrongs difficult to resolve by traditional means, but ideally suited to class actions.

The course takes a very practical approach to the resolution of national and international mass wrongs through class actions, which have become increasingly popular in areas as diverse as environmental law, consumer products and services, Charter rights, aboriginal claims, privacy and data breach claims, employment and securities regulation. Class actions have generated an area of great interest to scholars and have become a significant source of work for specialist lawyers in both the plaintiff and defence sides.

The aim of this course is to develop a basic understanding of class proceedings in Canada, including the key differences in the enabling statutes across the Provinces and the various strategies employed by plaintiffs and defendants to advance their respective positions. From a more practical perspective, the course will instruct students on the various strategic and tactical issues that arise in the selection, prosecution, defence and settlement of class actions, from the point of view of both plaintiffs and defence.

Materials:

The course is taught primarily from the review of assigned cases, which must be read in advance of each class. In addition, various supplementary materials and methods are used, including review of filings in the CBA National Class Action Database; review of articles written by class action practitioners on various topics, practical exercises using "real" class action materials and guest lectures by other class action practitioners and professionals. Although there is no required text, additional recommended readings may be assigned to supplement the case review, including various portions of Ward Branch, *Class Actions in Canada* (loose-leaf) (Aurora: Canada Law Book, 1996), and J. Walker, G. Watson and others: *Class Actions in Canada: Cases, Notes and Materials* (2014, Emond Montgomery Publications, Toronto, Canada).

Prerequisites:

There are no specific prerequisites, but students may find they get more out of the seminar and are able to contribute more to it if they have background or courses in one or more of the following areas: civil procedure, remedies, conflicts, constitutional law, and professional responsibility.

Evaluation:

Evaluation is based on a combination of class participation and an essay term paper (approximately 5,000 words).

Luciana Brasil is a partner at Branch MacMaster, and practices primarily in the area of class actions. She has a dual practice and acts for both plaintiffs and defendants, having worked with or against the top Canadian class action counsel. Luciana is recognized as a leading practitioner in the area of class actions in Lexpert's 2014 Canadian Legal Expert Directory and a "future star" in the 2014 edition of Benchmark Litigation. She has been involved in various cross-border class actions involving product liability and price-fixing allegations. Luciana's current plaintiff class actions include a high profile claim against Visa and MasterCard and the major Canadian banks in relation to credit card fees. Luciana is a frequent lecturer at continuing legal education seminars and is a contributing author to a class actions casebook.

*Chelsea Hermanson (B.A. 2007 (University of Calgary), J.D. 2011 (University of Ottawa)) is a litigation associate with Branch MacMaster. She joined the firm in April 2014 and has experience in a wide range of civil litigation, including commercial contractual disputes, medical malpractice, and employment matters. Chelsea has advised clients on a variety of issues and has represented clients before the Provincial and Superior Courts in Alberta and British Columbia. Since 2014, Chelsea has practiced primarily in the area of class actions, working on cases such as *Watson v. Bank of America et al* (credit card interchange fee price-fixing), *Majestic Mattress Mfg. Ltd. v. Vitafoam Products Canada Limited et al* (polyurethane foam price fixing), *Jardine v. Certaineed Corporation* (defective siding), *Condon v. Canada* (student loans privacy breach), and *Douez v. Facebook Inc.* (Facebook ad privacy breach).*

LAW 436.001**Restitution** Term 1 Term 2

Gomery

Senkpiel

Course

3 CREDITS

With contract and tort, the law of unjust enrichment is a fundamental source of civil liability in the common law. As Lord Wright said in *Fibrosa Spolka*: “any civilized system of law is bound to provide remedies for cases of what has been called unjust enrichment or unjust benefit, that is to prevent a man from retaining ... some benefit derived from another which it is against conscience that he should keep.” The liability resulting from unjust enrichment is termed restitution, although, to complicate matters, restitution may be imposed on other grounds as well.

The law in relation to these two topics, unjust enrichment and restitution, is evolving rapidly, is of great theoretical and practical importance, and is often misunderstood. It is the subject of many recent cases before the Supreme Court of Canada and a vibrant academic literature. In areas as diverse as commercial litigation (especially class proceedings) and family law, unjust enrichment and restitution are and promise to continue to be on the cutting edge of jurisprudence and the subject of considerable debate and controversy.

This course will survey the Canadian law of restitution, exploring its critical elements, current problems, and the issues commonly faced by practitioners and the courts. The objective of the course is to provide students with an understanding of the essential legal doctrine and controversies as they manifest both in the classroom and courtroom.

Evaluation:

Students will have two options to choose from: (1) a final exam worth 80% and 20% class participation; or (2) two take home assignments worth 40% each and 20% class participation.

Geoffrey Gomery, Q.C. (LL.B (University of Toronto), B.C.L. (Oxford University)) is a partner of Nathanson, Schachter & Thompson LLP where his practice is confined to civil litigation and administrative law, including commercial disputes, pension disputes, class actions, professional negligence, securities litigation, estate litigation and professional discipline. He has argued leading cases on the law of restitution in the B.C. Court of Appeal and the Supreme Court of Canada. He is the author of the chapter, "Unjust Enrichment", in British Columbia Business Disputes (CLEBC, 2011) and various papers and articles. He is the co-chair of the CLEBC Restitution Conference (2009 and 2014).

Peter Senkpiel (J.D. (University of Toronto)) is a lawyer at Nathanson, Schachter & Thompson LLP, where he practices civil litigation at both the trial and appellate levels, with a focus on commercial disputes. He has appeared as counsel at all levels of court in B.C. and on appeals at the Supreme Court of Canada. He has argued the law of restitution in the B.C. Court of Appeal. Prior to joining the firm, he served as law clerk to the former Chief Justice of British Columbia, the Honourable Lance Finch. He is co-chair of the Appellate Advocacy Section of the CBABC, a contributing author of the Evidence chapter for the Annual Review of Law and Practice, the editor of the B.C. Civil Appeals Netletter, and co-chair of CLEBC's Restitution Conference (2014).

LAW 437.001**Commercial Transactions** Term 1 Term 2

MacDougall, B.

Course

3 CREDITS

This course is designed to permit examination of many of the important features of sale of goods law and practice at the consumer and manufacturer-supplier levels. The course will deal predominantly with the interpretation and application of the Sale of Goods Act and certain related legislation.

Course materials:

Will be announced by the instructor.

Evaluation:

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

Professor Bruce MacDougall is a full time member of the UBC Faculty of Law.

LAW 437.002 Commercial Transactions Term 1 Term 2 Uteck Course 3 CREDITS**CHANGE January 6, 2017: Classroom.**

The general objective of this course is to give students a basic understanding of one of the fundamental subjects in commercial law, contracts for the sale of goods. This course will examine many of the important features of the sale of goods law and will deal predominantly with the interpretation and application of the Sale of Goods Act and certain related legislation.

Evaluation:

2.5 hour open book 100% final examination

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

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

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

Evaluation:

Compulsory 2.5-hour open-book final examination.

Professor Bruce MacDougall is a full time member of the UBC Faculty of Law.

LAW 438.002 Secured Transactions Term 1 Term 2 Uteck Course 3 CREDITS

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

Evaluation:

2.5 hour open book 100% final examination.

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

LAW 439.001**Construction Law**

Term 1 Term 2 Singleton Hand Course 3 CREDITS

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

Evaluation:

Final exam – open book, 3 hour exam, requiring two of 5 hypothetical questions to be addressed by analyzing the issues and arriving at a firm conclusion or set of recommendations. There will also be a series of multiple choice questions. Students will be marked on their knowledge of the topic.

John Singleton Q.C. (LL.B. (University of Alberta 1969), LL.M. (University of London (LSE) 1971)) is the managing partner of Singleton Urquhart in Vancouver. Mr. Singleton has spent his entire career, spanning 46 years, in the practice of Construction and Insurance Law and is widely published author on topics in these areas. He has also presented this course at Stanford University to law and MBA students.

Jeffrey Hand (B.A. (University of Manitoba 1986), LL.B. (University of Manitoba 1989)) was called to the British Columbia Bar in 1990 and has practiced at Singleton Urquhart since that time. He has been a partner there since 1997 and practices in the areas of construction law, insurance law, and product liability law, with a particular emphasis on the defense of design professionals. Mr. Hand is a trained arbitrator and mediator, and a considerable portion of his practice is now devoted to resolving commercial disputes through alternative dispute resolution.

LAW 440.001 **Insurance Law**

Term 1 Term 2 Doyle Lamb Course 3 CREDITS

Insurance companies are intimately involved in the prosecution or defense of many tort actions and, increasingly, in commercial actions as well. Insurance is a necessary component of commercial risk planning and individual business and tax planning. Consequently, a basic knowledge of insurance is indispensable to the modern lawyer.

The first part of this course will examine basic principles of insurance law, and in particular problems in the interpretation of property, liability and accidental death policies. Topics will include basic concepts such as risk, indemnity, subrogation and insurable interest; the structure of liability and property policies; methods of interpreting policy provisions; the concept of "accident"; the role of proximate cause in determining coverage; misrepresentation and fraud; and the duty to defend actions against an insured. Selected topics in the law of life insurance will also be discussed.

The second part of the course will be concerned with automobile insurance, including in particular the regimes of liability and no-fault insurance set out in the Insurance (Vehicle) Act and Regulation. Topics will include the scope of coverage under owner's and driver's certificates; breaches and forfeiture; uninsured and underinsured motorist claims; unidentified motorist claims; limitation periods; and third-party rights.

Materials:

Students will be provided with cases and materials specially selected by the lecturers.

Evaluation:

Evaluation is based on an open-book final examination.

Jim Doyle (B.A. History (UBC 1979), LL.B. (UBC 1982)) is a partner with the Vancouver firm of Guild Yule LLP. He practices in the area of civil litigation with an emphasis on insurance defence (including product liability, property damage, motor vehicle and construction claims), commercial litigation, personal injury and claims against professionals.

Julie Lamb (BMath (1990 UW), LL.B. (1993 U of T)) is a partner at Guild Yule LLP. Julie has practiced as an insurance defence lawyer since being called to the bar in 1994. Her practice includes coverage work, first party property loss claims, personal injury claims, and defending professional liability claims. Julie has co-authored the chapter on insurance law for the CLE Annual Practice for the last few years.

LAW 442.001 **Condominium Law**

Term 1 Term 2 Harris, D. Course 3 CREDITS

This course provides an opportunity to analyze and develop an understanding of statutory condominium as a legal framework for owning interests in land and governing uses of land. It focuses on the condominium statute in British Columbia—the Strata Property Act—and on the manner in which it combines private property and co-ownership of common property with a governing body to oversee the uses of the interests in land that it creates.

The two classes each week will be built around a mix of lectures, discussion, small group work, and guest lectures.

Evaluation:

Students will be evaluated on the basis of a short written assignment and a final examination, each worth 50% of the final grade. The written assignment will provide students with an opportunity to analyze some aspect of condominium law in detail, or in historical or comparative perspective. The final examination will allow students an opportunity to demonstrate their overall understanding of condominium law and related legal issues in British Columbia.

Professor Doug Harris is a full time member of the UBC Faculty of Law.

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

Edinger

Course

3 CREDITS

CHANGE January 13, 2017: Classroom.

This course is designed to familiarize students with the techniques available to unsecured creditors for the collection of debts. Extra-judicial debt collection, prejudgment remedies, examination of the debtor, recognition of foreign judgments, execution, garnishment, equitable execution and builders' liens are considered. The system for distribution of the proceeds of a debtor's assets among the unsecured creditors and the basic aspects of the law of fraudulent preferences and transfers are discussed.

This is a PLTC subject.

Evaluation:

By examination.

Professor Liz Edinger is a full time member of the UBC Faculty of Law.

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

Sarra

Course

3 CREDITS

As a business begins to experience financial distress, its directors, officers, creditors, and other stakeholders need to understand their rights and remedies. Insolvency law includes mechanisms to restructure the business to avoid bankruptcy or to liquidate the business, and offers an organized framework to address creditors' secured and unsecured claims, including outstanding employee wage and pension claims. This course gives a general introduction to Canadian insolvency law. The course is designed with an emphasis on current caselaw and the theoretical framework that underpins the Canadian insolvency system. The course is primarily aimed at exploring business insolvency and bankruptcy law; however, it does provide an introduction to the personal insolvency statutory regime. The class will explore remedies available to creditors, fiduciary obligations of corporate officers, and the relationship between the corporate board, insolvency officers, creditors and employees in governance of the financially distressed corporation. Considerable time will be spent on the specific provisions of the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act so that students have a solid understanding of the legislative framework. The teaching methodology includes lectures, small group problem-solving exercises and class discussion. Students must participate in a restructuring simulation, which includes an appearance before the court on initial motions.

Required materials will be posted on-line.

Evaluation:

50% of the course mark is a paper of 2,500 words, due November 3, 2016, on a subject selected by the student and agreed upon with the professor; 40% is participation in a restructuring simulation; and 10% is based on participation in class.

Professor Janis Sarra is a full time member of the UBC Faculty of Law.

LAW 447B.001 **Topics in Commercial Law** **Financing Transactions**
 Term 1 Term 2 Fine *Course* **2 CREDITS**

The course will focus on real estate financing transactions in particular emphasis on real estate construction financing and security. It will examine the various steps and documentation involved in such transactions. The course will emphasize the practical procedures of financing transactions as they occur in the real world of commerce. Students will be introduced to the various documents involved, including commitment letters, construction contract and mortgage documentation and the terms therein. Also discussed will be the role of the lawyer in assisting his or her client when faced with such documentation and the limitations of the lawyer's role in advising on financial matters. The method of instruction will encourage class participation and open discussion on the topics covered.

Evaluation:

The course will be graded by one exam at the end of the term covering the term's work.

Arnie Fine (B. Comm. (1979), JD. (UBC 1980)) practiced for 15 years in Vancouver with a primary focus on corporate affairs and in particular real estate related transactions. While no longer in private practice, he is currently a private merchant banker and corporate counsel with a large and diverse private equity fund involved in real estate security transactions throughout North America.

LAW 448.001 **Sports Law**
 Term 1 Term 2 Weiler *Course* **3 CREDITS**

This course will focus in areas of public and private law that have an impact on professional and amateur sports. These legal regimes include competition law, labour law, that impact the player labour market, the laws of intellectual property (e.g., copyright and trademark that arise in the exploitation of broadcast rights and protection of sponsor investments), and the law of tort and crimes as they relate to regulating the level of violence and injuries sustained in sport competition. The course looks at the legal regulation of player agents, and the laws governing event and facility management, including legal regimes regulating sustainability issues and impacts such as environmental design, social inclusion and event related programming promoting sport for sustainable living, the impact of television and corporate sponsorship on professional and amateur sports. The course also addresses human rights issues arising from mandatory drug testing and the promotion of equal opportunity in sport competition that impact the eligibility to play in sports leagues, tours and other competitions such as the Olympic Games.

Evaluation:

Term paper 60%, group writing component 25%, and class participation 15%.

Professor Joe Weiler is a full time member of the UBC Faculty of Law.

LAW 449.001 **Media & Entertainment Law** Term 1 Term 2 Weiler

Course 3 CREDITS

CHANGE January 6, 2017: Classroom.

This course will focus on areas of public and private law that impact on television and radio broadcasting, music publishing and recording, motion picture production, live event promotion and management, and the interactive entertainment (video game) industries. The course explores subjects such as taxation, finance, contracts, intellectual property, advertising/marketing restrictions, cultural sovereignty and international trade, broadcast telecommunications/regulatory/administrative issues, freedom of expression, and the personality/privacy rights of entertainers. Legal issues arising from digital technology and the Internet that are creating new challenges to the traditional business models of the recording, film, and newspaper industries will be discussed. The goal of the course will be achieving an informed overview of the legal, industrial and institutional infrastructures of the media and entertainment industries.

Evaluation:

Term paper 60%, group writing component 25%, and class participation 15%.

Professor Joe Weiler is a full time member of the UBC Faculty of Law.

LAW 451.001 **Trusts** Term 1 Term 2 Pavlich

Course 3 CREDITS

Cross-listed with LAW 553C.001.**CHANGE August 17, 2016: Classroom.**

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

Required:

1.D. Pavlich, Trust Law in Common Law Canada (in print)

2.D. Pavlich, Cases and Statutes in Canadian Trust Law

Suggested Reading:

1.D. Waters, Law of Trusts in Canada, 3rd edition (2005)

2.E. Gillese and M. Milczynski, Law of Trusts, 2nd edition (2005)

Evaluation:

100% Final Examination

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

LAW 451.002**Trusts** Term 1 Term 2

Smith, J.

Course

3 CREDITS

Cross-listed with LAW 553C.002.

This course aims to provide a grounding in the theory and operation of the Canadian law of trusts. We will first cover the establishment and operation of express private trusts. Duties and powers of trustees, and breaches of trust duties and their consequences, will be addressed in some detail, together with the Courts' jurisdiction in these matters. We will study resulting and constructive trusts and related concepts, including fiduciary relationships and unjust enrichment, and remedies for breach of trust and fiduciary duty.

Evaluation:

Final open book examination 100%

John Smith [M.A., B.C.L. (Oxford University)] is a senior partner with Lawson Lundell LLP where he has practised since 1981, prior to which he taught law (including trusts) for six years, which included two years at UBC from 1975-77. He has very broad experience dealing with business law issues for over 30 years in relation to many of British Columbia's leading enterprises, with clients ranging from large corporations to family companies to fiduciaries, across many industries. He has been recognized in various directories including the Lexpert/ALM Guide to the Leading 500 Lawyers in Canada, Woodward/White's The Best Lawyers in Canada and Chambers Canada. He was Lawson Lundell's managing partner from 2007 to 2009.

LAW 452.001**Succession**

Term 1 Term 2 Francis, A. Taylor, G. Course 3 CREDITS

CHANGE June 30, 2016: Course added.

This course serves as the essential foundation for the practice of wills and estates, including basic estate planning and probate practice.

The course will provide an overview of various topics including:

1. the statutory rules of intestate succession;
2. the formalities of execution, modification and revocation of wills;
3. aboriginal succession;
4. the interpretation of wills;
5. problems arising from changes in circumstances following the execution of a will;
6. the requirements of testamentary capacity;
7. will contests relating to allegations of lack of capacity and undue influence;
8. basic principles and procedures of probate and estate administration;
9. substitutes for wills such as joint accounts and options available to limit the exposure of an estate to probate fees;
10. the statutory limits to testamentary freedom under legislation such as British Columbia's wills variation legislation;
11. planning for incapacity, including powers of attorney and representation agreements for financial management and health care decision-making.

While British Columbia law will be considered in depth, important differences in the laws of some other Canadian jurisdictions will also be reviewed. As well, the professional obligations of the lawyer will be considered throughout the course. Basic principles of taxation on death will also be highlighted.

Evaluation:

There will be a compulsory final examination.

Amy D. Francis (B.A., Honours (UBC 1994), LL.B. (University of Toronto 1999)) was called to the bars of British Columbia and Ontario in 2001. Ms. Francis has practiced in the litigation departments of national law firms in both Toronto and Vancouver. Prior to joining Legacy Tax + Trust Lawyers, she worked as a tax litigator for the federal Department of Justice. She is now a principal of Legacy.

Ms. Francis advises clients on wills variation claims, validity of wills actions, trust claims, contentious administration issues, and committeeships.

Genevieve N. Taylor (B.A., Honours (UBC 1995), LL.B. (Dalhousie University 1998)) is a principal of Legacy Tax + Trust Lawyers and has practiced at that firm since it began in 2000. She was called to the bar in British Columbia in 1999 and has worked since then in all aspects of trust and estate planning and administration. Her work includes crafting estate plans, preparing applications for probate or administration and advising executors, trustees and beneficiaries in contentious and non-contentious matters. She is a frequent writer and speaker in the area of wills, estates, trusts and adult guardianship.

LAW 457.001 Real Estate Development

☑ Term 1 ☐ Term 2

Sherrott

Course

3 CREDITS

Pre-requisite of LAW 456 is waived.

This course will address certain significant aspects of a real estate development project, with a particular emphasis on the identification and allocation through agreements of the risks the parties typically encounter. While always keeping these over-riding goals in mind, this course will also provide students with some very practical guidance. The topics addressed will include due diligence, site acquisition, contract of purchase and sale terms, environmental issues, commercial leasing, property development issues, and project financing.

Evaluation:

Class Participation 10%
 First take home assignment 30%
 Second take home assignment 30%
 Final take home assignment 30%

Geoffrey M. Sherrott (LL.B. (University of Saskatchewan, 1993), degrees in zoology and history, certification as a science teacher (UBC)) articulated at Edwards, Kenny & Bray LLP, where he is currently a partner, and where he has a broad commercial practice acting for public and private businesses. Mr. Sherrott is the ongoing chair of a CLE course in securities law for junior lawyers, one of the editors of the CLE practice manual on buying and selling a business, and the author of a chapter on equity financing for the CLE business basics manual. He also teaches a course on contract drafting for junior lawyers at his firm.

LAW 459.001 Business Organizations

☑ Term 1 ☐ Term 2

MacDougall, B.

Course

4 CREDITS

Cross-listed with LAW 508D.001.

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

Required Materials:

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

Evaluation:

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

Professor Bruce MacDougall is a full time member of the UBC Faculty of Law.

LAW 459.002 **Business Organizations** Term 1 Term 2 Lin

Course

4 CREDITS

Cross-listed with LAW 508D.002.**CHANGE July 26, 2016: Required materials.**

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

Required Materials:

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

Evaluation:

Final exam 100%

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

LAW 459.003 Business Organizations
 Term 1 Term 2 Festinger

Course 4 CREDITS

Cross-listed with LAW 508D.003.**1. Course Description & Purpose**

Business Organizations is a survey course. You will be introduced to some of the more significant legal policies and provisions that apply to some of the forms through which business activity is carried on, such as proprietorships, partnerships and corporations of various kinds. Most of your time will be devoted to the corporate form principally because it has the greatest impact on our lives and brings into sharp relief the opportunities and costs of economic activity. Moreover, it and the law surrounding it provide a useful counterpoint to partnerships and the law that governs them.

There are several pedagogically motivated devices that recur in the course. These include a focus throughout on the contrasts between the forms of companies, partnerships and proprietorships. This will be coupled with various attempts to highlight “ethical” issues including, but not limited to, the lawyer’s professional responsibilities and fiduciary duties.

2. Course Objectives

It is impossible in a course of this kind to cover all of the myriad issues that confront a business lawyer. The most that can be hoped for is that by the time you have completed the course you will have a good understanding of some of the more important principles, policies and statutory provisions that frame the law governing the organization of business activity; the reasons for them; the extent to which they differ in their application to various forms of association and why. Legislation is an important part of the governing law and so providing you some understanding of the interpretation of relevant statutes and their relationship to judicial decisions in the field is a clear aim.

The goal of the design of this course is to not render the subject to be a lengthy laundry list of unrelated, tedious and technical rules. There are key organizing principles – designed to provide solutions to a limited number of basic problems. The course is also intended to allow you to develop a set of intellectual tools that you can deploy to analyze almost any part of the subject. Paying particular attention to the underlying structural components of the subject should assist your ability to put details into context.

3. Learning Outcomes

By the end of this course, students will:

- Have developed an understanding of the core characteristics of company law and how they interrelate. Specifically these are the corporate law principles, policies and statutory provisions dealing with: 1. Separate legal personality of companies; 2. Limited liability of shareholders; 3. Centralized management; 4. Principle of shareholder control; 5. Fiduciary responsibilities; 6. Transferability of shares in the market/privately; and 7. Profit seeking as a required corporate motive.
- Have developed an understanding of how, why and to what extent corporate law principles, policies and statutory provisions differ in how they apply to various corporate business forms (mainly companies, partnerships and sole proprietorship).
- Have developed an appreciation of the role and interpretation of relevant statutes and their relationship to judicial decisions in the area.
- Develop an ability to communicate directly and in plain English on corporate law subjects.
- Develop an ability to reflect on the frequent ethical conundrums that are endemic to many corporate law issues. Specifically, appreciating how the seven subjects noted above (1. Separate legal personality of companies; 2. Limited liability of shareholders; 3. Centralized management; 4. Principle of shareholder control; 5. Fiduciary responsibilities; 6. Transferability of shares in the market/privately; and 7. Profit seeking as a required corporate motive) are as often the underlying cause of ethical conundrums will help the student in framing arguments for legal positions.
- Analyze critically and through an ethical lens the rights and responsibilities of the legal actors in the corporate drama, including management, directors, shareholders, government, legal advisors and the courts. The reality is that most corporate litigation seems amoral, very often (but not always) pitting a wealthy investors or company against another one.

4. Teaching Method

Lecture, discussion, exercises, guest speakers, question & answer, as well as on-line activities will all be used. Where possible relevant, interesting or important current events, cases will be posted on the course website. You will always be welcome and encouraged to make your own contribution by responding or by drawing attention to new matters.

5. Methods of Evaluation

There will be a final 3-hour open-book examination worth 60%. There will be a drafting assignment worth 15% where you will be asked to write a short memorandum identifying legal issues on a set of facts as if you were an associate in law firm.

There will also be a written assignment asking you to analyze a legal issue through an ethical lens, also worth 15%. Other activities and participation will be worth 10%.

6. Course Materials

Required Text

Welling, Smith and Rotman, *Canadian Corporate Law: Cases, Notes and Materials*, 4th ed., 2010, LexisNexis, Canada. (the "Casebook").

Jon Festinger, Q.C. (LL.B., B.C.L. 1980 (McGill University)) is a Vancouver, British Columbia based counsel and educator.

As a graduate of McGill University's Faculty of Law, Jon began his legal career in private practice, in turn becoming General Counsel of WIC Western International Communications, Senior Vice President of the CTV Television Network, and Executive Vice President, Business & General Counsel of the Vancouver Canucks. Jon practices law through Festinger Law & Strategy. Currently Jon is Chair of Ronald McDonald House British Columbia. Jon teaches media, communications, corporate and sports law topics. He has taught courses at the UBC Faculty of Law since 1993, as well as at various times teaching at the Thompson Rivers University Faculty of Law, the University of Victoria Faculty of Law and the UBC Graduate School of Journalism. Jon is a Professor of Professional Practice at Simon Fraser University and a faculty member at the Centre for Digital Media (<http://thecdm.ca>).

Jon is the author of the first edition of "Video Game Law" published by LexisNexis in 2005, co-author of the 2nd Edition published in 2012 (<http://www.lexisnexis.com/store/ca/catalog/booktemplate/productdetail.jsp?prodId=prd-cad-01004>). He was Guest Editor of the Volume 46, Number 3 of the UBC Law Review "Digital Media, Video Games, and the Law" (2013) authoring the introductory essay to that issue. As well, Jon authored "Mapping the Electronic Highway: A Survey of Domestic and International Law Issues" 1995, Volume 29, University of British Columbia Law Review.

The website for Video Game Law (including videos of lectures, course materials and ancillary materials) can be found at <http://videogame.law.ubc.ca>

Twitter: [@jonfestinger](https://twitter.com/jonfestinger)

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

PSN: [cdmjon](#)

LAW 460.001 Advanced Corporate Law

Term 1 Term 2 Sangra Talaifar Course 3 CREDITS

The course is designed to build upon concepts learned in LAW 459 Business Organizations (previously LAW 230), with a specific emphasis on advanced corporate and securities laws arising in the context of being an advisor to a publicly traded company. Topics covered will include: (i) corporate governance; (ii) capital raising; (iii) change of control transactions, including hostile take-over bids, contested shareholders' meetings and proxy contests; (iv) directors' duties in mergers & acquisitions; (v) executive compensation; and (vi) continuous disclosure obligations.

Prerequisite:

LAW 459 (previously LAW 230) Business Organizations is a prerequisite.

Evaluation:

Evaluation will be 100% final exam.

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

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

LAW 462.001T1 **Close Corporations** **Corporations: From Beginning to End**
 Term 1 Term 2 Wong Robertson, S. Workshop 2 CREDITS

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

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

Prerequisite:
LAW 459 (previously LAW 230) Business Organizations is a prerequisite.

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

Tamara Wong (LL.B, Hons (University of Manchester 2003), M.Phil. (University of Cambridge 2005)) is a partner in the Vancouver office of Borden Ladner Gervais LLP. Tamara practises in the area of corporate commercial law and family business succession planning.

Stephen P. Robertson (B.A., Criminology and Psychology Joint (Simon Fraser University 2004), LL.B. (U. Manitoba 2007)) is a Partner in the Securities and Capital Markets group of Borden Ladner Gervais LLP, dealing with public and private financings, mergers and acquisitions, and investment funds.

LAW 462.001T2 **Close Corporations** **Corporations: From Beginning to End**
 Term 1 Term 2 Wong Robertson, S. Workshop 1 CREDITS

All year. Meets alternate weeks. Total credit value for this workshop is 3 (2 in term 1 and 1 in term 2). (See 462.001T1)

See above description.

Tamara Wong (LL.B, Hons (University of Manchester 2003), M.Phil. (University of Cambridge 2005)) is a partner in the Vancouver office of Borden Ladner Gervais LLP. Tamara practises in the area of corporate commercial law and family business succession planning.

Stephen P. Robertson (B.A., Criminology and Psychology Joint (Simon Fraser University 2004), LL.B. (U. Manitoba 2007)) is a Partner in the Securities and Capital Markets group of Borden Ladner Gervais LLP, dealing with public and private financings, mergers and acquisitions, and investment funds.

LAW 463.001 Securities Regulation Term 1 Term 2 Ford

Course 3 CREDITS

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

Evaluation:

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

Prerequisite:

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

Professor Cristie Ford is a full time member of the UBC Faculty of Law.

LAW 463.002 Securities Regulation Term 1 Term 2 Sollis Waters

Course 3 CREDITS

The purpose of this course is to enable students to gain an understanding of how and why securities markets are regulated. The course will emphasize the law of British Columbia, but there will also be reference made to the laws of other Canadian jurisdictions as well as to U.S. securities regulation, which has been particularly influential in the development of Canadian securities law and practice.

This is a specialized corporate law course dealing with the regulation of the Canadian securities market. The course focuses on the law and policy surrounding the philosophy of disclosure and civil liability in connection with trades of securities of widely-held corporations and other issuers.

Evaluation:

Evaluation will be by final examination.

Prerequisite:

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

Gary Sollis (B.A. (University of Victoria 1974), LL.B. (Dalhousie University 1977)) practices corporate and securities law at the Vancouver office of Dentons Canada LLP, with a focus on acquisitions, financings, reorganizations and corporate governance. He has lectured on securities, corporate and commercial law topics at seminars for the Continuing Legal Education Society of B.C., Simon Fraser University, University of British Columbia, Insight, the American Society of Corporate Secretaries and Pacific Business & Law Institute. He is a member of the Business and Securities Sections, B.C. Branch, Canadian Bar Association and Business Law Section of the American Bar Association.

Michael T. Waters (B.A. (UBC 2000), M.A. (UBC 2004), LL.B. (Osgoode Hall 2007)) practices corporate and securities law at the Vancouver office of Borden Ladner Gervais LLP, focusing on mergers and acquisitions, corporate finance, corporate governance and investment fund management. He has written articles on topics including defensive tactics in contested transactions, proxy contests, mining law and corporate governance. He is a member of the Securities Section, B.C. Branch, of the Canadian Bar Association.

LAW 464.001	Competition Policy	Canadian Competition Law		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Tougas	Wright	Course 3 CREDITS

Cross-listed with LAW 553C.003.

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

Evaluation:

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

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

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

LAW 465.001	<u>Introduction to Corporate Finance</u>	<u>Financial Accounting in Legal Practice</u>	
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	King	Crane
			Course
			3 CREDITS

CHANGE June 23, 2016: Course description. August 14, 2016: Additional instructor.

The purpose of this course is to provide law students with the skills to understand basic financial accounting principles, to read financial statements, and to apply accounting concepts in some of the legal contexts in which they arise. The course will cover basic accounting concepts and issues, basic financial concepts, key concepts in business and asset valuation and their impact on law, valuation and accounting in various areas of law (e.g., corporate and securities law, family law, income tax, commercial real estate, wills and estates), and lawyers' professional relationships to business experts and accountants. It will also cover some related topics such as risk management, financial disclosure obligations and financing arrangements in M&A. Please note this course is designed as an introductory course for students without degrees in accounting and finance.

Evaluation:

80% exam and 20% participation.

Wendy King (Masters, International Tax Law (University of London), M.B.A. (Columbia University, University of California at Berkeley), Advanced Management Program (Harvard University)) is called to the bar of British Columbia and has been practicing law for more than 18 years, as in-house counsel and in private practice as an international-tax specialist.

Ms. King is currently Vice President, Legal, Risk and Governance at Capstone Mining Corp. Prior to joining Capstone she held the position of Chief Compliance Officer, Senior Vice President of Government Relations, General Counsel and Corporate Secretary of Central 1 Credit Union. Prior to that, she was Senior Legal Counsel and Assistant Corporate Secretary at Weyerhaeuser Company Limited.

Ms. King is certified with the Institute of Corporate Directors. She served as Director of Via Rail Canada Inc. and currently serves as Director of Royal BC Museum and a Trustee of the Vancouver Police Foundation. Ms. King also serves on the Executive Committee of the Canadian Corporate Counsel Association.

Allison Crane (B.Com., Finance major, Honours (University of Manitoba), LL.B. (University of Windsor)) articulated and practiced law at a couple of National law firms and also worked as senior legal counsel for a Fortune 100 company. She is now practicing corporate commercial law at boutique law firm in downtown Vancouver where she is a partner.

LAW 466.001	<u>Business Law Capstone</u>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Gauthier	
			Course
			3 CREDITS

Registration by permission only. Class will be held at UBC Robson in the Law Boardroom.

CHANGE: Instructor.

The course is designed to build upon concepts learned in Business Organizations, with a specific emphasis on advanced corporate, securities and tax laws. Students will be grouped into teams whereby they will provide strategic advance to a publicly traded mining company in the context of potential M&A scenarios. Topics covered will include confidentiality agreements, capital raising, mergers & acquisitions, joint ventures, tax considerations, defensive tactics, investment protection, corporate social responsibility, and stock exchange requirements. Students will have an opportunity to meet and work directly with industry executives and hear first-hand how strategies are developed and transactions are structured in the complex world of public M&A.

Prerequisite:

LAW 407 Taxation, LAW 459 Business Organizations, LAW 463 Securities Regulation, and 6 credits of other courses from the Concentration are prerequisites.

Evaluation:

Evaluation will be 100% assignments and class participation.

Christian Gauthier

LAW 467C.001	<u>Topics in Corporate Law</u>	<u>Corporate Solicitors' Workshop</u>	
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Smith, B.	Workshop 3 CREDITS

This course is a practical workshop designed to introduce students to the work of a corporate solicitor. The course is taught in a seminar format and introduces students to the different aspects of a corporate transaction such as the purchase, sale and financing of a business, both by way of an acquisition of assets and an acquisition of shares. The course will review the various legal, professional, practice and practical issues involved in such transactions from start to finish and will provide practical experience analyzing issues, drafting documents and negotiating on behalf of various parties involved in the transaction. The course will culminate with a one-day interactive workshop in which student teams will structure and negotiate a complex corporate M&A transaction.

Students are cautioned that attendance and active participation at all classes and at the one day workshop are mandatory.

Prerequisites:

LAW 459 (previously LAW 230): Corporations /Business Organizations is a prerequisite.

Graded Pass/Fail.

Brock Smith (B.A. (University of Victoria 1987), LL.B. (UBC 1990)) is a partner with Whiteboard Law Corporation. Mr. Smith is a corporate solicitor who has focused his practice on information technology and emerging growth companies, with an emphasis on technology companies and assets, technology licensing (from both the licensor and licensee perspective), outsourcing arrangements, intellectual property audits and other technology due diligence investigations on companies, corporate finance transactions (primarily venture capital financings) and general corporate advice to technology companies.

LAW 467D.001	<u>Topics in Corporate Law</u>	<u>White Collar Crime</u>	
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Narwal	Seminar 3 CREDITS

Cross-listed with LAW 560.005.

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

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

Evaluation:

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

Joven Narwal (B.A., LL.B (UBC), LL.M (Columbia University)) began his career as Crown Counsel before establishing his own firm in downtown Vancouver. His practice is devoted primarily to criminal and quasi-criminal defence and extends to professional disciplinary proceedings, administrative hearings before provincial regulators such as the British Columbia Securities Commission, and civil matters with criminal overtones involving fraud or other intentional tortious conduct. He serves as President of the Vancouver Bar Association and is also a member of the Canadian Bar Association, Trial Lawyers Association of British Columbia and the National Association of Criminal Defence Lawyers.

LAW 468.001 **Ethics and Professionalism** Term 1 Term 2 Harris, N.*Course**3 CREDITS****Cross-listed with LAW 555C.001.*****CHANGE June 23, 2016: Time, instructor, course description.****CHANGE July 6, 2016: Evaluation method.**

In this course, students will consider the ethical obligations of lawyers in Canada, with a focus on contemporary issues in legal ethics. Topics covered include role morality, the duties of the advocate, the duty of competence, conflicts of interest, and civility. Students will also be introduced to the model of self-governance of lawyers and will consider current challenges facing the legal profession including access to justice. The course will be taught in both a lecture format with small group exercises.

Evaluation:

Evaluation will be based on class participation and a final exam.

Nikos Harris is a full-time member of the UBC Faculty of Law.

LAW 468.002 **Ethics and Professionalism**

Term 1 Term 2 Wood Armour Course 3 CREDITS

This course is intended to enhance your knowledge and understanding of current ethical and professional standards, while also equipping you to navigate some of the more problematic issues confronting Canadian lawyers in contemporary practice.

Any exploration of legal ethics necessarily begins with an examination of how legal ethics might be distinguished from notions of morality and legality. It must also consider the several core values and aspirations that inform the profession's behavioural norms and expectations, and the conflicting nature of some of the resulting ethical directives. In the more nuanced and correspondingly difficult situations, choices must be made that are often neither clearly right nor wrong.

Specific topics to be covered will include: the scope of lawyer/client confidentiality and privilege, the duty of loyalty (which encompasses conflicts of interest), guiding principles related specifically to advocacy (e.g. dealing with the lying client or witness, duties to the court, withdrawal from a file), a lively current debate about the appropriate balance to be struck in attempting to regulate standards of civility (most recently prominent in the Groia case in Ontario), and other issues generally related to self-regulation, such as the expansive obligation to report the conduct of other lawyers, and the threshold 'character' test for admission to the profession.

Guest lecturers may include judges, senior lawyers from both private practice and the Law Society, and one or more Benchers.

Classroom discussion is encouraged.

Evaluation:

Grading will be based 20% upon class participation, including in-class assignments focused upon a review of law society decisions. The balance (80%) will be by final examination.

Henry Wood, Q.C., practices exclusively in the area of civil litigation, with an emphasis upon administrative / regulatory law. He has acted as general counsel throughout his career, appearing before all levels of Court. He had extensive experience with criminal law early in his career, where he represented both the defence and the Crown, including several retainers as a Special Prosecutor for both the federal and provincial governments in matters related to commercial crime.

He has appeared before a variety of regulatory tribunals, and is frequently retained as counsel on matters involving the Law Society of British Columbia.

He previously taught a course in Trial and Appellate Advocacy at the UBC Faculty of Law and has been teaching Ethics and Professionalism for the last 10 years.

Deborah Armour is Chief Legal Officer of the Law Society of British Columbia with overall responsibility for professional conduct, investigations, discipline, custodianships and unauthorized practice of law.

Prior to joining the Law Society, she has been the Director of Legal Services and Chief Compliance Officer for Powerex Corp; General Counsel, Corporate Secretary, Chief Compliance Officer and Chief Privacy Officer for Raymond James Ltd; Pacific Regional Director for the Investment Dealers Association of Canada and General Counsel of the Canadian Venture Exchange and its predecessor the Vancouver Stock Exchange. Ms. Armour began her legal career at the law firm of Ladner Downs where she practiced commercial litigation. She obtained her law degree from Dalhousie Law School in 1985.

This is Ms. Armour's third term teaching Ethics and Professionalism.

LAW 468.003 Ethics and Professionalism Term 1 Term 2

DelBigio

Course

3 CREDITS

Cross-listed with LAW 555C.003.

In Canada, the legal profession is self-governing and law societies are tasked with the authority to set professional standards, to govern and regulate the profession and to bring disciplinary measures when required.

It is inevitable that ethical quandaries, challenges and questions will arise in any practice. In this course, we will consider and discuss the ethical standards which have been chosen to guide professional conduct. This will include consideration of: solicitor-client privilege and confidentiality; civility; conflicts of interest; marketing of legal services; advocacy and anti-money laundering.

This course is designed to prepare those who plan to enter the practice of law and to bring an appreciation and understanding of the highly regulated nature of the legal profession.

Each session will consist of both a lecture and classroom discussion and, where possible, there will be guest lecturers such as judges, practicing lawyers or representatives of the Law Society to provide their particular insights.

We will refer to law society rules of professional conduct, academic writing and disciplinary and judicial decisions.

Evaluation:

Classroom participation will be fully encouraged and students will be evaluated on a final examination worth 100% of the grade.

Greg DelBigio, Q.C., (graduate work in Philosophy (University of Western Ontario), LL.B. (University of Toronto)) has practiced in the area of criminal law since 1992 and in that time has appeared before all levels of court in Canada and been involved in law reform.

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

Salter

Course

3 CREDITS

Cross-listed with LAW 555C.004.

Legal ethics is the body of rules which governs the professional obligations of lawyers. These rules are found in legislation, case law, the Law Society of BC's policies, and the general ethical standards that guide our behaviour as people of integrity.

This class will explore framework for legal ethics and the professional regulation of lawyers in British Columbia, with a focus on class discussions, guest lectures from experts in various areas of legal practice and regulation, and an examination of some of the many controversial and often ambiguous ethical issues facing lawyers today.

Evaluation:

You will be evaluated in this course based on the following:

JD students

Evaluation in this course involves 2 components:

- Class participation and student presentations (20%); and,
- Final examination (80%).

LLMCL students

- Class participation and student presentations (20%);
- Final examination (65%); and
- A 4-5 page, double-spaced case comment, on a Canadian court case about legal ethics or legal regulation, ideally from the last two years (15%).

Class Attendance and Participation

Students are expected to have read the required readings and be prepared to initiate and participate thoughtfully and respectfully in class discussions. The participation portion of your grade will be based on regular attendance, the quality of your contributions in class, and your student presentation.

Shannon Salter (B.A. (UBC 2001), LL.B. (UBC 2005), LL.M. (University of Toronto 2011)) is the Chair of the Civil Resolution Tribunal. Ms. Salter clerked with the British Columbia Supreme Court, practiced litigation at a large Vancouver law firm for several years, and has served as a vice chair of the Workers' Compensation Appeal Tribunal. Ms. Salter is also a commissioner of the Financial Institutions Commission, vice president of the British Columbia Council of Administrative Tribunals, and a past board member of the College of Registered Nurses of British Columbia. She has been actively involved in providing pro bono legal advice and representation throughout her career. She is a member of the Law Society of British Columbia.

LAW 469.001 Civil Procedure

Term 1 Term 2 Greenberg Michaud Course 3 CREDITS

Cross-listed with LAW 552C.001.

We will study the conduct of civil actions in the B.C. Supreme Court. Students will become acquainted with the Supreme Court Civil Rules and the common law governing procedure.

Various procedural problems will be examined from two points of view:

(a) that of the practitioner who must understand the workings of the Rules and consider strategic and ethical issues in order to conduct a case effectively; and

(b) that of the student of the law who should question the assumptions underlying procedural rules and postulate strategic solutions.

The emphasis will be the pre-trial stages of proceedings. Memorizing the Rules will not be necessary, but an understanding of the basic structure of a civil lawsuit and a recognition of procedural problems and related strategic and ethical issues will be expected.

Required Materials:

Casebook: Civil Litigation, updated July 2016

Brook Greenberg (B.A. (Carleton University), LL.B. (UBC)) is a partner in the Litigation and Dispute Resolution Department of Fasken Martineau DuMoulin LLP in Vancouver. His litigation practice focuses on Commercial, Banking, Construction and Forestry Litigation. Prior to joining Fasken Martineau DuMoulin he served as a law clerk to Madam Justice Proudfoot, Madam Justice Prowse and Mr. Justice Hall of the B.C. Court of Appeal. Mr. Greenberg regularly supervises legal clinics run by the UBC Law Students Legal Advice Program and is Past President and a member of the Board of the Greater Vancouver Law Students Legal Advice Society. Mr. Greenberg is also an elected Bencher of the Law Society of British Columbia for Vancouver County.

Joëlle Michaud (B.Comm., LL.B. University of Ottawa) is an associate in Fasken Martineau DuMoulin LLP's Litigation and Dispute Resolution Department with a focus on insurance, product liability and personal injury law. She acts for both domestic and foreign insurers defending disability, life, personal injury, and motor vehicle accident claims. She also acts for manufacturers defending product liability claims. She is fluent in French and completed her law degree in French. In her spare time, Ms. Michaud regularly plays basketball and volleyball and she enjoys skiing.

LAW 469.002 Civil Procedure

Term 1 Term 2 Goulden Berger Course 3 CREDITS

Cross-listed with LAW 552C.002.

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

Required Materials:

1. Bouck, Dillon and Turriff, British Columbia Annual Practice, current edition.
2. Supplementary materials referenced in class.

Evaluation:

100% Final examination.

James Goulden (B.Com. (University of Calgary 1989), LL.B. (UBC 1992)) is a partner in the dispute resolution and litigation department with Bull Housser LLP in Vancouver. Mr. Goulden's practice is focused in the areas of commercial, land, administrative and local government litigation. Mr. Goulden has conducted a broad range of cases at all levels of court in British Columbia, the Federal Court of Canada and various administrative tribunals.

Ryan Berger (B.A. (Lee College 1994), LL.B. (UBC 1998)) is a partner in the dispute resolution and litigation department with Bull Housser LLP in Vancouver. Mr. Berger's litigation practice is focused in the areas of employment and privacy. Mr. Berger also heads the firm's information and privacy practice. Mr. Berger has litigated at all levels of court in British Columbia, the Federal Court of Canada and various administrative tribunals.

LAW 469.003**Civil Procedure** Term 1 Term 2

Crerar

Cameron, G.

Course

3 CREDITS

Cross-listed with LAW 552C.003.

This course has the following objectives:

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

Required Materials:

1. David Crerar and Gavin Cameron, Law 469 Civil Litigation Casebook, 2017 edition.
2. Janet Walker, et al. The Civil Litigation Process: Cases and Materials, 8th ed. (Toronto: Emond Montgomery Publications Ltd., 2016).
3. Supreme Court Civil Rules: Any of these sources:
 - Bouck, Dillon, and Turriff, British Columbia Annual Practice 2017 (Canada Law Book Inc.) (the "White Book");
 - Seckel & MacInnis, Supreme Court Rules Annotated 2017 (Carswell) (the "Black Book"); or
 - Online: http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/168_2009_01

Evaluation:

The evaluation method in this course will be by a 90% open-book final examination set during the Faculty examination period. The remaining 10% will be based on the two short and simple pass-fail assignments: a short pleadings drafting exercise and a short 1-page report of an independent visit to Supreme Court Civil Chambers. Additional marks may be given for class participation, at the discretion of the instructors.

David Crerar (B.A. Hons (University of Toronto 1991), LL.B (University of Toronto 1997)) is a partner in the Vancouver office of Borden Ladner Gervais, serving as the national chair of the firm's Defamation and Media Group. He practises in the area of civil and commercial litigation, with a focus on media law and defamation, shareholder disputes, protection of trade secrets, Internet litigation, anti-fraud, and banking and pension litigation. He has published many articles on those and other areas and has contributed to many continuing legal education conferences as an author, lecturer, and chair. He is a co-editor and author of The Civil Litigation Process: Cases and Materials (the most widely-used civil procedure text in Canadian law schools), and a forthcoming book on Mareva freezing injunctions. Mr. Crerar has served as an adjunct professor at the University of British Columbia Faculty of Law, lecturing in civil procedure, since 2004.

Gavin Cameron (LL.B UBC, 2009) is an associate in the Vancouver office of Fasken Martineau DuMoulin LLP. He practices primarily in the area of commercial litigation, with a focus on shareholder disputes, commercial fraud and professional negligence actions. He has published articles in academic journals and trade publications, and has contributed to continuing legal education programs. Mr. Cameron regularly volunteers as a supervising lawyer with the UBC Law Student's Legal Advice Program and with Access Pro Bono.

LAW 470.001T1 The Innocence Project Term 1 Term 2

Levy

Clinical

3 CREDITS

Registration by Permission Only. (See LAW 470.001T2 and LAW 471D.001.)

The UBC Innocence Project is a clinical program which focuses on the review of claims of wrongful conviction. Students participate in investigative casework, office administration, an academic seminar and weekly meetings to which a variety of guest speakers are invited. Casework includes reviewing homicide files (predominantly) from the initial investigation through the trial and appeal process, investigation of potential new evidence pointing to innocence, and assessment of whether the Project will assist in drafting an application to the Minister of Justice under s. 696.1 of the Criminal Code. Each student is assigned to a practicing criminal lawyer for added guidance and supervision. Inquiries about the program should be sent to the program director, Tamara Levy at: tlevy@allard.ubc.ca.

Pre-requisite or Co-requisite:
LAW 476 Evidence

Co-requisite:
LAW 471.001 Preventing Wrongful Convictions

Evaluation:
Legal writing 25%
Participation 10%
Investigation and Initiative (persistence, diligence, direction required) 35%
Professionalism (organization, timeliness, punctuality, dealings with others on file) 30%

Tamara Levy (B.A. (University of Western Ontario, 1993), LL.B. (Osgode Hall, 1996)) was called to the bar in 1998. She articulated and practiced with the firm of Peck and Tammen (now Peck & Co.) before working as Crown Counsel for three years. Since leaving the Crown she has practiced criminal law in Vancouver as a sole practitioner and as Director of the UBC Law Innocence Project. She has taught at U.B.C. as an adjunct professor since 2004.

LAW 470.001T2 The Innocence Project Term 1 Term 2

Levy

Clinical

3 CREDITS

Registration by Permission Only. (See LAW 470.001T1 and LAW 471D.001.)

See above description.

Tamara Levy (B.A. (University of Western Ontario, 1993), LL.B. (Osgode Hall, 1996)) was called to the bar in 1998. She articulated and practiced with the firm of Peck and Tammen (now Peck & Co.) before working as Crown Counsel for three years. Since leaving the Crown she has practiced criminal law in Vancouver as a sole practitioner and as Director of the UBC Law Innocence Project. She has taught at U.B.C. as an adjunct professor since 2004.

LAW 471D.001 **Preventing Wrongful Convictions**

Term 1 Term 2 Peters, M. Barrenger Seminar 3 CREDITS

This course is required for Students in LAW 470.001 Innocence Project.
CHANGE September 28, 2016: Classroom.

This seminar is designed to explore the phenomenon of wrongful convictions. The broad focus will be the legal rules and principles designed to prevent wrongful convictions, including the evolution of those rules and principles. More specific areas to be covered will include notable wrongful convictions in the Canadian context, eyewitness (mis)identification, the Crown's disclosure obligations, expert evidence, false confessions, and unsavoury witnesses, amongst others. The instructors will relate the topics to the actual practice of criminal law. Guest speakers, drawn from justice system participants, will provide additional perspectives.

Co-requisite:

This course is required for students in the Innocence Project.

Evaluation:

Evaluations will be based upon a research paper (75%), class participation (15%), and a class presentation (10%).

Martin Peters (B.A. (U.B.C. 1981), LL.B. (University of Toronto, 1984)) grew up in Vancouver. He became a member of the Law Society of Upper Canada in 1986. Mr. Peters practiced criminal, civil and administrative law at the Toronto firm of Shibley, Righton and became a partner at that firm in 1990. In 1994 Mr. Peters started his own firm Martin Peters & Associates in Toronto which focused on criminal law. In 2003 Mr. Peters returned to Vancouver where he continues to practice of criminal law.

Mr. Peters has been a supervising lawyer for many of the Innocent Project's clients. Mr. Peters has taught Criminal Procedure and Advocacy at the Professional Legal Training Course. His practice primarily involves trial work for serious offences. Mr. Peters also has an appellate practice.

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

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

Term 1 Term 2 Smart McEwan Francis Workshop 3 CREDITS

Restricted to third-year students.

This course, supervised by William Smart Q.C., Kenneth McEwan, Q.C. and Jennifer Francis will be given by leading members of the judiciary and litigation bar in lectures and student practice sessions. The course is designed to expose up to 40 students to all aspects of litigation practice (civil and criminal), mainly at the trial level.

There will be two 2-hour sessions each week during the Fall term, from 5:30 to 7:30 p.m. at the Vancouver Law Courts with a mix of group lectures and break out practice sessions. The course will cover all aspects of trial advocacy including lectures and discussion groups about the adversarial system and ethics. However, the real focus of the course is on developing student's advocacy skills in the various aspects of civil and criminal litigation including interlocutory proceedings, conducting examinations for discovery, preparations for trial, opening a criminal and civil trial, examination and cross examination of witnesses, closing submissions and appellate practice. Participation in simulations will be required. There are 9 student practice sessions throughout the course on the various topics covered, culminating in mock civil and criminal trials. Thorough knowledge of the applicable materials and diligent preparation for each session is essential.

Prerequisites:

LAW 476 Evidence and LAW 469 Civil Procedure are recommended prerequisites for this course.

Evaluation:

The course is Pass/Fail, Each student will be evaluated by session leaders.

William Smart, Q.C. graduated from the University of Washington in Seattle in 1971, and the U.B.C. Faculty of Law in 1975. He was a Crown counsel from 1976 to 1979 and subsequently worked in private practice from 1979 to 2006, practicing almost exclusively in the areas of criminal and administrative law. He has appeared in all levels of court in British Columbia and the Yukon for the Crown and the defence, as well as in the Supreme Court of Canada. He was appointed Queens Counsel in 1996. He was appointed a fellow of the American College of Trial Lawyers and the International Society of Barristers. In December, 2006, he was appointed as a judge to the Supreme Court of British Columbia and served in that capacity until 2013 when he returned to private practice at Hunter Litigation Chambers. He has been a faculty member of the Federation of Law Societies National Criminal Law Program for the last 28 years.

Ken McEwan, Q.C. is senior trial, appellate and arbitration counsel, with a practice focusing on complex commercial, securities and competition matters, including class actions. He has also acts as an arbitrator and mediator of commercial disputes. Mr. McEwan was appointed Queen's Counsel by the Attorney General of British Columbia in 2004. He is a member of the Board of Governors of the International Society of Barristers and a Fellow of the American College of Trial Lawyers. He has been appointed by the Law Society of British Columbia to the Committee on Relations with the Judiciary and served on the Attorney General's Rules Revision Committee for approximately 15 years, until April 2016. Mr. McEwan is author of the third edition of Sopinka on the Trial of an Action, and is co-author of Commercial Arbitration in Canada: A Guide to Domestic and International Arbitrations. He is a frequent lecturer for Continuing Legal Education on topics related to litigation and arbitration. He also chairs a panel of the British Columbia Inns of Court project which was established to foster professionalism among young lawyers.

Jennifer Francis is a partner in the Litigation and Dispute Resolution Group of Fasken Martineau DuMoulin LLP. Her practice focusses on complex commercial disputes, including shareholder, corporate, property and general contractual disputes. Ms. Francis received her LL.B. from the University of British Columbia in 2000 and completed graduate studies in law at the University of Oxford. She clerked at the BC Supreme Court from 2000-2001. Ms. Francis was an Adjunct Professor at UBC from 2006-2011, teaching Civil Procedure. She is a frequent contributor to Continuing Legal Education courses related to litigation and trial advocacy topics and has been a contributor to the organization and teaching of the McEachern Course in Trial Advocacy since 2003.

LAW 473.001 **Appellate Advocacy** Term 1 Term 2 Holloway*Workshop***3 CREDITS**

This workshop is designed to acquaint students with the core elements of appellate practice: the standard of review on appeal; determining grounds for appeal; framing the issues to be argued on appeal; developing arguments in the factum or memorandum of argument and presentation of oral argument. Students will work on actual appeal and judicial review cases which will be heard in the Supreme Court of B.C., the Federal Court (trial division), the B.C. Court of Appeal, the Federal Court of Appeal and the Supreme Court of Canada.

Evaluation:

There is no exam in this course. Students will be graded on their written assignments which will include opinions on the merit of appeals, notices of appeal and formal memorandums of argument or factums. The course will also involve presenting oral argument.

Students will prepare three or more sets of appeal materials, including a notice of appeal, either a chambers application, supporting materials and short written argument or a short legal opinion, and a full factum or memorandum of argument. The assigned work will be due at (about) 2-week intervals during the course of the workshop. Students will present an oral argument on one of the issues raised in the factum.

Participation and attendance: 10%

Rod Holloway (LL.B. (UBC 1972)) was called to the B.C. Bar in 1973. Since 1993 he has been Appeals Counsel for the Legal Services Society of British Columbia. He taught in this Faculty's Clinical Program 1983-86, and directed the Faculty's Trial Advocacy program for seven years after returning to practice. His current work involves assessing and conducting appeals and judicial reviews in the fields of criminal, administrative, immigration, constitutional and family law. He has advocated at all levels of the British Columbia and Federal Courts, as well as the Supreme Court of Canada.

LAW 474.001 **Trial Advocacy** Term 1 Term 2

Sutherland, J.

Course

3 CREDITS

Note: Total credit value for this course is 3 (lecture AND lab inclusive).

This course concerns advocacy in the trial courts. Although use of procedural and substantive law in trial proceedings is considered, the emphasis is on pre-trial preparation, methods of developing facts and arguments in court, and ethical problems that confront the trial lawyer.

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

Evaluation:

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

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

L01

L02

L03

L04

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

Prerequisite:

LAW 476 Evidence is a prerequisite for this course.

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

LAW 474.L01 **Trial Advocacy****LAB** Term 1 Term 2

Nugent

Vos

CREDITS

Advocacy Practice Simulation Lab to accompany lecture component 474.001.

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

Terry Vos (B.Com. (UBC), LL.B. (Uvic), LL.M. (LSE)) was called to the British Columbia Bar in 1981. He is a member of the law firm of Quinlan Abrioux in Vancouver, B.C. He practices in the field of civil litigation, mainly handling personal injury cases, insurance coverage matters and complex multi-party disputes. He also acts as a mediator on civil litigation matters.

LAW 474.L02 **Trial Advocacy** **LAB** Term 1 Term 2 Rhodes

CREDITS

Advocacy Practice Simulation Lab to accompany lecture component 474.001.

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

LAW 474.L03 **Trial Advocacy** **LAB** Term 1 Term 2 Jetté

CREDITS

Advocacy Practice Simulation Lab to accompany lecture component 474.001.

Mark Jetté is a partner at the firm Sutherland Jetté. He earned a bachelor of arts degree at Simon Fraser University with majors in political science and history before attending at the University of Victoria Law School. After graduating law school in 1990 he joined the law firm Oliver and Company where he completed his articles. He was called to the bar in British Columbia in 1991 and continued as an associate lawyer with Oliver and Company. Together with Ian Donaldson, Q.C. he established the law firm Donaldson Jetté in August 1999. He joined James Sutherland and formed the law firm Sutherland Jetté in January 2010. He has developed an extensive and varied criminal law and extradition practice, and has defended accused persons at all levels of court in British Columbia. He has written for and lectured at numerous CLE, CBA and TLABC seminars and at the British Columbia Institute of Technology on topics in criminal law. He recently participated as faculty at a National Judicial Institute Conference on domestic violence cases in the criminal and family courts.

LAW 474.L04**Trial Advocacy****LAB** Term 1 Term 2

Winteringham

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

Janet Winteringham, Q.C. In 2009, Janet Winteringham, Q.C. and Andi MacKay opened the doors of a boutique litigation firm in Gastown engaging, with two other lawyers, in criminal, civil and constitutional cases. Janet's interest in criminal and constitutional matters began at Simon Fraser University where she majored in Criminology and continued at the University of British Columbia where she obtained her LLB in 1991.

Her litigation practice started at a medium sized firm in Vancouver and consisted predominantly of civil litigation matters. She later cultivated a criminal law practice in a small partnership with J.J. McIntyre. Although the focus of her practice is criminal defence, she regularly acts for the Crown as an ad hoc and special prosecutor. Janet also defends clients facing discipline by professional or regulatory bodies as a result of criminal charges.

In recent years, Janet has been involved in several constitutional cases including a constitutional reference on the criminal prohibition against polygamy, a constitutional challenge to the cancellation of the mother-baby program at the Alouette Correctional Centre for Women and litigation involving competing Charter rights in Trinity Western University v Law Society of B.C. She also appeared as counsel to an individual at the Missing Women Commission of Inquiry.

Janet is an adjunct professor at U.B.C. where she serves as a lab instructor in the Trial Advocacy course. She is a frequent lecturer at law conferences including the CLE Winning Advocacy Skills Workshops, the CBA National Criminal Law Conference and B.C. Civil Liberties Association Conference on Constitutional Issues in Criminal Law. Since 2004 she has been an instructor at the U.B.C. Advanced Advocacy Course for sessions relating to Provincial Court Practice and Criminal Law. She is one of the discussion leaders at the Inns of Court session addressing ethical problems in Criminal Law.

In 2012 and 2013, Janet travelled to Addis Ababa, Ethiopia to assist with training of judges, prosecutors, police and public defenders as part of a program developed by the Justice Education Society.

In 2014, she was appointed a fellow of the International Society of Barristers. She is a member of the Canadian Bar Association and Trial Lawyers Association of British Columbia.

LAW 476.001**Evidence** Term 1 Term 2

Cunliffe

Course

4 CREDITS

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

Evaluation:

Final examination (100%)

Prerequisites:

Since the course is a prerequisite for Trial Advocacy, students who intend to take that course are recommended to take Evidence in their second year, although students may take both subjects concurrently.

Professor Emma Cunliffe is a full time member of the UBC Faculty of Law.

LAW 476.002 Evidence Term 1 Term 2

Harris, N.

Course

4 CREDITS

Cross-listed with LAW 507.002.**Change August 17, 2016: Classroom.**

This course is a survey of the system by which the admission of proof at a trial is regulated. After a brief introduction to the law of evidence and to the basic requirement of relevancy, the course involves a critical analysis of the exclusionary rules which prohibit, with many exceptions, proof by means of character, opinion and hearsay. As well, the courts and legislatures have evolved certain rules governing the use of the different sources of proof such as the oral testimony of witnesses, tangible objects (called real evidence) and documents. Students will be asked to consider how well these various rules further the purposes for which they were developed by the courts and legislatures and how the rules work in practice.

Evaluation:

100% final examination.

Since the course is a prerequisite for Trial Advocacy, students who intend to take that course are recommended to take Evidence in their second year, although students may take both subjects concurrently.

Nikos Harris is a full-time member of the UBC Faculty of Law.

LAW 476.003 Evidence Term 1 Term 2

Elwood

Course

4 CREDITS

COURSE CANCELLED.

Students contemplating a career in litigation will benefit from an understanding of the foundational rules of evidence, regardless of their particular area of interest. This course offers an overview of the law of evidence, with an emphasis on the principles of admissibility and related Charter issues. Topics will include relevance, hearsay, confessions, opinion and privilege. Current and emerging issues will be canvassed through a combination of lectures and class discussion of court decisions and sample fact patterns.

Students will also learn about various methods of introducing evidence in court, including viva voce testimony, documentary evidence, expert reports and affidavits. Lectures will include practical advice on preparing a case for trial, examination and cross-examination of witnesses, evidentiary objections and advocacy as it relates to evidentiary issues.

Evaluation:

Final examination (100%).

Bruce Elwood (B.Sc. (Queens University), LL.B. (UBC)) practices civil and constitutional litigation with the Ministry of Justice for British Columbia. Prior to joining the Ministry, Bruce worked for a large national law firm and boutique litigation firms. He has appeared as counsel and co-counsel in all levels of court in British Columbia and the Supreme Court of Canada. His experience includes commercial litigation, aboriginal law, constitutional litigation, administrative law, medical malpractice, estates litigation and municipal law.

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

Kaplan

Workshop

3 CREDITS

CHANGE June 3, 2016: Workshop added.

The focus in this workshop is on the process of negotiation and the development of negotiation skills. There will be discussion of the dynamics, approaches and tactics to negotiation problems and issues. There will be a substantial portion of the time devoted to simulated negotiations and discussions concerning the approaches and tactics utilized by class members in those simulated negotiations.

Evaluation:

This is a Pass/Fail course.

One paper: perspective - not research - 10-15 pages maximum. Due at end of exam period.

Assignments: Students to keep a journal of daily observations relevant to issues in course.

Presentation: 4 to 5 negotiation exercises with students performing negotiations from prepared data.

Participation: Negotiation practicums. Attendance required.

William Kaplan, Q.C. (B.A. (UBC), LL.B. (UBC), LL.M. (Harvard)) was admitted to the BC Bar in 1980. He practises with the firm Blake Cassels & Graydon LLP in Vancouver. His practice is in civil litigation with a focus on corporate/commercial matters, insolvency law, construction law and entertainment law. He has appeared before all levels of the court system in British Columbia, the Supreme Court of Canada, and numerous administrative tribunals and private arbitration panels. He has taught the Negotiations Workshop at this Faculty since 1998 and has previously taught in the areas of administrative law and labour law. He has written and lectured in the areas of construction law, labour law, negotiations, bankruptcy and insolvency law, entertainment law, and administrative law.

LAW 488.001	<u>Clinical Term</u>	<u>Indigenous Community Legal Clinic</u>	
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	Barkaskas	Clinical	11 CREDITS

Registration by permission only.

The Indigenous Community Legal Clinic (Law 488/489) is a full term course comprised of 15 credits, 11 based on the practical component and 4 based on the academic component of the program. Students commit to one full term, which they spend primarily at the ICLC's location on Alexander Street in the downtown eastside of Vancouver. Students cannot take other courses during the term, except in special circumstances with permission. Enrollment is limited to 7 students per term. Students at the ICLC are temporarily articulated under the Rules of the Law Society of British Columbia. There is a weekly lecture on Thursday mornings from 9:30 am – 12:30 pm held at the Peter A. Allard School of Law. Students will also attend North Vancouver First Nations Court regularly throughout the term (scheduled once/month on a Wednesday) and at New Westminster First Nations Court once per term (scheduled once/month on a Thursday).

The practical component of the clinical term is based on pass/fail evaluation of significant practice achievements during the term. Students are expected to manage client files and the aim for the practical component of the course is to learn how to conduct client intakes and interviews, practice client management, conduct various court appearances, and negotiate and work with Crown and other lawyers in a variety of settings, among other practical components. Students are expected to conduct themselves professionally at all times.

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

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

NOTE: A student who receives credit for LAW 474, LAW 490 or LAW 491 cannot receive credit for this course.

Evaluation Method:

Pass/Fail.

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

LAW 488.002	<u>Clinical Term</u>	<u>Indigenous Community Legal Clinic</u>	
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Barkaskas	Clinical 11 CREDITS

Registration by permission only.

The Indigenous Community Legal Clinic (Law 488/489) is a full term course comprised of 15 credits, 11 based on the practical component and 4 based on the academic component of the program. Students commit to one full term, which they spend primarily at the ICLC's location on Alexander Street in the downtown eastside of Vancouver. Students cannot take other courses during the term, except in special circumstances with permission. Enrollment is limited to 7 students per term. Students at the ICLC are temporarily articulated under the Rules of the Law Society of British Columbia. There is a weekly lecture on Thursday mornings from 9:30 am – 12:30 pm held at the Peter A. Allard School of Law. Students will also attend North Vancouver First Nations Court regularly throughout the term (scheduled once/month on a Wednesday) and at New Westminster First Nations Court once per term (scheduled once/month on a Thursday).

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

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

NOTE: A student who receives credit for LAW 474, LAW 490 or LAW 491 cannot receive credit for this course.

Evaluation Method:

Pass/Fail.

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

LAW 489.001 **Clinical Term: Paper** **Indigenous Community Legal Clinic**
 Term 1 Term 2 Barkaskas Course 4 CREDITS

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

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

Evaluation Method:
 10% Participation
 10% Weekly Journal
 80% Paper

The academic component of the course focuses on decolonizing and Indigenizing law. Students read and are encouraged to discuss and reflect on certain themes, some of which will be informed by current files, some of which are related to issues specific to Indigenous peoples and the law, and some of which are central or core to the experiential learning pedagogy. Students read current scholarly publications, such as works examining decolonization and Indigenous legal orders, as well as new studies on clinical legal education. The course incorporates Indigenous pedagogies, including storytelling and talking circles, to advance new ways of learning law.

The academic component is comprised of weekly reflective journaling, participation in rounds, class discussions based on the weekly readings, attendance at lectures, and a substantial research paper. The graded term paper is an independent legal research and critical reflection paper, including analysis of the student's experiential learning at the ICLC and discussions during lectures throughout the term.

Examples of themes we explore in the academic program include: access to justice, advocacy, antiracism, agency, argument, authority, cultural competency, cross-cultural understanding, decolonization, evidence, experience, Indigenous legal traditions, Indigenous legal theory, Indigenous feminisms, Indigenous methodologies, language, reconciliation representation, resistance, self-determination, sovereignty and trauma-informed practice.

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

LAW 489.002 **Clinical Term: Paper** **Indigenous Community Legal Clinic**
 Term 1 Term 2 Barkaskas Course 4 CREDITS

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

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

Evaluation Method:
 10% Participation
 10% Weekly Journal
 80% Paper

The academic component of the course focuses on decolonizing and Indigenizing law. Students read and are encouraged to discuss and reflect on certain themes, some of which will be informed by current files, some of which are related to issues specific to Indigenous peoples and the law, and some of which are central or core to the experiential learning pedagogy. Students read current scholarly publications, such as works examining decolonization and Indigenous legal orders, as well as new studies on clinical legal education. The course incorporates Indigenous pedagogies, including storytelling and talking circles, to advance new ways of learning law.

The academic component is comprised of weekly reflective journaling, participation in rounds, class discussions based on the weekly readings, attendance at lectures, and a substantial research paper. The graded term paper is an independent legal research and critical reflection paper, including analysis of the student's experiential learning at the ICLC and discussions during lectures throughout the term.

Examples of themes we explore in the academic program include: access to justice, advocacy, antiracism, agency, argument, authority, cultural competency, cross-cultural understanding, decolonization, evidence, experience, Indigenous legal traditions, Indigenous legal theory, Indigenous feminisms, Indigenous methodologies, language, reconciliation representation, resistance, self-determination, sovereignty and trauma-informed practice.

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

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

Galati

*Clinical***6 CREDITS*****Registration by permission only.***

The aim of the course is to teach a basic familiarity with the skills required for the practice of criminal law, which are largely transferable to any litigation practice.

Students will be required to obtain temporary articles with one of the experienced criminal lawyers who participate in the course. Under the supervision of their principal, students will represent (or prosecute) defendants in summary conviction cases. Most principals will have two students and they will be encouraged to work together in preparing each others' cases. Most of the cases will be scheduled for 2pm on Wednesday, usually at the courthouse at 222 Main Street and all of the students and lawyers will then attend class at 5pm in the same building to discuss the cases from that week. There are usually at least two judges present and the classes are usually concluded by 7pm. Students who do not have a case scheduled are required to attend court and observe the proceedings that other students are involved in so they can be meaningfully involved in the class discussions. Depending on the number of cases scheduled, it is possible that, on a light week, a practice-oriented lecture will be arranged but that does not often occur.

In addition, students are encouraged wherever possible to attend and observe other proceedings with their respective principals, which in the past have included Duty Counsel work, Downtown Community Court and Drug Treatment Court.

Pre-requisites:

All of LAW 476 Evidence and LAW 400 Advanced Criminal Procedure. Registration for the course is normally done in February for the following academic year, but if you are interested in this course next year, contact Assistant Dean, Students, Kaila Mikkelsen (mikkelsen@law.ubc.ca).

Evaluation:

This is a Pass/Fail course.

Judge Joseph Galati (LL.B. (UBC, 1979)) embarked on the practice of law, primarily in the areas of criminal and civil litigation after graduating with his law degree from UBC. His civil areas of practice were varied but mostly involving business disputes, employment law and tort law. Judge Galati's criminal law experience was both as a prosecutor and defence counsel. He was appointed to the Provincial Court bench in 2004 and for the most part sits regularly in the criminal courts at 222 Main Street in Vancouver. He was a student in the Clinical Criminal Law course and subsequently became involved as a principal for many years.

LAW 500.001T1 **Current Legal Problems** **LL.M. Seminar**
 Term 1 Term 2 Sarfaty Seminar 2 CREDITS

All year. Enrolment restricted to LL.M. students only. Total credit value for this seminar is 4. (See 500.001T2)

This seminar introduces students to several of the main conceptual and methodological approaches to the study of law as well as to current trends in legal scholarship. The first term considers the main disciplinary approaches to the study of legal norms, institutions, and systems from both positive and normative perspectives. It also examines and evaluates several standard methodologies used to study law including comparative and interdisciplinary approaches. The main purposes of the first term are: to refine the research question through critical reflection; to develop a literature review; and, to match the selected project with an appropriate and justified methodological approach.

The second term provides students with an opportunity to workshop their research project in a collaborative and constructive forum. Students will receive substantive feedback on draft thesis chapters from the instructor as well as from fellow students. Through seminar participation, students will become familiar with giving and receiving critical feedback—skills that are integral to graduate studies. Discussion will also further explore methodological choices, research and writing skills, and writing for publication.

Evaluation:

Assessment is on a pass/fail basis and will be based on seminar participation and presentations, a literature review, a thesis proposal, and work presented in the second term including comments on draft thesis chapters.

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

LAW 500.001T2 **Current Legal Problems** **LL.M. Seminar**
 Term 1 Term 2 Lin Seminar 2 CREDITS

All year. Enrolment restricted to LL.M. students only. Total credit value for this seminar is 4. (See 500.001T1)

This seminar introduces students to several of the main conceptual and methodological approaches to the study of law as well as to current trends in legal scholarship. The first term considers the main disciplinary approaches to the study of legal norms, institutions, and systems from both positive and normative perspectives. It also examines and evaluates several standard methodologies used to study law including comparative and interdisciplinary approaches. The main purposes of the first term are: to refine the research question through critical reflection; to develop a literature review; and, to match the selected project with an appropriate and justified methodological approach.

The second term provides students with an opportunity to workshop their research project in a collaborative and constructive forum. Students will receive substantive feedback on draft thesis chapters from the instructor as well as from fellow students. Through seminar participation, students will become familiar with giving and receiving critical feedback—skills that are integral to graduate studies. Discussion will also further explore methodological choices, research and writing skills, and writing for publication.

Evaluation:

Assessment is on a pass/fail basis and will be based on seminar participation and presentations, a literature review, a thesis proposal, and work presented in the second term including comments on draft thesis chapters.

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

LAW 504.99A Property Law Term 1 Term 2

Litchfield

Web-based

5 CREDITS

Part of UBC Law's Distance Learning Program. Enrolment is limited to LLML and Unclassified students only. For more information on eligibility and enrolment, please visit <http://www.allard.ubc.ca/admissions/distance-learning-program>.

This course introduces the conceptual foundations of property, the basic principles of property law, and the legal regime that regulates land ownership and the transfer of interests in land in British Columbia. At the outset, it asks students to consider the nature, sources and justifications of private property. It also introduces the idea that property is an evolving social institution, one that is defined by its social, legal, historical, and even geographical contexts. The course then works through the common law and statutory frameworks that regulate land ownership in the common law jurisdictions in Canada, with particular focus on British Columbia. This includes analysis of: the physical dimensions of land ownership; the doctrine of tenure; freehold and leasehold interests; Aboriginal title; equitable interests; shared ownership; security interests such as mortgages; covenants and easements; and the land title registration system.

Evaluation:

Students will be evaluated on the basis of class participation, quizzes, and mid-term and final examinations.

LAW 504.99A Course Author: Professor Doug Harris is a full time member of the Allard School of Law.

LAW 504.99A Course Instructor: Michael Litchfield – mlitchfield@thinklabconsulting.com

Michael Litchfield (B.A. (UBC), J.D. (UBC), LL.M. (University of Victoria)) is a lawyer and management consultant and is the Managing Director of Thinklab Consulting. His practice is focused on the delivery of human resources management and project management services to clients in a wide range of industries. Michael is the Director of the Business Law Clinic at the University of Victoria and has taught professional development courses for numerous organizations including the Canadian Bar Association and Professional Association of Managing Agents. Michael has also sat on numerous government Boards and Tribunals and is currently appointed to the Property Assessment Appeal Board and the Civil Resolution Tribunal.

LAW 505.99A Canadian Public Law Term 1 Term 2 Danay

Web-based 5 CREDITS

Part of UBC Law's Distance Learning Program. Enrolment is limited to LLMCL and Unclassified students only. For more information on eligibility and enrolment, please visit <http://www.allard.ubc.ca/admissions/distance-learning-program>.

This course will provide an overview of Canadian Public Law. Students will become familiar with the foundations of Canada's legal system, the Canadian constitution, and the role of law in Canadian society.

The first part of the course will review the foundations of Canadian law and the division of powers between the Federal and Provincial governments. The second part of the course will focus on several rights and freedoms delineated in the Charter of Rights and Freedoms. The third part of the course will provide a brief introduction to how Canadian law regulates the relationship between Aboriginal peoples and the Canadian state. Throughout the course, students will be required to think critically about the Canadian legal system, and will gain insight into the relationship between law, public policy, and administration in Canada. Students will also be encouraged to make comparative analyses between the Canadian legal system and the legal systems in their home states.

Students will be evaluated on the basis of class participation, mid-term writing assignment/s, and a final examination.

LAW 505.99A Course Author: Dr. Patricia Cochran teaches and researches in the areas of constitutional law, the law of evidence, and legal and political theory.

LAW 505.99A Course Instructor: Robert Danay – Robert.danay@justice.gc.ca.

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

LAW 506.001**Taxation** Term 1 Term 2

Cui

Course

4 CREDITS

Cross-listed with LAW 407.001 Taxation.

The income tax is the largest single source of government revenue in Canada and an important instrument both for the expression of societal values and for the delivery of social and economic policies. This course examines the basic structure of the income tax through a careful reading of the Income Tax Act and relevant judicial and administrative interpretations.

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

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

Evaluation:

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

Required materials:

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

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

Professor Wei Cui is a full time member of the UBC Faculty of Law.

LAW 506.002**Taxation** Term 1 Term 2

Sheppard

Course

4 CREDITS

Cross-listed with LAW 407.002.

This section of the course is an introduction to Canadian income tax law, including procedural and substantive law. Students will learn how to apply the Income Tax Act, Regulations, treaties, case law and government publications to solve tax problems.

The focus is on the taxation of individuals, emphasizing issues of interest in the general practice of law. The major substantive areas to be dealt with include the tax base, whose income is taxed in Canada and the taxation of employment, property and business income, and capital gains. Teaching will combine lectures, class discussions, and problem solving.

Evaluation:

Evaluation will be determined by the instructor in consultation with the class.

Required materials:

1. Materials on Canadian Income Tax, latest edition
2. Income Tax Act, latest edition

Professor Tony Sheppard is a full time member of the UBC Faculty of Law.

LAW 508D.001 **Business Organizations** Term 1 Term 2 MacDougall, B.

Course

4 CREDITS

Cross-listed with LAW 459.001.

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

Required Materials:

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

Evaluation:

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

Professor Bruce MacDougall is a full time member of the UBC Faculty of Law.

LAW 508D.002 **Business Organizations** Term 1 Term 2 Lin

Course

4 CREDITS

Cross-listed with LAW 459.002.**CHANGE July 26, 2016: Required materials.**

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

Required Materials:

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

Evaluation:

Final exam 100%

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

LAW 508D.003 Business Organizations
 Term 1 Term 2 Festinger

Course 4 CREDITS

Cross-listed with LAW 508D.003.**1. Course Description & Purpose**

Business Organizations is a survey course. You will be introduced to some of the more significant legal policies and provisions that apply to some of the forms through which business activity is carried on, such as proprietorships, partnerships and corporations of various kinds. Most of your time will be devoted to the corporate form principally because it has the greatest impact on our lives and brings into sharp relief the opportunities and costs of economic activity. Moreover, it and the law surrounding it provide a useful counterpoint to partnerships and the law that governs them.

There are several pedagogically motivated devices that recur in the course. These include a focus throughout on the contrasts between the forms of companies, partnerships and proprietorships. This will be coupled with various attempts to highlight “ethical” issues including, but not limited to, the lawyer’s professional responsibilities and fiduciary duties.

2. Course Objectives

It is impossible in a course of this kind to cover all of the myriad issues that confront a business lawyer. The most that can be hoped for is that by the time you have completed the course you will have a good understanding of some of the more important principles, policies and statutory provisions that frame the law governing the organization of business activity; the reasons for them; the extent to which they differ in their application to various forms of association and why. Legislation is an important part of the governing law and so providing you some understanding of the interpretation of relevant statutes and their relationship to judicial decisions in the field is a clear aim.

The goal of the design of this course is to not render the subject to be a lengthy laundry list of unrelated, tedious and technical rules. There are key organizing principles – designed to provide solutions to a limited number of basic problems. The course is also intended to allow you to develop a set of intellectual tools that you can deploy to analyze almost any part of the subject. Paying particular attention to the underlying structural components of the subject should assist your ability to put details into context.

3. Learning Outcomes

By the end of this course, students will:

- Have developed an understanding of the core characteristics of company law and how they interrelate. Specifically these are the corporate law principles, policies and statutory provisions dealing with: 1. Separate legal personality of companies; 2. Limited liability of shareholders; 3. Centralized management; 4. Principle of shareholder control; 5. Fiduciary responsibilities; 6. Transferability of shares in the market/privately; and 7. Profit seeking as a required corporate motive.
- Have developed an understanding of how, why and to what extent corporate law principles, policies and statutory provisions differ in how they apply to various corporate business forms (mainly companies, partnerships and sole proprietorship).
- Have developed an appreciation of the role and interpretation of relevant statutes and their relationship to judicial decisions in the area.
- Develop an ability to communicate directly and in plain English on corporate law subjects.
- Develop an ability to reflect on the frequent ethical conundrums that are endemic to many corporate law issues. Specifically, appreciating how the seven subjects noted above (1. Separate legal personality of companies; 2. Limited liability of shareholders; 3. Centralized management; 4. Principle of shareholder control; 5. Fiduciary responsibilities; 6. Transferability of shares in the market/privately; and 7. Profit seeking as a required corporate motive) are as often the underlying cause of ethical conundrums will help the student in framing arguments for legal positions.
- Analyze critically and through an ethical lens the rights and responsibilities of the legal actors in the corporate drama, including management, directors, shareholders, government, legal advisors and the courts. The reality is that most corporate litigation seems amoral, very often (but not always) pitting a wealthy investors or company against another one.

4. Teaching Method

Lecture, discussion, exercises, guest speakers, question & answer, as well as on-line activities will all be used. Where possible relevant, interesting or important current events, cases will be posted on the course website. You will always be welcome and encouraged to make your own contribution by responding or by drawing attention to new matters.

5. Methods of Evaluation

There will be a final 3-hour open-book examination worth 60%. There will be a drafting assignment worth 15% where you will be asked to write a short memorandum identifying legal issues on a set of facts as if you were an associate in law firm.

There will also be a written assignment asking you to analyze a legal issue through an ethical lens, also worth 15%. Other activities and participation will be worth 10%.

6. Course Materials

Required Text

Welling, Smith and Rotman, Canadian Corporate Law: Cases, Notes and Materials, 4th ed., 2010, LexisNexis, Canada. (the "Casebook").

Jon Festinger, Q.C. (LL.B., B.C.L. 1980 (McGill University)) is a Vancouver, British Columbia based counsel and educator.

As a graduate of McGill University's Faculty of Law, Jon began his legal career in private practice, in turn becoming General Counsel of WIC Western International Communications, Senior Vice President of the CTV Television Network, and Executive Vice President, Business & General Counsel of the Vancouver Canucks. Jon practices law through Festinger Law & Strategy. Currently Jon is Chair of Ronald McDonald House British Columbia. Jon teaches media, communications, corporate and sports law topics. He has taught courses at the UBC Faculty of Law since 1993, as well as at various times teaching at the Thompson Rivers University Faculty of Law, the University of Victoria Faculty of Law and the UBC Graduate School of Journalism. Jon is a Professor of Professional Practice at Simon Fraser University and a faculty member at the Centre for Digital Media (<http://thecdm.ca>).

Jon is the author of the first edition of "Video Game Law" published by LexisNexis in 2005, co-author of the 2nd Edition published in 2012 (<http://www.lexisnexis.com/store/ca/catalog/booktemplate/productdetail.jsp?prodId=prd-cad-01004>). He was Guest Editor of the Volume 46, Number 3 of the UBC Law Review "Digital Media, Video Games, and the Law" (2013) authoring the introductory essay to that issue. As well, Jon authored "Mapping the Electronic Highway: A Survey of Domestic and International Law Issues" 1995, Volume 29, University of British Columbia Law Review.

The website for Video Game Law (including videos of lectures, course materials and ancillary materials) can be found at <http://videogame.law.ubc.ca>

Twitter: @jonfestinger

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

PSN: cdmjon

LAW 509.001 Administrative Law

Term 1 Term 2 Ford

Course 4 CREDITS

Cross-listed with LAW 372.001.

Many of the laws that regulate the behaviour of people and organizations in modern society are administered primarily by administrative agencies, not courts. This course provides an introduction to the the rules, principles and policy considerations that shape the powers of these administrative decision-makers. It is intended to provide a foundation for further study in more specialized areas, such as human rights, labour relations, immigration and refugee law, professional self-governance, environmental protection, and capital markets regulation. Major topics will include administrative law remedies, procedural fairness, bias and independence, and substantive judicial review of administrative decision-making. The course aims to look beyond the standard administrative law preoccupation with judicial review, to include the study of administrative agencies themselves. We will devote special attention to regulatory design questions, including those raised by B.C.'s current Administrative Justice Reform initiative, and to novel rule-making approaches in Canada and beyond.

Evaluation:

Assessment will be based on a 3 hour open-book examination, worth 100% of the course grade.

Professor Cristie Ford is a full time member of the UBC Faculty of Law.

LAW 509.002 **Administrative Law** Term 1 Term 2 Ford*Course***4 CREDITS*****Cross-listed with LAW 509.002.*****CHANGE July 6, 2016: Course description.**

Many of the laws that regulate the behaviour of people and organizations in modern society are administered primarily by administrative agencies, not courts. This course provides an introduction to the the rules, principles and policy considerations that shape the powers of these administrative decision-makers. It is intended to provide a foundation for further study in more specialized areas, such as human rights, labour relations, immigration and refugee law, professional self-governance, environmental protection, and capital markets regulation. Major topics will include administrative law remedies, procedural fairness, bias and independence, and substantive judicial review of administrative decision-making. The course aims to look beyond the standard administrative law preoccupation with judicial review, to include the study of administrative agencies themselves. We will devote special attention to regulatory design questions, including those raised by B.C.'s current Administrative Justice Reform initiative, and to novel rule-making approaches in Canada and beyond.

Evaluation:

Assessment will be based on a 3 hour open-book examination, worth 100% of the course grade.

Professor Cristie Ford is a full time member of the UBC Faculty of Law.

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

Salter

Course

4 CREDITS

Cross-listed with LAW 372.003.

Administrative law is the body of rules which governs the executive branch's relationship with the public, as well as the judiciary's oversight of this relationship. Administrative law affects the aspects of life we value most as a society; our nationality, health care, education, family, home, and employment, among many others. While few of us will participate in a court case, almost all of us will be affected by an administrative law decision, usually many times over the course of our lives.

This course will examine the legal framework for administrative decision-making in a variety of contexts, from government administrators to quasi-judicial tribunals. We will study administrative law's foundational rules, principles, and policy considerations and explore the ways in which these continue to evolve. Finally, we will consider how Canada's administrative law system might progress to better fulfill its goals of independence, expertise, accessibility, and fairness.

We will cover the following major topics:

- The source and scope of administrative law powers
- The requirements of procedural fairness
- Bias and independence
- Standards of judicial review
- Administrative law and the constitution
- Policy-making vs. adjudication
- Proportionality: balancing efficiency with justice
- Administrative law reform

Administrative law is a challenging course to teach in one semester. For this reason, the course will endeavour to provide students with the tools to assess government decision-making from an administrative law perspective in a variety of areas they may later study, including labour law, immigration law, and environmental law.

Evaluation:

You will be evaluated in this course based on the following:

JD students:

- Final Examination, open book, three hours (100%)

LLM students:

- Final Examination, open book, three hours (85%)
- In addition, graduate students will be responsible for preparing a 20-minute class presentation on an aspect of administrative law, accompanied by a five-page, double-spaced summary of their presentation (15%). I will provide some presentation options, or students may choose a topic.

Shannon Salter (B.A. (UBC 2001), LL.B. (UBC 2005), LL.M. (University of Toronto 2011)) is the Chair of the Civil Resolution Tribunal. Ms. Salter clerked with the British Columbia Supreme Court, practiced litigation at a large Vancouver law firm for several years, and has served as a vice chair of the Workers' Compensation Appeal Tribunal. Ms. Salter is also a commissioner of the Financial Institutions Commission, vice president of the British Columbia Council of Administrative Tribunals, and a past board member of the College of Registered Nurses of British Columbia. She has been actively involved in providing pro bono legal advice and representation throughout her career. She is a member of the Law Society of British Columbia.

LAW 509.004 **Administrative Law**

Term 1 Term 2 Gruber Dickson Course 4 CREDITS

Cross-listed with LAW 372.004.

CHANGE July 22, 2016: Co-instructor added.

Many of the laws that regulate the behaviour of people and organizations in modern society are administered primarily by administrative agencies, not courts. This course provides an introduction to the the rules, principles and policy considerations that shape the powers of these administrative decision-makers. It is intended to provide a foundation for further study in more specialized areas, such as human rights, labour relations, immigration and refugee law, professional self-governance, environmental protection, and capital markets regulation. Major topics will include administrative law remedies, procedural fairness, bias and independence, and substantive judicial review of administrative decision-making. The course aims to look beyond the standard administrative law preoccupation with judicial review, to include the study of administrative agencies themselves. We will devote special attention to regulatory design questions, including those raised by B.C.'s current Administrative Justice Reform initiative, and to novel rule-making approaches in Canada and beyond.

Evaluation:

Assessment will be based on an in-class oral presentation worth 10% and a 3 hour open-book examination worth 90% of the course grade.

David Gruber (J.D. (University of Victoria 1996), LL.M. (University of Cambridge 1998)) is a partner of Farris, Vaughan, Wills & Murphy LLP, where he practises primarily in the areas of commercial litigation & arbitration, insolvency & restructuring, and public & administrative law. He is a member of the editorial board of the Federated Press journal "Professional Liability and Discipline Litigation" and the author of a number of papers and articles.

Tim Dickson

LAW 511D.001 **International Criminal Law**

Term 1 Term 2 Perrin Seminar 4 CREDITS

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

CHANGE January 3, 2017: Instructor.

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

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

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

Evaluation:

Research paper proposal and bibliography: 10%

In-class presentation: 20%

Final research paper: 70%

Associate Professor Benjamin Perrin is a full time member of the UBC Faculty of Law.

LAW 525.001 **Canadian Criminal Law and Procedure** Term 1 Term 2 Diab

Course 5 CREDITS

This course is open to LLMCL students only.
CHANGE July 6, 2016: Time.

Criminal Law and Procedure 525 will focus on the real world application of criminal law and aims to be a foundation for practicing criminal law in B.C. Students will follow the stages of a criminal prosecution, examining the law and procedure relevant to investigations, charge approval, bail, trial, and sentencing hearings. Students will reference the Criminal Code of Canada and related legislation; learn how to identify the elements of a criminal offence and how courts tend to interpret them; and how to apply common defences in criminal practice. The course will also explore the relevance of the Canadian Charter of Rights and Freedoms to all stages of a prosecution, and assess burdens and presumptions and the distinct roles of Crown and defence.

Evaluation:

Course evaluation is based on a mid-term exam for 40% of the final grade and a final exam for 60%.

Robert Diab (LL.B., LL.M., and Ph.D. in Law (UBC)) and has practiced criminal law for 8 years. Over the course of his doctoral studies, he held the Vanier Canada Graduate Scholarship and was a visiting scholar at the Yale Law School. He has taught criminal law at UBC and is currently an Associate Professor in the Faculty of Law at Thompson Rivers University. He is the author of a number of scholarly articles and books on criminal and constitutional law, including most recently "The Harbinger Theory: How the Post 9/11 Emergency Became Permanent and the Case for Reform" (Oxford University Press, 2015).

LAW 525.99A **Canadian Criminal Law and Procedure** Term 1 Term 2 Davey

Web-based 5 CREDITS

Part of UBC Law's Distance Learning Program. Enrolment is limited to LLMCL and Unclassified students only. For more information on eligibility and enrolment, please visit <http://www.allard.ubc.ca/admissions/distance-learning-program>.

This distance education course is designed to provide students with a solid foundation in the key concepts of criminal responsibility and the criminal justice system in Canada. We will begin by examining the relationship between the sources of criminal law, how to interpret the Criminal Code, the burden and standard of proof in a criminal trial, the role and responsibilities of criminal lawyers, as well as pre-trial and trial procedure. The elements of offences, modes of liability, and defences will also be covered in detail. An overview of the purposes of sentencing and range of sentencing options will conclude the course.

The evaluation in this course is comprised of an assessment of participation (i.e. completion of end-of-unit quizzes and meaningful contribution to online discussion activities), a mid-term assignment, and a final examination.

Samantha Davey (UVIC 1998 (Bachelor of Commerce), LL.B. 2002 (UBC)) has practiced criminal law as a Federal Crown prosecutor for the entirety of her career and appears regularly in both B.C. Provincial and B.C. Supreme Court. She has extensive experience assessing police reports for charge approval, litigating applications made under the Canadian Charter of Rights and Freedoms, and conducting trials. Outside of her role as Crown Counsel, Ms. Davey is an active member of the British Columbia branch of the Canadian Bar Association. She sits as Chair of the Criminal Justice Sub-Section (Vancouver) and is an elected member of Provincial Council. Ms. Davey is also a regular guest instructor at the Law Society of British Columbia's Professional Legal Training Course.

LAW 555C.003 Topics in Common Law Theory and Practice Term 1 Term 2

DelBigio

Course

3 CREDITS

Cross-listed with LAW 468.003.**CHANGE July 4, 2016: Course added.**

In Canada, the legal profession is self-governing and law societies are tasked with the authority to set professional standards, to govern and regulate the profession and to bring disciplinary measures when required.

It is inevitable that ethical quandaries, challenges and questions will arise in any practice. In this course, we will consider and discuss the ethical standards which have been chosen to guide professional conduct. This will include consideration of: solicitor-client privilege and confidentiality; civility; conflicts of interest; marketing of legal services; advocacy and anti-money laundering.

This course is designed to prepare those who plan to enter the practice of law and to bring an appreciation and understanding of the highly regulated nature of the legal profession.

Each session will consist of both a lecture and classroom discussion and, where possible, there will be guest lecturers such as judges, practicing lawyers or representatives of the Law Society to provide their particular insights.

We will refer to law society rules of professional conduct, academic writing and disciplinary and judicial decisions.

Evaluation:

Classroom participation will be fully encouraged and students will be evaluated on a final examination worth 100% of the grade.

Greg DelBigio, Q.C., (graduate work in Philosophy (University of Western Ontario), LL.B. (University of Toronto)) has practiced in the area of criminal law since 1992 and in that time has appeared before all levels of court in Canada and been involved in law reform.

LAW 555C.004 **Topics in Common Law Theory and Practice** Term 1 Term 2

Salter

Course

3 CREDITS

Cross-listed with LAW 468.004.**CHANGE July 4, 2016: Course added.**

Legal ethics is the body of rules which governs the professional obligations of lawyers. These rules are found in legislation, case law, the Law Society of BC's policies, and the general ethical standards that guide our behaviour as people of integrity.

This class will explore framework for legal ethics and the professional regulation of lawyers in British Columbia, with a focus on class discussions, guest lectures from experts in various areas of legal practice and regulation, and an examination of some of the many controversial and often ambiguous ethical issues facing lawyers today.

Evaluation:

You will be evaluated in this course based on the following:

JD students

Evaluation in this course involves 2 components:

- Class participation and student presentations (20%); and,
- Final examination (80%).

LLMCL students

- Class participation and student presentations (20%);
- Final examination (65%); and
- A 4-5 page, double-spaced case comment, on a Canadian court case about legal ethics or legal regulation, ideally from the last two years (15%).

Class Attendance and Participation

Students are expected to have read the required readings and be prepared to initiate and participate thoughtfully and respectfully in class discussions. The participation portion of your grade will be based on regular attendance, the quality of your contributions in class, and your student presentation.

Shannon Salter (B.A. (UBC 2001), LL.B. (UBC 2005), LL.M. (University of Toronto 2011)) is the Chair of the Civil Resolution Tribunal. Ms. Salter clerked with the British Columbia Supreme Court, practiced litigation at a large Vancouver law firm for several years, and has served as a vice chair of the Workers' Compensation Appeal Tribunal. Ms. Salter is also a commissioner of the Financial Institutions Commission, vice president of the British Columbia Council of Administrative Tribunals, and a past board member of the College of Registered Nurses of British Columbia. She has been actively involved in providing pro bono legal advice and representation throughout her career. She is a member of the Law Society of British Columbia.

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

Course 2 CREDITS

Course meets Aug 29, 1:30-3:00 PM; Aug 30-Sep 2, 9:30 AM-12:30 PM and 1:30-3:30 PM; in Allard Hall, room 115. Registration only for Tax LLM Program students.

Although often regarded as a distinct and self-contained body of law, tax law is properly understood as part of the broader legal system in which it exists and the social and political system that gives it shape. This course provides an introduction to the study of Canadian tax law in a comparative context, considering the goals of taxation and the structure of tax systems; the legal framework for tax law including the legal concept of taxation and constitutional requirements for tax law; the interpretation of tax legislation and tax treaties; tax avoidance and anti-avoidance rules; tax administration, procedure and professional ethics; key features of the income tax in Canada and other countries.

Evaluation:

Take-home examination (90%) and class participation (10%)

*Professor David G. Duff is a full time member of the UBC Faculty of Law.***LAW 562.001** **Taxation of Corporations & Shareholders** Term 1 Term 2 Duff

Course 4 CREDITS

***Cross-listed with LAW 408.001 Taxation of Corporations & Shareholders.*
CHANGE June 3, 2016: Days of week.**

Corporations constitute the most significant form of business organization in Canada and other developed countries, accounting for roughly 20 percent of federal and provincial income tax revenues in 2010-11. This course examines the taxation of corporations and shareholders in Canada, beginning with a general overview of the legal character of corporations and the structure of corporate taxes in Canada, then turning to a detailed examination of statutory rules and judicial decisions governing: (1) the taxation of income received by public and private corporations; (2) the taxation of shareholders on share sales, corporate distributions, and benefits and appropriations; and (3) transfers of property to a corporation as well as other kinds of corporate reorganizations.

Required Materials:

1. David G. Duff and Geoff Loomer, *Taxation of Business Organization in Canada*, (Toronto: LexisNexis, forthcoming), chapters 5-15.
2. *Income Tax Act*, latest edition

Evaluation: 100% exam

Pre-requisite: Law 407 Taxation or Law 562 Fundamental Concepts in Tax Law

Professor David G. Duff is a full time member of the UBC Faculty of Law.

LAW 563.001 **Taxation of Partnerships and Other Flow-Through Entities**

Term 1 Term 2 Duff Course 3 CREDITS

Cross-listed with LAW 409.001 Taxation of Partnerships and Other Flow-Through Entities.
CHANGE June 3, 2016: Days of week.

Partnerships, trusts and corporations constitute the main types of legal organizations through which persons carry on business activity and tax planning in Canada and most other jurisdictions around the world. This course examines the taxation of partnerships and trusts in Canada, considering the characterization of these legal relationships in law and for tax purposes, the computation and taxation of income received by a partnership or trust, the tax implications of distributions of income from a partnership to a partner and a trust to a beneficiary, the tax treatment of interests in partnerships and trusts, and tax rules governing the transfer of property to and from partnerships and trusts.

1. David G. Duff and Geoff Loomer, *Taxation of Business Organization in Canada*, (Toronto: LexisNexis, forthcoming), chapters 5-15.
2. David G. Duff, *Supplementary Materials on the Taxation of Trusts* (2015), to be distributed electronically.
3. *Income Tax Act*, latest edition

Evaluation: 100% exam

Pre-requisite: Law 407 Taxation or Law 562 Fundamental Concepts in Tax Law

Professor David G. Duff is a full time member of the UBC Faculty of Law.

LAW 564.001 **Taxation of Trusts and Estates**

Term 1 Term 2 Smith, N. Course 3 CREDITS

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

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

Evaluation:

100 per cent for final exam for JD candidates and 70% for final exam and 30% for term paper for LLM students.

Prerequisite: LAW 561 Fundamental Concepts in Tax Law.

Textbook: *Taxation of Trusts and Estates: a Practitioner's Guide* 2016

Nick P. Smith (B.Sc., Biology, great distinction (McGill University), LLB, (UBC 1988)). He was called to the B.C. Bar in 1989. He is a regular author and presenter on trust and tax issues for various professional organizations and is a founding principal of Legacy Tax + Trust Lawyers in Vancouver. For over 25 years his practice has focused on tax planning for individuals, corporations and trusts, and designing integrated tax and estate plans. He also has extensive experience representing taxpayers in tax disputes with taxation authorities. He has qualified as an expert witness in taxation in the Supreme Court of British Columbia and has been recognized by his peers as a leading lawyer in Canada in his field in both Lexpert and Best Lawyers in Canada.

LAW 565.001 International Taxation Term 1 Term 2 Cui

Course 4 CREDITS

Cross-listed with LAW 410.001 International Taxation.

The increased globalization of economic activity over the past few decades has made the international dimension of tax law and policy increasingly important. This course examines tax rules governing the taxation of non-residents carrying on income-earning activities in Canada (inbound rules) as well as tax rules governing the taxation of Canadian residents earning income in other countries (outbound rules).

Introductory classes examine the basic structure of the international tax regime, the sources of international tax law (statutory rules, bilateral tax treaties, and judicial decisions), the interpretation of tax treaties, jurisdiction to tax, and international tax avoidance. Subsequent classes consider statutory rules, treaty provisions and judicial decisions governing the taxation of Canadian source income earned by non-residents, and the taxation of foreign-source income earned by Canadian residents.

Required Materials:

1. Jinyan Li, Arthur Cockfield, and J. Scott Wilkie, *International Taxation in Canada*, 3d ed. (Toronto: LexisNexis Canada Inc., 2014).
2. Supplementary Materials on International Taxation
3. Income Tax Act, latest edition

Evaluation:

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

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

Pre-requisite: Law 407 Taxation

Professor Wei Cui is a full time member of the UBC Faculty of Law.

LAW 566.001 Tax Policy Term 1 Term 2 Cui

Seminar 3 CREDITS

Cross-listed with LAW 411D.001 Tax Law and Policy Workshop.

This seminar course will be given in colloquium format. For most of the weeks, prominent tax specialists and scholars from a variety of disciplines (law, economics, political science, accounting, and others) from Canada, the U.S. and other countries will present their current or recent research during a colloquium session. A preparatory session will be held before each colloquium session to discuss relevant background reading. Topics will vary depend on the speakers invited. (During Spring 2016, reforming TFSA rules in Canada, taxing Uber drivers, designing "smart tax returns" to deter cheating, looking through corporate entities to determine wealth concentration in Canada, and international taxation.) During weeks when there are no speakers, students will be introduced to select conceptual tools for analyzing tax policy. These will include but are not limited to tools of economic analysis, such as the concepts of the economic incidence of taxation, excess burden, the different types of return to investment (e.g. rent, risk, and riskless return), and welfare economics.

Evaluation:

Student performance will be evaluated on the basis of class participation (including one presentation) counting 30%, and the weighted average grade of both short response papers and a longer term paper, counting 70%.

Professor Wei Cui is a full time member of the UBC Faculty of Law.

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

Cross-listed with LAW 413D.001 Tax Administration and Dispute Resolution.

This seminar will deal with the resolution of tax controversy in Canada. It will explore key practical issues arising in the operation of a tax advisory and litigation practice. The relevant provisions in the Income Tax Act will be the focus of discussion. The seminar will assist in refining analytical, organizational and judgment skills necessary for serving tax clients, solving tax problems and developing strategies for achieving successful tax outcomes at all stages of the tax disputes process (from audit to appeal). This seminar will also consider issues unique to daily tax practice including questions of document creation and retention, information disclosure, access and privilege, and administrative dispute resolution processes. Material will be illustrated through the use of a case study approach. Participants will learn tax practice, audit, objection and appeal issues and will apply them to the case study.

It is intended that students will also visit the Tax Court of Canada and will hear insights of practitioners from the private tax bar, the Department of Justice, one or more CRA officials and one or more judges involved in the tax dispute process.

Students must have a copy of the most recent edition of the Canadian Income Tax Act and a copy of the course materials prepared by the instructor.

Evaluation:

Students will be evaluated on the basis of a 20 page research paper, class participation, and one other written assignment.

Prerequisite: LAW 561 Fundamental Concepts in Tax Law.

Enrolment:

The seminar size will be restricted to 20 students.

Ed Kroft, Q.C. (LL.B. (Osgoode Hall 1978), LL.M. (UBC 1980), CPA (Hons)) is a partner with Blake Cassels & Graydon LLP and is the leader of that firm's Tax Controversy and Litigation Group. Ed has taught tax law and tax policy as an adjunct professor in the Faculty of Law over the past 20 years. Ed's practice is exclusively dedicated to handling federal and provincial tax disputes, including those related to transfer pricing. He appears before all levels of court, including Supreme Court of Canada, and has published extensively on taxation issues. Ed sits on the editorial board of Tax Litigation and Canadian Tax Journal and sat for 20 years on the Rules Committee of the Tax Court of Canada. He is a recipient of the Award for Excellence in Income Tax Practice and Education from the Canadian Institute of Chartered Accountants and the Queen Elizabeth II Diamond Jubilee Medal.

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

CHANGE June 30, 2016: Course added.

This course will move beyond the topics covered in courses on taxation of corporations, partnerships and trusts to consider them in light of issues faced by lawyers in a tax practice. The context for the course will be the life cycle of a business and will include such topics as (i) legal and ethical issues in a tax practice; (ii) solicitor client privilege in the context of a commercial practice; (iii) choice of business form; (iv) reorganizing and combining corporations; (v) selling a business through an asset sale or a share sale; (vi) preserving the business for future generations; and (vii) managing tax disputes from a solicitor's perspective.

Evaluation:

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

Prerequisites:

LAW 407 Taxation, LAW 506 Taxation or LAW 561 Fundamental Concepts in Tax Law; and LAW 408 Taxation of Corporations and Shareholders or LAW 562 Taxation of Corporations and Shareholders

Recommended: LAW 409 Taxation of Partnerships and Trusts or LAW 563 Taxation of Partnerships and Trusts

Enrolment:

The class size will be restricted to 20 students.

Cathie Brayley (LL.B. (Windsor 1983) is a partner with Bull, Housser & Tupper LLP and provides advice on taxation issues related to mergers, acquisitions, corporate reorganizations, corporate domestic tax planning, succession planning, trusts, personal tax and estate planning and compliance issues. She also resolves disputes at the audit and appeal levels within the Canada Revenue Agency and provides advice on the Canada Revenue Agency's Voluntary Disclosures Program. Cathie is a frequent speaker on taxation issues at conferences for diverse audiences, was involved in the design of the Canadian Bar Association's Tax Law for Lawyers program, and has been a faculty member in this program since it was established in 1995. She is also a member of the Income Tax Education Committee of CPA Canada, and a former member of the Board of Governors of the Canadian Tax Foundation (2012 – 2015), and has been chair of the Canadian Tax Foundation Conferences Committee since 2013.

LAW 569B.001	<u>Topics in International Taxation</u>	<u><i>The Impact of the International Market on Domestic Tax Law in Europe</i></u>
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	Schoen	Seminar 2 CREDITS

Seminar meets Sept 6-16: Tues 9:00 AM-12:30 PM in Allard Hall, room 115; Wed 2:00-5:00 PM in Allard Hall, room 115; Thurs 8:30 AM-12:30 PM in Allard Hall, room 115; and Fri, 10:30 AM-1:00 PM, in Allard Hall, room 114. JD students ARE allowed to register for this seminar. Time-conflicts are allowed for this intensive seminar.
CHANGE August 30, 2016: Seminar added.

European Law has a deep impact on the shape of national tax legislation in the Member States of the European Union and beyond. This impact is due to the supremacy of European law over national law (including constitutional law) and has been strengthened by the jurisprudence of the Court of Justice of the European Union. Until now, the CJEU has delivered more than 200 judgments in the field of direct taxation (and an even larger number of judgments on indirect taxation - in particular on harmonized levies like the value-added tax). The seminar will address the major inroads of the principles of the Internal Market into national legislation: the fundamental freedoms (non-discrimination), secondary law, in particular the binding directives in the field of direct taxation, and the influence of state aid control on national legislation. The overarching research question of the seminar relates to the unresolved tension between the requirements of the Internal Market and the Member States' ongoing sovereignty in the tax area. Studying the leading judgments of the CJEU will not only present a colorful perspective on this unique situation but will also provide a comparative view on domestic tax legislation in Europe.

Prerequisites:

Law 561 or Law 407

Evaluation:

100% Take home final examination

Wolfgang Schoen, Dr iur (Bonn), Honorary Professor (Munich), Director, Max Planck Institute for Tax Law and Public Finance. Chairman of the European Association of Tax Law Professors, Former Vice Chair of the Permanent Scientific Committee, International Fiscal Association, Visiting Professor, NYU School of Law, Columbia Law School, University of Pennsylvania School of Law, International Research Fellow, Oxford University Centre of Business Taxation, Co-Editor, World Tax Journal, Member of the Editorial Advisory Board, British Tax Review, Professor Schoen teaches European and International Tax Law, German Business Taxation, German Corporate Law and German Private Law at Munich University. He has given the David R. Tillinghast Lecture (NYU), the Ross Parsons Address (University of Sydney) and both the Wolfgang Gassner Lecture and the Klaus Vogel Lecture (Vienna Business University); he has been awarded an honorary doctorate by the faculty of law at the Université Catholique de Louvain, and he is a member of the Academia Europaea and the Berlin Brandenburg Academy of Sciences. Professor Schoen has represented both the German Government and private parties in the Court of Justice of the European Union, the German Constitutional Court and the Federal Tax Court of Germany.

LAW 569B.002 Topics in International Taxation Taxation and Economic Development
 Term 1 Term 2 Cooper Seminar 2 CREDITS

Seminar meets Mon, Tues, Wed, Mar 6-8, & 13-15, 9:00 AM - 12:00 PM, Rm 114; Thurs, Mar 9 & 16, 9:00 AM-1:00 PM, Rm 111. JD students ARE allowed to register for this seminar. Time conflicts are allowed for this intensive seminar.

CHANGE February 1, 2017: Intensive Seminar added.

The focus of this Seminar is on the rules, and the effects of the rules, of the international tax system: which country gets how much of the tax revenue available from cross-border trade and investment? Since this is a tax course, we are interested in the revenue-raising side of government operations (rather than the spending side) and the impacts on national economic development of decisions about which kinds of taxes to impose, at what level, on whom, what concessions to offer, etc. Our particular focus is whether the current international tax framework is systematically biased against the interests of developing countries, and if so, how that comes about, and what, if anything, is being done about it. We also consider whether the recently-emerging critiques of the international tax rules coming from NGOs and civil society groups, and the work of international organisations (especially the OECD and G-20) to reform the international tax rules, are likely to lead to a better deal for the developing world. We will devote most of our attention to a few topics: the peculiar features of the economic and tax systems of developing countries, the recommendations commonly made to them for changes to their tax regimes, and how those 'recommendations' are given weight [seminars 1 and 2]; the role for, and the effectiveness of, tax incentives offered by developing countries, especially tax incentives targeted at attracting foreign investment [seminar 3]; the division of tax on the income arising from investments located in developing countries) between the developed country and the developing country from which the investor comes [seminars 4 and 5]; the devices used to accomplish, and possible responses to the problems of, cross-border tax avoidance by multi-national enterprises [seminars 6 and 7]; and the significance for developing countries of the current critiques of the international tax rules [seminar 8].

Prerequisites:

Law 561 or 407/506

Evaluation:

Reflection paper (1,000 words) worth 20%, and Final paper (4,000) worth 80%.

Graeme Cooper, (BA, LLB, LL.M, DipJur (Sydney), LL.M (III), LL.M JSD (Col)), is Professor of Taxation Law, and Director, Ross Parsons Centre of Commercial, Corporate and Taxation Law, at the University of Sydney. Professor Cooper's full biography can be viewed here: <http://sydney.edu.au/law/about/people/profiles/graeme.cooper.php>.

LAW 610C.001 Doctoral Seminar I: Issues in Legal Theory
 Term 1 Term 2 Christie Seminar 3 CREDITS

Enrolment restricted to Ph.D. students only.

The principal objective of the first semester of the PhD seminar is to provide students with a selective overview of major developments in legal theory over the twentieth century. The seminar is intended to provide a grounding for further jurisprudential work by students in the course of their studies, including comprehensive examinations in the area of legal theory. Seminars will be based on discussion and analysis of assigned readings. Participants will be expected to circulate short written responses to the readings in advance of each seminar.

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

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

Potter

*Seminar***3 CREDITS*****Enrolment restricted to Ph.D. students only.*****CHANGE: Time, instructor, course description.**

This seminar will provide a selective overview of a range of approaches to interdisciplinary and comparative research in law. Seminars will be discussion-based, and will focus on selected readings assigned for each week. Seminar participants will circulate short written responses to the readings in advance of each session. The goal of seminar discussions will be to gain an appreciation of not only the substance, but also the theoretical and methodological frameworks utilized by the authors. We will engage with a wide range of critical interdisciplinary and comparative research in order to learn more about the diversity of scholarly approaches and methods that can be brought to bear on the study of legal phenomena. This seminar is intended to assist doctoral students as they begin to prepare for comprehensive examinations. A syllabus will be circulated before the end of Fall Term 2016.

Professor Pitman Potter is a member of the UBC Faculty of Law and Director of the UBC Institute of Asian Research.
