

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

Perrin

Course

3 CREDITS

**CHANGE December 6, 2019: Instructor, course description, and evaluation method.**

This course provides an introduction to jurisprudence and legal theory, and to critical approaches to the law. The course is designed to give upper year students exposure to different perspectives on the law, to important questions related to its nature, structure and functions, and to critical understandings of its role in society. The course aims to encourage students to reflect on issues in legal philosophy, the relationship between law and other social forces, and connections between different areas of legal thought and doctrine.

Evaluation: 6 hr Take-home Exam, at 10 a.m. on April 28 (80% of the final grade), in-class presentation and handout (20% of the final grade)

*Associate Professor Benjamin Perrin is a full time member of the Peter A. Allard School of Law.*

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

Stewart, J.

Course

3 CREDITS

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

Evaluation:  
100% final exam.

*Associate Professor James Stewart is a full time member of the Peter A. Allard School of Law.*

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

Christie

Course

3 CREDITS

**\*EXAM CONFLICT: STUDENTS REGISTERED IN 300.003 ARE NOT ALLOWED TO BE REGISTERED IN 469.003/590.003, AND VICE VERSA.\***

This course provides an introduction to jurisprudence and legal theory, to law as an aspect of the social world we all inhabit, and to critical approaches to the law. It is designed to give upper year students exposure to different perspectives on the law, to important questions related to the history, structure and functions of varied legal systems and orders, and to critical understandings of the ways these systems and orders can arise and function in different societal settings. The course aims to encourage students to reflect on issues in legal philosophy, on key principles of state and non-state law, on the relationship between law and other social forces, and on connections between different areas of legal thought and doctrine.

Evaluation: 20% class participation and 80% through either a take-home 24-hour assignment due when sit-down in-class exam ends or a 3-hour scheduled final examination.

*Professor Gordon Christie is a full time member of the UBC Faculty of Law.*

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

Goldbach

Course

3 CREDITS

This course provides an introduction to jurisprudence, legal theory, and critical approaches to law. It is designed to give upper year students an overview of the theory and practice of legal institutions in performing several key functions, such as: allocating authority, defining relationships, resolving conflict, adapting to social change, and fostering social solidarity. Students will be asked to consider the nature and limits of law, as well as critical perspectives on the ways in which law impacts on and shapes the structure of relationships in society. The course also aims to provide students with the tools to identify the relationships between different branches of law and legal doctrine, and to examine the role of ideology in the creation and enforcement of law. The course is interdisciplinary and draws from literature in law, legal philosophy, political science, and anthropology.

## Evaluation:

Evaluation for this class will consist of class participation (20%) and a 24-hour take-home examination (80%). Students must request exam between Dec 3-13, due no later than Dec 14.

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

**LAW 303.001**      **Legal Traditions and Ideas of Law** Term 1     Term 2

Pavlich

Course

3 CREDITS

**COURSE CANCELLED.**

This comparative, legal-history course traces the origins of the law of Western Europe from the ancient Near-East influences of early Sumerian (Lipit-Ishtar) and Babylonian (Hammurabi) codes, and later ones from Assyria, the Hittites and Israelites/Judeans (Exodus and Deuteronomy). Besides comparing selected aspects of these "law codes" the course examines the waves of cultural insinuations and assimilations into the administration of justice of ancient Greece and Rome and their influence in the development of the laws of Solon, the Twelve Tables and, much later, to development of Christianized Roman law, as well the barbarian and Justinian codes ("Corpus Juris Canonici", "Lex Visigothorum" and "Corpus Juris Civilis" respectively). The course reviews the role of the Church and its expansion of canon law as part of transitioning ancient law systems into medieval western Europe and the early modern period. In western Europe, aspects of the Civil-Law tradition are compared with the Common-Law tradition. As differing forms of social cohesion and control in the quest for order and individual protection, the course assesses the role of law and Confucianism in imperial China. Cutting across the above historical narrative, the course considers the expansion of law from rule by men and pre-law stages of development to changing understandings of the role of prescriptive laws in a rule-by-law stage to the role of constitutionalism in the rule of law. In the course of this transition we note the evolution of law from myth to constitutionalism, from descriptive codes (Hammurabi) to prescriptive legislation (Greece and Rome). In the course of examining this execution the class will discuss the range of formal sources of law, supplementing subordinate sources such as the nature of reasoning and the social and educational tools (etcetera) necessary for extension into the merging and emerging stages described above.

Materials for the course will be available on line before the first class. The mode of instruction is seminar format and so class attendance is necessary to accomplish meaningful and interesting discussions. It is also important to ahead of each class according to directions in the course outline.

One of two forms of examination may be chosen: EITHER an essay on a topic approved by the instructor and relating examining some detail of the general matter in the above course description; OR an eight-hour take-home examination within the exam period. The essay is due on the last-day of classes.

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

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**LAW 305D.001**      Law, Society and State Term 1     Term 2

López Lerma

Seminar

3 CREDITS

**CHANGE October 2, 2019: Instructor.**

This seminar focuses on the use of law by groups and individuals who are interested in social justice. In particular, the course will explore both the potential and the problems of using law in the quest for social justice. Law's role in constructing and maintaining social, economic and political inequalities as well as the potential of law to shift inequalities will be examined.

This seminar is required for students who wish to obtain the Specialization in Law and Social Justice.

Evaluation Method: 30% participation, 70% papers

*Mónica López Lerma is Associate Professor of Spanish and Humanities at Reed College, where she teaches courses in film theory, law and violence, justice and the senses, and cinema and human rights. She received a PhD in Comparative Literature and a Graduate Certificate in Film Studies from the University of Michigan. She also holds a Law degree from the University of Valencia (Spain) and a LL.M. in Jurisprudence from the European Academy of Legal Theory (Belgium). She has also taught at the School of International Relations of the Kyrgyz State National University and at the Faculty of Law of the University of Helsinki.*

*Her research interests are law and humanities, with particular emphasis on film theory, gender, and aesthetics. She is the co-editor of *Rancière and Law* (Routledge, 2018) and is currently finishing a monograph entitled *Sensing Justice through Contemporary Spanish Cinema: Aesthetics, Politics, Law*, to be published by Edinburgh University Press. She was co-editor in chief of the journal *No Foundations: An Interdisciplinary Journal of Law and Justice* from 2012 to 2017.*

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**LAW 307D.001**      **Women, Law and Social Change**

Term 1     Term 2    Thackeray      Klinck      Seminar      3 CREDITS

This course examines the relationship between law and social change with a focus on historical and current struggles to make the legal system more responsive to the lived realities of women, taking into account differences among women and diverse gender identities. In Canada, the law has played an important role in the ongoing struggle for equality and social inclusion. Yet not everyone agrees that law has the potential to answer demands for fundamental change or to respond to women's diverse realities. We explore these themes and debates through a series of case studies informed by theoretical perspectives, paying particular attention to diversity among feminist perspectives. We will also put Canadian developments in comparative perspective, drawing on the experiences of other jurisdictions. Topics may include legal personhood, judicial decision-making, sexual assault, criminalization and punishment, work, parenting, sexuality, reproductive rights, pay equity, Indigeneity, gendered racism, gendered aspects of religious freedom, regulation and recognition of relationships, and equality rights. We will also hear from and engage with guest speakers who have direct experience with using law as a tool for social change.

**Evaluation:**

Evaluation is based on participation and engagement (30%) and a research paper (70%). In lieu of the research paper, with the approval of the course instructors, students may prepare a research report, memo, or other legal advocacy materials to assist counsel and/or advocacy groups on issues related to the course.

*Joana Thackeray is legal counsel with the Legal Services Branch of the Ministry of Attorney General, specializing in human rights law. She is also a board member of West Coast LEAF. She previously worked in private practice at Gall Legge Grant Zwack LLP and Heenan Blaikie LLP, representing a broad range of clients in the private and public sectors. She holds a B.C.L. from the University of Oxford (Wadham College), where her studies focused on comparative equality and human rights law. She clerked at the Supreme Court of Canada for Mr. Justice Cromwell, and for justices of the B.C. Court of Appeal, after obtaining an LL.B from the University of Victoria.*

*Jennifer Klinck is a partner at Power Law in Vancouver, where her practice focuses on public law litigation, including constitutional and administrative law, as well as appellate and Supreme Court advocacy. She currently serves as the Chair of Egale's Legal Issues Committee. She clerked at the Supreme Court of Canada for Mr. Justice Rothstein, holds an LL.M. from the University of Cambridge and a joint B.C.L./LL.B. from McGill University. She has published and presented at conferences on a wide range of human rights and constitutional law issues.*

**LAW 310D.001**      **Economic Analysis of Law**

Term 1     Term 2    Cui      Seminar      3 CREDITS

**CHANGE 5/28/2019: Course Description**

This seminar offers a selective introduction to the economic analysis of the law (or "law and economics", L&E). We will first examine some of the classic theorems and results of L&E in the areas of property and torts. We will then consider select contemporary topics such as regulation of digital platforms and the sharing economy, the changing nature of work, the economics of non-discrimination, and the role of regulation in addressing inequality.

Required text (available electronically from UBC library): Steven Shavell, Foundations of Economic Analysis of Law (Harvard University Press 2004).

**Evaluation:**

20% class participation  
10% for a presentation on one assigned reading during the term  
10% for one short paper (1,000 words max)  
60% for one term paper (3,500 words max)

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

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<b>LAW 312D.001</b>	<b><u>Topics in Philosophy of Law &amp; Theoretical Perspectives</u></b>	<b><u>Law and Empirical Evidence</u></b>		
<input checked="" type="checkbox"/> Term 1	<input type="checkbox"/> Term 2	Lin	Seminar	3 CREDITS

This course is to introduce students to a fast growing area of legal scholarship and practice—the use of quantitative evidence. The goal of this course is to equip students with skills to critically evaluate quantitative evidence that may be used in legal disputes and public policy debates. The course will cover basic concepts and methodologies in doing quantitative research, including quantitative research designs, data collection, coding and statistical analysis. Students will use statistical software (i.e. Excel) to carry out in-class exercises. No prior familiarity with statistics or empirical techniques is required.

Evaluation:

Final paper 70%

Class participation 30%

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

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<b>LAW 312D.002</b>	<b><u>Topics in Philosophy of Law &amp; Theoretical Perspectives</u></b>	<b><u>Law and Literature</u></b>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Liston	Seminar	3 CREDITS

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

- How are legal institutions, norms, and processes portrayed in literature?
- How has an author's legal education affected their writing?
- How is narrative used in legal writing, particularly in judicial opinions?
- What are "legal fictions"?
- What can we learn about legal interpretation from literary interpretation?
- How are lawyers portrayed in literature?

The seminar provides an opportunity to think about the law differently by critically examining and reflecting on works of fiction. We will also engage with problems in practical legal writing by considering how judges write, the skills of legal reasoning and persuasion, and different approaches to legal interpretation.

Representative texts may include: Franz Kafka's *In The Penal Colony* as well as some of his legal briefs, Susan Glaspell's *A Jury of Her Peers*, Louise Erdrich's *The Round House*, Herman Melville's *Billy Budd*, Hilary Mantel's, *Wolf Hall*, Akira Kurosawa's film *Rashomon*; Penelope Fitzgerald's *The Bookshop*, Anna Sewell's *Black Beauty*, Julian Barnes' *Arthur and George*; and, Kazuo Ishiguro's *Remains of the Day*.

Representative thinkers include: Robert Cover, Ronald Dworkin, William Eskridge, Stanley Fish, Lon Fuller, Jennifer Nedelsky, Martha Nussbaum, Richard Posner, and James Boyd White. A background in literary studies is not required. Seminar participants are expected to read the texts closely and be actively engaged in seminar discussions.

Evaluation:

15% Active weekly seminar participation

15% Act as discussion leader for one seminar class

15% 1 short assignment

55% An outline (5%) plus a 20-page (maximum) research essay devised in consultation with the instructor.

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

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**LAW 313D.001**      Legal History Term 1     Term 2

Harris, D.

*Seminar***3 CREDITS**

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

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

**Evaluation:**

Students will be evaluated on a research paper and several small assignments (including draft introductions and a class presentation) intended to help develop the project and begin the writing. Students will also be evaluated on their participation in class.

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

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**LAW 316D.001**      International Law Term 1     Term 2

Etxabe

*Seminar***3 CREDITS**

International law is not just a body of rules that regulate the behavior of states, or a set of institutional actors tasked with managing international affairs. International law is also a way of imagining the world and our place in it, through myriad interactions, practices, and claims about what is proper, just, and legal in the international setting.

While in the course of the seminar we will encounter many conventional legal sources (treaties, customs, state-practices, as well as a body of doctrines of jurisprudential origin), we will also examine less conventional materials to address perennial questions of international law: for example, whether in the international arena “might makes right” as presented in Thucydides (5th BC), or who is the subject of international law, as debated between Bartolomé de las Casas and Juan Sepúlveda (1532). All these will be contrasted with contemporary counterparts in the case law.

Topics to be discussed extend, but are not limited, to: violence and coercion, war and peace, jurisdiction, sovereignty, state formation and recognition, pluralism, colonial encounters, self-determination, aboriginal title, empire, and terrorism. The seminar is designed to invite reflective and participatory engagement with the materials and class discussion. There will also be opportunity to write creative assignments.

**Evaluation:**

Grades will be assigned on the basis of short written assignments, class participation, and final essay.

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

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**LAW 319D.001**      **International Human Rights** Term 1     Term 2

Etxabe

Seminar

3 CREDITS

Whether or not human rights are deemed universal; whether or not they have a Western liberal bias; whether or not they discriminate between North and South; and whether or not they are incapable of redressing deep structural inequalities, it is increasingly the case that there is virtually no social and/or political aspiration that does not come coated in the language of human rights. What does this say about the role of human rights in the contemporary “legal imagination”?

And yet, the realm of judicially protected rights in the international arena is limited and not every conceivable claim can be properly articulated, addressed, or even “heard” in such venues. While critically inquiring about the limits and possibilities of international human rights and the various mechanisms of protection (UN, Inter-American, European, African), we will focus on how different courts respond to the claims before them and what role they themselves envision for human rights in their judgments. Special attention will be given to the phenomenon of judicial cross-fertilizations, where particular doctrines, frames of analysis, and arguments are being transferred from place to place.

Topics of discussion may include: education, religious freedom, prisoner rights, refugees, migrant workers, environment, sexual discrimination, and more.

## Evaluation:

Grades will be assessed on the basis of class participation, short written assignments, and final essay.

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

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<b>LAW 324D.001</b>	<b><u>Topics in International Law &amp; Transactions</u></b>	<b><u>Legal Institutions and Resource Extraction in the Global South</u></b>	
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Ghebremusse	<i>Seminar</i> <b>3 CREDITS</b>

Resource extraction in the Global South is one of the main drivers of the global economy. Oil is needed to fuel industry, while cobalt and uranium are vital components of the latest technology. Although natural resources contribute to significant global wealth, communities where extraction is taking place are experiencing environmental, economic and social harm. While local and indigenous communities seek to hold extractive corporations accountable for rights violations, several developing country governments are also trying to claim a greater share of the resource wealth leaving their countries.

Using case studies from Africa, Asia, Latin America and the Pacific, this course will examine a range of legal frameworks that shape conflicts arising from resource extraction in the Global South, including those from public international law, international economic law, home and host states, transnational extractives governance and corporate accountability. This course also aims to introduce students to such topics as: the doctrine of permanent sovereignty over natural resources; the right to development, as it relates to resource extraction; the United Nations Declaration on the Rights of Indigenous People; the resource curse and natural resource governance; select issues in investor-state arbitration; and recent transnational corporate accountability litigation.

Evaluation:

- Attendance and participation: 15%
- Presentation on research paper topic: 20%
- Research paper (5000 words): 65% (topic to be decided in consultation with the professor)

*Assistant Professor Sara Ghebremusse is a full time member of the Peter A. Allard School of Law.*

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<b>LAW 324D.002</b>	<b><u>Topics in International Law &amp; Transactions</u></b>	<b><u>International Finance - Law, Governance and Regulation</u></b>	
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Peihani	<i>Seminar</i> <b>3 CREDITS</b>

Taking an integrated approach, this course will examine the global financial system, its governance, and regulation. Students will gain a broad understanding of the evolution of the global financial system, its principal markets and actors, the rules that support its functioning, and the development of key international institutions. The course will also explore ways in which financial crises, increasingly global in nature, have led to structural and substantive reforms in the governance of international finance. Major topics in this course include: banking regulation; the supervision of Systemically Important Financial Institutions; sovereign debt restructuring; derivatives; and the impact of technology on finance and financial regulation.

Evaluation:

(25% participation, 75% research paper)

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

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

Edinger

*Course***3 CREDITS****\*Cross-listed with LAW 592.001.\***

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 Peter A. Allard School of Law.*

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

Blom

Course

3 CREDITS

**COURSE CANCELLED.****\*Cross-listed with LAW 592.002.\***

Conflict of laws, also known as private international law, is about private law disputes that cross boundaries. This happens all the time. The boundaries can be international or within a federal state, because private law may differ from one sub-unit of a federal state to another (like Canadian provinces or US states). Conflicts problems arise when people in different countries (meaning any of these law districts, national or sub-national) make contracts with each other, commit torts on each other, get married to or divorced from each other, or fight over custody. A person may die and leave an estate spread over several countries. And so on.

Basically, Conflicts deals with three broad questions. 1. In which country or countries can you bring your dispute before a court? ("Jurisdiction") 2. If you get before a court, what country's law will apply to your dispute? ("Choice of Law") 3. If the court of one country gives a judgment, what legal effect will it have in another country? ("Foreign Judgments") Lawyers have to address one, two or all three of these questions in advising and representing clients whose activities either take place in other jurisdictions or might in some other way expose them to the risk of civil liability there.

You get some idea of the subject from a capsule description of three cases that the Supreme Court of Canada has recently had to decide. Can a tourist injured at a resort in Cuba sue the Cayman Islands company that managed the resort in a Canadian court? (*Club Resorts Ltd v Van Breda*, 2012 SCC 17). Can a Canadian resident, the owner of a professional soccer club in Israel, sue in Ontario, his home province, for defamation on an Israeli newspaper's website, and, if so, will the defamation claim be governed by Ontario or Israeli law? (*Haaretz.com v Goldhar*, 2018 SCC 28) Can a large group of Ecuadorian villagers, who obtained a judgment against the US corporation Chevron in Ecuador for US\$9.5 billion for environmental injury, sue Chevron in a Canadian court to try to enforce the judgment against Chevron or its wholly owned Canadian subsidiary? (*Chevron Corp v Yaiguaje*, 2015 SCC 69)

Materials: Required casebook for this section: Pitel, Blom, Edinger, Saumier, Walker & Walsh, *Private International Law in Common Law Canada*, 4th ed. (Emond-Montgomery, 2016).

## Evaluation:

Evaluation is 100% by a final, limited open-book examination. The casebook, any website postings and the student's own notes can be used in the examination room, but no other materials.

*Professor Joost Blom is a Professor Emeritus of the Peter A. Allard School of Law.*

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**LAW 333D.001**      **Cultural Law** Term 1     Term 2

Ross, S.

*Seminar***3 CREDITS**

This seminar course examines the intersections between culture and law and focuses on the interactions between the law and tangible and intangible cultural objects, spaces, and heritage. The course will draw from the international realm of cultural heritage law and the human right to culture, Canada's legal framework for the governance of cultural material and space, Indigenous perspectives, as well as local museum policy and city-based heritage preservation strategies in order to undertake a selective overview of topics such as the law and dispute resolution mechanisms pertaining to claims for the return of cultural objects; the transnational movement and trade of cultural material and art; divergent stakeholder interests in cultural property, such as universalist perspectives, decolonial approaches, and museum policies; and tools for the governance and management of cultural heritage spaces within cities.

This course is designed to create space for students to think critically about the subject and develop and workshop a publishable paper pertaining to their interests related to this course.

**Evaluation:**

Evaluation for this class will be based on class participation and engagement (20%), a research paper (50%), and a presentation of the research paper topic as it is being developed (30%).

*Dr. Sara Ross is a Killam Laureate, Killam Teaching Fellow, and SSHRC Postdoctoral Fellow at the Peter A. Allard School of Law. She spent four years teaching at Osgoode Hall Law School from 2014 to 2018 during her doctoral studies, and taught at the Ryerson University Law Practice Program between 2017 and 2018, as well as at Allard in 2019. Dr. Ross is a graduate of the McGill Faculty of Law, where she served as Editor-in-Chief of the McGill Law Journal, a former Federal Court clerk, and an Ontario lawyer. She is a widely published expert on the topic of law and culture.*

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**LAW 334.001      Introduction to Asian Legal Systems      Asian Legal Systems**

Term 1     Term 2    Matsui                      Cheng                      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, and Korea. The course has two objectives. The first is to learn the basic skills of comparative law by applying the proper comparative law method outlined in the beginning to legal systems in Asia. The second is to introduce basic aspects of legal systems of each Asian country as related to certain common themes: historical development, structure of government, judiciary, law and economy and international dimensions. The course is scheduled to have three components: (1) the Chinese component (Cheng), (2) the Japanese component (Matsui), and (3) the Korean component (Kim). The course is divided into the three sections: the general introduction, proper methodology, basic information on each of three countries, law and economy, and international dimension. There is a mini wrap-up session at the end of each sections and the final wrap-up session in the end.

**Evaluation**

10% mid-term quiz, 30% final exam, and 60% final paper

After finishing the first section, the students will receive mid-term quiz to check whether students properly understood the law in each of the three countries. The students will have one week to submit the short answer to the quiz. This will take 10% of the final mark.

After finishing the whole course, the students must take the exam. The purpose of the exam is to allow the students to compare three countries with respect to some of the common themes or common topics. The exam is designed to evaluate the skills of comparative law and it will take 30% of the final mark.

By the deadline of submission of paper, the students have to submit the final paper. The students can choose a particular topic from one of the three countries or engage in comparison between two or three countries. All of the instructors are happy to give advice. The topic is better to be specific and not too theoretical or broad in scope. The students should conduct legal research and write papers, roughly 15 pages, with footnotes or endnotes (bibliography could be also added). The paper will be evaluated based on the choice of the topic, organization of the paper, extent of the research, writing skill, overall persuasiveness and other factors. This will take 60% of the final mark.

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

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

*Mr. John C.H. Kim is an Adjunct Professor at the Peter A. Allard School of Law and a partner at Norton Rose Fulbright Canada LLP / S.E.N.C.R.L., s.r.l. He practices corporate/commercial law with a focus on cross border M&A, inbound investments and technology sector transactions and projects, in particular those involving blockchain and cryptocurrencies.*

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**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 and governance in contemporary China and to explore the implications for Canada-China relationship. The course will study five areas of Chinese law: legal history and legal philosophy, legal institutions, social law, law and the market, and public law. The major methodologies of the course will be sociological and doctrinal. We will also examine landmark cases and major controversies in the class and encourage further investigation and reflection of the Chinese legal system.

**Evaluation:**

10% class participation, 20% reading memorandum, 70% final paper

Students are expected to actively participate the classes. This will take 10% of the final mark.

Students are expected to submit two short reflective memos (1-2 pages for each) for the second and the third sessions. The memos will take 20% of the final mark.

The final exam is a term paper. The paper should be at least fifteen-pages long with footnotes or bibliography (no less than 5000 words). The final paper will take 70% 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*.*

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**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 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 Peter A. Allard School of Law.*

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

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

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

Course format: seminar

Evaluation:

- participation: 20%
- final paper: 80%

*Kendra Milne (B.Sc. and LL.B. (University of Victoria)) is a lawyer who works to use the law as a tool for social change, with a focus in supporting the equity and human rights of people who have traditionally been structurally marginalized or disempowered. She currently leads the mental health and substance use-related law reform, public policy and advocacy work at a large provincial non-profit organization, and she has previously used law reform and litigation to advocate for intersectional gender equality at West Coast LEAF and economic security and housing security at the Community Legal Assistance Society.*

*Jonathan Chapnick (B.A. (Economics), J.D., C.P.H.R.) is a labour and human rights lawyer and works as the Director of Human Resources and Labour Relations at RainCity Housing in Vancouver. He previously worked as the Senior Advisor, Workplace Mental Health at UBC, and for several years as legal counsel for the Hospital Employees' Union, where he focused his legal practice on issues related to employees with substance use disorders. Now on the leadership team of a major not-for-profit provider of low-barrier housing and support options throughout BC's Lower Mainland and Sunshine Coast, Jon is a daily witness to the impacts and outcomes of colonialism, structural stigma and inequality, and the criminalization of drug use.*

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<b>LAW 342D.002</b>	<b><u>Topics in Comparative Law</u></b>	<b><u>The World Trade System</u></b>		
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	Biukovic	<i>Seminar</i>		<b>3 CREDITS</b>

**Seminar Description:**

This seminar aims primarily to introduce students to legal foundations of world trade by examining different forms of economic integration and their impact on the world trading system and national law and policy making. The seminar topics are divided into three major themes: (a) the WTO law in a nutshell (focusing on the main principles and disciplines of the world trading system relevant for the emergence of free trade and investment agreements; (b) substantive content of bilateral and plurilateral preferential trade and investment agreements such as Comprehensive Trade and Economic Agreement (CETA) concluded between Canada and the European Union, North American Free Trade Agreement (NAFTA and its successor Canada-United States-Mexico Agreement or CUSMA) concluded between Canada, Mexico and the United States, and Canada-China Foreign Investment Promotion and Protection Agreement (FIPPA); and (c) future challenges for the world trading system in times of rising trade protectionism in developed and developing countries.

**The Objectives of the Seminar:**

The goals of the seminar are threefold: to facilitate students' understanding of the economic, social and political implications of the world trade system and trade liberalization on regional trade and investment agreements of individual countries (such as Canada); to provide students with knowledge of the key international trade and investment principles and rules (including the typology of preferential trade agreements and functioning of trade and investment dispute settlement mechanisms); and to enable students to critically assess thorny regulatory issues related to the linkages between trade and non-trade issues (human rights, environment, labour, etc.).

**Evaluation:**

30% class participation, 70 % essay.

*Professor Ljiljana Biukovic is a full time member of the Peter A. Allard School of Law.*

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**LAW 343C.001**      Topics in Public Law      Freedom of Expression  
 Term 1     Term 2      Matsui      Course      3 CREDITS

**\*EXAM CONFLICT: STUDENTS REGISTERED IN 343C.001 ARE NOT ALLOWED TO BE REGISTERED IN 469.003/590.003, AND VICE VERSA.\***

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

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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 Peter A. Allard School of Law.*

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**LAW 343D.001****Topics in Public Law****Animal Law**
 Term 1     Term 2

Prince

Shroff

Seminar

3 CREDITS

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

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

## Evaluation:

70% Research paper / 30% Attendance and Participation

## Prerequisites:

None

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

1. Animal Law has been approved as part of the Social Justice Specialization at Allard. (Courses included in the Specialization examine the role of law and legal discourse in constructing and maintaining social, political, and economic inequalities, as well as the potential for law to shift inequalities rooted in social relations.)
2. Animal Law at Allard now has a dedicated \$1000.00 prize attached to this seminar called The Sharon Koshul Memorial Prize in Animal Law which will be awarded to a JD student who demonstrates academic excellence in the course.

*Amber Prince, BA. (SFU), LL.B. (UBC), LL.M (UVic). Amber's LL.M work (under the supervision of Professor Maneesha Deckha) focused on Animal Law particularly the intersection of animal rights, Indigenous rights and the state. Since 2006 Amber has run a legal advocacy program for women in the downtown eastside at Atira Women's Resource Society. Her practice areas include: human rights (with a focus on women's rights), housing, income security issues, aboriginal law, animal law, and state accountability (such as administrative law issues, and Ombudsperson's complaints) . Amber is a member of the Sucker Creek Cree First Nation and author of a legal toolkit for Indigenous women. She's appeared at various tribunals, and all levels of Court in BC. In addition to practicing law, Amber spends 7 days a week with her horse and 2 cats.*

*V. Victoria Shroff (Bachelor of Arts in Sociology (Honours), (U.B.C.), LL.B. (U.B.C.), was called to the B.C. Bar in 1997 after summering and articling at a large, full service, downtown firm before joining her father's firm, Shroff & Associates, in downtown Vancouver, where she still practices. Having practiced animal law continuously for over 19 plus years, Victoria is one of the first and longest serving animal law practitioners in Canada. Victoria has a deep affinity for animals having lived with them all her life and handles cases involving companion and wild animals. Victoria's unique and long term practice in animal law has garnered local and national media attention, particularly in the areas of serious dog bite/dangerous dogs, pet insurance, tainted pet food, cruelty, horse issues, animal/pet custody, veterinary malpractice, urban wildlife issues and animals in society. Recognized for her unique practice in animal law, she was a finalist nominee in the Changemaker's category for The Canadian Lawyers' Top 25 in 2018. She also regularly writes about animal law issues for publications such as The Lawyer's Daily, Canadian Lawyer and more. Victoria was invited to deliver a paper on pet custody at the Congress 2019 for the Humanities and Social Sciences where she will join a panel of North American animal law experts. Victoria has appeared in B.C. Provincial Court, Supreme Court and the Court of Appeal and administrative tribunals as counsel. She has assisted clients from Vancouver to Newfoundland and has lectured locally and internationally on animal law in both law schools and to members of the public. Victoria has taught animal law to law students, paralegals and lawyers. Aside from teaching, practicing, lecturing, she also regularly mentors university students both at UBC and other*

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*universities. As part of her community animal law outreach ethos, Victoria founded and runs an animal law and social literacy program in elementary schools called 'Paws of Empathy' inspired by the Dalai Lama and Jane Goodall which she teaches with dogs. (<https://postmediavancouverun2.wordpress.com/news/local-news/longtime-animal-lawyer-takes-her-canine-co-teacher-to-vancouver-school-for-class-on-empathy>) Contact Victoria Shroff through her UBC Expert's Page: <https://experts.news.ubc.ca/expert/victoria-shroff>, LinkedIn [LinkedIn/ https://www.linkedin.com/in/v-victoria-shroff-0631601/](https://www.linkedin.com/in/v-victoria-shroff-0631601/), Twitter [@shroffanimallaw](https://twitter.com/shroffanimallaw) or by email at [shroff@telus.net](mailto:shroff@telus.net)*

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<b>LAW 343D.002</b>	<b>Topics in Public Law</b>	<b><u>Global Corruption, Law, Theory and Practice</u></b>
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	Weiler                      Ferguson, G.	<i>Seminar</i> <b>3 CREDITS</b>

Professor Joseph Weiler (Peter A. Allard Law School) and Professor Gerry Ferguson (University of Victoria Law Faculty) will be the co-instructors in this course. The course will be offered by teleconference from two locations: Peter A Allard School of Law 343D.003 class led by Professor Weiler will be located in room 335 of Allard Hall and the U Vic Law Faculty 343-1 class led by Professor Gerry Ferguson will be located in Room 150 at the University of Victoria Law Faculty.

LAW 343D.003 will examine the historical, political, economic and social context and consequences of global corruption. The course will analyze the international prevention and enforcement standards related to corruption in the UN Convention against Corruption and the OECD Convention against Bribery of Foreign Officials. The course will compare and contrast the laws of US, UK and Canada for control and regulation of corruption and will examine corruption in respect to

(a) the elements of corruption as a crime and the investigation, prosecution and sanctioning of persons convicted of corruption offences;

(b) the prevention or regulation of corruption in the public (government) sector including laws and policies dealing with conflict of interest, lobbying, public procurement and whistleblower protection; and

(a) the role of the lawyer in advising corporate clients in respect to corruption risk assessment in the client's area of business, development of internal anti-corruption policies and implementation of due diligence standards and practices.

The course will include in-depth case studies analyses of how the law is combatting corruption in several industrial sectors with a historically high incidence of corrupt activity:

(a) the mining industry, (with particular emphasis on the statutory transparency reporting obligations of payments to government, the regulation of conflict minerals supply chain management, and due diligence practices by acquiring major mining firms of the regulatory compliance performance of target junior firms in the context of a merger and acquisition).

(b) the infrastructure development industry (with particular emphasis on integrity in public procurement, P3 project financing, and the use of monitors to oversee tendering processes and project management).

(c) the global sports sector, (with particular emphasis on the bid process for sports mega events such as the Olympic Games and FIFA World Cup, as well as prevention of match fixing, and systemic violations of prohibited performance enhancing drug use)

**Methodology:**

Will be a combination of lectures and classroom discussion.

**Evaluation:**

Evaluation of student performance for grading purposes for students in the Allard Law 343D class will be 80% term paper and 20% class participation.

**Course Materials:**

The Coursebook "Global Corruption: Law, Theory and Practice" (2017 edition), available online at <http://icclr.law.ubc.ca/global-corruption-law-theory-and-practice> is authored by Professor Ferguson with a Coursebook Case Study Supplement (2017) authored by Professor Weiler.

*Professor Joe Weiler is a full time member of the Peter A. Allard School of Law.*

*Gerry Ferguson is a Professor at the University of Victoria Faculty of Law.*

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**LAW 343D.003**      **Topics in Public Law**      **Civil Liberties**  
 Term 1     Term 2      Gratl      Seminar      3 CREDITS

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, and section 7 rights. Current litigation and legislative debates will provide fertile ground on which we intend to discuss the issues of police accountability, equality in policing, medical assistance in dying, the relationship of civil liberties and Indigenous rights, sex work, national security and espionage, prisons and drug policy.

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.*

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**LAW 343D.004**      **Topics in Public Law**      **Crown Liability**  
 Term 1     Term 2      Hughes, J.      Hoogstraten      Krueger      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.

*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).*

*Thea Hoogstraten (JD, UBC, 2010) has a broad litigation practice at Alexander Holburn Beaudin +Lang in Vancouver. She represents government and private sector clients through her Administrative Law, Insurance, Local Government, Defamation + Publication Risk Management, Cannabis and Appellate Advisory Practices. Her practice has a focus on municipal law, defamation and administrative law.*

*Naomi Krueger (JD, University of Ottawa, 2016) is an associate at Alexander Holburn Beaudin + Lang in Vancouver. She represents government and private sector clients through her Administrative Law, Insurance, Local Government and Appellate Advisory Practices, with a focus on municipal and administrative law.*

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**LAW 344D.001**      **Innovations in Governance & Regulatory Design** Term 1     Term 2

Ford

*Seminar***3 CREDITS**

This year, this seminar will focus on the ways in which innovation is changing the legal profession itself. We will consider the impacts of new technology, new regulatory approaches (e.g., limited retainers and, in the UK, the new legal advisor role), and new business models. Each has implications for access to justice, for legal ethics, and for the practice of law at every scale from multinational firm to solo practice. A further component will examine the intellectual and professional role(s) that legal education should play in a dynamic environment, the relationship between law schools and the legal profession, and ways in which legal education is evolving. Although there is overlap, our primary focus will be on the profession of law, not the business of law. The theoretical component of the class will focus especially on the design of regulation and education for lawyers under conditions of uncertainty and change. Students will be invited to investigate, and propose potential solutions to, both longstanding challenges, and new challenges that innovation itself generates.

**Evaluation:**

Students will be evaluated based on their attendance/participation and one presentation on the readings over the course of the term (together, 20%), a blogging or journaling exercise (20%), and a final research paper (60%).

**Evaluation:**

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

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**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 Peter A. Allard School of Law.*

**LAW 349D.001**      **Topics in Constitutional Law****Constitutional Theory** Term 1     Term 2

Kong

Seminar

3 CREDITS

This course will address theoretical questions in constitutional law through an analysis of writings in political and legal theory, as well as positive constitutional law. Topics will include: constitutional interpretation, judicial review, constitution-making and amendment, federalism, separation of powers, freedom of expression, freedom of religion, equality rights, rights to physical and decisional autonomy, and indigenous rights and self-governance.

## Evaluation:

A research paper will be worth 75% of the final grade.

Participation, including mandatory online commenting and in-class discussion, will be worth 25% of the final grade.

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



**LAW 349D.002****Topics in Constitutional Law****Charter Litigation** Term 1  Term 2

Smith, L.

Sigurdson

Seminar

3 CREDITS

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

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

**THE HONOURABLE LYNN SMITH**

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

*In 2005-06, Justice Smith was Executive Director of the National Judicial Institute, on secondment from the Court. She continues to serve on the faculty of the New Federally-Appointed Judges Program. She has been involved in international judicial education exchanges with China, Scotland, Ghana and Viet Nam.*

*Prior to her appointment as a judge, she practised law, specializing in civil litigation, at Shrum Liddle and Heberton (now McCarthy Tetrault). She taught law at the University of British Columbia 1981-97 in areas including Constitutional Law, Evidence, Civil Litigation, and Real Property. She was Dean of the U.B.C. Law Faculty 1991-97. She has published books and articles in the fields of Charter equality rights, civil litigation and evidence, human rights, and women's equality. She is a past Chair of the Law Foundation of British Columbia, the Board of B.C. Women's Hospital, and the Women's Legal Education and Action Fund. She currently serves on the Board of the Vancouver Opera Foundation and of Music in the Morning.*

**THE HONOURABLE JON SIGURDSON**

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

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

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**LAW 351A.001**      Topics in Human Rights      Discrimination  
 Term 1     Term 2      Segev      Seminar      1 CREDITS

**\*This intensive seminar meets Tues & Thurs, Oct 8, 10, 15, & 17, 2:00-5:00 PM, in Allard 114; and Thurs, Oct 17, 12:30-2:00 PM, Rm 122. Course conflicts are allowed for this seminar, but you must contact Susan Morin (morin@allard.ubc.ca) to register you in this seminar in that case. Students may be penalized a participation or attendance grade for missing an intensive class or a class that conflicts with the intensive class.\***  
**CHANGE June 26, 2019: Seminar added.**

The proposition that discrimination is morally wrong and should often be legally prohibited is widely accepted. However, the answer to the question of why discrimination is wrong is controversial, and as a result the questions of when discrimination is wrong and when it should be legally prohibited are to a significant extent disputed. The law of discrimination reflects this uncertainty and leaves important questions unanswered. These include, for example, the legal status of rational discrimination (discrimination that is supported by a good pro tanto reason), for instance, statistical discrimination, and the boundaries of affirmative action. The course explores salient positions regarding these questions in light of the law of discrimination in Canada and other jurisdictions.

Evaluation: participation (25%) and a final paper (75%). Graded Honours/Pass/Fail.

*Re'em Segev Segev is an associate professor at the faculty of law of the Hebrew University of Jerusalem. He studied at the Hebrew University (LL.B. summa cum laude, LL.M. magna cum laude, Ph.D.) and held visiting positions at Harvard, Columbia, Berkeley and NYU. His research interests are moral philosophy and philosophy of law. His work has been published in journals such as the Australasian Journal of Philosophy, Philosophical Studies, Utilitas, University of Toronto Law Journal, Law & Philosophy, Criminal Law & Philosophy and Criminal Justice Ethics.*

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**LAW 351D.001**      Topics in Human Rights      Law and Policy in Asia  
 Term 1     Term 2      Potter      Seminar      3 CREDITS

**SEMINAR CANCELLED.**

This seminar is intended to provide advanced law students, graduate students in social science disciplines, and students at UBC's Policy School with opportunities for policy research, analysis and writing on issues on the coordination of international trade and human rights performance, with a view toward developing tools for program and policy development and analysis. The seminar will meet on weekly basis, with each session devoted to guided seminar discussion, student presentations, and lab assignments. Attendance and participation are mandatory. Students are expected to read and be prepared to discuss all of the required readings and one of the suggested readings for each class.

Evaluation:

Grade will be based on the Instructor's assessment of a policy paper completed by the student on a topic related to Coordinating Compliance with International Trade and Human Rights Standards.

*Professor Pitman Potter is a member of the Peter A. Allard School of Law and Director Emeritus of the UBC Institute of Asian Research.*

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**LAW 351D.002****Topics in Human Rights****Human Rights in Canada** Term 1  Term 2

Hastie

Seminar

3 CREDITS

This course introduces students to human rights law in Canada, its origins, doctrinal evolutions, and theoretical approaches. Students will learn about: the relationship between equality rights and anti-discrimination law; the structure of human rights systems in Canada, with a focus on the BC Human Rights Tribunal; fundamental principles of human rights law; and, the leading case law on the scope and applicability of human rights law, with a focus on the BC Human Rights Code. This course is well-suited to students who are active participants in the classroom and are interested in issues of social justice.

Pre-requisites: there are no pre-requisites for this course. Students may benefit from have completed, or being concurrently enrolled in, Administrative Law.

Assessment: this course will be assessed on the basis of class participation, short assignments, and a term paper.

Assistant Professor Bethany Hastie is a full time member of the Peter A. Allard School of Law.

**LAW 351D.003****Topics in Human Rights****Cinema and Human Rights** Term 1  Term 2

López Lerma

Seminar

3 CREDITS

**SEMINAR CANCELLED.**

The purpose of the seminar "Cinema and Human Rights" is to provide students the opportunity to develop an understanding of the concept of human rights through an analysis of films (either fictional or documentary). The Charter of the Human Rights Film Network established in 2004 to promote human right film festivals around the world defines human right films as those that "reflect, inform on and provide understanding of the actual state of past and present human rights violations, or the visions and aspirations concerning ways to redress those violations." Human rights films thus are considered a powerful tool to raise awareness for human rights violations and to induce spectators to political action.

Through the lens of selected contemporary human rights films, the seminar will problematize this claim by examining some of the following questions: What kind of awareness does the representation of human rights abuses raise? What kind of ethical dilemmas filmmakers face in representing human violence and suffering? What is the role of truth in Human Rights Cinema and how is this truth produced? How do the narrative and aesthetic choices of filmmakers shape the judgments of spectators? What understanding of human rights these films convey?

**Evaluation:**

The evaluation for the course will be through active participation (30%), short papers (30%) and a final essay (40%).

*Mónica López Lerma is Associate Professor of Spanish and Humanities at Reed College, where she teaches courses in film theory, law and violence, justice and the senses, and cinema and human rights. She received a PhD in Comparative Literature and a Graduate Certificate in Film Studies from the University of Michigan. She also holds a Law degree from the University of Valencia (Spain) and a LL.M. in Jurisprudence from the European Academy of Legal Theory (Belgium). She has also taught at the School of International Relations of the Kyrgyz State National University and at the Faculty of Law of the University of Helsinki.*

*Her research interests are law and humanities, with particular emphasis on film theory, gender, and aesthetics. She is the co-editor of *Rancière and Law* (Routledge, 2018) and is currently finishing a monograph entitled *Sensing Justice through Contemporary Spanish Cinema: Aesthetics, Politics, Law*, to be published by Edinburgh University Press. She was co-editor in chief of the journal *No Foundations: An Interdisciplinary Journal of Law and Justice* from 2012 to 2017.*

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**LAW 352.001**      Aboriginal Peoples and Canadian  
Law Term 1     Term 2

Johnston

Course

3 CREDITS

**\*Cross-listed with LAW 557C.002\***

As a matter of Canadian constitutional law, under s.91(24) of the Constitution Act, 1867, legislative authority over "Indians, and Lands reserved for the Indians" is assigned to the Parliament of Canada. The so-called "Indians" were not consulted in this matter and have been subjected to the the far-reaching provisions of the Indian Act without their consent. Although aspects of the Indian Act continue to constrain the autonomy of most First Nations in Canada, several legislative alternatives have been developed and implemented. This course examines the current legislative regime affecting First Nations. The course materials are largely based on federal statutes such as the Indian Act, the First Nations Land Management Act, the First Nations Election Act, and the Family Homes on Reserves and Matrimonial Interests and Rights Act. A number of First Nations laws and codes will be examined, as well as Final Agreements generated through the British Columbia Treaty Commission.

## Evaluation:

100% final examination.

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

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**LAW 353D.001**      **Aboriginal & Treaty Rights**      **Aboriginal and Treaty Rights Litigation**  
 Term 1     Term 2      Jackson      Seminar      3 CREDITS

**\*Cross-listed with LAW 552C.001\***

**CHANGE August 28, 2019: Instructor and teaching format.**

A distinguished lawyer once coined the word “appelatitis” to refer to the affliction imposed by law professors on law students of understanding the law primarily from the judgments of appellate courts. While not promising a complete cure from this affliction or exemption from rereading the cases, this seminar adopts a different format in the area of Aboriginal and Treaty rights, a subject you will be familiar with from your reading the judgments of the Supreme Court of Canada in your first or second year coursework.

We will trace the evolution of this important body of jurisprudence by selecting some of the leading cases and hearing from those who were deeply involved in bringing them before the courts. In doing so we will explore the legal and political challenges that these cases present, some of the strategic decisions that had to be made during the course of litigation and the contribution and legacy that the cases have made to the development of the law and to the settlement of modern treaties.

Each week I will be joined by counsel representing Indigenous nations, together with counsel from the Department of Justice, the Attorney General of BC and other lawyers who have represented third-party interests, to discuss “the case of the week”. In some cases the discussion will extend over several seminars. For some of the seminars we will be joined by leaders from Indigenous nations who have been involved in these cases to give you a sense of the way in which Aboriginal title and rights are deeply embedded in law, history and politics. Because the seminar requires coordinating the busy schedules of many people the cases that will be the subject of the seminar has not yet been finalized but will likely include these cases:

Calder (1973) -The first SCC case in the modern era reviving the concept of aboriginal title;  
 Claxton v Saanichton Marina (1989) - The decision of the BC Court of Appeal affirming injunctive relief to protect aboriginal fishing rights under the 1850’s Douglas treaties;  
 Sparrow (1990) - The first SCC case interpreting section 35 of the Constitution Act 1982;  
 Van der Peet (1996) -the first SCC case defining the meaning of an aboriginal right under section 35;  
 Delgamuukw (1997) -The first in which SCC defined the meaning of aboriginal title under section 35 and recognizing the importance of oral histories;  
 Haida Nation (2003) -first Supreme Court case and still a leading case in defining the scope of the duty of consultation and accommodation;  
 Aghosht Nation v. Canada - (2009-19) - one of the most complex and still ongoing cases defining the scope of aboriginal fishing rights;  
 Manitoba Metis Federation Inc. v. Canada (2013) – the decision of the Supreme Court of Canada interpreting the scope of Métis land rights under the Manitoba Act 1870 and the scope and application of the principle of the honour of the Crown;  
 Tsilqot’in Nation v British Columbia (2014) – the most recent Supreme Court case defining the meaning of aboriginal title and the first case in which a declaration of aboriginal title was affirmed;  
 Gitxaala Nation et al v Canada (2016) -the judicial review brought by a coalition of Coastal First Nations successfully challenging the Governor in Council decision to approve the Northern Gateway pipeline for breach of the duty to consult and accommodate;  
 Restoule v Canada (2018) -an important decision of the Ontario High Court defining the principles of treaty interpretation arising from the annuity clause of the Robinson Huron and Robinson Superior treaties of 1850  
 Haida Nation v AGBC (2019) -the current Haida Nation title case before the BC Supreme Court.

Depending upon developments in this evolving and dynamic area of the law other cases may be included.

The readings for this seminar will be a review of the judgments of the case we will be discussing, together with supplementary materials that will be supplied online.

Evaluation:

The method of evaluation will be by a research paper related to the subject matter of the seminar or to an alternative project which can include mixed media agreed upon between the instructor and student. If you elect this alternative project it will need to be accompanied by a paper documenting the work and its relationship to the seminar in accordance with

University requirements.

*Professor Michael Jackson is Emeritus Professor of the Peter A. Allard School of Law. He has taught courses and seminars on Aboriginal and treaty rights in the Law School since 1972. His Native Rights course and Prisoners' rights seminar in 1972 were the first of their kind in any Canadian law school. Professor Jackson has represented indigenous peoples and prisoners in leading cases before the Supreme Court of Canada.*

*Professor Jackson has been co-counsel in some of the most important aboriginal and treaty rights cases to come before the Supreme Court including Delgamuukw, Haida Nation, and Morris and Olsen, and the Haida Nation case, and is co-counsel for the Haida Nation in their current aboriginal title litigation. He has published extensively and has been a consultant to various commissions of inquiry including the Royal Commission on Aboriginal Peoples.*

*2019 marks the 50th year of Professor Jackson's professorship at the Law school.*

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**LAW 356.001**      **First Nations & Economic Development**

Term 1     Term 2

Hanna

Course

3 CREDITS

The economies of Indigenous communities are considered to be one of the fastest growing sectors of business in Canada, resulting in a growing area of law. Economic development by Indigenous people is considered one of the means towards self-sufficiency. Recent legal developments aimed at reconciliation, accommodation and regulatory improvement will assist Indigenous people in managing and prospering from their lands and resources. The objective of this course is to provide students with practical grounding in the various legal and developmental issues that arise when Indigenous people engage in economic development initiatives. With a view to opportunities, barriers and recent developments, the topics canvassed will include: legal framework for community economic development, economic accommodation of Indigenous rights, 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 Indigenous groups in the Indigenous 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 the author of *Legal Issues on Indigenous Economic Development* (Toronto: LexisNexis, 2017). He is of the Nlaka'pamux Nation from the community of Lytton.*

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**LAW 358B.001****Topics in First Nations Law****Aboriginal Taxation** Term 1  Term 2

Welters

Course

2 CREDITS

This course aims to give the students an overall understanding of taxation in the First Nations context, a topic that is prone to widespread misinformation. We will cover all aspects of aboriginal taxation relevant to First Nations individuals and First Nation governments. We will start with an exploration of the Indian Act tax exemption for individuals in the context of employment, business and investment income. We will then consider the application of the Indian Act and Income Tax Act exemptions to First Nation governments. As well, we will explore “own source revenue” regimes, which are quasi-tax systems that are part of the fiscal relationship between the federal government (and some provincial governments) and modern treaty nations. Having covered the application of tax to First Nations individuals and governments, we will then move on to consider First Nations as taxing authorities that impose income taxes, sales taxes, and property taxes on their lands. Students will also learn how taxation plays an important role in the negotiation of benefit agreements between First Nations governments and development proponents.

No background in tax is required for this course. Although certain sections of the Income Tax Act will be relevant to the course, you can learn them in isolation from the remainder of that Act.

Evaluation:  
100% Exam.

*Michael Welters is a lawyer at the boutique firm Aldridge + Rosling LLP where he focuses on tax and inter-governmental fiscal matters. Prior to moving to Aldridge + Rosling LLP, he had been the leader of the tax group of a large downtown corporate commercial firm. Michael has experience advising on M&A transactions, inbound investments, commodity taxes, and aboriginal taxation. His practice is currently focused on the tax-exempt sector generally, with an emphasis on Indigenous governments. Michael has advised on all aspects of aboriginal taxation, including for individuals, bands, and modern treaty nations. In addition to advising on First Nations business structures, he has also negotiated income tax, property tax, and other fiscal arrangements between First Nations and the governments of Canada and British Columbia.*

*Michael is also an experienced litigator. He has appeared before the Tax Court, the Federal Court, the B.C. Supreme Court, and the B.C. Court of Appeal, as well as before administrative tribunals. He successfully litigated the first case in Canada that established that LLCs are corporations for Canadian tax purposes.*

*Michael regularly publishes articles on various tax issues. He recently won an award for co-authoring a paper (“Pecore’s Troubles”) on the interaction of Canadian property law and tax law. Michael won two tax awards while attending law school and completed his LL.B. in 2003.*

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<b>LAW 358D.001</b>	<b><u>Topics in First Nations Law</u></b>	<b><u>An Introduction to Indigenous Legal Orders within the Settler State</u></b>	
<input checked="" type="checkbox"/> Term 1	<input type="checkbox"/> Term 2	Mack	Seminar      3 CREDITS

**\*Cross-listed with LAW 558C.001.\***

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

## Evaluation:

The following three assignments will be graded:

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

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

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<b>LAW 358D.002</b>	<b><u>Topics in First Nations Law</u></b>	<b><u>Indigenous Children &amp; Youth: Addressing the Legacy of Residential Schools</u></b>	
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Turpel-Lafond	Seminar      3 CREDITS

*Professor Mary-Ellen Turpel-Lafond is a full time member of the Peter A. Allard School of Law.*

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<b>LAW 358D.003</b>	<b><u>Topics in First Nations Law</u></b>	<b><u>Current Legal Issues</u></b>	
<input checked="" type="checkbox"/> Term 1	<input type="checkbox"/> Term 2	Mclvor	Seminar      3 CREDITS

**CHANGE June 25, 2019: Evaluation method.**

Students in this seminar will acquire an understanding of the legal issues currently at the forefront of the law surrounding Aboriginal title, rights and treaty rights. Topics will include, inter alia: private lands and Aboriginal title, treaty interpretation and infringement, infringement of Aboriginal rights, cross-border Aboriginal rights, proper-rights holders, proper Indigenous representatives, Métis rights versus other Indigenous rights, the duty to consult and administrative tribunals, UNDRIP and Canadian law, the modern treaty process, and the relationship between Indigenous legal orders and Canadian law.

Evaluation will consist of class participation (30%) and a final paper (70%).

*Dr. Bruce Mclvor, lawyer and historian, is principal of First Peoples Law Corporation, a law firm dedicated to defending and advancing Aboriginal title, Aboriginal rights and treaty rights. His work includes both litigation and negotiation on behalf of Indigenous Peoples across Canada. Bruce is recognized nationally and internationally as a leading practitioner of Aboriginal law in Canada. Bruce is a proud Métis from the Red River in Manitoba. He holds a law degree, a Ph.D. in Aboriginal and environmental history and is a Fulbright Scholar.*

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**LAW 359.001****Family Law** Term 1 Term 2

Booth

Santerre

Course

4 CREDITS

**\*Cross-listed with LAW 559D.001\*****CHANGE September 9, 2019: Course added.**

The course considers both substantive and procedural aspects of family law in British Columbia, from a practitioner's perspective. After the basics of constitutional jurisdiction and an overview of trial courts in BC, the course addresses family law topics in the sequence they are usually addressed between spouses or parents: standing under the Family Law Act and Divorce Act; separation; consideration of family violence, injunctive relief including conduct and protection orders, guardianship, parenting arrangements and custody; property and debt division; child support; and spousal support. Procedural alternatives to court will be covered including mediation, arbitration and resolution of disputes through domestic agreements.

Evaluation: There will be an open book, three (3) hour duration, final examination worth, subject to the problem option below, 100% of the grade. There will be four optional written problems to which the answers will be due at the beginning of class the weeks of Jan 27, Feb 24, March 9, and March 23. Students choosing this option must complete at least 3 of 4 problems which will be worth 30% of their overall grade if the average grade on the problems (best 3 of 4) exceeds the final exam grade.

*Mr. Booth is a partner at Jenkins Marzban Logan LLP, managing the family law practice of the firm. He was called to the British Columbia bar in 1994 and articulated and practiced at Fraser & Company until 1999 when he joined Jenkins Marzban Logan LLP. He has focused his practice exclusively on family law matters since 2006. His practice includes litigation and mediation, both as counsel and as mediator. He has appeared before all levels of Court in British Columbia. Mr. Booth has been ranked as a leading lawyer by Lexpert for a number of years. Mr. Booth has been qualified as an expert witness with respect to British Columbia family law before the Superior Court of California.*

*Scott is a frequently invited guest speaker at family law conferences. In 2017, the Continuing Legal Education Society of British Columbia recognized him as one of its top contributors to family law continuing legal education over the preceding decade. He is a member of the editorial board of the Family Law Sourcebook for British Columbia which is the leading treatise on family law for B.C. He has been a contributing author to numerous publications on family law topics, including the property division section of the transition guide published by the B.C. Ministry of the Attorney General when it introduced sweeping legislative change with the Family Law Act in 2013. Mr. Booth is a member of the planning committee for the Canadian Federation of Law Societies National Family Law Conference.*

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

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

Current to July 2019

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

Aloni

Course

4 CREDITS

**\*Cross-listed with LAW 559D.002.\***

This course introduces students to the basic doctrines and theories that govern legal regulation of families in Canada and abroad, with a particular focus on British Columbia, from critical, historical, comparative, and practical perspectives. Principally, the course provides an introduction to the legal regulation both of intimate adult relationships and of the parent-child relationship. Investigating underlying principles, the course examines the ways in which family structures and values have changed during the late 20th and early 21st centuries, and considers the challenges that the law has faced in responding to these changes. Topics covered include: parenting arrangements (including co-parenting and multi-parenting); adoption; cohabitation, marriage, and other adult relationships; property division, support, and custody; and alternative dispute resolution.

## Evaluation:

100% final open-book exam

*Assistant Professor Erez Aloni is a full time member of the Peter A. Allard School of Law.*

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**LAW 362D.001 Topics in Family Law****Law and Adult Relationships** Term 1  Term 2

Aloni

Seminar

3 CREDITS

*Assistant Professor Erez Aloni is a full time member of the Peter A. Allard School of Law.*

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**LAW 362D.002 Topics in Family Law****What's Trending in Family Law** Term 1  Term 2

Redmond

Seminar

3 CREDITS

**SEMINAR CANCELLED.**

Law 362D is an advanced family law course dealing specifically with current issues and trends in family law including property division, spousal and child support, custody and guardianship and related parenting issues. The seminar will be limited to 12 - 15 students and will be taught one evening per week for three hours from 5:30 pm to 8:30 pm. We will be focusing almost exclusively on recent cases and examining hot topics and current trends in family law in British Columbia. There will also be a focus on Dispute Resolution including mediation, arbitration and Collaborative Divorce. This is an interactive seminar where students will be required to actively engage in a discussion of the issues and cases. Topics for final papers are chosen by students with approval of instructor.

Students will be expected to read the cases and provide case summaries which will be submitted prior to each class.

## Evaluation:

Evaluation will be based on class participation 20%, case summaries 20%, and a final paper 60%.

## Textbook provided by instructors:

Annotated Family Practice 2017-2018 published by CLEBC.

Pre-requisite: LAW 359 Family Law is required unless permission is granted by the instructor.

*Karen Redmond (B.A. (University of Western Ontario); B.Ed. (UBC); LL.B. (UBC)) was called to the Bar of British Columbia in 2004. Ms. Redmond practices family law as a mediator, litigator and Collaborative Divorce lawyer. She is a member of the Trial Lawyers Association Executive Committee and has served on the board of Collaborative Divorce Vancouver since 2012. She is a member of the Family Roster for Mediate BC as well as the BC Collaborative Roster Society. Ms. Redmond provides pro bono mediation services through BC Supreme Court and currently writes for a number of Law Journals as well as the JP Boyd Blog on Family Law.*

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

Liston

Course

4 CREDITS

**\*Cross-listed with LAW 509.001.\***

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

Content covered includes:

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

Evaluation:

Students can choose either: (a) a 3-hour 100% open-book exam: or, (b) a 2-hour 70% open-book exam and an assignment worth 30%.

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

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

Stacey

Course

4 CREDITS

**\*Cross-listed with LAW 509.002.\***

Virtually every facet of modern life is affected in some way by the administrative state from labour relations to immigration to professional governance to environmental protection. These laws are administered primarily by administrative agencies, not courts. This course provides an introduction to the rules, principles and policy considerations that shape the powers of these administrative decision-makers. 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 administrative law issues in British Columbia such as the Administrative Tribunals Act and Aboriginal administrative law.

This course is designed around students' active engagement with the course materials. The assessment methods reflect this engagement. Multiple forms of assessment may result in an overall higher workload than for a course with a 100% final, but will provide multiple opportunities for students to demonstrate their knowledge and improve their legal writing.

## Evaluation:

Mandatory participation (P/F); Take-home midterm exam (30%), 2-hour open-book final examination (40%), and take-home final assignment during the exam period (30%).

*Assistant Professor Jocelyn Stacey is a full time member of the UBC Faculty of Law.*

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

Flynn

Course

4 CREDITS

**\*Cross-listed with LAW 509.003.\***

Administrative agencies are a powerful part of modern government and crucial to our daily lives. Building on knowledge from the first-year course on the regulatory state, this course surveys the legal framework of administrative bodies. This course examines how courts review statutorily authorized public bodies and determine the applicable principles and rules that constrain decision-making made by government agencies, boards, commissions, and tribunals. This course introduces the rules, principles, and policy considerations that shape the powers of these administrative decision-makers in areas such as diverse as human rights, municipal law, Indigenous governance, professional self-governance, and environmental protection. Major topics will include: administrative law remedies, procedural fairness, bias and independence, and standards under which courts may review administrative decision-making.

## Evaluation:

One optional assignment (30%) and one in-class final exam (70%).

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

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

Manhas

Course

3 CREDITS

**CHANGE June 4,2019: Time change.**

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

## Evaluation:

Evaluation will be by examination.

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

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

Kaushal

Course

3 CREDITS

**\*Cross-listed with LAW 577.001.\***

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

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

## Evaluation:

Students may choose either: (a) a 100% final exam or (b) a 30% case comment and a 70% final exam.

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

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

Lomo

Seminar

3 CREDITS

**COURSE CANCELLED.****\*Cross-listed with LAW 578.001.\***

This seminar examines the body of national, regional, and international legal rules, norms, and institutions for the protection of refugees. In so doing, it invites students to critically scrutinise these rules, norms, and institutions as contained both in Canadian refugee law – legislative and case law – and regional and international refugee law texts and doctrinal materials and draw conclusions as to their efficacy in protecting refugees. Key themes to be covered include, who is a refugee and who is not and the distinction between refugees, internally displaced persons, migrants, and stateless persons; the rights and duties of refugees; the distinction between refugee law and immigration law; the international responsibility of Canada and States Parties to the 1951 Refugee Convention in providing international protection to refugees; refugee camps in the global south; and pathologies in refugee protection or what is going right and wrong in refugee protection both in Canada and other countries.

## Method of instruction:

This seminar is an interactive, discussion-based, learning process. Students are expected to read the assigned readings before the class and engage critically with the materials and participate actively in grappling with and explaining the ideas and issues they encountered in the readings. In addition to assigned readings, there will be class exercises, and when feasible, guest presentations by relevant government officials, practising refugee lawyers, and refugee support organisations. Students are expected to learn to frame arguments and support them with facts and the law. In addition, students are expected to learn and demonstrate ability to communicate concisely and disagree courteously. The duration of each class is 3 hours and classes will be taught once a week.

## Evaluation:

Students will be evaluated based on the following criteria: (i) Class participation (10%); (ii) Short essays reflecting on assigned readings (40%); and (iii) final essay on a topic of student's choice in consultation with instructor (50%).

*Zachary A. Lomo (Harvard Law School (LLM, 2000), Makerere University (LL.B, 1997)) is a Vanier Graduate Scholar, 2015-2016, at Osgoode Hall Law School, York University. He is also a graduate Scholarship Student, Centre for International Governance Innovation's International Law Research Program, Waterloo, Ontario, Canada. He is a graduate of His current research focus is in International Law and Refugees and has published articles and a book chapter on the best approaches to providing international protection to refugees. Other areas of interest in International Law include, International Trade Law, International Human Rights Law, and International Environmental Law. He is also keenly interested in Administrative Law, Constitutional Law, and Immigration Law.*

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<b>LAW 379B.001</b>	<b><u>Externship</u></b>	<b><u>Business Law Clinic</u></b>		
<input checked="" type="checkbox"/> Term 1	<input type="checkbox"/> Term 2	Black, R.	Clinical	4 CREDITS

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

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

379B.001

Students will learn how to provide business oriented legal advice to small business owners, entrepreneurs, non-profit organizations, and individuals meeting certain criteria. Students will practice law firm management, professional ethics, professional responsibility, client intake and file management under the supervision of practicing lawyers. Students will have direct hands-on experience, under clinical supervision, to interview clients, conduct commercial law files, and give advice. Students will research, draft documents, and report back to their client at follow-up appointments.

Evaluation:

Students will be evaluated on their attendance, the progression of their skills and the quality of their work product, on a pass/fail basis. Students must complete each part of their assigned file work and must earn a passing grade on each part of their assigned file work in order to pass Law 379B.001.

Pre-requisite: LAW 459 Business Organizations

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

Ryan Black

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

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

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

379B.002

Students will learn how to provide business oriented legal advice to small business owners, entrepreneurs, non-profit organizations, and individuals meeting certain criteria. Students will practice law firm management, professional ethics, professional responsibility, client intake and file management under the supervision of practicing lawyers. Students will have direct hands-on experience, under clinical supervision, to interview clients, conduct commercial law files, and give advice. Students will research, draft documents, and report back to their client at follow-up appointments.

Evaluation:

Students will be evaluated on their attendance, the progression of their skills and the quality of their work product, on a pass/fail basis. Students must complete each part of their assigned file work and must earn a passing grade on each part of their assigned file work in order to pass Law 379B.002.

Pre-requisite: LAW 459 Business Organizations

Co-requisite: LAW 380A.002 Externship Reflection: Business Law Clinic Reflection

Ryan Black

Tyson Gratton (B.A. Hon. (UBC), J.D. (UBC), Osgoode Certificate in Entertainment Law (Osgoode Hall Law School)) is an Associate at McMillan LLP.

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

Barrett

Clinical

8 CREDITS

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

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).

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

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

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

This program is open to a maximum of six law students each term. Law students must be in their second or third year of law school, and have taken family law as a prerequisite. Through the clinic component, students will gain practical experience in managing client files and representing their clients in negotiations or court, and will also gain exposure to the systemic perspective through the Centre's partnership with West Coast Women Legal Education and Action Fund (West Coast LEAF). The externship is focused on family law though students may also have the opportunity to take cases in other areas of law affecting their clients. The clinic component is based on a pass/fail evaluation of significant practice achievements during the term. The academic component of the externship is a graded course comprised of weekly seminars, journaling, preparation of a research memorandum and reflection essay.

Pre-requisites: LAW 359 Family Law and LAW 476 Evidence.

*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 before joining Rise, and practiced primarily in the areas of family law, child protection law (as parent's counsel) and immigration & refugee law, with a focus on assisting women who had experienced family violence. Prior to launching her solo practice, 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.*

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

Hawkins, K.

Sood

Clinical

11 CREDITS

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

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

This program is open to a maximum of six law students each term. Law students must be in their second or third year of law school, and have taken family law as a prerequisite. Through the clinic component, students will gain practical experience in managing client files and representing their clients in negotiations or court, and will also gain exposure to the systemic perspective through the Centre's partnership with West Coast Women Legal Education and Action Fund (West Coast LEAF). The externship is focused on family law though students may also have the opportunity to take cases in other areas of law affecting their clients. The clinic component is based on a pass/fail evaluation of significant practice achievements during the term. The academic component of the externship is a graded course comprised of weekly seminars, journaling, preparation of a research memorandum and reflection essay.

Pre-requisites: LAW 359 Family Law and LAW 476 Evidence.

*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 before joining Rise, and practiced primarily in the areas of family law, child protection law (as parent's counsel) and immigration & refugee law, with a focus on assisting women who had experienced family violence. Prior to launching her solo practice, 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.*

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**LAW 379D.003**      **Externship**      **Judicial Externship**  
 Term 1     Term 2    Cunliffe      *Clinical*      **11 CREDITS**

**\*Registration by permission only. Restricted to 3rd Year students only. Externships at Provincial Court of British Columbia. This clinic fulfills the Experiential Learning requirement.\***

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

Evaluation:  
Pass/Fail.

Pre-requisites for application:

- Students must be in third year.
- LAW 476 Evidence is required.

The following courses are highly recommended: LAW 400 Advanced Criminal Procedure, LAW 359 Family Law, and LAW 469 Civil Procedure.

*Professor Emma Cunliffe is a full time member of the Peter A. Allard School of Law.*

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**LAW 379D.004**      **Externship**      **Judicial Externship**  
 Term 1     Term 2    Cunliffe      *Clinical*      **11 CREDITS**

**\*Registration by permission only. Restricted to 3rd Year students only. Externships at Provincial Court of British Columbia. This clinic fulfills the Experiential Learning requirement.\***

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

Evaluation:  
Pass/Fail.

Pre-requisites for application:

- Students must be in third year.
- LAW 476 Evidence is required.

The following courses are highly recommended: LAW 400 Advanced Criminal Procedure, LAW 359 Family Law, and LAW 469 Civil Procedure.

*Professor Emma Cunliffe is a full time member of the Peter A. Allard School of Law.*

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

Tse

Clinical

5 CREDITS

**\*Registration by permission only. Fall Term Placement: September 9 - November 29, 2019 (excluding Mid-Term Break: November 7 & 8, 2018). This clinic fulfills the Experiential Learning requirement.\***  
**CHANGE June 4, 2019: Clinic added.**

The Corporate Counsel Externship is a clinical program within the Centre for Business Law that will operate in both the fall and spring terms. Eight upper-year J.D. students are admitted to the Externship (Law 379E) and the accompanying graded course component (Law 380A).

The purpose of the Externship is to provide students with an opportunity to:

- learn directly from experienced in-house counsel in a supervised educational environment;
- apply theoretical concepts learned in the classroom to practical legal and business matters in a particular industry;
- gain solicitor's practice based experience in a supervised environment; and
- develop a deeper understanding of professional ethics and professional responsibility in practice.

The Externship is comprised of seven credits in total. Five credits are allocated to the clinical component (Law 379E) and two credits are allocated to the academic component (Law 380A).

Law 379E: Externship (5 credits):

Students enrolled in the program will be placed in the legal department of an organization in the private or public sector on a part-time basis (16 hours per week) for one term (12 weeks). The student and principal can mutually determine the student's weekly work schedule.

This is a pass/fail course based on the following:

- a. Principal Evaluation (50%): Non-graded evaluation by the student's principal who will assess the student on attendance, professionalism, and other core competencies including: interest in work, ability to learn, quality of work, problem solving, teamwork, dependability, response to supervision, reflection, business judgment, ethical behaviour, entrepreneurship, written and oral communication, interpersonal skills, leadership qualities, adaptability, organization/planning skills.
- b. Research Project (50%): Non-graded evaluation by the student's principal who will assess the research project based on timeliness and quality of work.

Final marks will be recorded as pass/fail on students' transcripts.

*Erika Tse holds a law degree from Dalhousie University, a Bachelor of Commerce degree from UBC, and her ICD.D (directors education program) from the Institute of Corporate Directors, Rotman School of Management at the University of Toronto. Ms. Tse has also completed the Financial Literacy Program and Strategic Human Resources Management Program from Rotman School of Management at U of T, and the Executive Development Program from Wharton, University of Pennsylvania. Ms. Tse has been practicing law for 25 years and has extensive in-house counsel experience in various industries including forest products (Weyerhaeuser) and grocery retail (Save-On Foods, a Jim Pattison company). Currently, she is Chief Legal Officer, Corporate Secretary, and Vice-President of Human Resources for GLENTEL Inc., a subsidiary of BCE Inc. and Rogers Communications Inc., and the largest multi-carrier mobile phone retailer in Canada, operating as WirelessWave, Tbooth wireless, and Wireless etc. (Costco). Glentel has 1900 employees and operates 350 retail stores in shopping centres and Costco stores across Canada.*

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

Tse

Clinical

5 CREDITS

**\*Registration by permission only. Spring Term Placement: January 13 - April 3, 2020 (excluding Reading Week: February 17-21, 2020). This clinic fulfills the Experiential Learning requirement.\***  
**CHANGE June 4, 2019: Clinic added.**

The Corporate Counsel Externship is a clinical program within the Centre for Business Law that will operate in both the fall and spring terms. Eight upper-year J.D. students are admitted to the Externship (Law 379E) and the accompanying graded course component (Law 380A).

The purpose of the Externship is to provide students with an opportunity to:

- learn directly from experienced in-house counsel in a supervised educational environment;
- apply theoretical concepts learned in the classroom to practical legal and business matters in a particular industry;
- gain solicitor's practice based experience in a supervised environment; and
- develop a deeper understanding of professional ethics and professional responsibility in practice.

The Externship is comprised of seven credits in total. Five credits are allocated to the clinical component (Law 379E) and two credits are allocated to the academic component (Law 380A).

Law 379E: Externship (5 credits):

Students enrolled in the program will be placed in the legal department of an organization in the private or public sector on a part-time basis (16 hours per week) for one term (12 weeks). The student and principal can mutually determine the student's weekly work schedule.

This is a pass/fail course based on the following:

- a. Principal Evaluation (50%): Non-graded evaluation by the student's principal who will assess the student on attendance, professionalism, and other core competencies including: interest in work, ability to learn, quality of work, problem solving, teamwork, dependability, response to supervision, reflection, business judgment, ethical behaviour, entrepreneurship, written and oral communication, interpersonal skills, leadership qualities, adaptability, organization/planning skills.
- b. Research Project (50%): Non-graded evaluation by the student's principal who will assess the research project based on timeliness and quality of work.

Final marks will be recorded as pass/fail on students' transcripts.

*Erika Tse holds a law degree from Dalhousie University, a Bachelor of Commerce degree from UBC, and her ICD.D (directors education program) from the Institute of Corporate Directors, Rotman School of Management at the University of Toronto. Ms. Tse has also completed the Financial Literacy Program and Strategic Human Resources Management Program from Rotman School of Management at U of T, and the Executive Development Program from Wharton, University of Pennsylvania. Ms. Tse has been practicing law for 25 years and has extensive in-house counsel experience in various industries including forest products (Weyerhaeuser) and grocery retail (Save-On Foods, a Jim Pattison company). Currently, she is Chief Legal Officer, Corporate Secretary, and Vice-President of Human Resources for GLENTEL Inc., a subsidiary of BCE Inc. and Rogers Communications Inc., and the largest multi-carrier mobile phone retailer in Canada, operating as WirelessWave, Tbooth wireless, and Wireless etc. (Costco). Glentel has 1900 employees and operates 350 retail stores in shopping centres and Costco stores across Canada.*

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**LAW 380A.001**      **Externship Reflection**      **Business Law Clinic - Reflection**  
 Term 1     Term 2    Black, R.      *Workshop*      **2 CREDITS**

**\*Registration by permission only.\***

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

*Ryan Black*


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**LAW 380A.002**      **Externship Reflection**      **Business Law Clinic - Reflection**  
 Term 1     Term 2    Black, R.      Gratton      *Workshop*      **2 CREDITS**

**\*Registration by permission only.\***

The Business Law Clinic, or Law 379B.002/Law380A.002 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.002

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

## Evaluation:

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

Pre-requisite: LAW 459 Business Organizations

Co-requisite: LAW 379 Externship: Business Law Clinic

*Ryan Black*

*Tyson Gratton (B.A. Hon. (UBC), J.D. (UBC), Osgoode Certificate in Entertainment Law (Osgoode Hall Law School)) is an Associate at McMillan LLP.*

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

Term 1    Term 2   Tse

Workshop

2 CREDITS

**\*Registration by permission only. Fall Term Seminar: September 7, 8, 14 and November 23, 2019 (9:00am-4:30pm each day), in Allard room 121.\***

**CHANGE June 4, 2019: Workshop added.**

The Corporate Counsel Externship is a clinical program within the Centre for Business Law that will commence in the 2019-20 academic year and will operate in both the fall and spring terms. Six upper-year J.D. students are admitted to the Externship (Law 379E) and the accompanying graded course component (Law 380A).

The purpose of the Externship is to provide students with an opportunity to:

- learn directly from experienced in-house counsel in a supervised educational environment;
- apply theoretical concepts learned in the classroom to practical legal and business matters in a particular industry;
- gain solicitor's practice based experience in a supervised environment; and
- develop a deeper understanding of professional ethics and professional responsibility in practice.

The Externship is comprised of seven credits in total. Five credits are allocated to the clinical component (Law 379E) and two credits are allocated to the academic component (Law 380A).

Law 380A: Externship Seminar and Reflection (2 credits):

Students will be required to attend lectures and complete certain required readings and exercises. Law 380A is designed to promote reflective practice, enhance experiential learning gained through Law 379E, and ensure a significant academic component to students' learning. The course content will focus on specific topics relevant to in-house practice.

This is a graded course based upon:

- a. Assignments (20%): Assignments are due prior to the commencement of the classes (or following class) and will be graded based on the student's grasp of the subject matter.
- b. Seminar Participation (15%): Students will be graded on their participation throughout the seminars. Participation means the student comes to the seminar prepared and curious, follows the conversation and is thoughtful about it, asks questions, shares his/her perspective in a productive and supportive manner and is otherwise actively engaged during the class.
- c. Bi-weekly Reflective Journals (15%): Journals will be graded for written clarity and depth of personal examination. Quality of the written submission will be highly scrutinized and students are advised to carefully review their work product prior to submission.
- d. Presentation at Completion of Externship (50%): The Presentation will be graded based on (a) quality of the presentation content (eg. material is clear, concise, organized, coherent, appropriate use of graphics, meets required components, etc.), (b) delivery of the presentation (eg. good presentation flow, good eye contact, dynamic and engaging presentation, etc.), (c) the quality of reflection (eg. in-depth personal examination, student risks asking probing questions about self, effectively criticizes own performance, able to identify strengths and weakness in own performance), and (d) personal development (eg. student makes clear connections between experience and theories, applies experience to life and/or future goals, gains insights about their future role as a lawyer and has grown personally as a legal professional).

Grading Criteria: the following guidelines will generally be followed with respect to both class participation and course assignment.

80% to 100% (A- to A+): Exceptional/Excellent performance: strong evidence of original thinking; good organization; capacity to analyze and synthesize; superior grasp of subject matter with sound critical evaluations; evidence of extensive knowledge base.

68% to 79% (B- to B+): Competent/Good performance: evidence of grasp of subject matter; some evidence of critical capacity and analytic ability; reasonable understanding of relevant issues; evidence of familiarity with the readings.

50% to 67% (D to C+): Adequate/Satisfactory performance: understanding of the subject matter; ability to develop solutions to simple problems in the material; acceptable but uninspired work, not seriously faulty but lacking style and vigour.

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00% to 49% (F): Inadequate performance: little or no evidence of understanding of the subject matter; weakness in critical and analytic skills; limited or irrelevant use of the material in answers.

*Erika Tse holds a law degree from Dalhousie University, a Bachelor of Commerce degree from UBC, and her ICD.D (directors education program) from the Institute of Corporate Directors, Rotman School of Management at the University of Toronto. Ms. Tse has also completed the Financial Literacy Program and Strategic Human Resources Management Program from Rotman School of Management at U of T, and the Executive Development Program from Wharton, University of Pennsylvania. Ms. Tse has been practicing law for 25 years and has extensive in-house counsel experience in various industries including forest products (Weyerhaeuser) and grocery retail (Save-On Foods, a Jim Pattison company). Currently, she is Chief Legal Officer, Corporate Secretary, and Vice-President of Human Resources for GLENTEL Inc., a subsidiary of BCE Inc. and Rogers Communications Inc., and the largest multi-carrier mobile phone retailer in Canada, operating as WirelessWave, Tbooth wireless, and Wireless etc. (Costco). Glentel has 1900 employees and operates 350 retail stores in shopping centres and Costco stores across Canada.*

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**LAW 380A.004****Externship Reflection****Corporate Counsel Externship - Reflection**

Term 1  Term 2 Tse

Workshop

2 CREDITS

**\*Registration by permission only. Spring Term Seminar: January 11, 12, 18 and April 4, 2019 (9:00am-4:30pm each day), in Allard room 121.\***

**CHANGE June 4, 2019: Workshop added.**

The Corporate Counsel Externship is a clinical program within the Centre for Business Law that will commence in the 2019-20 academic year and will operate in both the fall and spring terms. Six upper-year J.D. students are admitted to the Externship (Law 379E) and the accompanying graded course component (Law 380A).

The purpose of the Externship is to provide students with an opportunity to:

- learn directly from experienced in-house counsel in a supervised educational environment;
- apply theoretical concepts learned in the classroom to practical legal and business matters in a particular industry;
- gain solicitor's practice based experience in a supervised environment; and
- develop a deeper understanding of professional ethics and professional responsibility in practice.

The Externship is comprised of seven credits in total. Five credits are allocated to the clinical component (Law 379E) and two credits are allocated to the academic component (Law 380A).

Law 380A: Externship Seminar and Reflection (2 credits):

Students will be required to attend lectures and complete certain required readings and exercises. Law 380A is designed to promote reflective practice, enhance experiential learning gained through Law 379E, and ensure a significant academic component to students' learning. The course content will focus on specific topics relevant to in-house practice.

This is a graded course based upon:

- a. Assignments (20%): Assignments are due prior to the commencement of the classes (or following class) and will be graded based on the student's grasp of the subject matter.
- b. Seminar Participation (15%): Students will be graded on their participation throughout the seminars. Participation means the student comes to the seminar prepared and curious, follows the conversation and is thoughtful about it, asks questions, shares his/her perspective in a productive and supportive manner and is otherwise actively engaged during the class.
- c. Bi-weekly Reflective Journals (15%): Journals will be graded for written clarity and depth of personal examination. Quality of the written submission will be highly scrutinized and students are advised to carefully review their work product prior to submission.
- d. Presentation at Completion of Externship (50%): The Presentation will be graded based on (a) quality of the presentation content (eg. material is clear, concise, organized, coherent, appropriate use of graphics, meets required components, etc.), (b) delivery of the presentation (eg. good presentation flow, good eye contact, dynamic and engaging presentation, etc.), (c) the quality of reflection (eg. in-depth personal examination, student risks asking probing questions about self, effectively criticizes own performance, able to identify strengths and weakness in own performance), and (d) personal development (eg. student makes clear connections between experience and theories, applies experience to life and/or future goals, gains insights about their future role as a lawyer and has grown personally as a legal professional).

Grading Criteria: the following guidelines will generally be followed with respect to both class participation and course assignment.

80% to 100% (A- to A+): Exceptional/Excellent performance: strong evidence of original thinking; good organization; capacity to analyze and synthesize; superior grasp of subject matter with sound critical evaluations; evidence of extensive knowledge base.

68% to 79% (B- to B+): Competent/Good performance: evidence of grasp of subject matter; some evidence of critical capacity and analytic ability; reasonable understanding of relevant issues; evidence of familiarity with the readings.

50% to 67% (D to C+): Adequate/Satisfactory performance: understanding of the subject matter; ability to develop solutions to simple problems in the material; acceptable but uninspired work, not seriously faulty but lacking style and vigour.

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00% to 49% (F): Inadequate performance: little or no evidence of understanding of the subject matter; weakness in critical and analytic skills; limited or irrelevant use of the material in answers.

*Erika Tse holds a law degree from Dalhousie University, a Bachelor of Commerce degree from UBC, and her ICD.D (directors education program) from the Institute of Corporate Directors, Rotman School of Management at the University of Toronto. Ms. Tse has also completed the Financial Literacy Program and Strategic Human Resources Management Program from Rotman School of Management at U of T, and the Executive Development Program from Wharton, University of Pennsylvania. Ms. Tse has been practicing law for 25 years and has extensive in-house counsel experience in various industries including forest products (Weyerhaeuser) and grocery retail (Save-On Foods, a Jim Pattison company). Currently, she is Chief Legal Officer, Corporate Secretary, and Vice-President of Human Resources for GLENTEL Inc., a subsidiary of BCE Inc. and Rogers Communications Inc., and the largest multi-carrier mobile phone retailer in Canada, operating as WirelessWave, Tbooth wireless, and Wireless etc. (Costco). Glentel has 1900 employees and operates 350 retail stores in shopping centres and Costco stores across Canada.*

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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).*

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<b>LAW 380C.001</b>	<b><u>Externship Reflection</u></b>	<b><u>Judicial Externship</u></b>	<b>Workshop</b>	<b>4 CREDITS</b>
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	Locke			

**\*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.

*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 areas of estate litigation and elder law.*

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<b>LAW 380C.002</b>	<b><u>Externship Reflection</u></b>	<b><u>Judicial Externship</u></b>	<b>Workshop</b>	<b>4 CREDITS</b>
<input type="checkbox"/> Term 1 <input checked="" type="checkbox"/> Term 2	Locke			

**\*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.

*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 areas of estate litigation and elder law.*

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

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

**\*Registration by permission only. This seminar will take place at the Women's Legal Centre at 201-456 West Broadway, Vancouver, BC.\***

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

This program is open to a maximum of six law students each term. Law students must be in their second or third year of law school, and have taken family law as a prerequisite. Through the clinic component, students will gain practical experience in managing client files and representing their clients in negotiations or court, and will also gain exposure to the systemic perspective through the Centre's partnership with West Coast Women Legal Education and Action Fund (West Coast LEAF). The externship is focused on family law though students may also have the opportunity to take cases in other areas of law affecting their clients. The clinic component is based on a pass/fail evaluation of significant practice achievements during the term. The academic component of the externship is a graded course comprised of weekly seminars, journaling, preparation of a research memorandum and reflection essay.

Pre-requisites: LAW 359 Family Law and LAW 476 Evidence.

*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 before joining Rise, and practiced primarily in the areas of family law, child protection law (as parent's counsel) and immigration & refugee law, with a focus on assisting women who had experienced family violence. Prior to launching her solo practice, 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. University of British Columbia, 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. 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

Seminar

4 CREDITS

**\*Registration by permission only. This seminar will take place at the Women's Legal Centre at 201-456 West Broadway, Vancouver, BC.\***

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

This program is open to a maximum of six law students each term. Law students must be in their second or third year of law school, and have taken family law as a prerequisite. Through the clinic component, students will gain practical experience in managing client files and representing their clients in negotiations or court, and will also gain exposure to the systemic perspective through the Centre's partnership with West Coast Women Legal Education and Action Fund (West Coast LEAF). The externship is focused on family law though students may also have the opportunity to take cases in other areas of law affecting their clients. The clinic component is based on a pass/fail evaluation of significant practice achievements during the term. The academic component of the externship is a graded course comprised of weekly seminars, journaling, preparation of a research memorandum and reflection essay.

Pre-requisites: LAW 359 Family Law and LAW 476 Evidence.

*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 before joining Rise, and practiced primarily in the areas of family law, child protection law (as parent's counsel) and immigration & refugee law, with a focus on assisting women who had experienced family violence. Prior to launching her solo practice, 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.*

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

Washington

Course

3 CREDITS

**CHANGE June 25, 2019: Course added.**

Health care law deals with some of the most important issues for both individuals and society. This course provides an introduction to the legal and policy issues relating to the health care system, including legal aspects of individual and public health decision-making. Covered topics typically include: the division of authority over health care, health care coverage and the issue of medical necessity, the provider and patient (licensing, privileging, consent, conflicts of interest, quality assurance and medical error), beginning and end of life issues (sterilization, abortion, assisted reproduction, end of life decision making, including medical assistance in dying), and public health law.

## Evaluation:

Students will be evaluated based on (1) 10% class participation and (2) 90% a final exam.

Course materials: Erdman, Gruben & Nelson, Canadian Health Law and Policy, 5th Ed. (LexisNexis 2017) and supplementary materials available on Connect.

*Penny Washington (LL.B. (UBC 1984)) leads the Health law group at Norton Rose Fulbright in Vancouver. She regularly advises hospitals and health authorities on all aspects of law that affect their operations, including service contracts with private providers, medical assistance in dying, respectful workplace issues, particularly with respect to physicians as members of interdisciplinary teams, privileging and credentialing of health care providers as well as the full range of patient care issues.*

*Ms. Washington has presented material for a number of Continuing Legal Education Society and Canadian Legal Insight seminars on civil litigation, healthcare consent, privacy and freedom of information issues and has frequently lectured on tort liability, quality assurance protections, human rights and risk management to healthcare workers, physicians, administrators, board of directors, students in the Faculty of Dentistry at the University of British Columbia and students in various healthcare disciplines at the British Columbia Institute of Technology. She has published chapters on consent and freedom of information law in British Columbia.*

*She advises medical directors and hospital boards on credentialing, conducting disciplinary hearings, on-call compensation and service contracts, and other physician issues, including appeals of privileging decisions to the Hospital Appeal Board. Ms. Washington has appeared before all levels of court in British Columbia as well as before the Human Rights Tribunal of British Columbia.*

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**LAW 387.001**      Environmental Law Term 1    Term 2

Stacey

Course

4 CREDITS

**\*Cross-listed with LAW 587D.001.\***

Environmental issues challenge our understanding of law in many ways. Environmental issues are complex scientifically and politically, and temporally and geographically. They require a close examination of the potential and limits of core areas of legal doctrine (e.g. tort, constitutional law, administrative law) and how these doctrines need to be stretched or adapted to account for the complexity of environmental problems.

Accordingly, this course is about how the law changes over time and how lawyers are agents of that change. Students will learn about, for example, environmental assessment law, jurisdiction over the environment, the relationship between environmental law and the constitutional duty to consult and accommodate, and how these areas of law have changed -- slowly or rapidly -- in response to our understanding of environmental issues. The course is designed both for students seeking a concise introduction to the subject-matter as part of a well-rounded legal education, as well as for students seeking to specialize in this growing and substantial area of law, for which Environmental Law 387 provides the starting point for their studies. Note that this course is structured around problem-based learning.

## Evaluation:

A combination of participation, mid-term assessment and take-home final assignment during the examination period.

*Assistant Professor Jocelyn Stacey 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

**\*Cross-listed with LAW 591.001\***

This workshop will provide students with experience in written and oral advocacy as well as a range of skills and techniques used by public interest lawyers to influence decisionmaking related to environmental law and policy, taking into account UNDRIP commitments. Students will work collaboratively with the instructors on an issue of current relevance for coastal and marine conservation in BC. Workshop activities include: defining research needs; exploring power structures and democratic processes; interaction with policymakers from different orders of government, experts in environmental and Indigenous law, stakeholders (industry, community groups and others), and scientists; development and evaluation of different law and policy options; and communication strategies. The final work product will be the co-production of a comprehensive report with recommendations for action.

Evaluation: Evaluation will be 60% classwork and assignments, and 40% final report.

*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.*



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**LAW 391D.001**      **Topics in Environmental Law**      **Warrior Lawyers and Green Rights**  
 Term 1     Term 2      Wood, S.      Seminar      3 CREDITS

## Description:

Around the world, citizens and lawyers are using law to realize the rights of people to live in a healthy environment, and the rights of nature to exist and flourish. In this seminar, students explore the theory and practice of environmental rights and public interest legal advocacy through real world case studies of lawyers on the front lines of struggles to protect people, species and ecosystems from environmental harm in Canada and beyond. Using a range of sources including documentary film, interviews, guest lectures, biographical materials, news media, case law, legislation and scholarly writing, each student selects a specific lawyer to profile, makes a presentation to the class on that lawyer and her work, and prepares a research paper applying lessons from this case and from the broader theory and practice of environmental rights to a current environmental law issue in Canada or abroad.

No pre- or co-requisites.

## Evaluation:

Class participation 15%

Presentation 15%

Research paper 70%

*Professor Stepan Wood is a full time member of the Peter A. Allard School of Law. He is the Canada Research Chair in Law, Society and Sustainability and Director of the Centre for Law and the Environment.*

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**LAW 391D.002**      **Topics in Environmental Law**      **Major Project Regulation**  
 Term 1     Term 2      Pulleyblank      Seminar      3 CREDITS

This seminar will explore the intersection of environmental, aboriginal, administrative, and constitutional law by studying two proposed projects in depth: the Trans Mountain pipeline expansion and the Jumbo Glacier resort. The class will cover the administrative decision making processes applicable to these projects, examining the regulatory, environmental assessment, and aboriginal consultation requirements. The class will also examine the role of the courts in resolving jurisdictional disputes, reviewing administrative decisions, assessing the sufficiency of aboriginal consultation, and adjudicating and enforcing injunctions. The seminar will focus in particular on the questions of (1) who has the power to approve, amend, or prevent the projects, and (2) who should have such power. The roles of municipal, provincial, federal, and aboriginal governments in major project regulation will be examined, as will the effect of the media and lobbying efforts in shaping the narrative around these projects.

Students will gain both an in-depth knowledge of these projects, as well as a pragmatic understanding of environmental regulation, aboriginal consultation, and practice before administrative tribunals. Readings will include jurisprudence related to the projects and the governing legal framework, and will also include key documents created in and for the environmental assessment and aboriginal consultation processes for the projects. The class will also look at materials showing how interested parties attempt to use the media and advertising to shape the narrative around the projects. Several guests will join the class, including counsel who represented various interested parties in the processes.

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

*Oliver Pulleyblank (B.A. 2005 (McGill University), LL.B. 2009 (UBC)) is the founder of Pulleyblank Law, where he practices administrative, aboriginal, environmental and constitutional law. Previously he worked as a litigator at the Department of Justice in Vancouver. Oliver served as a law clerk at both the Supreme Court of Canada, for Chief Justice McLachlin, and at the British Columbia Court of Appeal.*

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

Armstrong

Course

3 CREDITS

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*

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

Collie

Monk

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.*

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

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

Mancell

Garton

Course

3 CREDITS

**\*EXAM CONFLICT: Students registered in LAW 395.001 Forest Law are not allowed to be registered in LAW 400.001 Advanced Criminal Procedure, and vice versa.\***

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.*

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**LAW 400.001**      **Advanced Criminal Procedure**

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

**\*EXAM CONFLICT: Students registered in LAW 400.001 Advanced Criminal Procedure are not allowed to be registered in LAW 440.001 Insurance Law or LAW 395.001 Forest Law, and vice versa.\***

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

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

Evaluation:

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

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

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**LAW 401D.001**      **Penal Policy**

Term 1     Term 2    Parkes      *Seminar*      **3 CREDITS**

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

Evaluation:

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

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

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**LAW 402D.001      The Law of Sexual Offences** Term 1     Term 2

Benedet

Seminar

3 CREDITS

This seminar will explore current issues in the criminal law of sexual offences. Topics to be covered may include causes and effects of sexual assault; the definition of "consent"; disability; intoxication; age of consent; fraudulent non-disclosure of HIV+ status; racism; sexual history evidence; third party records; sex offender registration and community notification and sentencing. The seminar examines the historical evolution of the criminal law of rape/sexual assault; comparative approaches in other countries and various critical perspectives on the topic.

## Evaluation:

Students will be evaluated by a series of short reflection based on questions in the readings (20%); attendance/participation (5%); as well as a research paper on a topic selected in consultation with the instructor (75%).

## Prerequisites:

While there are no prerequisites for this seminar, students will find it helpful to have taken or be concurrently enrolled in Evidence.

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

**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.\***

**CHANGE September 11, 2019: Scheduled class day/time/room removed.**

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 one mid-term take-home test (approx 25%), written online participation (approx 25%) and a final take-home 48-hour exam which will be written during the examination period (approx 50%).

This is an online course and we will not have weekly in-person meetings. The timeslot has been assigned to this course for a few in-person classes throughout the term which will be announced at our first meeting. Students are expected to be available during this timeslot. Because there is no Monday class the first week, we will meet on Wednesday, September 4, 2019 at 12:30 PM in room 335 for an introductory session on the mechanics of the course. Attendance at this class is important. Students with questions may contact Professor Grant at [grant@allard.ubc.ca](mailto:grant@allard.ubc.ca)

Enrolment is limited to 20 students.

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

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**LAW 406D.001**      **Topics in Criminal Justice**      **Criminal Organizations**  
 Term 1     Term 2      Narwal      Seminar      3 CREDITS

This course examines the socio-political context surrounding the enactment of criminal organization legislation in Canada, definitional and constitutional issues concerning the legislation and the practical aspects of investigating and litigating “criminal organization” cases as well as the problems associated with prosecuting multiple accused in “mega-trials”.

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

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

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**LAW 407.001**      **Taxation**  
 Term 1     Term 2      Duff      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. Initial lectures are devoted to the purposes of taxation, the role of the income tax, key structural features of the income tax (tax rates, tax base, accounting period, tax unit, and tax credits), the interpretation of tax statutes, and judicial and statutory responses to tax avoidance. The remainder of the course examines the various categories of income or loss identified in the Income Tax Act (income or loss from an office or employment, income or loss from a business or property, taxable capital gains and allowable capital losses, and income from other sources), and the computation of a taxpayer’s aggregate net income.

Required Materials:

1. David G. Duff, Benjamin Alarie, Geoff Loomer and Lisa Philipps, Canadian Income Tax Law, 6th ed. (Toronto: Lexis Nexis, 2018).
2. Income Tax Act, latest edition

Evaluation: 100% exam

*Professor David G. Duff is a full time member of the Peter A. Allard School of Law.*

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

Cui

Course

4 CREDITS

**\*Cross-listed with LAW 506.002.\*****CHANGE 5/28/2019: Course Description**

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, students will be asked to form groups and work on practice problems in class throughout the term.

For LLM students, legal research skills will be emphasized through small research exercises, distributed over the course of the semester. This will satisfy the additional coursework requirement imposed by the Graduate School.

## Evaluation:

J.D students: 20% class participation; 80% final exam.

LL.M. students: 15% class participation; 15% for small research assignments; 70% final exam.

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

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

Duff

Course

3 CREDITS

**\*Cross-listed with LAW 562.001 Taxation of Corporations & Shareholders.\***

Corporations constitute the most significant form of business organization in Canada and other developed countries, accounting for roughly 20 percent of federal and provincial income tax. This course examines the taxation of corporations and shareholders in Canada, beginning with a general overview of the legal character of corporations and the structure of corporate taxes in Canada, then turning to a detailed examination of statutory rules and judicial decisions governing the taxation of income received by public and private corporations and the taxation of shareholders on share dispositions, corporate distributions, shareholder benefits and loans, indirect payments, attributed income and the tax on split income (TOSI).

Evaluation: 100% Final Exam

## Required Materials:

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

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

*Professor David G. Duff is a full time member of the Peter A. Allard School of Law.*

**LAW 409.001**      **Taxation of Partnerships** Term 1     Term 2

Pizzitelli

Course

3 CREDITS

**\*Cross-listed with LAW 563.001 Taxation of Partnerships.\***

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

*Justice Frank Pizzitelli***LAW 410.001**      **International Taxation** Term 1     Term 2

Duff

Course

3 CREDITS

**\*Cross-listed with LAW 565.001.\*****CHANGE June 11, 2019: Evaluation method added.**

The increased globalization of economic activity during the past few decades has made the international dimension of tax law and policy increasingly important. This course examines tax rules governing non-residents carrying on income-earning activities in Canada (inbound rules) and Canadian residents earning income in other countries (outbound rules). Introductory classes examine the basic structure of the international tax regime, international tax administration and dispute resolution, the sources of international tax law (statutory rules, bilateral tax treaties, and judicial decisions) and the interpretation of tax treaties, key rules and principles determining residence and source jurisdiction to tax the income of residents and non-residents, as well as rules governing tax treaty shopping and non-arm's length transactions. Subsequent classes consider statutory rules, tax treaty provisions and judicial decisions governing the taxation of Canadian source income received by non-residents, and foreign-source income received by Canadian residents.

Evaluation:

3-hour final exam 100%.

Required Materials:

1. Jinyan Li, Arthur Cockfield, and J. Scott Wilkie, *International Taxation in Canada: Principles and Practices*, 4th ed. (Toronto: LexisNexis Canada Inc., 2018)
2. David G. Duff, *International Taxation Supplementary Materials*, Volumes 1-3 (2019)
3. *Thorsteinsson's Income Tax Act* (most recent edition)

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

*Professor David G. Duff is a full time member of the Peter A. Allard School of Law.*



**LAW 411D.001**      **Tax Policy** Term 1     Term 2      Cui*Seminar***3 CREDITS****\*Cross-listed with LAW 566.001 Tax Law & Policy Workshop.\*****CHANGE May 23, 2019: Course Description. . June 14, 2019: Day and time.**

This seminar will be given in colloquium format. For about 8 out of the 13 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 on tax law and policy 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. (Past topics and speakers can be view at this link: <http://www.allard.ubc.ca/admissions/graduate-program-admission/llm-taxation/events>) 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 Peter A. School of Law.*

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<b>LAW 413D.001</b>	<b><u>Tax Administration and Dispute Resolution</u></b>	<b><u>Tax Dispute Resolution and Litigation</u></b>		
<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 partly illustrated through the use of a case study approach. Participants will learn about tax practice, audit, objection and appeal issues and will apply them to the case study.

Subject to various time constraints, there may be a visit to the Tax Court of Canada and/or comments from a practitioner from the Department of Justice or a judge.

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 and oral presentation, class participation, and one other written assignment.

**Enrolment:**

The seminar size will be restricted to 20 students.

Prerequisite or co-requisite: LAW 407 - Taxation I

*Ed Kroft, Q.C. (J.D. (Osgoode Hall 1978), LL.M. (UBC 1980), CPA (Hons)) is a partner with Bennett Jones LLP and is the leader of that firm's Tax Controversy and Litigation Group. Ed has taught courses in tax law, tax policy and tax litigation as an adjunct professor in the Faculty of Law for almost 30 years. Ed's practice is exclusively dedicated to handling federal and provincial tax disputes, including those related to transfer pricing. He appears before all levels of court, including Supreme Court of Canada, and has published extensively on taxation issues. Ed sits on the editorial board of the Canadian Tax Journal and sat for 20 years on the Rules Committee of the Tax Court of Canada. He is a recipient of the Award for Excellence in Income Tax Practice and Education from the Canadian Institute of Chartered Accountants, the Queen Elizabeth II Diamond Jubilee Medal and the Adam Albright Award for Excellence in teaching at the Faculty of Law.*

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**LAW 414.001**      **Taxation of Corporate Reorganizations** Term 1     Term 2

Duff

Course

3 CREDITS

**\*Cross-listed with LAW 550.001.\***

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 Canada. This course examines builds upon concepts examined in Law 408/562 (Taxation of Corporations and Shareholders), examining statutory provisions and judicial decisions governing transfers of property to a corporation, reorganizations of capital, amalgamations and windups, and divisive reorganizations.

## Evaluation:

Tax Practice Exercises (in-term): 40%

Final Exam: 60%

## Required Materials:

1. David G. Duff and Geoff Loomer, *Taxation of Business Organizations in Canada*, 2d ed. (Toronto: LexisNexis, 2019), chapters 12-15
2. Thorsteinsson's *Income Tax Act* (most recent edition)

Pre-requisite: Law 408 or Law 562

*Professor David G. Duff is a full time member of the Peter A. Allard School of Law.***LAW 416.001**      **Labour Law** Term 1     Term 2

Gusikoski

Course

3 CREDITS

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

## Evaluation:

Student evaluation will be based on a partial open-book examination (100%).

*Colin Gusikoski received his commerce and law degrees from the University of Saskatchewan, obtaining an average of distinction in both. 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. After he was called to the bar in 2008, Colin spent 8 months conducting research for a Guatemalan legal clinic with cases before the Inter-American system of human rights. 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 419C.001      Individual Employment Law**

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

**\*Cross-listed to LAW 519.001.\***

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

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

**Evaluation:**

Student evaluation will be based on 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.*

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

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 Zwack 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.*

*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 Zwack 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.*

*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.*

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

Festinger

Course

3 CREDITS

**\*Cross-listed with LAW 570C.001.\***

This course provides students with an introduction to the legal regimes governing the protection of intellectual property. The course will cover the following specific areas of intellectual property law: copyright, trademarks, and patents. In addition, students will be introduced to the common law actions of passing off and breach of confidence, international intellectual property law, and industrial design.

Evaluation method:

100% final exam

*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 a Director and Immediate Past-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>), as well as Honorary Industry Professor, Centre for Commercial Law Studies, Queen Mary University of London School of Law (<http://www.ccls.qmul.ac.uk/>).*

*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

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**LAW 422.002**      **Intellectual Property**

Term 1     Term 2    Bailey                      Marles                      Takagawa                      Course                      3 CREDITS

**\*Cross-listed with LAW 570C.002**

Take this course to gain an introduction to the major statutory areas of intellectual property law, which are patents, trademarks and copyright. You will be given an introduction to the basic legal principles underpinning these areas of law, as well as the statutory framework. This course focuses equal attention on each of patents, trademarks and copyright.

**Materials:**

Materials will be prepared for prior reading and will be discussed in class.

**Prerequisites:**

There are no prerequisites or recommended courses.

**Evaluation:**

100% final exam.

*Thomas W. Bailey (B.Sc. (UBC 1983), LL.B. (UBC 1987)) joined the firm Oyen Wiggs Green and Mutala LLP in Vancouver in 1988. He specializes in patent law, especially in the biotechnology field. He is a registered patent and trademark agent and has taught as an adjunct professor at this Faculty since 1993. Mr. Bailey has published numerous papers on intellectual property topics, including the patents chapter in the Continuing Legal Education Annual Review of Law & Practice.*

*Jennifer A. Marles (B.Sc. (UBC 2001), M.Sc. (University of Toronto 2003), LL.B. (University of Victoria 2006)) joined Oyen Wiggs Green & Mutala LLP in 2008. She is a registered patent agent and trademark agent, and helps her clients build the value of their businesses by protecting their intellectual property. Her practice focuses on patent prosecution in the biotechnology, chemical and medical device fields.*

*David Takagawa (B.Sc. (UBC 1998), LL.B. (UBC 2003)) joined Oyen Wiggs Green & Mutala LLP in 2004. He is a registered patent and trademark agent. He specializes in prosecution of patent, trademark and design applications, and also advises on IP strategies and transactions. His clients span a broad range of industries including biotechnology, medical devices, alternative energy, aquaculture, construction, and pulp and paper.*

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**LAW 423C.001****Topics in Intellectual Property****Video Game Law**
 Term 1    Term 2

Festinger

Course

3 CREDITS

Video games create virtual worlds that players physically interact with. In so doing video games upset the traditional media apple cart. The gamer becomes the controller of a responsive virtual world, rather than simply a passive "receiver" of images and sound.

North American video game revenues routinely surpass both domestic film box office receipts and music sales. The video game industry continues to grow faster than almost any other economic segment. Vancouver is one of the largest and most sophisticated centers of video game production in the world.

The creation, dissemination and enjoyment of interactive entertainment is governed by a multi-dimensional grid of international and domestic laws relating to intellectual property, communications, contracts, torts, privacy, obscenity, antitrust and freedom of expression. The myriad legal issues currently manifest in digital media often originated in games. Video gaming has presaged the now rapid rise of real-time social media communities. By building additional levels for their favorite products gamers have for decades been engaged in crowd sourcing, user-generated content and remixing source materials. Games also consistently lead technological, interactive and creative advancements of the digital age.

Threatening intellectual property orthodoxies has, quite literally, always been part of the game. It can easily be suggested that the legal and ethical issues in all media spaces may be best and most critically explored and understood through the lens of video games. Accordingly the processes of creating and playing games constitute a useful proving ground for legal constructs applying to all media and mediums. That all of this occurs with a core demographic that includes very large numbers of children considerably complicates the resulting analysis.

The goal of this course is to continue scholarship in the area. It also forms part of a cluster of courses both at UBC Law School related to the media, entertainment and communications industries.

The course will be limited to twenty-four students. The pedagogic concept of the course is to map and design learning territories to be explored by the students and provide as many tools as possible for that exploration. Accordingly there are multimedia components of the course including a website containing a complete and interactive syllabus, past lectures, discussion forums and resource materials (<http://videogame.law.ubc.ca/>). Industry expert guest speakers appearing in person and or by remote connection also play a significant role.

**Required Materials:**

Festinger, Metcalfe & Ripley, *Video Game Law* (2nd edition, LexisNexis).

**Evaluation:**

Attendance and participation: 30%

Term Paper of 18-20 pages (5,000 words): 70%

*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 a Director and Immediate Past-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>), as well as Honorary Industry Professor, Centre for Commercial Law Studies, Queen Mary University of London School of Law (<http://www.ccls.qmul.ac.uk/>).*

*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)*



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*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*

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

Festinger

Course

3 CREDITS

**\*Cross-listed with LAW 571.001.\***

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

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

## Evaluation:

Class Preparation &amp; 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 a Director and Immediate Past-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>), as well as Honorary Industry Professor, Centre for Commercial Law Studies, Queen Mary University of London School of Law (<http://www.ccls.qmul.ac.uk/>).*

*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

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

Matsui

Seminar

3 CREDITS

**\*Cross-listed with LAW 572.001\***

This seminar is designed to focus on the legal issues arising from the development of cyberspace. The development of the cyberspace has presented many new legal issues. This seminar focuses on public law issues among them. The specific issues covered include the internet governance and the role of law, jurisdictional issues, ISP liability, freedom of expression 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 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 Peter A. Allard School of Law.*

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**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. Registration restricted to third year students.\***

This skills-based course offers upper year students advanced instruction in legal research, writing, and analysis. It builds on skills acquired in Law 281 (Legal Research and Writing). The course focuses on Canadian legal research, 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, written assignments, and close examination of research tools and techniques.

Evaluation:

Completion of a take-home research and writing assignment worth 100% of the final grade. In addition, students will complete a mid-term research and writing assignment that will be evaluated on a pass/fail basis. Any student who fails the mid-term assignment will be downgraded 2 numeric grade points (e.g., from 79 to 77) in their final course grade.

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

**LAW 430.002      Advanced Legal Research**

Term 1     Term 2

Flynn

Workshop

3 CREDITS

**\*Class meets in Rm 208 in the Law Library. This workshop does NOT fulfill the 3 credit seminar requirement. Registration restricted to third year students.\***

This skills-based course offers upper year students advanced instruction in legal research, writing, and analysis. It builds on skills acquired in Law 281 (Legal Research and Writing). The course focuses on Canadian legal research, but will also touch on researching international law and the laws of other jurisdictions. 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-three written assignments, and close examination of writing and research tools and techniques.

Evaluation:

Weekly attendance, preparation, and participation are mandatory. Each student will be evaluated on two - three assignments and in-class participation (100%).

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

**LAW 430.003**      **Advanced Legal Research** Term 1     Term 2    LeDuc

Workshop      3 CREDITS

**\*Class meets in Rm 208 in the Law Library. This workshop does NOT fulfill the 3 credit seminar requirement. Registration restricted to third year students.\***

This skills-based course offers upper year students advanced instruction in legal research, writing, and analysis. It builds on skills acquired in Law 281 (Legal Research and Writing). The course focuses on Canadian legal research, but will also touch on researching international law and the laws of other jurisdictions. 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-three written assignments, and close examination of writing and research tools and techniques.

## Evaluation:

Weekly attendance, preparation, and participation are mandatory. Each student will be evaluated on two - three assignments and in-class participation (100%).

*Emilie LeDuc (B.A., LL.B., MLIS) is a research lawyer at Harper Grey LLP. She graduated from Allard Hall in 2008 and practiced general litigation at a top-rated boutique for almost nine years prior to becoming a dedicated research lawyer. Emilie has drafted memoranda, opinions, pleadings, mediation briefs, arguments, leave applications, and facta on complex and high-profile cases for leading lawyers in Vancouver.*

**LAW 430.004**      **Advanced Legal Research** Term 1     Term 2    Lomo

Workshop      3 CREDITS

**\*Class meets in Rm 208 in the Law Library. This workshop does NOT fulfill the 3 credit seminar requirement. Registration restricted to third year students.\***  
**CHANGE June 25, 2019: Workshop added.**

This skills-based course offers upper year students advanced instruction in legal research, writing, and analysis. It builds on skills acquired in Law 281 (Legal Research and Writing). The course focuses on Canadian legal research, but will also touch on researching international law and the laws of other jurisdictions. 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-three written assignments, and close examination of writing and research tools and techniques.

## Evaluation:

Weekly attendance, preparation, and participation are mandatory. Each student will be evaluated on two - three assignments and in-class participation (100%).

*Zachary A. Lomo (Harvard Law School (LLM, 2000), Makerere University (LL.B, 1997)) is a Vanier Graduate Scholar, 2015-2016, at Osgoode Hall Law School, York University. He is also a graduate Scholarship Student, Centre for International Governance Innovation's International Law Research Program, Waterloo, Ontario, Canada. He is a graduate of His current research focus is in International Law and Refugees and has published articles and a book chapter on the best approaches to providing international protection to refugees. Other areas of interest in International Law include, International Trade Law, International Human Rights Law, and International Environmental Law. He is also keenly interested in Administrative Law, Constitutional Law, and Immigration Law.*

**LAW 434.001      Medical Negligence Law**

Term 1     Term 2      Osmond                  Raab                                  Course                  3 CREDITS

**\*EXAM CONFLICT: STUDENTS REGISTERED IN 434.001 ARE NOT ALLOWED TO BE REGISTERED IN 438.001/538.001, AND VICE VERSA.\***

This class is an introduction to professional negligence law specifically as it relates to physicians, other health care professionals and hospitals. The focus of the class will be on developing an understanding of the components of a medical malpractice action including the doctor-patient relationship, consent, standard of care and causation. We will also explore practical issues that arise in medical malpractice actions including the nature and function of expert witnesses, the use of documentation and difficulties of proof.

The objective of this course is to expose participants to the foundation of medical legal issues in the civil context. By the end of the course, participants will be in a position to identify legal issues pertaining to physicians, other health care professionals and hospitals.

A case list and course outline will be provided on the first day of class. An optional information source is Legal Liability of Doctors and Hospitals in Canada, Robertson & Picard (5th ed 2017).

Class instruction will be lectures based on the cases and course outline. Accordingly, it is expected that all class members will have read the cases and attend at class prepared to participate in discussion.

**Evaluation:**

The course grade will be determined on the basis of a 100% final examination.

*Brenda Osmond (B.Sc. Pharm. (U of M), Pharm. D. (UBC), J.D. (UBC)) is a lawyer at Pacific Medical Law. Brenda obtained her law degree from UBC and was called to the bar in 2010. Brenda has a doctoral degree in clinical pharmacy and was a pharmacist before she became a lawyer. As a pharmacist, Brenda had a distinguished career advocating for the interests of patients. For the last 10 years of her pharmacy career she was Deputy Registrar of the College of Pharmacists of BC where she developed standards for safe pharmacy practice and investigated complaints about the practice of pharmacy. As a lawyer Brenda has appeared at the Supreme Court of BC, and has settled numerous matters for clients without having to go to trial. Throughout her career Brenda has been a speaker at professional development conferences and a frequent contributor to professional publications.*

*Susanne Raab (B.A. (U. Western Ontario), LL.B. (U. Victoria)) is a lawyer at Pacific Medical Law. Susanne's practice focuses on representing individuals who have suffered injuries as a result of medical malpractice, with a focus on birth injuries and catastrophic brain and spinal cord injuries. Prior to joining Pacific Medical Law, Susanne spent much of her legal career representing physicians in complex medical malpractice actions. Susanne has appeared before the Provincial Court, Supreme Court and Court of Appeal of British Columbia, as well as the Supreme Court of Canada. She has been selected for inclusion by her peers in Best Lawyers in Canada in the area of Medical Negligence and is recognized as a leading practitioner in the Canadian Lexpert Directory in medical malpractice. Susanne is also a Fellow of the Litigation Counsel of America, an honorary trial lawyer society whose membership is limited to less than one-half of one percent of North American lawyers, judges and scholars. Susanne also serves on the Executive of the Board of the Trial Lawyers Association of British Columbia.*

*Susanne has appeared before the Provincial Court, Supreme Court and Court of Appeal of British Columbia, as well as the Supreme Court of Canada. Susanne also serves on the Board of Governors of the Trial Lawyers Association of British Columbia.*

*Susanne is actively involved in advocating for individuals living with disabilities, and serves as the President of the Board of Directors as well as Chair of the Advisory Committee of the Cerebral Palsy Association of British Columbia.*

**LAW 435C.001****Topics in Tort Law****Personal Injury Law** Term 1  Term 2

Kazimirski

Kovacs

Course

3 CREDITS

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

## Course Objectives:

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

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

## Required Reading Materials:

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

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

## Evaluation:

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

- Final Exam (75%)
- Class Participation (25%): students will attend class, participate in class discussion, and email “weekly reflections” commenting on the lecture.

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

*Sandy Kovacs (LL.B. (Alberta 2004)) is senior counsel at Kazlaw Trial Lawyers in Vancouver, British Columbia. She is a Past President of both the Vancouver Bar Association and the Lawyers’ Inn Society. Before joining the plaintiffs’ personal injury bar in October 2016, she worked to defend personal injury and wrongful death claims in motor vehicle, aviation, medical malpractice, sexual assault, and occupiers’ liability matters.*

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

Brasil

Hermanson

Seminar

3 CREDITS

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

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

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

**Materials:**

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

**Prerequisites:**

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

**Evaluation:**

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

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

*Chelsea Hermanson (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 437.001**      **Commercial Transactions**

Term 1    Term 2      MacDougall, B.      *Course*      **3 CREDITS**

**\*Cross-listed with LAW 537.001.\***

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

## Course materials:

Will be announced by the instructor.

## Evaluation:

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

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

**LAW 438.001**      **Secured Transactions**

Term 1    Term 2      MacDougall, B.      *Course*      **3 CREDITS**

**\*Cross-listed with LAW 538.001. EXAM CONFLICT: STUDENTS REGISTERED IN 438.001/538.001 ARE NOT ALLOWED TO BE REGISTERED IN 469.002/590.002 OR 434.001, AND VICE VERSA.\***

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

## Evaluation:

Compulsory 2.5-hour open-book final examination.

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

**LAW 438.002**      **Secured Transactions**

Term 1    Term 2      Uteck      *Course*      **3 CREDITS**

**COURSE CANCELLED.****\*Cross-listed with LAW 538.002.\***

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 modified closed 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 Peter A. 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 Reynolds Vogel LLP (operating as Singleton Reynolds) in Vancouver. Mr. Singleton has spent his entire career, spanning more than 47 years in the practice of construction and insurance law and is a widely published author on topics in these areas. He has also presented this course at Stanford University to law, engineering and MBA students. Mr. Singleton's practice includes acting as a mediator, arbitrator and a fairness monitor on some of BC's major infrastructure projects. The law firm of Singleton Reynolds operates on a national platform in Vancouver and Toronto. It has recently received the credit of Canada's leading construction law firm by Benchmark Canada.*

*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

**\*Cross-listed with LAW 540.001. EXAM CONFLICT: Students registered in LAW 440.001 Insurance Law are not allowed to be registered in LAW 400.001 Advanced Criminal Procedure, and vice versa.\***

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, Q.C. (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 443.001**      Creditors' Remedies

Term 1     Term 2    Edinger                                      Course                      3 CREDITS

**\*Cross-listed with LAW 599.001.\***

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. There are no prerequisites for Creditors' Remedies.

This is a PLTC subject.

## Evaluation:

By examination.

*Professor Liz Edinger is a full time member of the Peter A. Allard School 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 fiduciary obligations of corporate officers, and the relationship between the corporate board, insolvency officers, creditors and employees in governance of the financially distressed corporation, creditor rights and remedies, and developments in international and cross-border insolvency. Considerable time will be spent on 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 3,000 words, due November 12, 2019, 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 Peter A. Allard School of Law.*

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**LAW 448.001**      **Sports Law** Term 1     Term 2    Weiler

Course                      3 CREDITS

**\*Cross-listed with LAW 548.001.\***

This course analyses public and private laws that impact professional and amateur sports, with a particular focus on professional league sports in North America and global sport mega events. These legal regimes that are examined in the course include competition law and labour law that impact the player labour market in professional sports, the laws of intellectual property, (e.g., copyright and trademark), that arise in the exploitation of broadcast rights and protection of sponsor event-related investments), and the law of torts and crimes that regulate the level of violence and injuries sustained in sport competition.

The course pays particular attention to the laws and organizational strategies applicable to sport mega events, (such as the Olympic Games and the FIFA World Cup), including the legal regimes promoting the economic, environmental and social sustainability legacies of these events. This examination includes the analysis of best practices in promoting the integrity of the bid process for these global events, and the optimal level of transparency and accountability in financial management that should be applicable to the organization and hosting of these events in order to create positive economic legacy outcomes of these global sport competitions.

The course also analyses from a comparative perspective, (based on an examination of other similar events), the best practices in environmental design and operation of competition venues and related infrastructure, social inclusion strategies in the organization and hosting of these events, including event-related programming that promotes sport for sustainable living in our society. In terms of sport competition itself, the course also looks at the human rights issues arising from the promotion of fair play through the prohibition of performance enhancing drugs and other policies and practices that promote equal opportunity in sport competition.

## Evaluation:

Term paper 60%, group writing component 30%, and weekly class participation 10%.

*Professor Joe Weiler is a full time member of the Peter A. Allard School of Law.*

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

Course                      3 CREDITS

**\*Cross-listed with LAW 551.001.\***

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

## Required:

1.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 Peter A. Allard School 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 551.002.\***

Trusts have become ubiquitous in modern commercial and wealth planning practice. This course aims to provide a grounding in the theory and operation of many aspects of the Canadian law of trusts, which is predominantly a case law subject. The limited statutory material focusses on B.C. We will first cover the establishment of express private trusts. Duties and powers of trustees of such trusts, and breaches of trust duties and their consequences, will be addressed in some detail, together with the role of the Courts in these matters, followed by remedies for breach of trust. We will then study resulting and constructive trusts and related concepts, including fiduciary relationships and unjust enrichment. Breach of fiduciary duty and unjust enrichment are frequently pleaded in commercial and family disputes, often as a basis for seeking a trust remedy.

## Evaluation:

Final open book examination 100%

*John Smith [M.A., B.C.L. (Oxford University)] is Senior Counsel with Lawson Lundell LLP where he has practised since 1981. This will be the eighth year John has taught the Trusts course at Allard Hall, starting in 2013. While he is not primarily a trusts and estates practitioner, a significant number of his engagements involve trusts and related concepts. Prior to 1981 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 almost 40 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 involved in significant public projects including construction of the Canada Line and acquisition of the Arbutus Corridor by the City of Vancouver. He has been recognized in various directories including the Lexpert/ALM Guide to the Leading 500 Lawyers in Canada, Best Lawyers in Canada and Chambers Canada. He was Lawson Lundell's Managing Partner from 2007 to 2009 and continues in his role as Chair of the firm's Conflicts and Ethics Committee.*

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**LAW 452.001****Succession** Term 1  Term 2

Dosanjh

Course

3 CREDITS

**\*Cross-listed with LAW 574.001.\*****CHANGE June 10, 2019: 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. the requirements of testamentary capacity;
4. basic principles and procedures of probate and estate administration;
5. the interpretation of wills;
6. will contests relating to allegations of lack of capacity and undue influence;
7. the statutory limits to testamentary freedom under legislation such as British Columbia's wills variation legislation;
8. substitutes for wills such as joint accounts and options available to limit the exposure of an estate to probate fees;
9. aboriginal succession;
10. planning for incapacity, including powers of attorney and representation agreements for financial management and health care decision-making; and
11. a high level overview of the principles of taxation on death and family law principles relevant in estate planning.

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

Evaluation:

There will be a compulsory final examination.

*Simi Dosanjh (B.A. (UBC 2005), LL.B. (University of Calgary 2009)) was called to the Bar in British Columbia in 2010. Ms. Dosanjh is a Will & Estate Consultant with RBC Wealth Management Services in Vancouver, British Columbia. Providing consultations to clients in the areas of wills and estates, personal and business succession planning, tax, and trusts; creating strong partnerships with advisors from RBC Private Banking, PH&N Investment; counsel and Investment & Retirement Planning as well as RBC Insurance and Royal Trust; served as subject matter expert in the development of RBC's Financial Literacy Program (Wills & Estates Module). Ms. Dosanjh previously worked as an Associate Lawyer at Dentons Canada LLP, Boughton Law Corporation, and Bell Alliance Lawyers.*

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**LAW 455.001**      **Real Estate Transactions**

Term 1     Term 2    Umbach                      Yeung                                      Course                      3 CREDITS

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

**Evaluation:**

100% final exam.

*Greg Umbach (B.A. (University of Waterloo 1992), LL.B. (UBC 1995)) practises with the Vancouver office of Blake Cassels & Graydon LLP in the area of commercial real estate, financial services and business law. He has been involved in transactions involving buying, selling, leasing, financing and development of commercial real estate specifically relating to shopping centres, hotels, apartment buildings, office buildings and industrial properties. He has also been involved with all aspects of the subdivision and municipal approval process relating to the development of land. Mr. Umbach has written on subjects relating to builders' liens, title insurance, real estate fraud and natural resource title issues that have been published in print and on the internet.*

*Paul Yeung (B.A. (UBC), LL.B. (UBC)) practices with Tenure Law, a boutique law firm practicing solely in the area of commercial leasing, and is a consultant with the commercial real estate group of Stikeman Elliott LLP. Prior to forming Tenure Law, Paul served as a law clerk to the British Columbia Supreme Court and practiced with the commercial real estate groups of Blake Cassels & Graydon LLP and Stikeman Elliott LLP. Paul is also a principal of the Yeung Group of companies which focus on investing in and managing commercial properties in Vancouver. Paul is a contributing author for the Continuing Legal Education publications of Commercial Leasing - Annotated Precedents and the Real Estate Practice Manual.*

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**LAW 455.002      Real Estate Transactions**

Term 1     Term 2      Chisholm      Course      3 CREDITS

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

Evaluation:  
100% final exam.

*Partner and Co-Chair of the Commercial Real Estate group. Damon's practice focuses on all aspects of commercial real estate, including development, subdivisions, stratifications, acquisitions, dispositions, financing and leasing of commercial properties. Damon's experience includes acting for parties in complex project financing and acquisitions, purchasers and vendors of large commercial developments, including land acquisitions, hotels, apartment buildings and industrial and office complexes. This experience extends to the preparation and filing of Disclosure Statements under the Real Estate Development Marketing Act and advising developer clients on Strata Property Act compliance issues.*

**Education:**

-Called to the British Columbia bar - 2003  
-International Air Transport Association (IATA) Training and Development Institute - Certificate with Distinction, Aircraft Acquisition and Financing - 2016  
-University of Calgary, LLB - 2002  
-University of Calgary, BA - 1999

**Directorships and Associations:**

-Canadian Bar Association (British Columbia Branch) - Real Estate and Banking subsections  
-Vancouver Bar Association  
-Mortgage Investment Association of British Columbia  
-Vancouver Solicitors' Legal Opinions Subcommittee (Real Estate)

**LAW 459.001      Business Organizations**

Term 1     Term 2      Hutchison      Course      4 CREDITS

**\*Cross-listed with LAW 508D.001.\***

This course provides an overview of the law of business organizations. Although the course focuses on Canadian law, other jurisdictions (particularly the state of Delaware) will also be addressed. Topics covered will include (1) the history of corporate law, (2) the nature of the corporate form, (3) organizational choice and forming a corporation, (4) investment securities and corporate finance, (5) directors' duties and corporate governance, (6) control transactions, and (7) shareholder rights and remedies. Special emphasis will be placed on the legal and business considerations necessary to serving the role of corporate counselor.

Required textbook: Poonam Puri et al., Cases, Materials and Notes on Partnerships and Canadian Business Corporations, 6th ed (Toronto: Carswell, 2016).

Evaluation:  
Final examination (three hours, open book) - 95%  
Class participation - 5%

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

**LAW 459.002      Business Organizations** Term 1     Term 2      Lin*Course*            **4 CREDITS****\*Cross-listed with LAW 508D.002.\***

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      Liao*Course*            **4 CREDITS****\*Cross-listed with LAW 508D.003.\***

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

## Required Materials:

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

## Evaluation:

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

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

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

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

**Prerequisite:**

LAW 459 Business Organizations prerequisite is WAIVED for this course.

**Evaluation:**

Evaluation will be 100% final exam.

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

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

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<b>LAW 461.001</b>	<b><u>Corporate Transactions</u></b>		
<input type="checkbox"/> Term 1 <input checked="" type="checkbox"/> Term 2	Hutchison		Course      3 CREDITS

This course focuses on the law and practice of complex corporate transactions, including mergers (amalgamations), acquisitions, divestitures, and corporate restructurings. Special emphasis will be placed on the analytical, drafting, and negotiation skills central to serving as an effective transactional attorney. Notwithstanding this practical focus, we will also address various legal, economic, and even political theories that help explain the particular means by which corporate transactions are structured and executed. This course draws heavily on Business Organizations, which is a prerequisite for enrollment.

**Prerequisite:** Business Organizations

**Required textbook:** Christopher C. Nicholls, *Mergers, Acquisitions and Other Changes of Corporate Control*, 2d ed (Toronto: Irwin Law, 2012).

**Evaluation:**

Final examination (three hours, open book) - 95%

Class participation - 5%

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

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**LAW 462.001T1**      **Close Corporations****Corporations: From Beginning to End** Term 1     Term 2

Hennigar

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.

*Andrew Hennigar (B. Comm., Strategy (McGill University 2003), J.D. (U. Toronto 2006)) is Counsel in the Corporate Commercial group of Borden Ladner Gervais LLP, dealing primarily with private company mergers and acquisitions and corporate finance transactions, as well as general corporate and commercial matters.*

**LAW 462.001T2**      **Close Corporations****Corporations: From Beginning to End** Term 1     Term 2

Hennigar

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.

*Andrew Hennigar (B. Comm., Strategy (McGill University 2003), J.D. (U. Toronto 2006)) is Counsel in the Corporate Commercial group of Borden Ladner Gervais LLP, dealing primarily with private company mergers and acquisitions and corporate finance transactions, as well as general corporate and commercial matters.*

**LAW 463.001      Securities Regulation** Term 1     Term 2

Peihani

Course

3 CREDITS

**\*Cross-listed with LAW 576.001.\***

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

## Evaluation:

100% final exam

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

**LAW 463.002      Securities Regulation** Term 1     Term 2

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** Term 1  Term 2

Tougas

Wright

Course

3 CREDITS

**\*Cross-listed with LAW 556C.002\***

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

**Evaluation:**

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

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

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

**LAW 465.001****Introduction to Corporate Finance** Term 1  Term 2

Sarra

Course

3 CREDITS

This course is designed to introduce students to the interdisciplinary elements of corporate finance and law. The course will provide law students with a solid introduction to corporate finance, both theories and practice. It will instill an understanding of the regulatory framework in which corporate financing operates. Increasingly, members of the legal profession are called on to advise clients in respect of major transactions that have both financial and legal implications. One expected learning outcome is that law students who have had little exposure to corporate finance and accounting will acquire a basic understanding of the normative and practical implications of our current system. It will allow students to acquire basic skills in reading financial statements and other critically important financial documents. It will provide a basic introduction to new developments in risk management financing, derivatives, development financing, and Fintech. The course will also examine some of the policy issues arising out of continuing sovereign and financial crises internationally.

**Prerequisite:**

LAW 459 Business Organizations

**Evaluation:**

80% of the course mark is a paper of 3,500 words, due November 13, 2019, on a subject selected by the student and agreed upon with the professor. A list of possible topics will be given out first class, but students are not limited to these topics. 20% of the course mark is based on participation in class, including in-class exercises, small group problem-solving activities and one in-class presentation.

*Professor Janis Sarra is a full time member of the Peter A. Allard School of Law.*

**LAW 466.001**      **Business Law Capstone** Term 1     Term 2

Gauthier

Course

3 CREDITS

**\*Registration by permission only. Class will be held at UBC Robson: Jan 9 Rm C100, Jan 16 Rm C400, Jan 23 Rm 1.150 Gallery, Jan 30 Rm C400, Feb 6 Rm 1.150 Gallery, Feb 13 1.150 Gallery, Feb 27 Rm C400, Mar 5 Rm C400, Mar 12 Rm C400, Mar 19 Rm C400, Mar 26 Rm C400, Apr 2 Rm C400.\***

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**      **Topics in Corporate Law****Financial Accounting in Legal Practice** Term 1     Term 2

Jawanda

Course

3 CREDITS

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

## Evaluation:

75% exam, 5% participation and 10% for an in-class presentation.

*Pavan Jawanda*

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

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

Readings: weekly readings to be determined.

Evaluation:

Research paper - 75%

Participation in seminar - 25%

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

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

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

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

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

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

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**LAW 467E.001****Topics in Corporate Law****Corporate Solicitors' Workshop** Term 1  Term 2

Chow

Workshop

3 CREDITS

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

**CHANGE June 5, 2019: Course code changed. July 2, 2019: Time.**

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 various aspects of a commercial transaction, such as the purchase and sale of a business. 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. Students will complete the negotiation of the transaction outlined in the course fact pattern at a one-day workshop (to be held on a weekend day in March, 2019).

Students are cautioned that the completion of weekly drafting assignments and attendance at and active participation in all classes and at the one day workshop are mandatory.

Prerequisites:

LAW 459 Business Organizations is a prerequisite.

Graded Pass/Fail.

*Catherine Chow (B.A. 1994 (University of Calgary), LL.B. 1997 (University of Calgary), LL.M. 2007 (UBC)) is Vice President and General Counsel at Keg Restaurants Ltd. Ms. Chow is responsible for a broad portfolio of legal matters across Canada and US for 100+ locations in The Keg estate: financing, real estate, business development, franchising, key partnership agreements, risk management, litigation, trademark protection, and compliance. 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 468.001****Ethics and Professionalism** Term 1  Term 2

Benedet

Course

3 CREDITS

**\*Cross-listed with LAW 588.001.\***

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, conduct unbecoming 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 and the retention of women in private practice. The course will be taught in both a lecture format and through smaller group discussions. Practising lawyers will assist in these sessions.

Evaluation:

The course will be evaluated by means of a take home essay (25%) and a final examination (75%).

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

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

DelBigio

Course

3 CREDITS

**\*Cross-listed with LAW 588.002.\***

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.*

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

Course

3 CREDITS

**COURSE CANCELLED****\*Cross-listed with LAW 588.003.\***

Ethical issues are fascinating, complex, challenging, and permeate all aspects of the practice of law. This class introduces students to the defining ethical issues that individual lawyers face in various practice settings as well as some of the larger ethical issues facing the legal profession. This class aims to equip students to navigate difficult issues of ethics and professional responsibility, with an awareness of the legal rules, norms, and expectations, but also with an understanding that the answer to ethical dilemmas may not lie in available rulebooks.

This section of Ethics and Professionalism will also consider issues of professional responsibility that arise in transnational legal practice. Such issues include the cross-cultural dimensions of legal practice, transnational bribery, and corruption threats in international legal practice. These issues are as relevant for lawyers working on international business transactions from a British Columbia, or Canadian base, as they are for those anticipating working outside Canada. This will be an interactive class, combining lectures, simulations, negotiation exercises, case studies, and guest lectures.

## Evaluation:

The course will be evaluated by means of a final examination (100%) which will include both essay and short answer questions. The exam will draw on the problem-based learning methodology and interactive case study approach of the course.

Graduate Students registered in this course at the 500 level will, in addition to the final exam, be required to submit a 3,000 word research essay from a list of prescribed topics.

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

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

Course

3 CREDITS

**\*Cross-listed with LAW 588.004.\***

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, conduct unbecoming and civility. Students will also be introduced to the model of self-governance of lawyers, current challenges facing the legal profession such as access to justice and, as well, oversight and regulation of the judiciary. The course will be taught in both a lecture format and through smaller group discussions and presentations.

## Evaluation:

The course will be evaluated by means of small group work and class participation (15%) and a final examination (85%).

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

**LAW 468.005 Ethics and Professionalism** Term 1  Term 2

Salter

Course

3 CREDITS

**\*Cross-listed with LAW 588.005.\***

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, Canada's first online tribunal resolving small claims, condominium disputes, and motor vehicle accident disputes (April 2019). She is also an adjunct professor at the UBC Allard School of Law, teaching administrative law and legal ethics and professional regulation. She earned her BA and LLB from UBC, and her LLM from the University of Toronto. Ms. Salter was a BC Supreme Court judicial law clerk before practicing civil litigation at a large Vancouver firm. She has served as a vice chair of the Workers' Compensation Appeal Tribunal and on the College of Registered Nurses of BC. Ms. Salter is currently a commissioner of the Financial Institutions Commission, vice president of the BC Council of Administrative Tribunals, a Law Society of British Columbia disciplinary hearing panel member, and a board member of the Canadian Legal Information Institute (CanLII). She is a co-author of the BC Administrative Decision Maker's Manual, as well as a number of legal journal articles. In 2017, Ms. Salter was named one of the 25 Top Most Influential Lawyers in Canada, and was previously recognized as one of Canada's New Law Pioneers by the Canadian Bar Association and an Access to Justice All-Star by the National Self-Represented Litigants Project (NSLAP). She is also the 2016 recipient of the Adam Albright award for outstanding teaching by an adjunct professor. Ms. Salter is a frequent speaker at international conferences on online dispute resolution, administrative law, legal education, and the future of law and technology.*

**LAW 468.007**      **Ethics and Professionalism**

Term 1     Term 2    Morris                      Rusnak                                      Course                      3 CREDITS

**\*Cross-listed with LAW 588.007.\***

**CHANGE June 4, 2019: Course section added.**

This course will examine ethics and professionalism through the lens of the Canons of Legal Ethics and the proposition that a lawyer is a minister of justice, an officer of the courts, a client's advocate and a member of an ancient, honourable and learned profession.

Evaluation:

Course evaluation will be by 80% final open-book examination and 20% paper assignment.

*Joel A. Morris (B.A., Hons. (Queen's University 2007), LL.B. (UBC 2010)) is a Partner in Harper Grey's Health Law, Commercial Litigation, Professional Regulation, and Insurance Law practice groups. Mr. Morris' practice focuses on professional liability; commercial litigation, including multi-party cases and class actions; and administrative law. He routinely acts as co-counsel on complex cases and appeals. He has represented clients at all levels of court in British Columbia and before various administrative tribunals.*

*Mr. Morris acts as pro bono counsel in civil and administrative law matters. He serves as Harper Grey's LSLAP (Law Students' Legal Advice Program) coordinator and volunteers as a supervising lawyer with LSLAP.*

*Prior to joining Harper Grey, Mr. Morris clerked at the British Columbia Supreme Court.*

*Christopher M. Rusnak (B.A.Sc. in Chemical Engineering, Hons (Queen's University 1989), LL.B. (University of Victoria 1992)) is a Partner with Harper Grey and has over 24 years' experience with all aspects of civil litigation. The focus of Mr. Rusnak's practice is complex, multi-party disputes. He is counsel in some of Canada's largest and most technically challenging cases in the fields of product liability, environmental contamination and construction.*

**LAW 469.001**      Civil Procedure

Term 1     Term 2    Greenberg      Mitretodis      Course      3 CREDITS

**\*Cross-listed with LAW 590.001\***

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

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

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

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

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

**Required Materials:**

Casebook: Civil Litigation, updated July 2018, available electronically on Connect

**Evaluation:**

Exam worth 95% and written assignments 5%

*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.*

*Alexandra Mitretodis (B.A., Honours (York University), M.A. (Queen's University), J.D./LL.L. (University of Ottawa)), is a litigation and dispute resolution lawyer in Vancouver with a practice in commercial litigation and arbitration. She works on complex files that often have a multi-jurisdictional or international dimensions. She has appeared as counsel before all levels of court in British Columbia, as well as the Federal Court and the Supreme Court of Canada.*

**LAW 469.002**      Civil Procedure

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

**\*Cross-listed with LAW 590.002. EXAM CONFLICT: STUDENTS REGISTERED IN 469.002/590.002 ARE NOT ALLOWED TO BE REGISTERED IN 438.001/538.001, AND VICE VERSA.\***

This course has the following objectives:

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

Required Materials:

1. Mark Francourt-Smith and Gavin Cameron, Law 469 Civil Litigation Casebook, 2020 edition.
2. Janet Walker, et al. The Civil Litigation Process: Cases and Materials, 8th ed. (Toronto: Emond Montgomery Publications Ltd., 2016).
3. Supreme Court Civil Rules: Any of these sources:
  - Bouck, Dillon, and Turriff, British Columbia Annual Practice 2018 (Canada Law Book Inc.) (the “White Book”);
  - Seckel & MacInnis, Supreme Court Rules Annotated 2018 (Carswell) (the “Black Book”); or
  - Online: [http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/168\\_2009\\_01](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.

*Gavin Cameron (LL.B. (UBC, 2009)) is a partner 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.*

*Mark Fancourt-Smith (LL.B. (UBC, 2002), B.A. (Hons) (Queens University, 1994)) is a partner in the Litigation and Dispute Resolution department at Lawson Lundell LLP. His practice encompasses a broad range of commercial disputes including technology and intellectual property litigation, breaches of fiduciary obligation, and defamation. He has particular experience with injunctions, mining disputes involving intellectual property, and commercial and IP disputes in the wine industry. Mark has published articles in media and industry publications, contributed to CLE courses and publications, and writes regularly on Lawson Lundell LLP’s Commercial Litigation and Dispute Resolution Blog.*

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

Goulden

Kuntz

Course

3 CREDITS

**\*Cross-listed with LAW 590.003. EXAM CONFLICT: STUDENTS REGISTERED IN 469.003/590.003 ARE NOT ALLOWED TO BE REGISTERED IN 300.003 OR 343C.001, AND VICE VERSA.\***

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

## Required Materials:

1. 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 Norton Rose Fulbright Canada LLP (formerly known in Vancouver as Bull Housser LLP). Mr. Goulden's practice is focused in the areas of commercial, securities, land, administrative and local government litigation. Mr. Goulden has conducted a broad range of cases at all levels of court in British Columbia, the Federal Court of Canada and various administrative tribunals.*

*Kimberly A. Kuntz (B.A. (Hons.)(Queen's University 1996), LL.B. (Queen's University 1999)) is a partner in the dispute resolution and litigation department at Norton Rose Fulbright Canada LLP. Ms. Kuntz's practice is focused on estate and trust-related disputes. She also acts as counsel on cases involving product liability, negligence actions, complex jurisdictional and cross-border disputes. Ms. Kuntz is a frequent speaker and presenter at conferences and seminars dealing with estates and trusts litigation and the discovery obligations of litigants.*

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**LAW 470.001T1     The Innocence Project** Term 1     Term 2

Levy

Clinical

3 CREDITS

**\*Registration by Permission Only. (See LAW 470.001T2 and LAW 471D.001.) This clinic fulfills the Experiential Learning requirement.\***

The UBC Innocence Project is a clinical program 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.) This clinic fulfills the Experiential Learning requirement.\***

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.*

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

Term 1     Term 2    Scott                      Paisana    Seminar                      3 CREDITS

**\*This course is required for Students in LAW 470.001 Innocence Project.\***

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

## Co-requisite:

This course is required for students in the Innocence Project.

## Evaluation:

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

*Matthew Scott is Crown counsel with the provincial Ministry of Justice and Attorney General. He has undergraduate and graduate degrees in philosophy and received his J.D. (Honours) from the University of Toronto in 2008. He clerked at the Court of Appeal for British Columbia and has worked as a criminal defence lawyer, a trial prosecutor and, since 2015, appellate counsel for the Crown.*

*Tony Paisana (B.A. Honours (UBC), J.D. (UBC)) is a criminal defence lawyer with Peck and Company Barristers. He has represented clients at all levels of court including the Supreme Court of Canada. He is currently the Chair of the Law Reform Committee for the National Criminal Justice Section of the Canadian Bar Association. He is a founding member of the Criminal Defence Advocacy Society, as well as a supervising lawyer with the UBC Innocence Project. This upcoming year, Mr. Paisana will also serve as Chair of the Vancouver subsection of the CBABC Criminal Justice Section.*

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**LAW 472.001****The Allan McEachern Course in  
Trial Advocacy** Term 1  Term 2

McEwan

Francis

Workshop

3 CREDITS

**\*Priority registration to third-year students. Remaining seats open to second-year students. This workshop fulfills the Experiential Learning requirement.\***

This course, supervised by Kenneth McEwan, Q.C. and 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.

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 presided over by judges of the Supreme Court and Provincial Court. Thorough knowledge of the applicable materials and diligent preparation for each session is essential.

The course is conducted at the Vancouver Law Courts.

## 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.

*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 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.*

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**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 fulfills the Experiential Learning requirement.\***

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

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

## Evaluation:

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

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

L01  
L02  
L03  
L04

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

## Prerequisite:

LAW 476 Evidence is a prerequisite for this course.

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

**LAW 474.L01**      Trial AdvocacyLAB Term 1     Term 2

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)) is a B.C. Supreme Court Master. He was called to the British Columbia Bar in 1981. He practiced civil litigation and also acted as a mediator on civil litigation matters. Master Vos was appointed to the Supreme Court in March 2017.*

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**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.*

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

Jetté

CREDITS

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

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

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

Duncan

CREDITS

**\*Advocacy Practice Simulation Lab to accompany lecture component 474.001.\****Emmet Duncan*

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**LAW 476.001**      **Evidence** Term 1     Term 2

Cunliffe

Course

4 CREDITS

**\*Cross-listed with LAW 507.001.\***

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 Peter A. Allard School of Law.*

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**LAW 476.002**      **Evidence** Term 1     Term 2

Harris, N.

Course

4 CREDITS

**\*Cross-listed with LAW 507.002\***

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

## Evaluation:

100% final examination.

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

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

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**LAW 476.003 Evidence**

Term 1    Term 2   Elwood   *Course*   **4 CREDITS**

**\*Cross-listed with LAW 507.003.\***

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)) is a Master of the B.C. Supreme Court. Prior to being appointed to the Court, Bruce practiced civil and constitutional litigation with the Ministry of Justice, Arvay Finlay, Mandell Pinder and Blakes. His experience includes commercial litigation, aboriginal law, constitutional and administrative law, medical malpractice, estates litigation and municipal law.*

**LAW 477.001 Negotiation & Dispute Resolution**

Term 1    Term 2   LeBaron   *Workshop*   **3 CREDITS**

**\*This workshop fulfills the Experiential Learning requirement.\***

*Michelle LeBaron is a full time member of the Peter A. Allard School of Law and is the Director of the Dispute Resolution Program.*

**LAW 478.001 Foundations of Dispute Resolution**

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

**\*This course fulfills the Experiential Learning requirement.\***

This course examines the legal, practical, and policy issues in dispute resolution. It explores theories of disputing and exposes students to the broad spectrum of dispute resolution processes used within and outside of the legal system. The course covers a range of topics in the area of dispute resolution including: theoretical models for analyzing and responding to conflict; conflict escalation and de-escalation; the impact of race, gender and cultural norms on conflict analysis; mediation and negotiation theories and strategies; and critical perspectives on ADR and "private dispute processing". The course also considers select topics in the law of dispute resolution, including settlement confidentiality and privacy; public policy exceptions in international commercial arbitration; mandatory mediation and case management in civil litigation; and the resolution of disputes with indigenous peoples in Canada. This course has an experiential learning component and students will be expected to actively participate in simulated mediations or negotiations.

Evaluation:

Evaluation for this class consists of class participation (20%), a small group project on a substantive legal area or set of legal cases (15%), and a research paper of approximately 4000-5000 words (65%).

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



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<b>LAW 481D.001</b>	<b><u>Topics in Litigation, Dispute Resolution &amp; Administration of Justice</u></b>	<b><u>Intercultural Dispute Resolution</u></b>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	LeBaron	<i>Seminar</i>	<b>3 CREDITS</b>

This seminar-style course provides an interdisciplinary foundation in the intercultural dynamics of conflict resolution theory and practice. We will explore diverse theoretical frameworks as they inform conflict analysis and resolution. Building on this foundation, we will examine applications of theory, particularly focusing on organizational contexts. The role of memory in protracted conflicts will be considered, as will psychological aspects of intervention in intangible, symbolic dimensions of conflict. Creativity as a core competency in intercultural conflict resolution will be experienced via expressive arts in working with symbolic aspects of conflict. Finally, fairness in conflict resolution will be examined through a range of disciplinary lenses.

Evaluation:

Site visit reflection paper (4-6 pages) 15% Short paper (4-6 pages) and class presentation based on short paper

Participation 25%

Final paper (23-28 pages) 60%

*Michelle LeBaron is a full time member of the Peter A. Allard School of Law and is the Director of the Dispute Resolution Program.*

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<b>LAW 481D.002</b>	<b><u>Topics in Litigation, Dispute Resolution &amp; Administration of Justice</u></b>	<b><u>Future of Law</u></b>		
<input checked="" type="checkbox"/> Term 1	<input type="checkbox"/> Term 2	LeBaron	<i>Seminar</i>	<b>3 CREDITS</b>

As unprecedented changes occur in the legal profession, law graduates find themselves challenged. Legal practice is changing rapidly in response to trends in technology, globalization and pressure to reduce the cost of legal services. Increasingly limited access to justice impinges on notions of fairness and equality. High stress is exacerbated as the market for legal graduates grows more competitive and business structures shift. In addition to these contextual changes, lawyers' roles are changing as well. They are expected to be expert negotiators and creative problem solvers as well as zealous advocates, roles that require quite different skills and value orientations. Participants in this seminar will explore these trends, reading current books and articles on the future of legal work and listening to scholars and practicing experts. We will also draw on the literatures on resilience and wellbeing to canvass how law graduates can pursue greater quality of life and personal satisfaction in ways that ripple out to their clients, families and communities.

Evaluation:

Evaluation will be 85% term paper and 15% class presentation/participation.

*Michelle LeBaron is a full time member of the Peter A. Allard School of Law and is the Director of the Dispute Resolution Program.*

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

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

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 - 2:30 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.

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

*Chris Heslings*

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<b>LAW 488.002</b>	<b>Clinical Term</b>	<b><u>Indigenous Community Legal Clinic</u></b>	
<input type="checkbox"/> Term 1 <input checked="" type="checkbox"/> Term 2	Gervin   Heslinga	Clinical	11 CREDITS

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

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.

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

*Chris Heslings*

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**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*

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**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.

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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*

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

Galati

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

The aim of the course is to teach a basic familiarity with the skills required for the practice of criminal law, which are largely transferable to any litigation practice.

Students will be required to obtain temporary articles with one of the experienced criminal lawyers who participate in the course. Under the supervision of their principal, students will represent (or prosecute) defendants in summary conviction cases. Most principals will have two students and they will be encouraged to work together in preparing each 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.

**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.*

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**LAW 500.001**      **Current Legal Problems**      **LL.M. Seminar**  
 Term 1     Term 2    LeBaron      Lin      Seminar      4 CREDITS

**\*Enrolment restricted to LL.M. students only.\***

This seminar introduces students to some conceptual approaches to the study of law as well as to practical skills of legal research. The first part of this course exposes students to various positive and normative theories of law as well as current trends in legal and interdisciplinary scholarship. Through seminar participation, students will become familiar with giving and receiving critical feedback--skills that are integral to graduate studies. The second part introduces students to practical skills that are useful for writing a research project including: understanding the process of writing a dissertation; evaluating information sources; becoming familiar with useful digital research tools; conducting a good literature review; understanding scholarship publication.

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

Evaluation is as follows:

Class presentation and participation: 30% Term 1: Short paper 70% Term 2: Short paper 70%

*Michelle LeBaron is a full time member of the Peter A. Allard School of Law and is the Director of the Dispute Resolution Program.*

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

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**LAW 503E.99A**      **Tort Law**  
 Term 1     Term 2    Danay      Web-based      5 CREDITS

**\*Part of UBC Law's Distance Learning Program. Enrolment is limited to LL.M. and Unclassified students only. For more information on eligibility and enrolment, please visit <http://www.allard.ubc.ca/admissions/distance-learning-program>.\***

See <http://www.allard.ubc.ca/admissions/distance-learning-program>

*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.*

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**LAW 503E.99C**      **Tort 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>.\***

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**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 LLMCL and Unclassified students only. For more information on eligibility and enrolment, please visit <http://www.allard.ubc.ca/admissions/distance-learning-program>.\***

See <http://www.allard.ubc.ca/admissions/distance-learning-program>

*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.*

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**LAW 504.99C**      **Property Law** Term 1     Term 2

Litchfield

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>.\***

See <http://www.allard.ubc.ca/admissions/distance-learning-program>

*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.*

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**LAW 505.99A**      Canadian Public Law 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>.\***

See <http://www.allard.ubc.ca/admissions/distance-learning-program>

*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.*

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**LAW 505.99B**      Canadian Public Law 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>.\***

See <http://www.allard.ubc.ca/admissions/distance-learning-program>

*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.*

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**LAW 505.99C**      Canadian Public Law 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>.\***

See <http://www.allard.ubc.ca/admissions/distance-learning-program>

*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.*

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**LAW 506.001****Taxation** Term 1    Term 2   Duff

Course

4 CREDITS

**\*Cross-listed with LAW 407.001 Taxation.\***

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

## Required Materials:

1. David G. Duff, Benjamin Alarie, Geoff Loomer and Lisa Philipps, Canadian Income Tax Law, 6th ed. (Toronto: Lexis Nexis, 2018).
2. Income Tax Act, latest edition

Evaluation: 100% exam

*Professor David G. Duff is a full time member of the Peter A. Allard School of Law.*

**LAW 506.002****Taxation** Term 1 Term 2

Cui

Course

4 CREDITS

**\*Cross-listed with LAW 407.002.\***

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 Peter A. School of Law.*

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**LAW 507.001**      **Evidence** Term 1     Term 2

Cunliffe

Course

4 CREDITS

**\*Cross-listed with LAW 476.001.\***

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 (80%)

Critical Research Assignment (20%)

## 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 Peter A. Allard School of Law.*

**LAW 507.002**      **Evidence** Term 1     Term 2

Harris, N.

Course

4 CREDITS

**\*Cross-listed with LAW 476.002.\***

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

## Evaluation:

100% final examination.

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

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

**LAW 507.003**      **Evidence** Term 1     Term 2    Elwood

Course                      4 CREDITS

**\*Cross-listed with LAW 476.003.\***

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)) is a Master of the B.C. Supreme Court. Prior to being appointed to the Court, Bruce practiced civil and constitutional litigation with the Ministry of Justice, Arvay Finlay, Mandell Pinder and Blakes. His experience includes commercial litigation, aboriginal law, constitutional and administrative law, medical malpractice, estates litigation and municipal law.*

**LAW 508D.001**      **Business Organizations** Term 1     Term 2    Hutchison

Course                      4 CREDITS

**\*Cross-listed with LAW 459.001.\***

This course provides an overview of the law of business organizations. Although the course focuses on Canadian law, other jurisdictions (particularly the state of Delaware) will also be addressed. Topics covered will include (1) the history of corporate law, (2) the nature of the corporate form, (3) organizational choice and forming a corporation, (4) investment securities and corporate finance, (5) directors' duties and corporate governance, (6) control transactions, and (7) shareholder rights and remedies. Special emphasis will be placed on the legal and business considerations necessary to serving the role of corporate counselor.

Required textbook: Poonam Puri et al., Cases, Materials and Notes on Partnerships and Canadian Business Corporations, 6th ed (Toronto: Carswell, 2016).

## Evaluation:

Final examination (three hours, open book) - 95%

Class participation - 5%

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

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**LAW 508D.002**      **Business Organizations** Term 1     Term 2      Lin

Course                      4 CREDITS

**\*Cross-listed with LAW 459.002.\***

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.*

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**LAW 508D.003**      **Business Organizations** Term 1     Term 2      Liao

Course                      4 CREDITS

**\*Cross-listed with LAW 459.003.\***

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

## Required Materials:

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

## Evaluation:

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

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

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

Liston

Course

4 CREDITS

**\*Cross-listed with LAW 372.001.\***

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

Content covered includes:

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

Evaluation:

Students can choose either: (a) a 3-hour 100% open-book exam: or, (b) a 2-hour 70% open-book exam and an assignment worth 30%.

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

**LAW 509.002**      **Administrative Law** Term 1     Term 2

Stacey

Course

4 CREDITS

**\*Cross-listed with LAW 372.002.\***

Virtually every facet of modern life is affected in some way by the administrative state from labour relations to immigration to professional governance to environmental protection. These laws are administered primarily by administrative agencies, not courts. This course provides an introduction to the rules, principles and policy considerations that shape the powers of these administrative decision-makers. 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 administrative law issues in British Columbia such as the Administrative Tribunals Act and Aboriginal administrative law.

Evaluation:

A combination of participation, mid-term assessment and open-book final examination.

*Assistant Professor Jocelyn Stacey is a full time member of the UBC Faculty of Law.*

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

Flynn

Course

4 CREDITS

**\*Cross-listed with LAW 372.003.\***

Administrative agencies are a powerful part of modern government and crucial to our daily lives. Building on knowledge from the first-year course on the regulatory state, this course surveys the legal framework of administrative bodies. This course examines how courts review statutorily authorized public bodies and determine the applicable principles and rules that constrain decision-making made by government agencies, boards, commissions, and tribunals. This course introduces the rules, principles, and policy considerations that shape the powers of these administrative decision-makers in areas such as diverse as human rights, municipal law, Indigenous governance, professional self-governance, and environmental protection. Major topics will include: administrative law remedies, procedural fairness, bias and independence, and standards under which courts may review administrative decision-making.

## Evaluation:

One optional assignment (30%) and one in-class final exam (70%).

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

**LAW 509.004**      **Administrative Law** Term 1     Term 2

Russo

Course

4 CREDITS

**\*Registration restricted to LLMCL students.\***

Administrative Law in Canada generally relates to governmental decision-making operating through decision-makers including individuals carrying out government functions, tribunals and courts. The body of administrative law is ubiquitous in Canada. It is Canadians' most common contact point with the legal system. Studying it is also key to understanding other legal areas relating to immigration and refugees, human rights, environmental protections, labour relations, indigenous governance, municipal governance, natural resources, social benefits, health and safety, professional self-governance, and licensing. Administrative law generally concerns the proper exercise of public authority. It focuses on using courts and other decision-making processes to access government benefits and goods or to challenge abuses of public power. Administrative law permits judges to review the procedures and decisions of a variety of government decision-makers (e.g., agencies, arbitrators, boards, commissions, ministers, municipalities, and tribunals) to ensure compliance with the rule of law. The content reviewed in this course includes reviewing the fairness of administrative procedures such as individuals' rights to participate in decisions affecting them in front of an independent, impartial and unbiased decision-maker. The course will also cover standards of judicial review, proportionality and remedies in administrative law. The content will include an examination of Aboriginal administrative law and covers principles of statutory interpretation relevant to administrative law.

## Evaluation Method:

20% Class Participation

80% Final Exam

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



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**LAW 509.99A**      **Administrative Law** Term 1     Term 2    Litchfield

4 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>.\***

See <http://www.allard.ubc.ca/admissions/distance-learning-program>

*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.*

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**LAW 511D.001**      **International Criminal Law** Term 1     Term 2    Stewart, J.

Seminar

3 CREDITS

**\*This seminar fulfills the J.D. Seminar requirement. J.D. students ARE allowed to register for this seminar.\***

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 James Stewart is a full time member of the Peter A. Allard School of Law.*

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**LAW 515.99C**      **Canadian Private Law: Contractual Obligations and Remedies**

Term 1     Term 2    Litchfield      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>.\***

See <http://www.allard.ubc.ca/admissions/distance-learning-program>

*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.*

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**LAW 519.001**      **Individual Employment Law**

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

**\*Cross-listed with LAW 419C.001.\***

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

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

Evaluation:

Student evaluation will be based on 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.*

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**LAW 524D.001**      **Methodologies in Law and Policy**      **Legal Methodologies**  
 Term 1     Term 2      Sarfaty      Seminar      4 CREDITS

**\*Enrolment restricted to LL.M., LL.M.CL. and Ph.D. students only.\***

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

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**LAW 525.001**      **Canadian Criminal Law and Procedure**  
 Term 1     Term 2      Mann, P.      Course      5 CREDITS

**\*This course is open to LLMCL students only.\***

**CHANGE September 16, 2019: Classroom.**

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

Evaluation:

Course evaluation is based on:

- mid-term exam for 35% of the final grade
- a final exam for 65% of the final grade

Text: Roach, Berger, Cunliffe, and Stribopoulos, *Criminal Law and Procedure: Cases and Materials* (11th ed., 2015). ["RBCS"]

*Perbeen Mann is a practicing lawyer and Crown Counsel. Perbeen is a graduate of the University of Alberta law school. Perbeen is also an alumni of University of Victoria, having received Bachelor of Arts (with distinction) and Master of Arts degrees. She was called to the Bar in British Columbia in 2001 and the Bar in Alberta in 2007. She is a member of the National Security & Organized Crime Prosecutions Team with Public Prosecution Service of Canada (PPSC), specializing in drug offences and organized crime related prosecutions. Perbeen is the past recipient of two Public Prosecution Service of Canada Team Achievement Merit Awards and appears routinely throughout British Columbia in Provincial Court and Supreme Court. Perbeen is active in the community with various volunteering commitments. As a Board Trustee with Surrey Crime Prevention Society, Perbeen promotes youth leadership in crime reduction initiatives and strategies. Perbeen is also a past Director of Surrey Libraries, having served as an advocate for life-long learning and equitable access of resources for library patrons, including offenders housed in Correctional facilities. Perbeen's interest areas include promoting equity-diversity in the federal service and improved accessibility for participants in the criminal justice system.*

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**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 LLML and Unclassified students only. For more information on eligibility and enrolment, please visit <http://www.allard.ubc.ca/admissions/distance-learning-program>.\***

See <http://www.allard.ubc.ca/admissions/distance-learning-program>

*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 525.99C** 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 LLML and Unclassified students only. For more information on eligibility and enrolment, please visit <http://www.allard.ubc.ca/admissions/distance-learning-program>.\***

See <http://www.allard.ubc.ca/admissions/distance-learning-program>

*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 530.001** Advanced Legal Research & Writing Term 1  Term 2

Tsiakos

Workshop

4 CREDITS

**\*Enrolment priority to LLML students, then open to LLM and PhD students. Class meets in Rm 208 in the Law Library.\***

**CHANGE June 27, 2019: Day.**

This course provides advanced instruction for graduate students in legal research and writing. It focuses on Canadian legal research, but also covers research in other common law jurisdictions and in international legal forums. Instruction in writing focuses on common forms of writing in legal practice and, to a lesser extent, for legal academics.

Evaluation:

Completion of a take-home research and writing assignment worth 100% of the final grade. In addition, students will complete a mid-term research and writing assignment that will be evaluated on a pass/fail basis. Any student who fails the mid-term assignment will be downgraded 2 numeric grade points (e.g., from 79 to 77) in their final course grade.

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

**LAW 537.001**      Commercial Transactions

Term 1     Term 2      MacDougall, B.      *Course*      **3 CREDITS**

**\*Cross-listed with LAW 437.001.\***

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

## Course materials:

Will be announced by the instructor.

## Evaluation:

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

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

**LAW 538.001**      Secured Transactions

Term 1     Term 2      MacDougall, B.      *Course*      **3 CREDITS**

**\*Cross-listed with LAW 438.001. EXAM CONFLICT: STUDENTS REGISTERED IN 438.001/538.001 ARE NOT ALLOWED TO BE REGISTERED IN 469.002/590.002 OR 434.001, AND VICE VERSA.\***

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

## Evaluation:

Compulsory 2.5-hour open-book final examination.

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

**LAW 538.002**      Secured Transactions

Term 1     Term 2      Uteck      *Course*      **3 CREDITS**

**COURSE CANCELLED.****\*Cross-listed with LAW 438.002.\***

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 modified closed 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 Peter A. 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.*

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**LAW 540.001**      Insurance Law

Term 1     Term 2    Doyle                      Lamb                                      Course                      3 CREDITS

**\*Cross-listed with LAW 440.001. EXAM CONFLICT: Students registered in LAW 440.001 Insurance Law are not allowed to be registered in LAW 400.001 Advanced Criminal Procedure, and vice versa.\***

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, Q.C. (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.*

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**LAW 548.001**      **Sports Law** Term 1     Term 2    Weiler

Course                      3 CREDITS

**\*Cross-listed with LAW 448.001.\***

This course analyses public and private laws that impact professional and amateur sports, with a particular focus on professional league sports in North America and global sport mega events. These legal regimes that are examined in the course include competition law and labour law that impact the player labour market in professional sports, the laws of intellectual property, (e.g., copyright and trademark), that arise in the exploitation of broadcast rights and protection of sponsor event-related investments), and the law of torts and crimes that regulate the level of violence and injuries sustained in sport competition.

The course pays particular attention to the laws and organizational strategies applicable to sport mega events, (such as the Olympic Games and the FIFA World Cup), including the legal regimes promoting the economic, environmental and social sustainability legacies of these events. This examination includes the analysis of best practices in promoting the integrity of the bid process for these global events, and the optimal level of transparency and accountability in financial management that should be applicable to the organization and hosting of these events in order to create positive economic legacy outcomes of these global sport competitions.

The course also analyses from a comparative perspective, (based on an examination of other similar events), the best practices in environmental design and operation of competition venues and related infrastructure, social inclusion strategies in the organization and hosting of these events, including event-related programming that promotes sport for sustainable living in our society, In terms of sport competition itself, the course also looks at the human rights issues arising from the promotion of fair play through the prohibition of performance enhancing drugs and other policies and practices that promote equal opportunity in sport competition.

## Evaluation:

Term paper 60%, group writing component 30%, and weekly class participation 10%.

*Professor Joe Weiler is a full time member of the Peter A. Allard School of Law.*

**LAW 550.001**      **Taxation of Corporate Reorganizations** Term 1     Term 2    Duff

Course                      3 CREDITS

**\*Cross-listed with LAW 414.001.\***

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 Canada. This course examines builds upon concepts examined in Law 408/562 (Taxation of Corporations and Shareholders), examining statutory provisions and judicial decisions governing transfers of property to a corporation, reorganizations of capital, amalgamations and windups, and divisive reorganizations.

## Evaluation:

Tax Practice Exercises (in-term): 40%

Final Exam: 60%

## Required Materials:

1. David G. Duff and Geoff Loomer, *Taxation of Business Organizations in Canada*, 2d ed. (Toronto: LexisNexis, 2019), chapters 12-15
2. Thorsteinsson's *Income Tax Act* (most recent edition)

Pre-requisite: Law 408 or Law 562

*Professor David G. Duff is a full time member of the Peter A. Allard School of Law.*

**LAW 551.001****Trusts** Term 1 Term 2

Pavlich

Course

3 CREDITS

**\*Cross-listed with LAW 451.001.\***

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

## Required:

1.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 Peter A. Allard School of Law and is a former Vice President, External and Legal Affairs of UBC.*

**LAW 551.002****Trusts** Term 1 Term 2

Smith, J.

Course

3 CREDITS

**\*Cross-listed with LAW 451.002.\***

Trusts have become ubiquitous in modern commercial and wealth planning practice. This course aims to provide a grounding in the theory and operation of many aspects of the Canadian law of trusts, which is predominantly a case law subject. The limited statutory material focusses on B.C. We will first cover the establishment of express private trusts. Duties and powers of trustees of such trusts, and breaches of trust duties and their consequences, will be addressed in some detail, together with the role of the Courts in these matters, followed by remedies for breach of trust. We will then study resulting and constructive trusts and related concepts, including fiduciary relationships and unjust enrichment. Breach of fiduciary duty and unjust enrichment are frequently pleaded in commercial and family disputes, often as a basis for seeking a trust remedy.

## Evaluation:

Final open book examination 100%

*John Smith [M.A., B.C.L. (Oxford University)] is Senior Counsel with Lawson Lundell LLP where he has practised since 1981. This will be the eighth year John has taught the Trusts course at Allard Hall, starting in 2013. While he is not primarily a trusts and estates practitioner, a significant number of his engagements involve trusts and related concepts. Prior to 1981 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 almost 40 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 involved in significant public projects including construction of the Canada Line and acquisition of the Arbutus Corridor by the City of Vancouver. He has been recognized in various directories including the Lexpert/ALM Guide to the Leading 500 Lawyers in Canada, Best Lawyers in Canada and Chambers Canada. He was Lawson Lundell's Managing Partner from 2007 to 2009 and continues in his role as Chair of the firm's Conflicts and Ethics Committee.*



**LAW 552C.001      Aboriginal and Treaty Rights** Term 1     Term 2

Jackson

*Seminar***3 CREDITS****\*Cross-listed with LAW 353D.001\***

A distinguished lawyer once coined the word “appelatitis” to refer to the affliction imposed by law professors on law students of understanding the law primarily from the judgments of appellate courts. While not promising a complete cure from this affliction or exemption from rereading the cases, this seminar adopts a different format in the area of Aboriginal and Treaty rights, a subject you will be familiar with from your reading the judgments of the Supreme Court of Canada in your first or second year coursework.

We will trace the evolution of this important body of jurisprudence by selecting some of the leading cases and hearing from those who were deeply involved in bringing them before the courts. In doing so we will explore the legal and political challenges that these cases present, some of the strategic decisions that had to be made during the course of litigation and the contribution and legacy that the cases have made to the development of the law and to the settlement of modern treaties.

Each week I will be joined by counsel representing Indigenous nations, together with counsel from the Department of Justice, the Attorney General of BC and other lawyers who have represented third-party interests, to discuss “the case of the week”. In some cases the discussion will extend over several seminars. For some of the seminars we will be joined by leaders from Indigenous nations who have been involved in these cases to give you a sense of the way in which Aboriginal title and rights are deeply embedded in law, history and politics. Because the seminar requires coordinating the busy schedules of many people the cases that will be the subject of the seminar has not yet been finalized but will likely include these cases:

Calder (1973) -The first SCC case in the modern era reviving the concept of aboriginal title;  
 Claxton v Saanichton Marina (1989) - The decision of the BC Court of Appeal affirming injunctive relief to protect aboriginal fishing rights under the 1850's Douglas treaties;  
 Sparrow (1990) - The first SCC case interpreting section 35 of the Constitution Act 1982;  
 Van der Peet (1996) -the first SCC case defining the meaning of an aboriginal right under section 35;  
 Delgamuukw (1997) -The first in which SCC defined the meaning of aboriginal title under section 35 and recognizing the importance of oral histories;  
 Haida Nation (2003) -first Supreme Court case and still a leading case in defining the scope of the duty of consultation and accommodation;  
 Ahousaht Nation v. Canada - (2009-19) - one of the most complex and still ongoing cases defining the scope of aboriginal fishing rights;  
 Manitoba Metis Federation Inc. v. Canada (2013) – the decision of the Supreme Court of Canada interpreting the scope of Métis land rights under the Manitoba Act 1870 and the scope and application of the principle of the honour of the Crown;  
 Tsilqot'in Nation v British Columbia (2014) – the most recent Supreme Court case defining the meaning of aboriginal title and the first case in which a declaration of aboriginal title was affirmed;  
 Gitxaala Nation et al v Canada (2016) -the judicial review brought by a coalition of Coastal First Nations successfully challenging the Governor in Council decision to approve the Northern Gateway pipeline for breach of the duty to consult and accommodate;  
 Restoule v Canada (2018) -an important decision of the Ontario High Court defining the principles of treaty interpretation arising from the annuity clause of the Robinson Huron and Robinson Superior treaties of 1850  
 Haida Nation v AGBC (2019) -the current Haida Nation title case before the BC Supreme Court.

Depending upon developments in this evolving and dynamic area of the law other cases may be included.

The readings for this seminar will be a review of the judgments of the case we will be discussing, together with supplementary materials that will be supplied online.

**Evaluation:**

The method of evaluation will be by a research paper related to the subject matter of the seminar or to an alternative project which can include mixed media agreed upon between the instructor and student. If you elect this alternative project it will need to be accompanied by a paper documenting the work and its relationship to the seminar in accordance with University requirements.

*Professor Michael Jackson is Emeritus Professor of the Peter A. Allard School of Law. He has taught courses and seminars on Aboriginal and treaty rights in the Law School since 1972. His Native Rights course and Prisoners' rights seminar in 1972 were the first of their kind in any Canadian law school. Professor Jackson has represented indigenous peoples and prisoners in leading cases before the Supreme Court of Canada.*

*Professor Jackson has been co-counsel in some of the most important aboriginal and treaty rights cases to come before the Supreme Court including Delgamuukw, Haida Nation, and Morris and Olsen, and the Haida Nation case, and is co-counsel for the Haida Nation in their current aboriginal title litigation. He has published extensively and has been a consultant to various commissions of inquiry including the Royal Commission on Aboriginal Peoples.*

*2019 marks the 50th year of Professor Jackson's professorship at the Law school.*

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<b>LAW 556C.002</b>	<b><u>Competition Policy</u></b>	<b><u>Canadian Competition Law</u></b>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Wright	Tougas	Course 3 CREDITS

**\*Cross-listed with LAW 464.001\***

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.

*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.*

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

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**LAW 557C.002**      **Aboriginal Peoples and Canadian Law** Term 1     Term 2

Johnston

Course

3 CREDITS

**\*Cross-listed with LAW 352.001\***

As a matter of Canadian constitutional law, under s.91(24) of the Constitution Act, 1867, legislative authority over "Indians, and Lands reserved for the Indians" is assigned to the Parliament of Canada. The so-called "Indians" were not consulted in this matter and have been subjected to the far-reaching provisions of the Indian Act without their consent. Although aspects of the Indian Act continue to constrain the autonomy of most First Nations in Canada, several legislative alternatives have been developed and implemented. This course examines the current legislative regime affecting First Nations. The course materials are largely based on federal statutes such as the Indian Act, the First Nations Land Management Act, the First Nations Election Act, and the Family Homes on Reserves and Matrimonial Interests and Rights Act. A number of First Nations laws and codes will be examined, as well as Final Agreements generated through the British Columbia Treaty Commission.

## Evaluation:

100% final examination.

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

**LAW 558C.001**      **Topics in First Nations Law****An Introduction to Indigenous Legal Orders within the Settler State** Term 1     Term 2

Mack

Seminar

3 CREDITS

**\*Cross-listed to LAW 358D.001\***

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

## Evaluation:

The following three assignments will be graded:

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

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

**LAW 559D.001      Family Law**

Term 1     Term 2      Booth                      Santerre                      Course                      4 CREDITS

**\*Cross-listed with LAW 359.001.\***

**CHANGE September 9, 2019: Course added.**

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

Evaluation:

- Open book final exam (100%).

*Mr. Booth is a partner at Jenkins Marzban Logan LLP, managing the family law practice of the firm. He was called to the British Columbia bar in 1994 and articulated and practiced at Fraser & Company until 1999 when he joined Jenkins Marzban Logan LLP. He has focused his practice exclusively on family law matters since 2006. His practice includes litigation and mediation, both as counsel and as mediator. He has appeared before all levels of Court in British Columbia. Mr. Booth has been ranked as a leading lawyer by Lexpert for a number of years. Mr. Booth has been qualified as an expert witness with respect to British Columbia family law before the Superior Court of California.*

*Scott is a frequently invited guest speaker at family law conferences. In 2017, the Continuing Legal Education Society of British Columbia recognized him as one of its top contributors to family law continuing legal education over the preceding decade. He is a member of the editorial board of the Family Law Sourcebook for British Columbia which is the leading treatise on family law for B.C. He has been a contributing author to numerous publications on family law topics, including the property division section of the transition guide published by the B.C. Ministry of the Attorney General when it introduced sweeping legislative change with the Family Law Act in 2013. Mr. Booth is a member of the planning committee for the Canadian Federation of Law Societies National Family Law Conference.*

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

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

Current to July 2019

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

Aloni

Course

4 CREDITS

**\*Cross-listed with LAW 359.002.\***

This course introduces students to the basic doctrines and theories that govern legal regulation of families in Canada and abroad, with a particular focus on British Columbia, from critical, historical, comparative, and practical perspectives. Principally, the course provides an introduction to the legal regulation both of intimate adult relationships and of the parent-child relationship. Investigating underlying principles, the course examines the ways in which family structures and values have changed during the late 20th and early 21st centuries, and considers the challenges that the law has faced in responding to these changes. Topics covered include: parenting arrangements (including co-parenting and multi-parenting); adoption; cohabitation, marriage, and other adult relationships; property division, support, and custody; and alternative dispute resolution.

## Evaluation:

100% final open-book exam

*Assistant Professor Erez Aloni is a full time member of the Peter A. Allard School of Law.*

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**LAW 561.001**      **Fundamental Concepts in Tax Law** Term 1     Term 2

Duff

Course

2 CREDITS

**\*Course meets August 21-23 and 27-30 in Allard Hall, room 111. Registration only for Tax LLM Program students.\*  
CHANGE June 5, 2019: Course added.**

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; and key elements 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 Peter A. Allard School of Law.*

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

Course                      3 CREDITS

**\*Cross-listed with LAW 408.001 Taxation of Corporations & Shareholders.\***

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 Peter A. Allard School of Law.***LAW 563.001**      **Taxation of Partnerships** Term 1     Term 2    Pizzitelli

Course                      3 CREDITS

**\*Cross-listed with LAW 409.001 Taxation of Partnerships.\***

Partnerships and corporations are the main forms of legal organization through which persons carry on business activities in Canada and most other jurisdictions around the world. This course examines the taxation of partnerships, 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, the tax treatment of interests in partnerships, and tax rules governing the transfer of property to and from partnerships.

Evaluation: 100% Final Exam

## Required Materials:

1. David G. Duff and Geoff Loomer, *Taxation of Business Organizations in Canada*, 2d ed. (Toronto: LexisNexis, 2019), chapters 1-4
2. Thorsteinsson's *Income Tax Act* (most recent edition)

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

*Justice Frank Pizzitelli*

**LAW 565.001**      **International Taxation** Term 1     Term 2      Duff

Course

3 CREDITS

**\*Cross-listed with LAW 410.001.\*****CHANGE June 11, 2019: Evaluation method added.**

The increased globalization of economic activity during the past few decades has made the international dimension of tax law and policy increasingly important. This course examines tax rules governing non-residents carrying on income-earning activities in Canada (inbound rules) and Canadian residents earning income in other countries (outbound rules). Introductory classes examine the basic structure of the international tax regime, international tax administration and dispute resolution, the sources of international tax law (statutory rules, bilateral tax treaties, and judicial decisions) and the interpretation of tax treaties, key rules and principles determining residence and source jurisdiction to tax the income of residents and non-residents, as well as rules governing tax treaty shopping and non-arm's length transactions. Subsequent classes consider statutory rules, tax treaty provisions and judicial decisions governing the taxation of Canadian source income received by non-residents, and foreign-source income received by Canadian residents.

Evaluation:

3-hour final exam 100%.

Required Materials:

1. Jinyan Li, Arthur Cockfield, and J. Scott Wilkie, *International Taxation in Canada: Principles and Practices*, 4th ed. (Toronto: LexisNexis Canada Inc., 2018)
2. David G. Duff, *International Taxation Supplementary Materials*, Volumes 1-3 (2019)
3. Thorsteinsson's *Income Tax Act* (most recent edition)

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

*Professor David G. Duff is a full time member of the Peter A. Allard School of Law.***LAW 566.001**      **Tax Policy** Term 1     Term 2      Cui

Seminar

3 CREDITS

**\*Cross-listed with LAW 411D.001 Tax Law and Policy Workshop.\*****CHANGE May 23, 2019: Course Description. June 14, 2019: Day and time.**

This seminar course introduces students to basic conceptual tools for analyzing tax policy. These will include but are not limited to tools of economic analysis, such as the concepts of economic incidence, excess burden, the different types of return to investment (e.g. rent, risk, and riskless return), and welfare economics. We will apply these tools to examine tax policy issues arising from income tax courses that students may have taken and also other tax policy instruments less often taught (such as the VAT/GST). We will also examine some prominent contemporary debates in taxation, including taxation of the digital and sharing economy, taxation and artificial intelligence, and the role of taxation in addressing inequality. Evaluation: Student performance will be evaluated on the basis of class participation (including up to two presentations) counting 30% (45%), and the weighted average grade of both short response papers and a longer term paper, counting 70% (55%).

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

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

**\*Cross-listed with LAW 413D.001**

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

Subject to various time constraints , there may be a visit the Tax Court of Canada and/or comments from a practitioner from the Department of Justice or a judge .

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 and oral presentation, class participation, and one other written assignment.

**Enrolment:**

The seminar size will be restricted to 20 students.

Prerequisite or co-requisite: LAW 407 - Taxation I

*Ed Kroft, Q.C. (J.D. (Osgoode Hall 1978), LL.M. (UBC 1980), CPA (Hons)) is a partner with Bennett Jones LLP and is the leader of that firm's Tax Controversy and Litigation Group. Ed has taught courses in tax law, tax policy and tax litigation as an adjunct professor in the Faculty of Law for almost 30 years. Ed's practice is exclusively dedicated to handling federal and provincial tax disputes, including those related to transfer pricing. He appears before all levels of court, including Supreme Court of Canada, and has published extensively on taxation issues. Ed sits on the editorial board of the Canadian Tax Journal and sat for 20 years on the Rules Committee of the Tax Court of Canada. He is a recipient of the Award for Excellence in Income Tax Practice and Education from the Canadian Institute of Chartered Accountants , the Queen Elizabeth II Diamond Jubilee Medal and the Adam Albright Award for Excellence in teaching at the Faculty of Law.*

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<b>LAW 568C.001</b>	<b><u>Topics in Taxation</u></b>	<b><u>Tax Law in Practice</u></b>	
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Brayley	Course 3 CREDITS

**COURSE CANCELLED.**

This course will move beyond the topics covered in courses on taxation of companies, partnerships and trusts to consider them in light of issues faced by lawyers in a tax practice. The context for the course will be the life cycle of a business and will include such topics as (i) legal and ethical issues in a tax practice; (ii) solicitor client privilege in the context of a commercial practice; (iii) choice of business form; (iv) reorganizing and combining companies; (v) selling a business through an asset sale or a share sale; (vi) transitioning a business other than a sale; and, (vii) managing tax disputes from a solicitor's perspective.

With the context of issues arising in real life situations, the goal is to encourage students to apply provisions of the Income Tax Act (Canada) (the "Act"), consider relevant jurisprudence and the CRA's views as regards to the administration of the Act. The assignments will assist students in development a communication style that is appropriate for documenting analysis in practice.

## Prerequisites:

LAW 407 Taxation, LAW 506 Taxation or LAW 561 Fundamental Concepts in Tax Law

## Recommended:

LAW 408 Taxation of Corporations and Shareholders or LAW 562 Taxation of Corporations and Shareholders; LAW 409 Taxation of Partnerships and Trusts or LAW 563 Taxation of Partnerships and Trusts

## Enrolment:

Limited to 20 students

## Evaluation:

Students will be evaluated on the basis of written assignments (80%) and class participation based on class participation and presentations (20%).

*Cathie Brayley (LL.B. (Windsor 1983)) is a partner with Miller Thomson LLP and provides advice on taxation issues related to mergers, acquisitions, corporate reorganizations, corporate domestic tax planning, succession planning, trusts, personal tax and estate planning and compliance issues. She also resolves disputes at the audit and appeal levels within the Canada Revenue Agency and provides advice on the Canada Revenue Agency's Voluntary Disclosures Program. Cathie is a frequent speaker on taxation issues at conferences for diverse audiences, 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 a member of the Joint Committee of the Canadian Bar Association and CPA Canada (2017 to present), a member of the Income Tax Education Committee of CPA Canada (2015 to present), a former member of the Board of Governors of the Canadian Tax Foundation (2012-2015), and chair of the Canadian Tax Foundation Conferences Committee (2013-2016). She was recognized by the International Tax Review as a Women in Tax Leader (2016-2019).*

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<b>LAW 568C.002</b>	<b><u>Topics in Taxation</u></b>	<b><u>Topics in Canadian Sales Tax</u></b>		
<input checked="" type="checkbox"/> Term 1	<input type="checkbox"/> Term 2	Proulx	Xilinas	Course 3 CREDITS

**\*JD students ARE allowed to register for this course.\***

**\*CHANGE June 10, 2019: Course added.**

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

Evaluation:

The evaluation for the course will be through participation (20%) and a final exam (80%).

*Simon Proulx is a partner at KPMG Law in Toronto and is one of Canada's leading indirect tax advisors, with 17 years of tax experience, mostly in financial services and e-commerce. He advises some of the world's largest insurers and banks on the Canadian GST/HST/QST impact of complex cross-border transactions, including derivatives, reinsurance, securitizations and underwriting. He also helps e-commerce clients (include some of the world's largest travel and transportation intermediaries) with their Canadian indirect tax compliance. Simon headed the HST policy group at the Ontario Ministry of Finance during Ontario's (and British Columbia's) sales tax harmonization. He worked closely with the federal Department of Finance on technical aspects of Ontario's transition to the HST. Simon also spent several years with the tax group of one of Canada's leading law firms, where he assisted Schedule II and Schedule III banks with the Canadian income taxation of intra-group derivatives. Simon also sits on CPA Canada's Commodity Tax Committee.*

*Katherine Xilinas Xilinas is a partner at KPMG Law LLP in Vancouver with over 18 years of experience advising clients in various industries on all aspects of domestic and cross-border commodity tax and trade law, including planning, compliance and disputes. Katherine regularly represents clients before the taxing authorities, the federal and provincial Courts and the Canadian International Trade Tribunal in the context of commodity tax and customs voluntary disclosures, audits, objections and appeals. She is a frequent speaker and writer, a member of the GST Leaders Forum, and a co-author of Carswell's Canadian Customs Law. She is a practicing member of the law societies of British Columbia and Ontario.*

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<b>LAW 569A.001</b>	<b><u>Topics in International Taxation</u></b>	<b><u>Taxation of Cross-Border Transactions</u></b>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Kjellander		Course 1 CREDITS

**COURSE CANCELLED.**

This course will present selected topics in the taxation of inbound transactions, particularly inbound investment in Canada from the United States. The focus will be on practical issues encountered in cross-border transactional work and current hot button issues.

Evaluation:

Two short assignments during the term (40%) and a 72 hr take-home exam, beginning April 22 (60%).

*Kirsten S. Kjellander (B.A. (UBC), LL.B. (UBC)) is a Partner in the Tax Group in our Vancouver office. Kirsten's practice focuses on international and domestic corporate taxation, including mergers and acquisitions and other transactional work with both public and private companies that are structuring inbound and outbound investments.*

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**LAW 569C.001**      Topics in International Taxation      Transfer Pricing  
 Term 1     Term 2      Noble      Course      3 CREDITS

**\*JD students ARE allowed to register for this course.\***  
**CHANGE July 12, 2019: Course Added.**

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

**Evaluation:**

One final take-home exam worth 100%. Students be provided with the take-home exam on April 1 (the second to the last day of class), and it will be due on April 15. Suggestion completion time: two working days/16 hrs.

*Greg Noble (J.D. (University of Saskatchewan)) is admitted to the Bar in Saskatchewan as well as in England and Wales. He is a member of the Canadian Transfer Pricing practice of Ernst & Young LLP. Mr. Noble is based in Vancouver and held the position of Canadian National Transfer Pricing Leader from 2007-2010 as well as BC Tax Leader from 2011-2018. Greg has been practicing in the area of transfer pricing since 1997 and has been involved in transfer pricing documentation studies, risk review assessments, planning and benchmarking studies, as well as dispute resolution assignments.*

*Mr. Noble is a frequent speaker at events sponsored by organizations such as the Canadian Tax Foundation, Tax Executive Institute and various external organizations. He has also lectured at the university level, including the University of British Columbia, Simon Fraser University and Temple Law School.*

*He has published extensively on the topic of transfer pricing in textbooks and journals such as the Canadian Tax Journal and International Tax Review. He also frequently discusses transfer pricing matters in the media, in publications such as The Globe and Mail and The National Post, as well as on national and local television.*

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<b>LAW 569C.002</b>	<b><u>Topics in International Taxation</u></b>	<b><u>Canada/US Cross Border Tax Considerations in Personal Tax &amp; Estate Planning</u></b>
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Reynolds, E.
		Course
		3 CREDITS

**\*JD students ARE allowed to register for this course.\* CHANGE August 28, 2019: Course added.**

The US imposes income, estate, gift and generation skipping tax on its citizens no matter where they live. Canada restricts its taxation of worldwide income to Canadian residents and typically taxes non-residents on income from taxable Canadian property. The Canada U.S. Treaty attempts to coordinate the two systems and mitigate the incidence of double taxation. This course will explore how the two jurisdictions impact US citizens resident in Canada and residents of each country who are planning for assets or beneficiaries across the border.

Evaluation:

1,500-2,000 memo due during the term (30%) and 2-hour final exam (70%)

*Elaine E. Reynolds Q.C. was a founding principal of Legacy Tax + Trust lawyers and is now Of Counsel to the firm practicing in the areas of tax and estate planning. Having acquired a Masters of Law in U.S. Taxation and practiced law for five years in Los Angeles a large part of her practice is devoted to U.S.-Canada transactions including cross border gift, estate, trust and generation skipping tax issues.*

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**LAW 570C.001**      **Intellectual Property** Term 1     Term 2

Festinger

Course

3 CREDITS

**\*Cross-listed with LAW 422.001.\***

This course provides students with an introduction to the legal regimes governing the protection of intellectual property. The course will cover the following specific areas of intellectual property law: copyright, trademarks, and patents. In addition, students will be introduced to the common law actions of passing off and breach of confidence, international intellectual property law, and industrial design.

Evaluation method:

100% final exam

*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 a Director and Immediate Past-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>), as well as Honorary Industry Professor, Centre for Commercial Law Studies, Queen Mary University of London School of Law (<http://www.ccls.qmul.ac.uk/>).*

*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

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**LAW 570C.002**      Intellectual Property

Term 1     Term 2    Bailey                      Marles                      Takagawa                      Course                      3 CREDITS

**\*Cross-listed with LAW 422.002**

Take this course to gain an introduction to the major statutory areas of intellectual property law, which are patents, trademarks and copyright. You will be given an introduction to the basic legal principles underpinning these areas of law, as well as the statutory framework. This course focuses equal attention on each of patents, trademarks and copyright.

**Materials:**

Materials will be prepared for prior reading and will be discussed in class.

**Prerequisites:**

There are no prerequisites or recommended courses.

**Evaluation:**

100% final exam.

*Thomas W. Bailey (B.Sc. (UBC 1983), LL.B. (UBC 1987)) joined the firm Oyen Wiggs Green and Mutala LLP in Vancouver in 1988. He specializes in patent law, especially in the biotechnology field. He is a registered patent and trademark agent and has taught as an adjunct professor at this Faculty since 1993. Mr. Bailey has published numerous papers on intellectual property topics, including the patents chapter in the Continuing Legal Education Annual Review of Law & Practice.*

*Jennifer A. Marles (B.Sc. (UBC 2001), M.Sc. (University of Toronto 2003), LL.B. (University of Victoria 2006)) joined Oyen Wiggs Green & Mutala LLP in 2008. She is a registered patent agent and trademark agent, and helps her clients build the value of their businesses by protecting their intellectual property. Her practice focuses on patent prosecution in the biotechnology, chemical and medical device fields.*

*David Takagawa (B.Sc. (UBC 1998), LL.B. (UBC 2003)) joined Oyen Wiggs Green & Mutala LLP in 2004. He is a registered patent and trademark agent. He specializes in prosecution of patent, trademark and design applications, and also advises on IP strategies and transactions. His clients span a broad range of industries including biotechnology, medical devices, alternative energy, aquaculture, construction, and pulp and paper.*

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**LAW 571.001      Communications Law** Term 1     Term 2    Festinger

Course

3 CREDITS

**\*Cross-listed with LAW 424.001.\***

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

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

## Evaluation:

Class Preparation &amp; 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 a Director and Immediate Past-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>), as well as Honorary Industry Professor, Centre for Commercial Law Studies, Queen Mary University of London School of Law (<http://www.ccls.qmul.ac.uk/>).*

*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

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PSN: cdmjon

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

Matsui

Seminar

CREDITS

**\*Cross-listed with LAW 425D.001\***

This seminar is designed to focus on the legal issues arising from the development of cyberspace. The development of the cyberspace has presented many new legal issues. This seminar focuses on public law issues among them. The specific issues covered include the internet governance and the role of law, jurisdictional issues, ISP liability, freedom of expression on the Internet, defamation, invasion of privacy, obscenity, child pornography, indecent speech, hate speech, copyright, 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 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 Peter A. Allard School of Law.*

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**LAW 574.001****Succession** Term 1  Term 2

Dosanjh

Course

3 CREDITS

**\*Cross-listed with LAW 452.001.\*****CHANGE June 10, 2019: 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. the requirements of testamentary capacity;
4. basic principles and procedures of probate and estate administration;
5. the interpretation of wills;
6. will contests relating to allegations of lack of capacity and undue influence;
7. the statutory limits to testamentary freedom under legislation such as British Columbia's wills variation legislation;
8. substitutes for wills such as joint accounts and options available to limit the exposure of an estate to probate fees;
9. aboriginal succession;
10. planning for incapacity, including powers of attorney and representation agreements for financial management and health care decision-making; and
11. a high level overview of the principles of taxation on death and family law principles relevant in estate planning.

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

Evaluation:

There will be a compulsory final examination.

*Simi Dosanjh (B.A. (UBC 2005), LL.B. (University of Calgary 2009)) was called to the Bar in British Columbia in 2010. Ms. Dosanjh is a Will & Estate Consultant with RBC Wealth Management Services in Vancouver, British Columbia. Providing consultations to clients in the areas of wills and estates, personal and business succession planning, tax, and trusts; creating strong partnerships with advisors from RBC Private Banking, PH&N Investment; counsel and Investment & Retirement Planning as well as RBC Insurance and Royal Trust; served as subject matter expert in the development of RBC's Financial Literacy Program (Wills & Estates Module). Ms. Dosanjh previously worked as an Associate Lawyer at Dentons Canada LLP, Boughton Law Corporation, and Bell Alliance Lawyers.*

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

Peihani

Course

3 CREDITS

**\*Cross-listed with LAW 463.001.\***

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

Evaluation:

100% final exam

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

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**LAW 577.001**      Immigration Law Term 1     Term 2

Kaushal

Course

3 CREDITS

**\*Cross-listed with LAW 377.001.\***

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

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

**Evaluation:**

Students may choose either: (a) a 100% final exam or (b) a 30% case comment and a 70% final exam.

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

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**LAW 578.001****Refugee Law** Term 1 Term 2

Lomo

Seminar

3 CREDITS

**COURSE CANCELLED.****\*Cross-listed with LAW 378D.001.\***

This seminar examines the body of national, regional, and international legal rules, norms, and institutions for the protection of refugees. In so doing, it invites students to critically scrutinise these rules, norms, and institutions as contained both in Canadian refugee law – legislative and case law – and regional and international refugee law texts and doctrinal materials and draw conclusions as to their efficacy in protecting refugees. Key themes to be covered include, who is a refugee and who is not and the distinction between refugees, internally displaced persons, migrants, and stateless persons; the rights and duties of refugees; the distinction between refugee law and immigration law; the international responsibility of Canada and States Parties to the 1951 Refugee Convention in providing international protection to refugees; refugee camps in the global south; and pathologies in refugee protection or what is going right and wrong in refugee protection both in Canada and other countries.

## Method of instruction:

This seminar is an interactive, discussion-based, learning process. Students are expected to read the assigned readings before the class and engage critically with the materials and participate actively in grappling with and explaining the ideas and issues they encountered in the readings. In addition to assigned readings, there will be class exercises, and when feasible, guest presentations by relevant government officials, practising refugee lawyers, and refugee support organisations. Students are expected to learn to frame arguments and support them with facts and the law. In addition, students are expected to learn and demonstrate ability to communicate concisely and disagree courteously. The duration of each class is 3 hours and classes will be taught once a week.

## Evaluation:

Students will be evaluated based on the following criteria: (i) Class participation (10%); (ii) Short essays reflecting on assigned readings (40%); and (iii) final essay on a topic of student's choice in consultation with instructor (50%).

*Zachary A. Lomo (Harvard Law School (LLM, 2000), Makerere University (LL.B, 1997)) is a Vanier Graduate Scholar, 2015-2016, at Osgoode Hall Law School, York University. He is also a graduate Scholarship Student, Centre for International Governance Innovation's International Law Research Program, Waterloo, Ontario, Canada. He is a graduate of His current research focus is in International Law and Refugees and has published articles and a book chapter on the best approaches to providing international protection to refugees. Other areas of interest in International Law include, International Trade Law, International Human Rights Law, and International Environmental Law. He is also keenly interested in Administrative Law, Constitutional Law, and Immigration Law.*

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**LAW 587D.001**      **Environmental Law** Term 1     Term 2

Stacey

Course

4 CREDITS

**\*Cross-listed with LAW 387.001.\***

Environmental issues challenge our understanding of law in many ways. Environmental issues are complex scientifically and politically, and temporally and geographically. They require a close examination of the potential and limits of core areas of legal doctrine (e.g. tort, constitutional law, administrative law) and how these doctrines need to be stretched or adapted to account for the complexity of environmental problems.

Accordingly, this course is about how the law changes over time and how lawyers are agents of that change. Students will learn about, for example, environmental assessment law, jurisdiction over the environment, the relationship between environmental law and the constitutional duty to consult and accommodate, and how these areas of law have changed -- slowly or rapidly -- in response to our understanding of environmental issues. The course is designed both for students seeking a concise introduction to the subject-matter as part of a well-rounded legal education, as well as for students seeking to specialize in this growing and substantial area of law, for which Environmental Law 387 provides the starting point for their studies. Note that this course is structured around problem-based learning.

## Evaluation:

A combination of participation, mid-term assessment and take-home final assignment during the examination period.

*Assistant Professor Jocelyn Stacey is a full time member of the UBC Faculty of Law.*

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

Benedet

Course

3 CREDITS

**\*Cross-listed with LAW 468.001.\***

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, conduct unbecoming 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 and the retention of women in private practice. The course will be taught in both a lecture format and through smaller group discussions. Practising lawyers will assist in these sessions.

## Evaluation:

The course will be evaluated by means of a take home essay (50%) and a final examination (50%).

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

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

DelBigio

Course

3 CREDITS

**\*Cross-listed with LAW 468.002.\***

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.*

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

Affolder

Course

3 CREDITS

**COURSE CANCELLED****\*Cross-listed with LAW 468.003.\***

Ethical issues are fascinating, complex, challenging, and permeate all aspects of the practice of law. This class introduces students to the defining ethical issues that individual lawyers face in various practice settings as well as some of the larger ethical issues facing the legal profession. This class aims to equip students to navigate difficult issues of ethics and professional responsibility, with an awareness of the legal rules, norms, and expectations, but also with an understanding that the answer to ethical dilemmas may not lie in available rulebooks.

This section of Ethics and Professionalism will also consider issues of professional responsibility that arise in transnational legal practice. Such issues include the cross-cultural dimensions of legal practice, transnational bribery, and corruption threats in international legal practice. These issues are as relevant for lawyers working on international business transactions from a British Columbia, or Canadian base, as they are for those anticipating working outside Canada. This will be an interactive class, combining lectures, simulations, negotiation exercises, case studies, and guest lectures.

## Evaluation:

The course will be evaluated by means of a final examination (100%) which will include both essay and short answer questions. The exam will draw on the problem-based learning methodology and interactive case study approach of the course.

Graduate Students registered in this course at the 500 level will, in addition to the final exam, be required to submit a 3,000 word research essay from a list of prescribed topics.

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

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

Goldbach

Course

3 CREDITS

**\*Cross-listed with LAW 468.004.\***

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, conduct unbecoming and civility. Students will also be introduced to the model of self-governance of lawyers, current challenges facing the legal profession such as access to justice and, as well, oversight and regulation of the judiciary. The course will be taught in both a lecture format and through smaller group discussions and presentations.

## Evaluation:

The course will be evaluated by means of small group work and class participation (15%) and a final examination (85%).

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

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**LAW 588.005 Ethics & Professionalism** Term 1  Term 2

Salter

Course

3 CREDITS

**\*Cross-listed with LAW 468.005.\***

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, Canada's first online tribunal resolving small claims, condominium disputes, and motor vehicle accident disputes (April 2019). She is also an adjunct professor at the UBC Allard School of Law, teaching administrative law and legal ethics and professional regulation. She earned her BA and LLB from UBC, and her LLM from the University of Toronto. Ms. Salter was a BC Supreme Court judicial law clerk before practicing civil litigation at a large Vancouver firm. She has served as a vice chair of the Workers' Compensation Appeal Tribunal and on the College of Registered Nurses of BC. Ms. Salter is currently a commissioner of the Financial Institutions Commission, vice president of the BC Council of Administrative Tribunals, a Law Society of British Columbia disciplinary hearing panel member, and a board member of the Canadian Legal Information Institute (CanLII). She is a co-author of the BC Administrative Decision Maker's Manual, as well as a number of legal journal articles. In 2017, Ms. Salter was named one of the 25 Top Most Influential Lawyers in Canada, and was previously recognized as one of Canada's New Law Pioneers by the Canadian Bar Association and an Access to Justice All-Star by the National Self-Represented Litigants Project (NSLAP). She is also the 2016 recipient of the Adam Albright award for outstanding teaching by an adjunct professor. Ms. Salter is a frequent speaker at international conferences on online dispute resolution, administrative law, legal education, and the future of law and technology.*

**LAW 588.006**      **Ethics & Professionalism**

Term 1    Term 2      Russo      Course      3 CREDITS

**\*Registration restricted to LLMCL students only.\***

**CHANGE June 11, 2019: Class meeting end time.**

This course provides an introduction to the regulation of the legal profession in Canada, which is self-governing through provincial law societies that set standards and regulate professional conduct. The professional obligations of lawyers to clients also extend to other lawyers and the court and arguably to society in general. Successful practice requires lawyers to consciously work to fulfill all these obligations.

This course is designed to prepare those who plan to enter the practice of law and to bring an appreciation and understanding of the highly regulated nature of the legal profession. Sessions will consist of a mixture of lecture, text readings, classroom discussions including student case and topic briefings as well as guest lectures. Throughout the course, we will refer to B.C. Law Society's Code of Professional Conduct for British Columbia and within that context discuss the ethical issues facing lawyers. Some of these issues include ethics and the adversarial system; the balance between effective client representation and a commitment to the public interest, and; the professional obligations associated with specific practice roles and working with vulnerable clients.

Evaluation:

Quizzes: 5%

Case/Topic Presentations: 15%

Final exam: 80%

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

**LAW 588.007**      **Ethics & Professionalism**

Term 1    Term 2      Morris      Rusnak      Course      3 CREDITS

**\*Cross-listed with LAW 468.007.\***

**CHANGE June 4, 2019: Course section added.**

This course will examine ethics and professionalism through the lens of the Canons of Legal Ethics and the proposition that a lawyer is a minister of justice, an officer of the courts, a client's advocate and a member of an ancient, honourable and learned profession.

Evaluation:

Course evaluation will be by 80% final open-book examination and 20% paper assignment.

*Joel A. Morris (B.A., Hons. (Queen's University 2007), LL.B. (UBC 2010)) is a Partner in Harper Grey's Health Law, Commercial Litigation, Professional Regulation, and Insurance Law practice groups. Mr. Morris' practice focuses on professional liability; commercial litigation, including multi-party cases and class actions; and administrative law. He routinely acts as co-counsel on complex cases and appeals. He has represented clients at all levels of court in British Columbia and before various administrative tribunals.*

*Mr. Morris acts as pro bono counsel in civil and administrative law matters. He serves as Harper Grey's LSLAP (Law Students' Legal Advice Program) coordinator and volunteers as a supervising lawyer with LSLAP.*

*Prior to joining Harper Grey, Mr. Morris clerked at the British Columbia Supreme Court.*

*Christopher M. Rusnak (B.A.Sc. in Chemical Engineering, Hons (Queen's University 1989), LL.B. (University of Victoria 1992)) is a Partner with Harper Grey and has over 24 years' experience with all aspects of civil litigation. The focus of Mr. Rusnak's practice is complex, multi-party disputes. He is counsel in some of Canada's largest and most technically challenging cases in the fields of product liability, environmental contamination and construction.*



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

Greenberg

Mitretodis

Course

3 CREDITS

**\*Cross-listed with LAW 469.001**

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

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

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

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

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

**Required Materials:**

Casebook: Civil Litigation, updated July 2018, available electronically on Connect

**Evaluation:**

Exam worth 95% and written assignments 5%

*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.*

*Alexandra Mitretodis (B.A., Honours (York University), M.A. (Queen's University), J.D./LL.L. (University of Ottawa)), is a litigation and dispute resolution lawyer in Vancouver with a practice in commercial litigation and arbitration. She works on complex files that often have a multi-jurisdictional or international dimensions. She has appeared as counsel before all levels of court in British Columbia, as well as the Federal Court and the Supreme Court of Canada.*

**LAW 590.002****Civil Procedure**

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

**\*Cross-listed with LAW 469.002. EXAM CONFLICT: STUDENTS REGISTERED IN 469.002/590.002 ARE NOT ALLOWED TO BE REGISTERED IN 438.001/538.001, AND VICE VERSA.\***

This course has the following objectives:

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

Required Materials:

1. Mark Francourt-Smith and Gavin Cameron, Law 469 Civil Litigation Casebook, 2020 edition.
2. Janet Walker, et al. The Civil Litigation Process: Cases and Materials, 8th ed. (Toronto: Emond Montgomery Publications Ltd., 2016).
3. Supreme Court Civil Rules: Any of these sources:
  - Bouck, Dillon, and Turriff, British Columbia Annual Practice 2018 (Canada Law Book Inc.) (the “White Book”);
  - Seckel & MacInnis, Supreme Court Rules Annotated 2018 (Carswell) (the “Black Book”); or
  - Online: [http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/168\\_2009\\_01](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.

*Gavin Cameron (LL.B. (UBC, 2009)) is a partner 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.*

*Mark Fancourt-Smith (LL.B. (UBC, 2002), B.A. (Hons) (Queens University, 1994)) is a partner in the Litigation and Dispute Resolution department at Lawson Lundell LLP. His practice encompasses a broad range of commercial disputes including technology and intellectual property litigation, breaches of fiduciary obligation, and defamation. He has particular experience with injunctions, mining disputes involving intellectual property, and commercial and IP disputes in the wine industry. Mark has published articles in media and industry publications, contributed to CLE courses and publications, and writes regularly on Lawson Lundell LLP’s Commercial Litigation and Dispute Resolution Blog.*

**LAW 590.003****Civil Procedure** Term 1 Term 2

Goulden

Kuntz

Course

3 CREDITS

**\*Cross-listed with LAW 469.003. EXAM CONFLICT: STUDENTS REGISTERED IN 469.003/590.003 ARE NOT ALLOWED TO BE REGISTERED IN 300.003 OR 343C.001, AND VICE VERSA.\***

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

## Required Materials:

1. 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 Norton Rose Fulbright Canada LLP (formerly known in Vancouver as Bull Housser LLP). Mr. Goulden's practice is focused in the areas of commercial, securities, land, administrative and local government litigation. Mr. Goulden has conducted a broad range of cases at all levels of court in British Columbia, the Federal Court of Canada and various administrative tribunals.*

*Kimberly A. Kuntz (B.A. (Hons.)(Queen's University 1996), LL.B. (Queen's University 1999)) is a partner in the dispute resolution and litigation department at Norton Rose Fulbright Canada LLP. Ms. Kuntz's practice is focused on estate and trust-related disputes. She also acts as counsel on cases involving product liability, negligence actions, complex jurisdictional and cross-border disputes. Ms. Kuntz is a frequent speaker and presenter at conferences and seminars dealing with estates and trusts litigation and the discovery obligations of litigants.*

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**LAW 591.001**      **Environmental Law Workshop**

Term 1     Term 2    Carlson                      Nowlan                                      Course                      3 CREDITS

**\*Cross-listed with LAW 390.001\***

This workshop will provide students with experience in written and oral advocacy as well as a range of skills and techniques used by public interest lawyers to influence decisionmaking related to environmental law and policy, taking into account UNDRIP commitments. Students will work collaboratively with the instructors on an issue of current relevance for coastal and marine conservation in BC. Workshop activities include: defining research needs; exploring power structures and democratic processes; interaction with policymakers from different orders of government, experts in environmental and Indigenous law, stakeholders (industry, community groups and others), and scientists; development and evaluation of different law and policy options; and communication strategies. The final work product will be the co-production of a comprehensive report with recommendations for action.

Evaluation: Evaluation will be 60% classwork and assignments, and 40% final report.

*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 592.001**      **Conflict of Laws**

Term 1     Term 2    Edinger                                      Course                      3 CREDITS

**\*Cross-listed with LAW 325.001.\***

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 Peter A. Allard School of Law.*

**LAW 592.002**      **Conflict of Laws** Term 1     Term 2

Blom

Course

3 CREDITS

**COURSE CANCELLED.****\*Cross-listed with LAW 325.002.\***

Conflict of laws, also known as private international law, is about private law disputes that cross boundaries. This happens all the time. The boundaries can be international or within a federal state, because private law may differ from one sub-unit of a federal state to another (like Canadian provinces or US states). Conflicts problems arise when people in different countries (meaning any of these law districts, national or sub-national) make contracts with each other, commit torts on each other, get married to or divorced from each other, or fight over custody. A person may die and leave an estate spread over several countries. And so on.

Basically, Conflicts deals with three broad questions. 1. In which country or countries can you bring your dispute before a court? ("Jurisdiction") 2. If you get before a court, what country's law will apply to your dispute? ("Choice of Law") 3. If the court of one country gives a judgment, what legal effect will it have in another country? ("Foreign Judgments") Lawyers have to address one, two or all three of these questions in advising and representing clients whose activities either take place in other jurisdictions or might in some other way expose them to the risk of civil liability there.

You get some idea of the subject from a capsule description of three cases that the Supreme Court of Canada has recently had to decide. Can a tourist injured at a resort in Cuba sue the Cayman Islands company that managed the resort in a Canadian court? (*Club Resorts Ltd v Van Breda*, 2012 SCC 17). Can a Canadian resident, the owner of a professional soccer club in Israel, sue in Ontario, his home province, for defamation on an Israeli newspaper's website, and, if so, will the defamation claim be governed by Ontario or Israeli law? (*Haaretz.com v Goldhar*, 2018 SCC 28) Can a large group of Ecuadorean villagers, who obtained a judgment against the US corporation Chevron in Ecuador for US\$9.5 billion for environmental injury, sue Chevron in a Canadian court to try to enforce the judgment against Chevron or its wholly owned Canadian subsidiary? (*Chevron Corp v Yaiguaje*, 2015 SCC 69)

Materials: Required casebook for this section: Pitel, Blom, Edinger, Saumier, Walker & Walsh, *Private International Law in Common Law Canada*, 4th ed. (Emond-Montgomery, 2016).

## Evaluation:

Evaluation is 100% by a final, limited open-book examination. The casebook, any website postings and the student's own notes can be used in the examination room, but no other materials.

*Professor Joost Blom is a Professor Emeritus of the Peter A. Allard School of Law.*

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

Edinger

Course

3 CREDITS

**\*Cross-listed with LAW 443.001.\***

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. There are no prerequisites for Creditors' Remedies.

This is a PLTC subject.

## Evaluation:

By examination.

*Professor Liz Edinger is a full time member of the Peter A. Allard School of Law.*

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

Sarfaty

Seminar

3 CREDITS

**\*Enrolment restricted to Ph.D. students only.\****Galit Sarfaty is a full time member of the UBC Faculty of Law.*

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**LAW 611C.001**      Doctoral Seminar II: Comparative & Interdisciplinary Perspectives Term 1     Term 2

Sarra

Seminar

3 CREDITS

**\*Enrolment restricted to Ph.D. students only.\***

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 designed in part around participants' research interests, with communication commencing at the end of the 2018 Fall term.

*Professor Janis Sarra is a full time member of the Peter A. Allard School of Law.*