

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

Goold

Course

3 CREDITS

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

## Evaluation:

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

*Professor Ben Goold is a full time member of the UBC Faculty of Law and Associate Dean of Academic Affairs.*

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

Meyers

Course

3 CREDITS

**CHANGE June 10, 2015: Course description added.**

This course is designed to introduce students to critical legal theory and philosophy. It is structured thematically around the classical jurisprudential question of 'what is law?' Specifically, students will be asked to reflect on the meaningfulness of the distinction between the concept of law and the related/adjacent concepts of politics, morality and justice. Assigned readings will be drawn equally from the modern canon of anglo-american jurisprudence and the fields of political and cultural theory. Students will be encouraged to think about the law both abstractly as a question of theory and concretely as a question of practice. Students' pre-existing knowledge, experience and interests will therefore enliven the teaching and learning environment. To the extent feasible, the class will be convened in a seminar rather than lecture mode.

## Evaluation:

Course Paper (80%) (7,500 words)

Class Participation (20%) (including student presentations and in-class workshops)

*Dr. Jeffrey Meyers grew up in the lower mainland and graduated from UBC with a BA (1999). He then earned his LLB/BCL (common and civil law degrees) from McGill (2004). After law school, Dr. Meyers was admitted to the Bar of the State of New York (2005) and was hired as a litigation associate at Sidley Austin LLP. In 2006, Dr. Meyers relocated to the UK to study at the London School of Economics and Political Science. While at the LSE, Dr. Meyers completed an LLM in legal theory (2007) and then earned his PhD in constitutional theory (2012) under the supervision of Dr. Igor Stramignoni. Dr. Meyers was admitted to the Law Society of BC (2013) after completing criminal law articles with Brian Coleman, Q.C. Prior to joining the UBC Faculty of Law, Dr. Meyers was a litigation associate at Cox, Taylor in Victoria, B.C.*

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

Beaudry

Course

3 CREDITS

**CHANGE December 4, 2015: Course description and evaluation method.**

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

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

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

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

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

Law

Course

3 CREDITS

**COURSE CANCELLED.**

This course provides an introduction to legal and political theory, legal philosophy, and theoretical and critical approaches to law. It will introduce different ways of thinking about the nature, operation, and goals of law and legal systems. The course is intended to enable students to understand, evaluate, and critique the theoretical underpinnings of legal and political arguments concerning law and justice.

Evaluation:

90% open-book exam

10% class participation

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

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

Cochard

Course

3 CREDITS

**COURSE CANCELLED.**

This course examines the relationship between law and social change with a focus on the historical and current struggles to make the legal system more responsive to the lived realities of women, taking into account differences among women. Women have at one time or another been excluded from a wide range of legal rights and responsibilities including higher education, political office, voting and the professions. In Canada, the law has played an important role in the ongoing struggle for full equality and citizenship. Yet not everyone would agree 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. Topics include legal education, legal personhood, legal language, judicial bias, myths and stereotypes about women and other groups, sexual assault, women's work, child custody, abortion and midwifery, aboriginal women and property, judicial decision-making, equality rights, and same sex marriage.

## Evaluation:

Evaluation will be by way of a combination of in class assignments and a research paper.

*Renee Cochard, QC (LLM (Osgoode, 2003)) has practiced family law in Alberta for 35 years. She has an LLM in Alternative Dispute Resolution from Osgoode (2003) and is currently a PHD candidate at the Faculty of Law at UBC. She has taught extensively in Alberta including the Bar Admission courses, numerous continuing legal education course, and 12 years at the U of A Law where she taught Family Law, Advanced Family Law and Alternative Dispute Resolution. Her PhD topic relates to property rights and unmarried cohabitants.*

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**LAW 312D.001**      **Topics in Philosophy of Law & Theoretical Perspectives**      **Law and Literature**  
 Term 1     Term 2    Liston      Seminar      3 CREDITS

**CHANGE July 2, 2015: Seminar description.**

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 UBC Faculty of Law.*

**LAW 312D.002**      **Topics in Philosophy of Law & Theoretical Perspectives**      **Empirical Methods in Law**  
 Term 1     Term 2    Lin      Seminar      3 CREDITS

**SEMINAR CANCELLED.**

This seminar is to introduce students to a fast growing area of legal scholarship and practice—the use of empirical techniques. The goal of this seminar is to equip students with skills to critically evaluate empirical evidence that may be used in legal issues and public policy debates. The seminar will cover basic concepts and methodologies in doing empirical research, including the design and conducting of surveys and experiments, the collection and use of archival data, and the use of statistical techniques. Students will have in-class hands-on exercises using Excel. No prior familiarity with statistics or empirical techniques is required.

Required Materials:

Lee Epstein and Andrew D. Martin, *An Introduction to Empirical Legal Research* (2014)

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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**LAW 323D.001**      **International Environmental Law** Term 1    Term 2

Mickelson, K.

*Seminar***3 CREDITS**

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

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

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

**Evaluation:**

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

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

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

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<b>LAW 324A.001</b>	<b><u>Topics in International Law &amp; Transactions</u></b>	<b><u>Developing Countries in the World Trading System</u></b>		
<input checked="" type="checkbox"/> Term 1	<input type="checkbox"/> Term 2	Hirsch	Seminar	1 CREDITS

**\*This intensive seminar will meet Sep 17, 18, 21, 22, 24, 25, 28 & 29, 2:00-3:30 PM, Rm 115; Sep 23, 12:30-2:00 PM, Rm 122. Course time-conflicts are allowed for this seminar.\***

The course focuses on several major topics regarding economic development and the position of developing countries in the international trading system. The course would address the principal dimensions and measurement of "underdevelopment" (GDP, GNI and the Human Development Index), and then discuss the intriguing question of why are some countries developed while others are not (the major approaches to economic development: the modernization, dependency, developmental state, neo-liberal and neo-institutional approaches). Following a discussion of the central principles of the General Agreement on Tariffs and Trade (including the MFN principle, tariffs, non-tariff barriers, national treatment and the general exceptions) special emphasis will be placed on the special position of developing countries in the WTO system. Thus, for instance, we will the issues of tariffs, import standards and public health, trade in agricultural and textile products and bilateral agreements between developing and developed countries.

Evaluation:

Final paper (due date: four weeks after the last day of the class).

Graded Honours/Pass/Fail.

*Prof. Moshe Hirsch is the Von Hofmannsthal Professor of Law at the Hebrew University of Jerusalem (Law Faculty and Department of International Relations) and Director of the International Law Forum at the Hebrew University. Prof. Hirsch specializes in international economic law and international legal theory. In addition to lecturing at the Hebrew University, he taught courses on international economic law and international legal theory in other academic institutions (including in London, Toronto, Dundee, New York, Zurich and Macau). A significant part of his publications involves interdisciplinary research that employs, inter alia, sociological theories, game theory, political economy and international relations theory. His recent publications include the "African Countries in the World Trading System" (co-author, International & Comparative Law Quarterly, 2012), "Interactions between Investment and Non-Investment Obligations in International Investment Law", in Oxford Handbook of International Law on Foreign Investment (2008), "Developing Countries" The Encyclopedia of Public International Law (Max Planck Institute 2008), and "The Sociology of International Economic Law" (European Journal of International Law, 2008).*

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<b>LAW 324A.002</b>	<b><u>Topics in International Law &amp; Transactions</u></b>	<b><u>International Economic Law</u></b>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Voon	Mitchell, A.	Seminar 1 CREDITS

**\*This intensive seminar will meet Tues & Thurs, Jan 12, 14, 19, 21, 9:30AM-12:30 PM, Rm 115; Wed, Jan 13, 12:30-2:00 PM, Rm 122. Course time-conflicts are allowed for this seminar.\***  
**CHANGE June 9, 2015: Seminar added.**

International economic law is at the centre of ongoing debates about inequity between developed and developing countries, and concerns of infringement of sovereign regulatory autonomy. This intensive seminar offers a sophisticated understanding of the World Trade Organization (WTO), situated within the broader context of international economic law and public international law. The seminar begins by examining the rationale for and history of international economic law before providing an overview of the WTO agreements and dispute settlement system. In addition to analysing the core obligations and exceptions found in the General Agreement on Tariffs and Trade 1994, the seminar considers the relationship between the WTO, preferential trade agreements, and bilateral investment treaties. The seminar also introduces other key WTO agreements, such as the General Agreement on Trade in Services, the Agreement on Technical Barriers to Trade, and the Agreement on Trade-Related Intellectual Property Rights, as well as the WTO agreements and caselaw concerning trade remedies (anti-dumping, countervailing and safeguard measures) and subsidies. In view of the increasingly complex nature of and interaction between the pillars of international economic law, the seminar also examines international investment law, contrasting it with international trade law. The seminar highlights significant recent public policy disputes such as the challenges to Australia's plain tobacco packaging scheme under both WTO law and the bilateral investment treaty between Hong Kong and Australia, and the recent WTO challenge by Canada and Norway to the European Union's ban on seal products.

**Evaluation:**

10% - class participation

90% - final paper of up to 3,000 words on specified topic due on Monday 22 February 2016

**Graded Honours/Pass/Fail**

*Tania Voon (LL.M. (Harvard Law School), Ph.D. (University of Cambridge)) is Professor at Melbourne Law School and was Associate Dean (Research) from 2012-2014. She is a former Legal Officer of the WTO Appellate Body Secretariat and has previously practised law with Mallesons Stephen Jaques and the Australian Government Solicitor and taught law at Georgetown University, the University of Western Ontario, and several Australian universities. She has published widely in the areas of public international law and international economic law and is Editor (International Economic Law) of ASIL Insights and Series Editor (with Professors John Jackson and Andrew Mitchell) of the International Economic Law Series of Oxford University Press. Professor Voon is a member of the Roster of Panelists for the Energy Charter Treaty and of the Indicative List of Governmental and Non-Governmental Panelists for resolving WTO disputes. She has provided expert advice and training to entities such as the Australian Department of Foreign Affairs and Trade, the WTO, the World Health Organization, Telstra, and the McCabe Centre for Law and Cancer. In 2014 she was Senior Emile Noël Fellow at the Jean Monnet Center, New York University Law School.*

*Andrew Mitchell has law degrees from Melbourne, Harvard and Cambridge. He is Professor at Melbourne Law School, Australian Research Council Future Fellow, Assistant Director Research at the Melbourne School of Government, Director of the Global Economic Law Network, a member of the Indicative List of Panelists to hear WTO disputes, and a member of the Energy Charter Roster of Panelists. He has previously practised law with Allens Arthur Robinson (now Allens Linklaters) and consults for States, international organisations and the private sector. Professor Mitchell has taught law in Australia, Canada and the US and is the recipient of four major current grants from the Australian Research Council and the Australian National Preventive Health Agency. He has published over 100 academic books and journal articles and is a Series Editor of the Oxford University Press International Economic Law Series, an Editorial Board Member of the Journal of International Economic Law and a General Editor on the Journal of International Dispute Settlement.*

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<b>LAW 324D.001</b>	<b><u>Topics in International Law &amp; Transactions</u></b>	<b><u>Transnational Business and Human Rights</u></b>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Sarfaty	Seminar	3 CREDITS

This course addresses the emerging field of transnational business and human rights through an interdisciplinary approach that incorporates international law, corporate law, anthropology, and ethics. Over the last several decades, there has been increasing demand for corporate accountability among consumers, advocates, and investors. Moreover, there are new legal mechanisms in domestic and international law to regulate the extraterritorial activities of multinational corporations. In this seminar, students will gain an understanding of the international human rights legal framework relevant to business; current efforts for seeking greater corporate accountability through states, international organizations, and non-governmental organizations; the concept of "corporate complicity" in human rights abuse; and the challenges of managing human rights risks in corporate decision-making and supply chains. The class's format will combine seminar-style discussion and lecturing with role-plays and small group exercises.

Evaluation:

Evaluation is based on participation, class presentation, and a final research paper.

*Galit Sarfaty is a full time member of the UBC Faculty of Law.*

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<b>LAW 325.001</b>	<b><u>Conflict of Laws</u></b>			
<input checked="" type="checkbox"/> Term 1	<input type="checkbox"/> Term 2	Edinger	Course	3 CREDITS

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

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

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

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

Required text:

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

Evaluation:

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

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

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

Peters

Course

3 CREDITS

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

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

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

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

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

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

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

Required text:

Nicolas Rafferty, Joost Blom, Elizabeth Edinger, et al., *Private International Law in Common Law Canada: Cases, Text and Materials*, 3rd ed. (Toronto: Emond Montgomery Publications, 2010).

Evaluation:

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

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

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

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

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

Evaluation:

70% paper, 30% final exam.

*Professor Pitman Potter is a member of the UBC Faculty of Law and Director of the UBC Institute of Asian Research.*

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

*John C.H. Kim*

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

Evaluation:

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

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

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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). There are no pre-requisites for taking this seminar.

## Evaluation:

Term paper 70%, Class participation 30%.

## Syllabus:

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

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

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

Matsui

Course

3 CREDITS

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

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

## Evaluation:

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

## Syllabus:

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

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

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<b>LAW 342D.001</b>	<b><u>Topics in Comparative Law</u></b>	<b><u>Domestic Law in a Borderless World</u></b>		
<input checked="" type="checkbox"/> Term 1	<input type="checkbox"/> Term 2	Elliot, M.	<i>Seminar</i>	<b>3 CREDITS</b>

**SEMINAR CANCELLED.**

Increasingly, Canadian courts are looking to the law of other jurisdictions in interpreting and developing domestic law. No longer predominantly a topic of academic interest, the study and knowledge of foreign and international law have become important elements of public law practice and advocacy. This course will explore the role of comparative law in the Canadian legal system, with particular attention to its use in constitutional and human rights adjudication. Topics will include the role of international human rights in domestic law, how Canadian courts have relied on decisions by their foreign counterparts to interpret our Constitution, and how issues such as the "war on terror" may blur the lines between domestic and international law. Guest academics and practitioners will be invited to speak on the role and implications of foreign and international law in their areas of expertise.

## Evaluation:

- 70% major paper
- 15% in-class presentation(s)
- 15% class participation

*Michael Elliot (B.A., Hon. (UBC), J.D. (Dalhousie Schulich School of Law), B.C.L., Dist., Mackenzie King Scholar (University of Oxford)), has been involved as a litigator in public law cases before all levels of court, including the Supreme Court of Canada. He has also spent time with the Legal and Enforcement Team of the Office of the Presidency at the International Criminal Court and served as a Foreign Law Clerk at the Constitutional Court of South Africa. He has had articles published in the Canadian Yearbook of International Law, the Canadian Journal of Constitutional Law and the Supreme Court Law Review.*

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

Matsui

Course

3 CREDITS

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 Chinese government on the sidewalk of the city street in front of the Chinese Consulate? 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

Regular class attendance is mandatory. I will welcome active class participation during the discussions.

The examination will ask you 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 your thoughts in concise and persuasive languages. You should be able to answer the question easily if you read all the assignments and participate in the class discussions.

You can choose to submit a paper instead of taking the examination. You can choose any topic related to freedom of expression in Canada, the United States or any other countries. The standard for the paper is 15 pages (double spaced). I will be happy to assist you to select an appropriate topic and to find necessary materials to finish your paper.

## Syllabus:

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

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

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**LAW 343D.001**      **Topics in Public Law**      **Crown Liability**  
 Term 1    Term 2      Gay                      Horsman                      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:

70% final paper; 20% mid-term problem; and 10% class participation.

*Andrew Gay, (B.A. (UBC 1992), LL.B. (Osgoode Hall Law School 1996;), M.E.S. (York University 1996)), is a partner with the litigation firm Gudmundseth Mickelson LLP in Vancouver. Andrew's practice includes a wide range of litigation matters including tort litigation (defence and plaintiff) for the Provincial Government. Andrew is a contributing author of the text *Government Liability: Law and Practice* and has recently written papers for the Continuing Legal Education Society on tort law and cross-border litigation.*

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

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**LAW 343D.002****Topics in Public Law****Civil Liberties** Term 1  Term 2

Gratl

Paterson, J.

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, as seen in Supreme Court of Canada decisions in Harper (3rd party election spending limits), Chamberlain (same-sex instructional materials in schools) and Trinity Western University (religious freedom and education), and section 7 rights through cases like Insite (drug policy), Bedford (sex work), and Carter (physician-assisted suicide).

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

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

## Evaluation:

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

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

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

**LAW 343D.003****Topics in Public Law****National Security Law** Term 1  Term 2

Webb

Seminar

3 CREDITS

**CHANGE June 9, 2015: Evaluation method.**

This seminar examines national security law from a critical, comparative, and international law perspective. Beginning with an overview of the institutional structures, history and values that have shaped national security law in Canada, the U.S. and the U.K., the course goes on to study the international legal framework for counter-terrorism and current controversies concerning states' counterterrorism efforts and their international human rights, humanitarian law and use of force obligations. Various theories of constitutionalism will be considered, along with "state of exception" models. Finally, the question of legal accountability for counter-terrorism abuses will be canvassed, including complex jurisdictional issues inherent to transnational/international counter-terrorism efforts. End of term debates will address contested topics such as targeted killings, profiling, and the accountability of the legal profession.

## Evaluation:

40% research paper (max 7000-8000 words), 30% formal team debate (20% individual performance plus 10% for team performance), 20% contribution to class discussion, 10% class attendance.

*Maureen Webb (J.D. (University of Toronto), LL.M. (Columbia University)) is a former Human Rights Fellow at Columbia University and Fox Scholar at Middle Temple, England. In Canada, she has been involved in important national security litigation including the Arar Inquiry and Charter challenges to the powers of the Canadian Security Intelligence Service, the security certificate regime, and the implementation of the U.N. Security Council's Resolution 1267. A regular speaker on national security matters, she has testified before Parliamentary committees, addressed important policy audiences such as the Chicago Council on Global Affairs and the Canadian Association of Security Intelligence Studies, and has been widely interviewed and quoted by the media. She is author of the book, *Illusions of Security: Global Surveillance and Democracy in the Post 9-11 World*, and numerous other publications on national security issues.*

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

Ford

Seminar

3 CREDITS

What tools do regulators have at their disposal in trying to shape and channel behavior? How does formal regulation relate to other social forces, such as community pressure? How should law grapple with the difficult problems of culture (including corporate culture), groupthink, complexity, and bounded human rationality? How do politics and power influence regulatory possibilities? Why do some organizations go "beyond compliance" to become industry leaders, while others barely meet regulatory minimums? How are traditional regulatory tools being reworked by advocates and practitioners of "flexible regulation" and "transnational governance"? What are the alternatives to regulation? Have regulators learned important lessons from the recent financial crisis? The terms "regulation" and "governance" refer to the interlocking systems of state and non-state strategies that shape social behavior through, for example, standard-setting, monitoring, institutional form, interpersonal ties, and incentive structures. The purpose of this seminar is to expose students to up-to-date empirical research and interdisciplinary theoretical scholarship in the field of regulation, governance, and institutional design.

## Evaluation:

Students will be evaluated based on their attendance/participation and one to two presentations on the readings over the course of the term (together, 25%), a research outline and accompanying preliminary bibliography (15%) and a final research paper (60%)

*Professor Cristie Ford is a full time member of the UBC Faculty 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 states, the power of the President, the power of the judiciary, the mechanism of protection of individual rights, religious freedom, freedom of expression, equality right, and substantive due process. The students will explore why the abortion 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 requirement to take this seminar. It would be wonderful if you have basic understanding of the Canadian Constitutional Law, but you 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%.

The regular attendance in the class is mandatory. I will welcome active student participation in the class discussion. With respect to final assignment, you can pick up any topic you may find interesting and compare the Canadian Constitutional Law with the American Constitutional Law. You can choose the topic covered in the seminar or you can choose other topics you may find interesting so long as the topic is concerned with constitutional issue. The guideline for a paper is about 20 pages, double spaced. I will be happy to give you any advice on the possible topic and the possible resources to compare.

**Syllabus:**

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

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

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

For over 30 years, the Canadian Charter of Rights and Freedoms has been in effect, enabling court challenges to legislation and government action. This seminar will examine what can be accomplished through Charter litigation, drawing on some leading cases for the purpose of case studies. The cases will be ones in which legislation or government action has been challenged under Charter s. 7 (life, liberty and security of the person), s. 15 (equality), s. 3 (democratic rights) or s. 2 (freedom of religion, expression, assembly or association). The seminar will address litigation strategies in Charter cases, and some of the unique legal, procedural and evidentiary considerations that arise (who has standing to bring a challenge? how is an evidentiary record created? what remedies are available?) We will also spend some time on the background and context of Charter litigation.

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

*THE HONOURABLE LYNN SMITH, Q.C.*

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

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

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

**LAW 349D.002**      **Topics in Constitutional Law**      **Liberal States, Authoritarian, & Transitional States**  
 Term 1     Term 2      Cheng      Seminar      3 CREDITS

This course provides a comparative survey of contemporary constitutions in three categories of states: typical liberal states, authoritarian states and transitional states. Comparisons will be made in perspectives of perception of constitutionalism, separation of powers, constitutional entrenchment institutions, protection of human rights, and transitional justice issues. The potential and pitfalls of constitutional legal transplants, and the drafting of new constitutions in post-conflict societies such as former socialist states will also be considered.

Evaluation:  
 Participation in the class will count towards 30% of the final grade while a final paper (of no less than 4,000 words) will count 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*.*



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

Rosenberg, D.

Course

3 CREDITS

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

## Evaluation:

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

## Lecture Topics:

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

*David M. Rosenberg, Q.C. (LL.B. (UBC 1978)) clerked for the Chief Justice of the Supreme Court of British Columbia and then articulated and worked as an associate at a large downtown firm. Since 1980 he has been a partner in the firm which he co-founded. The firm is now called Rosenberg Law. He presently specializes in aboriginal law and class action litigation. He has conducted several appeals before the Supreme Court of Canada and has represented First Nations on some of the leading cases concerning aboriginal rights and title. Most recently he represented the Tsilhqot'in in the case that has defined aboriginal title for British Columbia and the rest of Canada, Tsilhqot'in Nation v. British Columbia 2014 SCC 44. David has been teaching as an adjunct professor at the University of British Columbia for the last 23 years.*

**LAW 356.001****First Nations & Economic Development** Term 1  Term 2

Hanna

Course

3 CREDITS

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

## Evaluation:

Evaluation will be by presentation and paper.

*Darwin Hanna (B.A. (Simon Fraser University 1992), L.L.B. (UBC 1995)) was called to the B.C. Bar in May 1996 and practices as a partner with the Vancouver law firm of Callison & Hanna, Barristers & Solicitors. He provides legal representation to aboriginal groups in the aboriginal law area, particularly in respect to negotiations and community development in B.C. and the N.W.T.. He is of the Nlha7kapmx Nation.*

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<b>LAW 358B.001</b>	<b><u>Topics in First Nations Law</u></b>	<b><u>Aboriginal Taxation</u></b>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Welters	Course	2 CREDITS

**CHANGE July 2, 2015: Course added.**

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 the leader of Bull Housser’s Tax Group. His practice generally consists of advising on M&A transactions, inbound investments, commodity taxes, and aboriginal taxation. With respect to aboriginal taxation, Michael has advised on all aspects, 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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**LAW 358D.001**      Topics in First Nations Law*An Introduction to Indigenous Legal Orders  
within the Settler State* Term 1     Term 2

Mack

Seminar

3 CREDITS

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

## Evaluation:

The following three assignments will be graded:

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

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

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<b>LAW 358D.002</b>	<b>Topics in First Nations Law</b>	<b><u>Metis Law</u></b>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Teillet	Barkaskas	Seminar 3 CREDITS

**CHANGE June 9, 2015: Seminar added.**

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

## Evaluation:

Paper 80%, participation 10%, short and long paper proposal 10%

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

*Patricia Barkaskas earned a M.A. in History, with a focus on Indigenous histories in North America, and a J.D., with a specialization in social justice, from the University of British Columbia. She is a sole practitioner and practices in the areas of child protection (as parent's counsel), criminal, and family law, and has practiced prison and civil 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. Her teaching and research interests include restorative justice and experiential learning in clinical legal education. Patricia was born in Alberta and is Métis from the Lac Ste. Anne Cree/Métis and Red River Métis communities.*

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**LAW 359.001****Family Law**

Term 1  Term 2      Kinney                      Murray                      Course                      4 CREDITS

**CHANGE September 18, 2015: Instructor, day, time.**

This course will survey the legal framework and key concepts of family law. This will include reviewing the theory surrounding the formation and dissolution of family relationships; an extensive examination and critique of the relevant case law and relevant statutes; and will include a practical review of the practice of family law. Topics include cohabitation, marriage, adoption, child welfare, domestic abuse, divorce, division of property acquired during relationships, parenting, children's rights, spousal and child support. There will be a focus on both the federal Divorce Act and the new BC Family Law Act. The objective to the course will be to provide students with a basic knowledge of family law which may lead them to pursue further course in the area and ultimately the practice of family law.

## Evaluation:

Evaluation is by way of a term assignment plus a final examination.

*Michelle Kinney is a family lawyer and mediator at Cassels Murray Family and Estates Law in Victoria BC. Previously, she was Legal Counsel at the Ministry of Justice, where she spent 6 years as part of the team responsible for the development and implementation of the BC Family Law Act and Regulations. Ms. Kinney is accredited by the Law Society as a family law mediator and is a member of the Canadian Bar Association and the Victoria Bar Association. She received her law degree from the University of Victoria in 2006, where she received the Horne Coupur Award for Family Law. She was called the BC Bar and became a member of the BC Law Society in 2007.*

*Christine Murray practices exclusively in the area of family law and has strong experience in litigation, negotiation, mediation and collaborative family law. She is a founding partner of Cassels Murray Family and Estates Law in Victoria, British Columbia. Ms. Murray is a member of the Victoria Bar Association and the Canadian Bar Association. Christine serves on the executive of the Family Law (Victoria) section of the Canadian Bar Association, BC Branch – Family Law Subsection and is a co-chair of the Women Lawyers Forum Vancouver Island. She graduated from the University of Alberta, Faculty of Law and clerked with the Provincial Court of Alberta. Ms. Murray is called to the Alberta Bar and became a member of the Law Society of British Columbia in 2011.*

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

Huang, A.

Jimale

Course

4 CREDITS

**CHANGE May 29, 2015: Evaluation method.**

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

## Materials:

Materials will be available for purchase at the UBC Bookstore.

## Evaluation:

100% Final Exam.

*Agnes Huang graduated from UBC Law in 2005 and was called to the Bar in 2007. Agnes clerked at the Federal Court of Canada and then worked as a labour law lawyer before venturing into the world of family law with a boutique firm in 2008. In January 2012, Agnes went out on her own as a sole practitioner and her practice currently remains focused on family law. Although her heart is with litigation, Agnes is a Certified Family Law Mediator. Agnes has given many presentations in the community on various family law issues, including for the Jane Doe Project, the Law Foundation, Legal Services Society, Continuing Legal Education, and the Trial Lawyers Association of B.C. Agnes is a member of the executive of the Family Law Section of the Canadian Bar Association of B.C. and of the Federation of Asian Canadian Lawyers of B.C., and is a member of the Family Law Committee of the Trial Lawyers Association of B.C. Agnes is also one of the editors for "Resolving Family Law Problems in Court" section of the J.P. Boyd on Family Law Wikibook.*

*Zahra Jimale graduated from UVic Law in 2009 and was called to the Bar in 2010. Zahra articulated with a prominent family law lawyer and her practice since has been primarily in family law. In June 2014 Zahra started her own family law practice, Jimale Law Corporation.*

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

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**LAW 365D.001**      **Women, Law & Family** Term 1     Term 2TO BE  
ASSIGNED*Seminar***3 CREDITS****SEMINAR CANCELLED.**

Throughout history, women's roles and identities have both shaped and been shaped by law and legal processes. This seminar provides a forum for in-depth consideration of feminist and other critical perspectives on how law has regulated or deregulated women's sexuality, autonomy, safety, parenthood, cultural and religious identity, and work. The course will take an intersectional approach to analyzing the relationship between law, gender and family.

Topics to be covered include: dominant and changing definitions of "family" and the construction of motherhood; valuing of caregiving work; the "best interest of the child" and its relationship to parental rights; the regulation of pregnancy; issues of race in the child protection and adoption contexts; and status issues under the Indian Act.

Students will find it helpful to have taken Family Law or be taking it simultaneously.

## Evaluation:

Evaluation will be by way of seminar participation, including class presentations and discussion (30%) and a final 20-25 page paper on a topic of the student's choosing (70%).

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

Ford

*Course***4 CREDITS**

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

## Evaluation:

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

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

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

Liston

Course

4 CREDITS

Administrative agencies are a powerful part of modern government and are deeply implicated in our daily lives. 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. Much of administrative law will be familiar as it builds on knowledge from the first-year Public Law course. As an advanced public law course, we will consider more deeply how law enables governments to create distinctive institutions and programs to provide public goods as well as how individuals use judicial oversight to access these goods or to challenge abuses of public power. Administrative law is foundational to the study of other areas of law such as immigration and refugee, human rights, environmental protection, labour relations, natural resources, social benefits, health and safety, and licensing.

Content covered includes: procedures and the duty of fairness such as the rights of individuals to participate in decisions affecting them and the impartiality and independence of decision-makers; the standard of review used by courts to examine the merits of administrative decisions; remedies for the abuse of discretion; the application of the Charter and constitutional principles in the administrative realm; statutes and statutory interpretation; and, the implications of administrative law for the relationship between the courts and other branches of government. Specific attention will be given to current administrative law issues in British Columbia such as the Administrative Tribunals Act and/or Aboriginal administrative law.

## Evaluation:

Students will be given the option of choosing either:

(a) a 3-hour 100% open-book exam: or

(b) a 2-hour 70% open-book exam plus short assignments worth a total of 30%.

*Professor Mary Liston is a full time member of the UBC Faculty of Law.*

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

Gruber

Course

4 CREDITS

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

## Evaluation:

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

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



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

**\*Registration by permission only. The clinical component will meet on Wednesdays, 4:00-7:00 PM, Allard room 427, and Fridays, 10:30-11:30 AM, Allard room 114.\* CHANGE October 28, 2015: Clinic added.**

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

#### 379B.001

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

#### Evaluation:

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

Pre-requisite: LAW 459 Business Organizations

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

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

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

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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.\***

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:*



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

Barkaskas

Clinical

12 CREDITS

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

**CHANGE June 19, 2015: Instructor added.**

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

Evaluation:  
Pass/Fail.

Pre-requisites for application:

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

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

*Patricia Barkaskas earned a M.A. in History, with a focus on Indigenous histories in North America, and a J.D., with a specialization in social justice, from the University of British Columbia. She is a sole practitioner and practices in the areas of child protection (as parent's counsel), criminal, and family law, and has practiced prison and civil 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. Her teaching and research interests include restorative justice and experiential learning in clinical legal education. Patricia was born in Alberta and is Métis from the Lac Ste. Anne Cree/Métis and Red River Métis communities.*

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**LAW 380B.001**      **Externship Reflection**      **International Justice & Human Rights Clinic**  
 Term 1     Term 2    Barrett      Seminar      3 CREDITS

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

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

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

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

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

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

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

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

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

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

Major publications include:

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

(forthcoming, 2014)

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

**LAW 380C.001**      Externship Reflection

Term 1     Term 2    Barkaskas                      Locke    Workshop                      4 CREDITS

**\*Registration by permission only. Restricted to 3rd Year students only.\***  
**CHANGE June 19, 2015: Instructor added.**

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

*Patricia Barkaskas earned a M.A. in History, with a focus on Indigenous histories in North America, and a J.D., with a specialization in social justice, from the University of British Columbia. She is a sole practitioner and practices in the areas of child protection (as parent's counsel), criminal, and family law, and has practiced prison and civil 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. Her teaching and research interests include restorative justice and experiential learning in clinical legal education. Patricia was born in Alberta and is Métis from the Lac Ste. Anne Cree/Métis and Red River Métis communities.*

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

**LAW 380C.002**      Externship Reflection

Term 1     Term 2    Barkaskas                      Locke    Workshop                      4 CREDITS

**\*Registration by permission only. Restricted to 3rd Year students only.\***  
**CHANGE June 19, 2015: Instructor added.**

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

*Patricia Barkaskas earned a M.A. in History, with a focus on Indigenous histories in North America, and a J.D., with a specialization in social justice, from the University of British Columbia. She is a sole practitioner and practices in the areas of child protection (as parent's counsel), criminal, and family law, and has practiced prison and civil 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. Her teaching and research interests include restorative justice and experiential learning in clinical legal education. Patricia was born in Alberta and is Métis from the Lac Ste. Anne Cree/Métis and Red River Métis communities.*

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





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**LAW 391D.001**      Topics in Environmental Law      Critical Perspectives on Environmental Law  
 Term 1     Term 2    Mickelson, K.      Seminar      3 CREDITS

This seminar is intended to provide students with an opportunity to contextualize issues arising in environmental law and policy within a broader conceptual and theoretical framework, focusing in particular on the many critical approaches that have provided important vantage points from which to evaluate the limitations and tensions in mainstream thinking, and that reveal possible solutions. Topics and perspectives that are likely to be covered include environmental justice and social ecology, ecosystem-based approaches, environmental rights, and the role of civil disobedience. The seminar is likely to be of interest not only to students interested in substantive environmental and natural resources law, but also those who seek to understand the interface between environmental concerns and social justice, human rights, and the rights of Indigenous peoples.

**Evaluation:**

Evaluation is based primarily upon preparation of a research essay (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.

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

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**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, impact benefits agreements with first nations); 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. In addition to acting for junior companies listed on the TSX Venture Exchange, he also has extensive experience acting for senior companies listed on the Toronto Stock Exchange and the NASDAQ National Market. His experience includes drafting and negotiating mining joint venture and option agreements, acquisitions and dispositions of mineral properties, claim staking and other mineral property disputes, environmental due diligence and advising on compliance with disclosure requirements for mineral projects.*

*Alan Monk (B.B.A. (Simon Fraser University), MBA (UBC), LL.B. (University of Alberta)) is a sole practitioner 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.*

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

Mancell

Garton

Course

3 CREDITS

Forest resources have long been a cornerstone of British Columbia's economy. 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 a number of 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 20 years of practical experience in the forest industry in BC. His practice at Davis & Company 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 forestry 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 leads the forestry law practice at Bull, Housser & Tupper LLP and his clients have included large and small timber tenure holders, first nations governments, logging contractors, lenders to the forest sector and industry associations. Prior to attending law school Billy worked in the BC coastal forest industry as well as in Alberta and Ontario.*

**LAW 396D.001 Fisheries Law** Term 1  Term 2

Soliman

Seminar

3 CREDITS

This seminar will introduce participants to the laws and regulations governing fisheries laws internationally and within Canada as well as with in several other countries. This seminar is designed to be both informative and analytical. Participants will have the opportunity to examine and analyze the legislative actions taken by nations around the world as it relates to fisheries management in general. In addition to fisheries management, this seminar will also cover seafood and aquaculture laws and regulations.

The Seminar will cover topics such as:

- International Treaties and Agreements
- Illegal, Unregulated, and Unreported fishing: Measures Taken & Challenges to Enforcement
- Regional Fisheries Management Organizations
- Introduction to Fisheries Management Regimes
- Human Rights and fisheries
- Aboriginal Rights to fisheries
- International Trade Law and fisheries
- Crew Safety Regulations
- Seafood Traceability and labeling
- Aquaculture and fish feed regulations

Guest speakers will be invited to reflect on their areas of expertise as well as occasional cite visits to fisher's wharfs and farmer's markets may be scheduled.

Evaluation:

Evaluation is based primarily upon preparation of a research paper of 7000 words (80% of the final grade). A paper proposal will be due partway through the term. 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 is expected. However, it is understood that many students will be engaged in various moots during the first few weeks of the second semester and hence a portion of the class participation grade could be devoted to preparation for and publishing of blog posts on external fisheries blogs. A list of such blogs will be distributed at the first seminar.

*Adam Soliman (B.Sc. in Agricultural Economics (University of Alexandria (Egypt)), M.Sc. in Agricultural Economics (UBC), J.D. (University of Hong Kong), L.L.M in Agriculture and Food Law (University of Arkansas)) is the Director of the Fisheries Law Centre. He conducts research on legal and economic issues in fisheries. Mr. Soliman's research focuses on the effect of fisheries policies on small-scale fisheries. He strongly believes that trans-disciplinary research is much needed in fisheries law where research is scarce. If you wish to inquire about the seminar before registering, Mr. Soliman can be reached at [adam@fishlaw.org](mailto:adam@fishlaw.org) or 778 838 5505. For more information, please visit <http://fishlaw.org/about/adam-soliman/>*

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

Armstrong

Course

3 CREDITS

**CHANGE June 23, 2015: Course added.**

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

## Evaluation:

Course evaluation will be 100% by examination.

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

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

Harris, N.

Course

3 CREDITS

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

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

## Evaluation:

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

*Nikos Harris (LL.B. (UBC 1995)) is a Lecturer at the Faculty and practices in the areas of criminal and constitutional law. He has acted as counsel in numerous cases before the British Columbia Court of Appeal and as co-counsel in several cases before the Supreme Court of Canada. He has published a number of articles in the areas of evidence and criminal law and has been a guest speaker for a number of organizations, including Continuing Legal Education and the Trial Lawyers Association.*

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

Jackson

Seminar

3 CREDITS

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

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

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

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

**LAW 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 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 "reaction papers" 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 UBC Faculty of Law.*

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

Grant

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

This course will cover the law and policy surrounding homicide offences in Canada. The course will be taught over the Web although there will be an initial in-person organizational meeting the first week of classes and a final in-person review class. Students will be expected to do the readings and participate within a certain time-frame provided at the initial class. The course will be structured around the three homicide offences: murder, manslaughter and infanticide and the sentencing regime for each of these offences. We will also address law reform/policy issues surrounding these offences such as the impact of long-term imprisonment, the frequency of spousal homicide, and emerging issues in corporate homicide.

**Evaluation:**

Evaluation will be a combination of 1 mid-term assignment, online written class participation and a take home exam. Technical support will be provided for students. Interested students may enroll in the course directly or contact Professor Grant at grant@law.ubc.ca if they have any questions.

Enrollment is limited to 20 students.

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

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**LAW 406A.001**      Topics in Criminal Justice      Ideologies of Crime Control  
 Term 1     Term 2      Loader      Seminar      1 CREDITS

**\*This intensive seminar will meet Tues & Thurs, Feb 2, 4, 9, 11, 9:30 AM-12:30 PM, Rm 115; Wed, Feb 3, 12:30-2:00 PM, Rm 122. Course time-conflicts are allowed for this seminar.\***

Crime, criminal justice and punishment have over the last several decades become increasingly prominent and contested topics – both within electoral politics and public culture. This question of how this phenomenon can best be explained, and responded to, is the subject of some of the liveliest debate to be found in contemporary criminology – much of it focused around the demise of ‘penal-welfarism’ and the rise of the various modes of penal excess.

This course offers an opportunity to make sense of these important shifts in the ordering of contemporary societies. Its aim is to encourage students to think politically about crime and its regulation, by examining the intersections between political ideologies, key concepts and traditions in political thought, the dynamics of electoral politics and political mobilization, and current developments in crime control. The course will examine the ways in which political debates over crime control are inescapably entangled with wider ideological contests between different political traditions and their competing conceptions of the good society (e.g. conservatism, liberalism, socialism, feminism, communitarianism and republicanism), and with struggles over the meaning and import of some core ideas in political thought (e.g. order, authority, legitimacy, justice, freedom, rights). Examining trajectories of crime control and penal policy in these ideological terms will enable consideration of the range of issues that are in play, and at stake, in debates about the criminal question. The course, in this sense, rests upon and explores the claim that the question of how to respond to crime is always, in part, a contest of competing (political) ideas.

Provisional seminar outline:

Seminar 1 – Tuesday 2nd February  
Rediscovering ideology – beyond neo-liberal orthodoxies

Colloquium – Wednesday 3rd February  
Ian Loader: ‘Crime, conservatism and the political emotions’

Seminar 2 – Thursday 4th February  
Embattled giants? – conservatives and liberals on crime and justice

Seminar 3 – Tuesday 9th February  
Current contests – populism and technocracy in contemporary crime control

Seminar 4 – Thursday 11th February  
Alternative futures – social democracy, identities and harm

Background reading:

Garland, D. (2001) *The Culture of Control*. Oxford: Oxford University Press.  
 Loader, I. and R. Sparks (2010) *Public Criminology?* London: Routledge. – esp. ch. 5  
 Freeden, M. (2003) *Ideology: A Very Short Introduction*. Oxford: Oxford University Press.

Evaluation:

One 2,500-3,000 word paper to be submitted by Friday 4th March 2016 at 12.00.

Graded Honours/Pass/Fail.

*Ian Loader (first class honours degree in Law (University of Sheffield), M.Sc., Legal Studies (University of Edinburgh), Ph.D. (University of Edinburgh)) is Professor of Criminology at the University of Oxford and Professorial Fellow of All Souls College. He is the author of six books, the most recent of which Public Criminology? was published by Routledge in 2010 (with R. Sparks) and has recently been translated into Mandarin. He has also edited two recent volumes (on Emotions, Crime and Justice and The Penal Landscape) and has published theoretical and empirical papers on policing, private security, public sensibilities towards crime, penal policy and culture, the politics of crime control, and the public roles of*

criminology.

Professor Loader is currently working on a project – termed ‘A Better Politics of Crime’ - concerned with different dimensions of the relationship between crime control and democratic politics. The first strand of work on this project was brought together in *Public Criminology?* The next key stage will be a monograph (co-authored with Richard Sparks) with the working title of *Crime Control and Political Ideologies* which is in the early stages of preparation. The project also includes a forthcoming co-edited volume on *Democratic Theory and Mass Incarceration* (with Albert Dzur and Richard Sparks, Oxford UP) and a book on *Justice and Penal Reform* that arises from his involvement with the Howard League’s symposium on ‘What is Justice?’ (co-edited with Barry Goldson and Steve Farrall).

Professor Loader is also co-editing the *SAGE Handbook of Global Policing* (with Ben Bradford, Bea Jauregui and Jonny Steinberg) which is due to appear in 2016.

<b>LAW 406C.001</b>	<b><u>Topics in Criminal Justice</u></b>	<b><u>Principles of Sentencing</u></b>	
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	Grant	Course	3 CREDITS

This is a survey course designed to teach students the theory and practice of sentencing criminal offenders. We will examine the principles of sentencing, the types of sentences available in the Criminal Code and the methodology of how a judge is expected to decide on the appropriate disposition. We will also examine the plea negotiation process and students will have an opportunity to engage in a mock plea negotiation. Topics to be covered include conditional sentence orders, mandatory minimum sentences, sentencing of aboriginal offenders, dangerous offenders and the use of parole ineligibility.

Evaluation:

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

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

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

<b>LAW 407.001</b>	<b><u>Taxation</u></b>		
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	Duff	Course	4 CREDITS

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, Kim Brooks, Geoff Loomer and Lisa Philipps, *Canadian Income Tax Law*, 5th ed. (Toronto: LexisNexis, 2015).
2. *Income Tax Act*, latest edition

Evaluation: 100% exam

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

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

Cui

Course

4 CREDITS

**CHANGE January 15: Classroom change.**

The income tax is the largest single source of government revenue in Canada and an important instrument 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. After an initial review of the key structural features of the income tax (tax rates, tax base, accounting period, tax unit, and tax credits), we examine the various categories of income or loss identified in ITA, and the computation of a taxpayer's aggregate net income. Students will be trained to analyze how various tax rules succeed or fail to accurately measure the quantity and timing of income or loss, to achieve neutrality and prevent taxpayer manipulation in an increasingly complex commercial world, and to express societal values. We will end with a discussion of tax administration and a brief introduction to the taxation of business entities.

Evaluation:  
100% exam.

## Required materials:

1. Duff, Alarie, Brooks, Philipps, Canadian Income Tax Law, 3rd ed.
2. Income Tax Act, latest edition

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

**LAW 407.003****Taxation** Term 1  Term 2

Sheppard

Course

4 CREDITS

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

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

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

## Required materials:

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

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

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**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 revenues in 2010-11. This course examines the taxation of corporations and shareholders in Canada, beginning with a general overview of the legal character of corporations and the structure of corporate taxes in Canada, then turning to a detailed examination of statutory rules and judicial decisions governing: (1) the taxation of income received by public and private corporations; (2) the taxation of shareholders on share sales, corporate distributions, and benefits and appropriations; and (3) transfers of property to a corporation as well as other kinds of corporate reorganizations.

## Required Materials:

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

Evaluation: 100% exam

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

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

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

Course

3 CREDITS

**\*Cross-listed with LAW 563.001 Taxation of Partnerships and Other Flow-Through Entities.\***

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

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

Evaluation: 100% exam

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

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

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

Course

3 CREDITS

**\*Cross-listed with LAW 565.001 International Taxation.\***  
**CHANGE January 7: Classroom change.**

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

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

## Required Materials:

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

Evaluation: 100% exam

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

*Professor David G. Duff is a full time member of the UBC Faculty of Law.***LAW 411D.001**      Tax Law & Policy Workshop Term 1    Term 2      Cui

Seminar

3 CREDITS

**\*Cross-listed with LAW 566.001 Tax Law & Policy Workshop.\***  
**CHANGE January 7: Thursday classroom changed.**

This seminar course will be given in colloquium format. For most of the weeks, prominent tax specialists and scholars from a variety of disciplines (law, economics, political science, accounting, and others) from Canada, the U.S. and other countries will present their current or recent research during a colloquium session. A preparatory session will be held before each colloquium session to discuss relevant background reading. Topics will vary depend on the speakers invited. (During Spring 2015, topics included corporate tax reform in Canada, new international tax policy initiatives of the OECD, VAT design, taxation and inequality, financial instrument taxation and anti-avoidance, environmental taxation, and select topics in U.S. taxation that have consequences for Canada.) 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 25%, and the weighted average grade of both short response papers and a longer term paper, counting 75%.

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

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**LAW 412.001**      Taxation of Trusts and Estates Term 1     Term 2

Smith, N.

Course

3 CREDITS

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

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

## Evaluation:

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

Prerequisite: LAW 407 (previously LAW 220) Taxation.

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

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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 illustrated through the use of a case study approach. Participants will learn tax practice, audit, objection and appeal issues and will apply them to the case study.

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

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

**Evaluation:**

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

**Enrolment:**

The seminar size will be restricted to 20 students.

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

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

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<b>LAW 419D.001</b>	<b>Individual Employment Law</b>	<b><u>Law and the Modern Workplace</u></b>
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	Zwack                      Bayne	Vipond                      Seminar
		3 CREDITS

**SAVE 5 SEATS FOR MBA STUDENTS.**

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

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

## Format:

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

## Evaluation:

Reaction papers: 20% of final grade  
 Class participation: 40% of final grade  
 Final paper: 40% of final grade

## Due Dates:

Reaction papers: Day before class by 5:00PM (two per term)  
 Final paper proposal: Sixth week of class  
 Final paper: End of exam period

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

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

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

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<b>LAW 421C.001</b>	<b><u>Topics in Labour Law</u></b>	<b><u>Labour Law and the Charter</u></b>	
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	Kennedy      Oliphant	Workshop	<b>3 CREDITS</b>

**CHANGE June 9, 2015: Workshop added.**

Students in "Labour Law and the Charter" will examine the interplay between the Canadian labour law regime and Charter rights and freedoms. The course's core content includes:

- an overview of key constitutional concepts and the various legal regimes protecting workplace rights;
- a comprehensive examination of the section 2(d) freedom of association jurisprudence and its controversial development over the life of the Charter;
- critical consideration of the Courts' constitutional interpretation methods, including international law, comparative law, purposivism, and public policy considerations; and
- engagement with real questions concerning the future application of s. 2(d) which now confront the Canadian labour bar.

Special attention will be paid throughout to the Supreme Court of Canada's landmark decisions earlier this year in *Mounted Police Association of Ontario* and *Saskatchewan Federation of Labour*.

Students will have an opportunity to develop their advocacy skills; evaluation will be largely based on written and oral arguments presented in class, rather than a traditional research paper.

## Evaluation:

- 25% - Short paper for class discussion
- 60% - Written factum (for a mock appellate exercise on an emerging issue in s. 2(d) jurisprudence)
- 15% - Participation (including oral advocacy during the mock appellate exercise)

*Ian Kennedy (J.D. (University of Toronto)) is an associate with Koskie Glavin Gordon. He previously clerked at the BC Supreme Court for Chief Justice Robert Bauman. In addition to a law degree, he holds an M.A. in international relations and has published several papers on international law.*

*Benjamin Oliphant (J.D. (University of Toronto)) is an associate with Gall Legge Grant & Munroe LLP. He articulated at a labour law boutique in Toronto, before clerking at the BC Court of Appeal. He has published numerous articles on labour law and section 2(d), as well as on methods of constitutional interpretation.*

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<b>LAW 422.001</b>	<b><u>Intellectual Property</u></b>		
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	Reynolds, G.	Course	<b>3 CREDITS</b>

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

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

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**LAW 422.002**      Intellectual Property

Term 1    Term 2    Bailey                      Marles                      Takagawa                      Course                      3 CREDITS

This course will survey the major statutory areas of intellectual property law, which are patents, trademarks, copyright and industrial designs. Attention will also be paid to common law protection for intellectual property through wrongs such as breach of confidence and passing-off.

**Materials:**

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

**Prerequisites:**

There are no prerequisites or recommended courses.

**Evaluation:**

There is an obligatory final exam and an optional paper worth 40% of the final grade if the option is exercised. The optional paper only counts for 40% of the final grade if the paper score is higher than the exam score.

*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 practices in the area of intellectual property law. Her practice involves assisting clients with a broad range of issues in the areas of patents, trademarks, copyright, industrial designs, and confidential information, with a particular focus on patent prosecution in the fields of biotechnology and medical devices.*

*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

**\*Students who have completed LAW 450A Topics in Sports, Media, Entertainment or Communication Law: Video Game Law" are not allowed to register for LAW 423C Topics in Intellectual Property: Video Game Law.\***

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 Chair of Ronald McDonald House British Columbia, a Director of City Opera Vancouver, a Director of the eatART Foundation, and a Trustee of the Simon Fraser University Foundation. Jon teaches media, communications, business organizations and sports law topics. He has taught at the UBC Faculty of Law for over two decades, 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 an Assistant Professor of Professional Practice at Simon Fraser University and a faculty member at the Centre for Digital Media (<http://thecdm.ca>). Jon is the author of the first edition of "Video Game Law" published by LexisNexis in 2005, co-author of the 2nd Edition published in 2012 (<http://www.lexisnexis.com/store/ca/catalog/booktemplate/productdetail.jsp?prodId=prd-cad-01004>). He was Guest Editor of the Volume 46, Number 3 of the UBC Law Review "Digital Media, Video Games, and the Law" (2013) authoring the introductory essay to that issue. As well, Jon authored "Mapping the Electronic Highway: A Survey of Domestic and International Law Issues" 1995, Volume 29, University of British Columbia Law Review. The website for Video Game Law (including videos of lectures, course materials and ancillary materials) can be found at*

<http://videogame.law.ubc.ca>

The developmental website for *Legal Constraints on (Digital) Creativity* can be found at \_\_\_\_ (TBA)\_\_\_\_\_

Twitter: @jonfestinger

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

PSN: cdmjon

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

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

Co-requisite: Intellectual Property Law

Evaluation:

Major paper (70%)

In-class presentation (10%)

Class participation (20%)

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

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<b>LAW 425D.001</b>	<b><u>Cyberspace Law</u></b>			
<input checked="" type="checkbox"/> Term 1	<input type="checkbox"/> Term 2	Matsui	Seminar	3 CREDITS

This seminar is designed to focus on the legal issues arising from the development of cyberspace. The development of the cyberspace has presented many new legal issues. Public law issues 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 students 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. The course requirements include regular class attendance, course readings, and final essay paper. It would be wonderful if you already have a basic understanding of Canadian Constitutional Law, but you can learn the basic principles of Canadian Constitutional Law on the Internet by taking this seminar.

Evaluation:

Students will be evaluated based upon the final essay paper and class performance. The essay paper will be assigned 70% of total evaluation and the class performance will be assigned 30% of total evaluation.

Each student is required to attend the class after reading assigned materials and is encouraged to participate in the class discussions. Each student should choose a particular topic from the areas covered by this seminar and submit the outline of the paper by the end of October and then write a substantial paper (at least 20 pages, double spaced) by the end of submission deadline. I will be happy to advise you on your choice of topic and you should talk with me before finalizing your outline. The paper will be evaluated based on the organizing skill, research skill, and writing skill.

Syllabus:

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

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

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**LAW 426D.001**      **Topics in Law & Technology**      ***Biotechnology and the Law***  
 Term 1     Term 2    Marden      Seminar      3 CREDITS

**SEMINAR CANCELLED.**

This course will provide an overview of biotechnology law and policy. Students will be introduced to key laws, policies and ethical concerns that govern biotechnology research, development, and commercialization in the health and agricultural sectors. The course will incorporate concepts in patent law and administrative law and will examine how applicable laws and regulations attempt to balance commercial, scientific and social/ethical interests.

Key units to be covered include:

**Biotechnology and Biomedicine**

- Intellectual property issues
- Regulatory issues in research, drug and diagnostic development
- Safety and other postmarketing issues

**Biotechnology and Agriculture**

- sharing and proprietary interests
- regulatory and agricultural biotechnology issues
- Animal biotechnology ("pharming", GM animals, animal cloning)

**Future challenges and Issues**

- Fostering innovation
- Access to medicines
- Expansive diagnostic capabilities

**Evaluation:**

Final Paper: 50%

In-class presentation: 25%

Participation: 25%

*Emily Marden is a Research Associate at the UBC Faculty of Law and a practicing attorney in the biotechnology/pharmaceutical arena. Ms. Marden's focus is on intellectual property, policy and regulatory strategy relating to biotechnology and agricultural innovations. She has written and published widely on issues relating to intellectual property, the regulation of biotechnology and pharmaceuticals, and genetically modified foods and agriculture and currently leads the Intellectual Property Policy and Research Group (IPPRG). She completed her undergraduate degree in molecular biology at Harvard University and has graduate degrees in the History and Philosophy of Science from Cambridge and Harvard Universities. She received her law degree, with honors, from New York University, specializing in science and policy.*

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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.\***  
**CHANGE: Day and time.**

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

## Evaluation:

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

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

**LAW 430.002**      Advanced Legal Research Term 1    Term 2      Hastie

Workshop      3 CREDITS

**\*Class meets in Rm 208 in the Law Library.\***  
**CHANGE June 23, 2015: Term, day, time, instructor.**

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

## Evaluation:

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

*Bethany Hastie Bethany has recently completed her doctorate in law at McGill University, and holds an LL.M. from McGill University (2012) and a JD from the University of British Columbia (2009). During her time at McGill, Bethany was awarded a two-year teaching fellowship in Legal Research Methodology, and has also taught courses on labour migration and human rights, and immigration and refugee law. She is a former O'Brien Fellow in Human Rights and Legal Pluralism (McGill University), and received numerous fellowships and awards during her doctoral studies. Bethany has worked with various organizations, including the Canadian Council for Refugees and BC Office to Combat Trafficking in Persons. She researches and publishes in the areas of international migration, human rights and criminal law.*



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

Kazimirski

Gardikiotis

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 three factors that are meant to ensure substantive knowledge, written advocacy and oral advocacy in personal injury claims.

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

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

*Pauline Gardikiotis (J.D. (Univ of Saskatchewan, 1996)) is senior counsel at Kazlaw Injury Lawyers in Vancouver, British Columbia. She started her career working as defence counsel on behalf of various insurers (motor vehicle, health and disability, fire, commercial general liability) before joining KazLaw four years ago and representing injured plaintiffs. This background allows Pauline to advocate for her clients more successfully. Outside of law, Pauline enjoys volunteering in her community and is a Board member with CLICK (Contributing to Lives of Inner City Kids).*

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

Brasil

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.*

**LAW 436.001****Restitution** Term 1  Term 2

Gomery

Senkpiel

Course

3 CREDITS

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

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

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

## Evaluation:

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

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

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

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

MacDougall, B.

Course

3 CREDITS

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

## Course materials:

Will be announced by the instructor.

## Evaluation:

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

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



**LAW 440.001**      **Insurance Law**

Term 1    Term 2   Doyle   Lamb   Course   3 CREDITS

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

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

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

**Materials:**

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

**Evaluation:**

Evaluation is based on an open-book final examination.

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

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

**LAW 443.001**      **Creditors' Remedies**

Term 1    Term 2   Edinger   Course   3 CREDITS

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

This is a PLTC subject.

**Evaluation:**

By examination.

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

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

Buttery

Williams

Course

3 CREDITS

Insolvency law touches on all aspects of corporate and commercial law, whether it is a financially troubled corporation attempting to restructure its debt to avoid bankruptcy, a secured creditor or trade supplier seeking to enforce a debt, or investors considering the risk of loss of investment. 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 commercial insolvency and bankruptcy law. However, there is some focus on personal insolvency and bankruptcy, in particular, recent developments in the personal insolvency statutory regime. The class will more generally explore the rights and remedies of creditors, fiduciary obligations of corporate officers as the corporation experiences financial distress, and the relationship between the corporate board, insolvency officers, creditors and employees in governance of the financially distressed corporation. Considerable time will be spent on the specific provisions of the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act so that students have a solid understanding of the legislative framework and specific statutory requirements for restructuring, receiverships, bankruptcy, liquidation, and corporate workouts. The teaching methodology includes lectures, small group exercises and class discussion, with a particular focus on problem solving. Students must participate in a restructuring simulation, which includes an appearance before the court on initial motions.

## Required Materials:

Bankruptcy and Insolvency Act

Companies' Creditors Arrangement Act

## Evaluation:

Assessment is a restructuring simulation where each person will be assigned a unique role requiring a researched written argument worth 50% and an oral presentation worth 40%. 10% of the final grade will be a mark based on participation in class, including problem-solving.

*Mary Buttery (LL.B. (University of Windsor)) is a partner with the international law firm of DLA Piper in Vancouver where she is the head of the Vancouver bankruptcy, insolvency and restructuring group, and co-chair of the firm's Canadian group. Ms. Buttery is called to the bars of Ontario and British Columbia. She specializes in commercial insolvency where she represents financial institutions, debtors, creditors, receivers and trustees in matters related to debt restructuring, corporate reorganizations, loan workouts, fraudulent preference actions, bankruptcy and receiverships.*

*Lance Williams (B. Comm. (University of Alberta), LL.B. (University of Saskatchewan)) is a partner with DLA Piper in Vancouver where he practices in the bankruptcy, insolvency and restructuring group, as well as the banking and financial services group. Mr. Williams is called to the bars of Alberta, Saskatchewan and British Columbia. He specializes in commercial insolvency where he represents financial institutions, debtors, creditors, receivers and trustees in matters related to debt restructuring, corporate reorganizations, loan workouts, fraudulent preference actions, bankruptcy and receiverships.*

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**LAW 447A.001**      Topics in Commercial Law      *Boilerplate: The Good, the Bad, and the Ugly*  
 Term 1     Term 2      Radin      Seminar      1 CREDITS

**\*This intensive seminar will meet Tues & Thurs, Mar 1, 3, 8, 10, 2:00-5:00 PM, Rm 115; Wed, Mar 9, 12:30-2:00 PM, Rm 122. Course time-conflicts are allowed for this seminar.\***

Standardized terms, known as boilerplate, are indispensable in today's markets. In this course we will investigate the uses and abuses of standardization, and the interaction of contemporary standardization practices with contract law and its underlying rationales. We will look at the "good" of standardization: the efficiency of uniformity and easy duplication across fields, and indeed the possibility of machine transactions. We will look at the "bad" of standardization: it may in some situations increase incentives for irresponsible behavior of firms or inefficient allocation of risk. And we will look at the "ugly" of standardization: boilerplate may result in normative degradation (exploitation or deception of consumers and firms in the position of consumers) and also may result in democratic degradation (undermining the political and legal process itself). We will also consider the role of lawyers in fostering the "good" and avoiding the "bad" and the "ugly."

**Evaluation:**

Participants will be evaluated based on their attendance and participation in classes (20%) and on a final paper of 2,500 words (80%). The participants will be asked to choose from a list of topics prepared by the instructor, or may submit their own topics for the instructor's approval. The final paper will be due no later than 4:00 p.m. on April 15, 2015, submitted in hard copy to the Faculty of Law Reception desk.

Graded Honours/Pass/Fail.

*Margaret Jane Radin is Faculty of Law Distinguished Research Scholar at the University of Toronto, where she serves on the Faculty Advisory Group for the Centre for Innovation Law and Policy. Her most recent book, *Boilerplate: The Fine Print, Vanishing Rights, and the Rule of Law* (Princeton University Press, 2013), winner of the Scribes Book Award for 2014, explores the problems posed for the legal system by standardized adhesion contracts and how those problems might be ameliorated. Radin also has written two books exploring the problems of propertization: *Contested Commodities* (Harvard University Press, 1996) and *Reinterpreting Property* (University of Chicago Press, 1993), as well as co-authored a casebook on *Internet Commerce*. Radin is the author of about 70 articles, two of which, *Property and Personhood* and *Market-Inalienability*, were selected for a list of the 100 most-cited law review articles of all time. Radin has held chaired professorships at the University of Michigan, Stanford University, and the University of Southern California, and she has also taught at Harvard University, the University of California at Berkeley, New York University, and Princeton University, where she was the inaugural Microsoft Fellow in Law and Public Affairs. Radin is a Fellow of the American Academy of Arts and Sciences and a member of the American Law Institute, where she serves on the Advisory Board for the *Restatement 3d of Consumer Contracts*. She received her AB from Stanford University, where she majored in music, and her MFA in music history from Brandeis University. She was advanced to candidacy for the PhD in musicology at UC Berkeley before she changed her career path to law and received her JD from the University of Southern California in 1976. Radin still plays and studies music.*

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

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

Evaluation:

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

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

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

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

Evaluation:

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

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

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**LAW 449.001**      **Media & Entertainment Law** Term 1    Term 2      Weiler*Course*                      **3 CREDITS**

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

## Evaluation:

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

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

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**LAW 451.001**      **Trusts** Term 1    Term 2      Pavlich*Course*                      **3 CREDITS**

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

## Required:

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

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

## Suggested Reading:

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

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

## Evaluation:

100% Final Examination

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

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**LAW 451.002****Trusts** Term 1  Term 2

Smith, J.

Course

3 CREDITS

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

## Evaluation:

Final open book examination 100%

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

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

Wickstrom

Low

Course

3 CREDITS

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

The course will provide an overview of various topics including:

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

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

## Evaluation:

There will be a compulsory final examination.

*Darrell Wickstrom (LL.B. (UBC), LL.M. (University of Washington)) is a partner practising in Fasken Martineau's Trusts and Estates Group. His solicitor practice is in the area of trusts, estate and personal tax planning, and business succession.*

*Helen Low, Q.C. (LL.B. (UBC)) is a partner practising in Fasken Martineau's Trusts and Estates Group. Her practice is litigation-focused and concentrates in the areas of wills, trusts and estate litigation, as well as estate administration and professional governance work.*



**LAW 457.001      Real Estate Development** Term 1    Term 2

Sherrott

Course

3 CREDITS

**\*Pre-requisite of LAW 456 is waived.\***

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

## Evaluation:

Class Participation 10%

First take home assignment 30%

Second take home assignment 30%

Final take home assignment 30%

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

**LAW 459.001      Business Organizations** Term 1    Term 2

Lin

Course

4 CREDITS

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, 5th Edition 2011

## Evaluation:

Final exam 100%

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



**LAW 460.001      Advanced Corporate Law**

Term 1    Term 2      Sangra                      Talaifar                                      Course                      3 CREDITS

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

**Prerequisite:**

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

**Evaluation:**

Evaluation will be 100% final exam.

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

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

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**LAW 461.001****Corporate Transactions** Term 1  Term 2

McKoen

McLeod

Course

3 CREDITS

**CHANGE June 29, 2015: Course added.**

This course will focus principally on the securities and corporate issues arising out of the acquisition of public companies. The course will examine in detail the regulatory regime governing take-over bids in Canada, and the duties of and laws governing defensive actions that a board of directors may take when responding to a take-over bid. Comparisons will be made to the securities laws of other jurisdictions, including the United States, and an examination will be made of other legislation applicable to acquisitions. As an introduction to the take-over bid review, one class will be spent discussing corporate finance, initial public offerings and the capital markets.

The course will also examine the regulation of restricted voting shares, insider trading, "proxy fights", the regulation of insider bids, issuer bids, business combinations and related party transactions, and emerging trends in shareholder activism.

**Evaluation:**

Grading will be based on class participation and final examination. With permission of the instructors, a major paper may be written in lieu of the final examination.

**Prerequisite:**

LAW 459 (previously LAW 230): Business Organizations is not a prerequisite but is strongly recommended.

*Steven McKoen (B.A. (SFU, 1994), J.D. (UVic, 1997)) is a partner in the securities group in the Vancouver office of Blake, Cassels & Graydon LLP. He practices in the area of securities, mergers and acquisitions, corporate finance and corporate governance and is admitted in both BC and the state of New York. Steven has been recognized as a leading practitioner in corporate, mergers & acquisitions, mining and securities law by Best Lawyers in Canada, has served as chair of the securities section of the CBA-BC Branch and has been an adjunct professor in the Faculty of Law at UBC since 2009.*

*Andrew McLeod (B.A. (Hons) (UBC, 1991), MBA (UofA, 1994), LL.B. (UofA, 1995) is a partner in the Vancouver office of Blake, Cassels & Graydon LLP where he has practiced since 1996. He has been involved in financings, restructurings, and mergers and acquisitions of both public and private companies in the local, national and international context. He provides assistance to companies in all aspects of corporate and commercial activity, and has extensive experience working with British Columbia's natural resources and technology industries. Mr. McLeod represents a number of publicly traded companies in financings, mergers and acquisitions, negotiation of commercial agreements, and ongoing governance and disclosure matters. He has advised boards of directors, special committees, investment bankers and other participants in financing and M&A transactions in all industries. He acts for private equity/venture capital investors and companies receiving such investments. Mr. McLeod is recognized as a leading lawyer in several fields by various organizations and is co-editor of the Lexis Nexis edition of the B.C. Business Corporations Act & Commentary.*

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

**\*All year. Meets alternate weeks. Total credit value for this workshop is 3 (2 in term 1 and 1 in term 2). (See 462.001T2)\***  
**CHANGE June 9, 2015: Instructors added.**

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

Prerequisite:

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

Evaluation:

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

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

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

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

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

See above description.

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

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

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

Course                      3 CREDITS

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

## Evaluation:

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

## Prerequisite:

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

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

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

Course                      3 CREDITS

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

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

## Evaluation:

Evaluation will be by final examination.

## Prerequisite:

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

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

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

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**LAW 464.001**      **Competition Policy**      **Canadian Competition Law**  
 Term 1    Term 2      Tougas      Wright      Course      3 CREDITS

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 (Davis LLP).

**Evaluation:**

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

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

*Kevin Wright (B.A. Econ, Honours, Gold Medal (University of Western Ontario), J.D., Honours, (University of Toronto)) is a partner of Davis 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.*

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**LAW 465.001**      **Introduction to Corporate Finance**      **Financial Accounting in Legal Practice**  
 Term 1    Term 2      King      Course      3 CREDITS

**CHANGE June 9, 2015: Course added.**

The purpose of this proposed 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, financial terminology, key concepts in business and asset valuation and their impact on law, valuation and accounting in various areas of law (e.g., corporate and securities law, family law, income tax, commercial real estate, wills and estates), legal and accounting concepts in loss quantification as applied in various areas of law (e.g., breach of contract, tort, mergers and acquisitions, securities law, intellectual property infringement), and lawyers' professional relationships to business experts and accountants.

**Evaluation:**

90% exam and 10% participation.

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

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

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

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

Lee, B.

Course

3 CREDITS

**\*Class will be held at UBC Robson in the Law Boardroom.\***  
**CHANGE June 22, 2015: Course added.**

The course is designed to build upon concepts learned in LAW 459 Business Organizations (previously LAW 230), with a specific emphasis on advanced corporate, tax and securities 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 (previously LAW 230) 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.

*Benjamin Lee has been practicing Securities/M&A and corporate commercial law for the past 10 years. He is currently Vice President, Legal & General Counsel at TimberWest Forest Corp., Western Canada's largest timber and land management company. Prior to joining TimberWest in August of 2014, he spent over four years as Senior Corporate Counsel at Goldcorp Inc., one of the world's fastest growing senior gold producers, with operations and development projects throughout the Americas. Prior to joining Goldcorp in 2010, Benjamin practiced Securities/M&A law at Fasken Martineau DuMoulin LLP (in Toronto and Vancouver), one of Canada's largest business law firms.*

*Mr. Lee has been involved in the UBC Capstone course since 2011 and looks forward to bringing in legal practitioners and executives with various backgrounds in the capital markets and the mining industry.*

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**LAW 467C.001**      **Topics in Corporate Law**      **Corporate Solicitors' Workshop**  
 Term 1     Term 2    Smith, B.      Jaworski      Workshop      3 CREDITS

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

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

**Prerequisites:**

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

Graded Pass/Fail.

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

*Michal Jaworski (B.A. (UBC 2000), LL.B. (UBC 2005)) is Legal Counsel in the Office of the University Counsel at UBC. Mr. Jaworski is a solicitor with experience in a broad range of general corporate and commercial matters. Prior to working at UBC, Mr. Jaworski was in private practice, where he specialized in corporate and commercial law, and commercial real estate transactions.*

**LAW 467D.001**      **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., LL.B (UBC), LL.M (Columbia University)) began his career as Crown Counsel before establishing his own firm in downtown Vancouver. His practice is devoted primarily to criminal and quasi-criminal defence and extends to professional disciplinary proceedings, administrative hearings before provincial regulators such as the British Columbia Securities Commission, and civil matters with criminal overtones involving fraud or other intentional tortious conduct. He serves as Vice-President of the Vancouver Bar Association and is also a member of the Canadian Bar Association, Trial Lawyers Association of British Columbia and the National Association of Criminal Defence Lawyers.*



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

DelBigio

Course

3 CREDITS

**CHANGE June 19, 2015: Course added.**

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

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

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

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

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

**Evaluation:**

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

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

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**LAW 468.004**      **Ethics and Professionalism**

Term 1     Term 2    Wood                      Armour                      Course                      3 CREDITS

**CHANGE May 29, 2015: Day, time, rooms, course description.**

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

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

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

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

Classroom discussion is encouraged.

## Evaluation:

Grading will be based partly upon class participation, including assigned presentations by small groups focused upon a review of Law Society disciplinary decisions (20%). The balance will be by final examination (80%).

*Henry Wood, Q.C., practices exclusively in the area of civil litigation, with an emphasis upon administrative law. He studied law at Osgoode Hall Law School, and was called to the British Columbia Bar in 1975. He has acted as general counsel throughout his career, appearing before all levels of Court. He had extensive experience with criminal law early in his career, where he represented the defence and the Crown, including several retainers as a Special Prosecutor for both the federal and provincial governments, generally in matters related to commercial crime.*

*He has appeared before a variety of administrative tribunals, and is frequently retained as counsel on matters involving the Law Society of British Columbia, primarily in relation to credentials (admissibility) and discipline issues.*

*He taught a course in Trial and Appellate Advocacy at the UBC Faculty of Law for approximately 10 years. Subsequent to that, he has taught Professional Responsibility and Ethics for several years, and is a frequent lecturer in Continuing Legal Education courses regarding ethical issues.*

*Deborah Armour joined the Law Society of British Columbia in April 2010 as Chief Legal Officer with overall responsibility for professional conduct, investigations, discipline, monitoring, enforcement, custodianships, unauthorized practice of law, tribunals and legislation.*

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

*She has served on the board of the Canadian Corporate Counsel Association and the Audit Committee of the Law Society of British Columbia, been Vice Chair of the Compliance and Legal Section of the IDA, President of the BC Branch of the Dalhousie Law Alumni Association, a member of the Government Relations Committee of the BC Branch of the CBA and President of the Advocates Club. She has been a frequent speaker at events of the Canadian Corporate Counsel Association, the CBA, CLE and other organizations. This is Ms. Armour's second year teaching Ethics and Professionalism.*



**LAW 469.002****Civil Procedure**

Term 1  Term 2      Goulden                      Berger                                      Course                      3 CREDITS

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

**Required Materials:**

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

**Evaluation:**

100% Final examination.

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

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

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

Nathanson

Crerar

Course

3 CREDITS

This course has the following objectives:

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

Required Materials:

1. David Crerar and Andrew Nathanson, Law 469 Civil Litigation Casebook, 2016 edition.
2. Janet Walker, et al. The Civil Litigation Process: Cases and Materials, 8th ed. (Toronto: Emond Montgomery Publications Ltd., 2016).
3. Dillon and Turriff, British Columbia Annual Practice 2016 (Canada Law Book) (the "White Book") (or alternatively, Seckel & MacInnis, British Columbia Supreme Court Rules 2016 (the "Black Book")).

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.

*Andrew Nathanson (B.A. (UBC, 1992), LL.B. (University of Toronto, 1995)) is a partner with Fasken Martineau DuMoulin LLP in Vancouver. He practices in the areas of commercial litigation and white-collar crime. He has appeared before the Supreme Court of Canada, the B.C. and Federal Courts of Appeal, the B.C. Supreme Court and the Supreme Court of the Yukon Territory. Mr. Nathanson's practice includes complex commercial disputes, often involving claims for interim relief; shareholders' disputes; and fraud and other white-collar crime. Mr. Nathanson also has an interest in constitutional law. His cases have involved the constitutionality of Insite, Vancouver's supervised injection site, the jury secrecy rules; federal election laws; and the right of accused persons to a state-funded defence. Mr. Nathanson has been a contributor to CLE and is an occasional guest instructor in Advanced Trial Advocacy.*

*David Crerar (B.A. Hons (University of Toronto 1991), LL.B (University of Toronto 1997)) is a partner in the Vancouver office of Borden Ladner Gervais, serving as the national chair of the firm's Defamation and Media Group. He practises in the area of civil and commercial litigation, with a focus on media law and defamation, shareholder disputes, protection of trade secrets, Internet litigation, anti-fraud, and banking and pension litigation.*

*He has published many articles on those and other areas and has contributed to many continuing legal education conferences as an author, lecturer, and chair.*

*David has served as an adjunct professor at the University of British Columbia Faculty of Law, lecturing in civil procedure, since 2004.*

*•He is the co-editor and a co-author of British Columbia Business Disputes (which received the Outstanding Achievement Award from the International Association of Continuing Legal Education), as well as the new edition of the leading Canadian text on civil procedure, The Civil Litigation Process: Cases and Materials. (Walker et al.). He is also a contributing author to the BC CLE publications BC Creditors' Remedies, and the BC Civil Trial Handbook.*

*He serves on the Boards of the Vancouver International Marathon and the Canadian Media Lawyers' Association, and volunteers with Access Pro Bono and the BC Civil Liberties Association.*

*Outside of the law, his passions are outdoor adventures with his children, as well as long-distance road, trail, and mountain running.*



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

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

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

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

## Co-requisite:

This course is required for students in the Innocence Project.

## Evaluation:

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

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

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

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

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

Term 1     Term 2    Smart                      Andrews                                      *Workshop*                      3 CREDITS

**\*Restricted to third-year students.\***

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

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

Prerequisites:

LAW 476/280 Evidence and LAW 469/270 Civil Procedure are recommended prerequisites for this course.

Evaluation:

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

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

*Mark Andrews, Q.C. graduated from the University of Oxford in 1982, and completed his BCL at the University of Oxford in 1983. Mark is a partner and Chair of the Commercial Litigation Group at Fasken Martineau DuMoulin. Mark has been counsel in over 100 judgments of the Supreme Court of British Columbia and the British Columbia Court of Appeal. He often acts as counsel in arbitrations and has acted as an arbitrator. Mark has appeared before administrative tribunals such as the British Columbia Securities Commission and professional disciplinary tribunals. He was appointed Queens Counsel in 2004. He is also a Fellow of the American College of Trial Lawyers. Mark frequently teaches and lectures on trial advocacy and commercial litigation topics and acts as a Director of the Sopinka Cup Society.*

**LAW 473.001**      **Appellate Advocacy** Term 1     Term 2    Holloway

Workshop

3 CREDITS

**CHANGE: Workshop added.**

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

CREDITS

**\*Advocacy Practice Simulation Lab to accompany lecture component 474.001.\***  
**CHANGE June 19, 2015: Instructor added.**

*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.\***  
**CHANGE June 19, 2015: Instructor added.**

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

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**LAW 474.L04**

**Trial Advocacy**

**LAB**

Term 1    Term 2

Winteringham

**CREDITS**

**\*Advocacy Practice Simulation Lab to accompany lecture component 474.001.\***  
**CHANGE June 19, 2015: Instructor added.**

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

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

*In recent years, Ms. Winteringham has been involved in several constitutional cases including a constitutional reference on the criminal prohibition against polygamy and a constitutional challenge to the cancellation of the mother-baby program at the Alouette Correctional Centre for Women. She also appeared as counsel to an individual at the Missing Women Commission of Inquiry.*

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

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

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

**LAW 476.001**

**Evidence**

Term 1    Term 2

Cunliffe

Course

**4 CREDITS**

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

Evaluation:

Final examination (100%)

Prerequisites:

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

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

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

Harris, N.

Course

4 CREDITS

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 (LL.B. (UBC 1995)) is a Lecturer at the Faculty and practices in the areas of criminal and constitutional law. He has acted as counsel in numerous cases before the British Columbia Court of Appeal and as co-counsel in several cases before the Supreme Court of Canada. He has published a number of articles in the areas of evidence and criminal law and has been a guest speaker for a number of organizations, including Continuing Legal Education and the Trial Lawyers Association.*

**LAW 476.003**      **Evidence** Term 1    Term 2

Elwood

Course

4 CREDITS

Students contemplating a career in litigation will benefit from an understanding of the foundational principles 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: materiality, relevance and exclusionary rules. Topics will include hearsay, opinion and privilege. Students will also learn about various methods of introducing evidence in court, including viva voce testimony, documentary evidence, expert reports and affidavits.

Evaluation:

Final examination (100%).

*Bruce Elwood (B.Sc. Queens University, L.L.B. University of British Columbia) practices civil litigation with Gall, Legge Grant and Munroe. He has appeared as counsel and co-counsel in all levels of court in British Columbia and the Supreme Court of Canada. His experience includes commercial litigation, aboriginal law, constitutional litigation, shareholder disputes, administrative law, medical malpractice, estates litigation and municipal law.*



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**LAW 481D.002**      **Topics in Litigation, Dispute Resolution & Administration of Justice**      **Intercultural Dispute Resolution**  
 Term 1     Term 2      LeBaron      Seminar      3 CREDITS

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 UBC Faculty of Law and is the Director of the Dispute Resolution Program.*

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**LAW 482D.001**      **Topics in Procedure & Evidence**      **Factual Reasoning**  
 Term 1     Term 2      Cunliffe      Seminar      3 CREDITS

This seminar introduces students to the role of factual reasoning in trials and on appeal. Factual reasoning will be distinguished from the law of evidence – this seminar will focus on logic and inference, and will approach evidentiary rules from the perspective of building and defending a factual record. The seminar also incorporates attention to research on human perception and reasoning that is emerging from disciplines such as psychology and behavioral economics. Broadly speaking, after an introductory section, each week of this course will focus on a different factual reasoning challenge. Students will work with a range of materials including judicial decisions, academic papers from law and other disciplines, and extracts from trial transcripts.

Evaluation:

Class attendance, participation and presentation – 25%  
 1,000 word written assignment – 15%  
 Final research paper (5,000 words) – 60%

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

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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	Barkaskas      Wolf	Clinical	11 CREDITS

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

The Indigenous Community Legal Clinic, or Law 488/489, is a full term course comprised of 15 credits, 11 that are based on the practical component and 4 that are based on the academic component of the program. The practical component is based on a pass/fail evaluation of significant practice achievements during the term, and the academic component is comprised in weekly journaling, and participation in discussions based on the weekly readings and attendance at lectures (including mandatory attendance at the New Westminster First Nations Court on the Thursdays that court is scheduled throughout the term), and graded term paper written and composed based on independent research and critical reflection on the experiential learning at the Clinic and our discussions during lectures throughout the term.

Students commit to one full term, which they spend primarily at our location on Alexander Street in the downtown eastside of Vancouver. Students cannot take other courses during the term, except in special circumstances with permission from the Director and Supervising Lawyer. There is a limit of 6 students per term, and they are temporarily articulated to practice under the Law Society Rules. We have one lecture a week held at the Faculty of Law at Allard Hall.

The clinical learning environment is unique in many ways, and the pedagogy is designed to interweave experiential learning about the practice of law in a legal clinic setting with learning to apply ideas and theory to that practice, with an emphasis on the circumstances of Indigenous people, relationships, and the law.

The academic component of the course encourages students to read, 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. Therefore, the reading materials will develop differently each term, and will often build upon discussions as we go, or will draw from current events in the community. Examples of themes we explore in the academic program include: Indigenous legal traditions, legal theory, identity, listening and contextualisation of stories as legal tradition, theory, or methodology, advocacy, representation, resistance, language, authority, argument, evidence, experience and experiential, and interdisciplinary dialogues.

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

Evaluation Method:  
Pass/Fail.

*Patricia Barkaskas earned a M.A. in History, with a focus on Indigenous histories in North America, and a J.D., with a specialization in social justice, from the University of British Columbia. She is a sole practitioner and practices in the areas of child protection (as parent's counsel), criminal, and family law, and has practiced prison and civil 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. Her teaching and research interests include restorative justice and experiential learning in clinical legal education. Patricia was born in Alberta and is Métis from the Lac Ste. Anne Cree/Métis and Red River Métis communities.*

*Alexander Wolf*

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

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

The Indigenous Community Legal Clinic, or Law 488/489, is a full term course comprised of 15 credits, 11 that are based on the practical component and 4 that are based on the academic component of the program. The practical component is based on a pass/fail evaluation of significant practice achievements during the term, and the academic component is comprised in weekly journaling, and participation in discussions based on the weekly readings and attendance at lectures (including mandatory attendance at the New Westminster First Nations Court on the Thursdays that court is scheduled throughout the term), and graded term paper written and composed based on independent research and critical reflection on the experiential learning at the Clinic and our discussions during lectures throughout the term.

Students commit to one full term, which they spend primarily at our location on Alexander Street in the downtown eastside of Vancouver. Students cannot take other courses during the term, except in special circumstances with permission from the Director and Supervising Lawyer. There is a limit of 6 students per term, and they are temporarily articulated to practice under the Law Society Rules. We have one lecture a week held at the Faculty of Law at Allard Hall.

The clinical learning environment is unique in many ways, and the pedagogy is designed to interweave experiential learning about the practice of law in a legal clinic setting with learning to apply ideas and theory to that practice, with an emphasis on the circumstances of Indigenous people, relationships, and the law.

The academic component of the course encourages students to read, 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. Therefore, the reading materials will develop differently each term, and will often build upon discussions as we go, or will draw from current events in the community. Examples of themes we explore in the academic program include: Indigenous legal traditions, legal theory, identity, listening and contextualisation of stories as legal tradition, theory, or methodology, advocacy, representation, resistance, language, authority, argument, evidence, experience and experiential, and interdisciplinary dialogues.

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

## Evaluation Method:

Pass/Fail.

*Patricia Barkaskas earned a M.A. in History, with a focus on Indigenous histories in North America, and a J.D., with a specialization in social justice, from the University of British Columbia. She is a sole practitioner and practices in the areas of child protection (as parent's counsel), criminal, and family law, and has practiced prison and civil 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. Her teaching and research interests include restorative justice and experiential learning in clinical legal education. Patricia was born in Alberta and is Métis from the Lac Ste. Anne Cree/Métis and Red River Métis communities.*

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**LAW 489.001**      **Clinical Term: Paper**      **Indigenous Community Legal Clinic**  
 Term 1     Term 2    Barkaskas      Clinical      4 CREDITS

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

This course is the graded component of LAW 488, above.

Evaluation Method:  
 10% Participation  
 10% Weekly Journal  
 80% Paper

*Patricia Barkaskas earned a M.A. in History, with a focus on Indigenous histories in North America, and a J.D., with a specialization in social justice, from the University of British Columbia. She is a sole practitioner and practices in the areas of child protection (as parent's counsel), criminal, and family law, and has practiced prison and civil 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. Her teaching and research interests include restorative justice and experiential learning in clinical legal education. Patricia was born in Alberta and is Métis from the Lac Ste. Anne Cree/Métis and Red River Métis communities.*

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**LAW 489.002**      **Clinical Term: Paper**      **Indigenous Community Legal Clinic**  
 Term 1     Term 2    Barkaskas      Clinical      4 CREDITS

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

This course is the graded component of LAW 488, above.

Evaluation Method:  
 10% Participation  
 10% Weekly Journal  
 80% Paper

*Patricia Barkaskas earned a M.A. in History, with a focus on Indigenous histories in North America, and a J.D., with a specialization in social justice, from the University of British Columbia. She is a sole practitioner and practices in the areas of child protection (as parent's counsel), criminal, and family law, and has practiced prison and civil 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. Her teaching and research interests include restorative justice and experiential learning in clinical legal education. Patricia was born in Alberta and is Métis from the Lac Ste. Anne Cree/Métis and Red River Métis communities.*

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

Galati

Clinical

6 CREDITS

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

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

Students will be required to obtain temporary articles with one of the experienced criminal lawyers who participate in the course. Under the supervision of their principal, students will represent (or prosecute) defendants in summary conviction cases. Most principals will have two students and they will be encouraged to work together in preparing each others' cases. Most of the cases will be scheduled for 2pm on Wednesday, usually at the courthouse at 222 Main Street and all of the students and lawyers will then attend class at 5pm in the same building to discuss the cases from that week. There are usually at least two judges present and the classes are usually concluded by 7pm. Students who do not have a case scheduled are required to attend court and observe the proceedings that other students are involved in so they can be meaningfully involved in the class discussions. Depending on the number of cases scheduled, it is possible that, on a light week, a practice-oriented lecture will be arranged but that does not often occur.

In addition, students are encouraged wherever possible to attend and observe other proceedings with their respective principals, which in the past have included Duty Counsel work, Downtown Community Court and Drug Treatment Court.

## Pre-requisites:

All of LAW 476 Evidence and LAW 400 Advanced Criminal Procedure. Registration for the course is normally done in February for the following academic year, but if you are interested in this course next year, contact Assistant Dean, Students, Kaila Mikkelsen (mikkelsen@law.ubc.ca).

## Evaluation:

This is a Pass/Fail course.

*Judge Joseph Galati (LL.B. (UBC, 1979)) embarked on the practice of law, primarily in the areas of criminal and civil litigation after graduating with his law degree from UBC. His civil areas of practice were varied but mostly involving business disputes, employment law and tort law. Judge Galati's criminal law experience was both as a prosecutor and defence counsel. He was appointed to the Provincial Court bench in 2004 and for the most part sits regularly in the criminal courts at 222 Main Street in Vancouver. He was a student in the Clinical Criminal Law course and subsequently became involved as a principal for many years.*

**LAW 500.001T1**      Current Legal ProblemsLL.M. Seminar Term 1    Term 2

Lin

Seminar

2 CREDITS

**\*All year. Enrolment restricted to LL.M. students only. Total credit value for this seminar is 4. (See 500.001T2)\***

This seminar introduces students to various research methods in law. The research methodologies considered include doctrinal analysis, interdisciplinary approaches, empirical analysis, comparative law method, and legal history. The goal of this seminar is to help students develop their master's theses by refining and reevaluating the research topic, carrying out an effective literature review, matching the selected research project with an appropriate and practicable methodology.

## Required Materials:

Wayne C. Booth, Gregory G. Colomb, Joseph M. Williams, *The Craft of Research*, Third Edition (2008)  
Dawn Watkins and Mandy Burton (eds.) *Research Methods in Law* (2013)

## Evaluation

Class Participation 50%  
Final Paper 50%

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

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**LAW 500.001T2**      **Current Legal Problems**      **LL.M. Seminar**  
 Term 1     Term 2      Liston      Seminar      2 CREDITS

**\*All year. Enrolment restricted to LL.M. students only. Total credit value for this seminar is 4. (See 500.001T1)\***

*Professor Mary Liston is a full time member of the UBC Faculty of Law.*

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**LAW 504.002**      **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>.\* CHANGE July 23, 2015: Course added.**

This course introduces the conceptual foundations of property, the basic principles of property law, and the legal regime that regulates land ownership and the transfer of interests in land in British Columbia. At the outset, it asks students to consider the nature, sources and justifications of private property. It also introduces the idea that property is an evolving social institution, one that is defined by its social, legal, historical, and even geographical contexts. The course then works through the common law and statutory frameworks that regulate land ownership in the common law jurisdictions in Canada, with particular focus on British Columbia. This includes analysis of: the physical dimensions of land ownership; the doctrine of tenure; freehold and leasehold interests; Aboriginal title; equitable interests; shared ownership; security interests such as mortgages; covenants and easements; and the land title registration system.

Evaluation:

Students will be evaluated on the basis of class participation, quizzes, and mid-term and final examinations.

LAW 504.002 Course Author: Professor Doug Harris is a full time member of the Allard School of Law.

LAW 504.002 Course Instructor: Michael Litchfield – [mlitchfield@thinklabconsulting.com](mailto:mlitchfield@thinklabconsulting.com)

*Michael Litchfield (B.A. (UBC), J.D. (UBC), LL.M. (University of Victoria)) is a lawyer and management consultant and is the Managing Director of Thinklab Consulting. His practice is focused on the delivery of human resources management and project management services to clients in a wide range of industries. Michael is the Director of the Business Law Clinic at the University of Victoria and has taught professional development courses for numerous organizations including the Canadian Bar Association and Professional Association of Managing Agents. Michael has also sat on numerous government Boards and Tribunals and is currently appointed to the Property Assessment Appeal Board and the Civil Resolution Tribunal.*

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**LAW 505.002**      Canadian Public Law Term 1     Term 2

Danay

Web-based

5 CREDITS

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

**CHANGE July 23, 2015: Course added.**

This course will provide an overview of Canadian Public Law. Students will become familiar with the foundations of Canada's legal system, the Canadian constitution, and the role of law in Canadian society.

The first part of the course will review the foundations of Canadian law and the division of powers between the Federal and Provincial governments. The second part of the course will focus on several rights and freedoms delineated in the Charter of Rights and Freedoms. The third part of the course will provide a brief introduction to how Canadian law regulates the relationship between Aboriginal peoples and the Canadian state. Throughout the course, students will be required to think critically about the Canadian legal system, and will gain insight into the relationship between law, public policy, and administration in Canada. Students will also be encouraged to make comparative analyses between the Canadian legal system and the legal systems in their home states.

Students will be evaluated on the basis of class participation, mid-term writing assignment/s, and a final examination.

LAW 505.002 Course Author: Dr. Patricia Cochran teaches and researches in the areas of constitutional law, the law of evidence, and legal and political theory.

LAW 505.002 Course Instructor: Law 505.002: Robert Danay – [Robert.danay@justice.gc.ca](mailto:Robert.danay@justice.gc.ca).

*Robert Danay (LL.B. 2003 (Osgoode Hall, York University), LL.M. 2005 (Oxford University)) clerked for the Constitutional Court of South Africa in 2006. In 2012 he was an Assistant Professor with the University of New Brunswick Faculty of Law where he taught administrative law, evidence and a seminar in law and technology. He is a litigator with the Department of Justice Canada. He has a diverse practice, which has included a number of high profile constitutional, administrative and civil cases. Some notable recent examples include Reference re: Section 293 of the Criminal Code of Canada, which concerned the constitutional validity of the criminal prohibition on the practice of polygamy and Leroux v. Canada Revenue Agency, which examined whether the Canada Revenue Agency owes taxpayers a private law duty of care in negligence.*

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**LAW 508D.005**      **Business Organizations** Term 1     Term 2

Brewer

Web-based

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>.\***

**CHANGE October 6, 2015: Course added.**

This is a survey course providing an introduction to the law of corporations and partnerships in British Columbia, although reference will be made to laws in other jurisdictions. You will be introduced to some of the more significant legal policies, principles and provisions that apply to several of the forms through which business activity is carried on.

The preponderance of course time will be devoted to the corporate form principally because it has the greatest impact on our lives and brings into sharp relief the opportunities and costs of economic activity. Moreover, it and the law surrounding it provide a useful counterpoint to partnerships and the law that governs them. There will be minimal coverage of securities law.

There are several pedagogically motivated devices that recur in the course. We will focus throughout on the contrasts between the forms of companies, partnerships and proprietorships. We will regularly attempt to highlight "ethical" issues including, but not limited to, the lawyer's professional responsibilities and fiduciary duties.

Students will be evaluated on the basis of class participation, writing assignments, and a final examination.

*Raewyn Brewer is a governance lawyer at a law firm in Vancouver. She provides legal and strategic governance advice to clients, conducts governance reviews and board evaluations, designs and facilitates board education sessions, and serves as a corporate secretary to certain clients. Ms. Brewer has worked with large member-based organizations, public sector organizations, regulatory bodies, not-for-profits, and corporations. She speaks widely on governance related issues and has taught numerous education modules to various organizations over her career. She currently serves on the Board of Directors of the Vancouver Society of Children's Centres, one of Canada's largest childcare providers, where she also chairs the Governance Committee Force. Ms. Brewer previously sat as a Member on the Employment Standards Tribunal of BC, adjudicating employment disputes, and her past board experience includes the Association of Women in Finance (Vice Chair) and the Dean's Women's Advisory Committee (Chair).*

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**LAW 525.001**      **Canadian Criminal Law and Procedure**

Term 1     Term 2    Friesen                      Pike                                      Course                      5 CREDITS

**\*This course is open to LLMCL students only.\***

**CHANGE: Course added.**

Criminal Law and Procedure 525 will focus on the real world application of criminal law and is expected to be an excellent introduction to the actual practice of criminal law in B.C. Students will create and maintain a fictional file, taking it from the investigation stage, through charge approval and bail, pre-trial motions, and trial and will create memos to file which will provide the substance of their written project. Students will reference the Criminal Code of Canada and related legislation, and will learn about various offences and the application of some specific defences. Special attention will be paid to the Canadian Charter of Rights and Freedoms. Lectures and class discussions will be enriched with guest lecturers and a court visit.

**Evaluation:**

Course evaluation is based on written project 30%, a mid-term exam 20%, participation in classroom discussions and demos 10%, and a final exam 40%.

*Ingrid Friesen (B.A. (UBC, 1984), LL.B. (UWO., 1987)) has been a practicing criminal lawyer for over twenty-five years. She has accumulated a wealth of experience from both sides of the bar, having conducted cases for both the prosecution and the defence in the B.C. Provincial Court, Supreme Court and the Court of Appeal, as well as various administrative tribunals. She has recently been appointed to the B.C. Review Board and sits on hearings which decide on the dispositions of persons found Not Criminally Responsible by Reason of Mental Disorder. Ms. Friesen has many strong ties to UBC. She completed a B.A. in Political Science at UBC. in 1984 and finished the last year of her law degree at U.B.C. in 1987 (LL.B from UWO). She has maintained her connection with the U.B.C. Law School as a volunteer with the U.B.C. Innocence Project as well as a supervising lawyer with the Law Students Legal Assistance Program. Ms. Friesen lives near UBC with her musician husband and her two daughters.*

*Crichton Pike (B.Comm (UBC, 1994), LL.B (UVic 1999)) has been practicing criminal law as a Crown counsel since 2000. Over the past 15 years, he has prosecuted all types of criminal charges from minor to major in both B.C. Provincial Court and Supreme Court including murder, manslaughter, aggravated assault, sexual assaults, kidnapping, and impaired and dangerous driving causing death. Mr. Pike has also volunteered his time speaking to various groups through the Law Courts Education Society, assisting in training police officers, and instructing other criminal lawyers at several conferences. He has stayed connected to U.B.C. by volunteering to be a Moot Court Judge at the law school. Mr. Pike lives in Surrey, B.C. with his wife and two young daughters.*

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**LAW 525.002**      Canadian Criminal Law and Procedure Term 1    Term 2

Davey

Web-based

5 CREDITS

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

**CHANGE October 6, 2015: Course added.**

This distance education course is designed to provide students with a solid foundation in the key concepts of criminal responsibility and the criminal justice system in Canada. We will begin by examining the relationship between the sources of criminal law, how to interpret the Criminal Code, the burden and standard of proof in a criminal trial, the role and responsibilities of criminal lawyers, as well as pre-trial and trial procedure. The elements of offences, modes of liability, and defences will also be covered in detail. An overview of the purposes of sentencing and range of sentencing options will conclude the course.

The evaluation in this course is comprised of an assessment of participation (i.e. completion of end-of-unit quizzes and meaningful contribution to online discussion activities), a mid-term assignment, and a final examination.

*Samantha Davey (UVIC 1998 (Bachelor of Commerce), LL.B. 2002 (UBC)) has practiced criminal law as a Federal Crown prosecutor for the entirety of her career and appears regularly in both B.C. Provincial and B.C. Supreme Court. She has extensive experience assessing police reports for charge approval, litigating applications made under the Canadian Charter of Rights and Freedoms, and conducting trials. Outside of her role as Crown Counsel, Ms. Davey is an active member of the British Columbia branch of the Canadian Bar Association. She sits as Chair of the Criminal Justice Sub-Section (Vancouver) and is an elected member of Provincial Council. Ms. Davey is also a regular guest instructor at the Law Society of British Columbia's Professional Legal Training Course.*

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**LAW 530.001**      Advanced Legal Research & Writing Term 1    Term 2

Tsiakos

Workshop

4 CREDITS

**\*Enrolment priority to LLMCL students, then open to LLM, PhD and JD students if space available. Class meets in Rm 208 in the Law Library.\***

**CHANGE June 9, 2015: Workshop added.**

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:

This intensive four-credit course focuses on research methodology, legal analysis and legal writing. Weekly participation is mandatory. Evaluation will be as follows: 10% for completing a series of weekly library exercises; 30% for completing a short research and writing assignment; and 60% for completing a major research and writing assignment.

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

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**LAW 561.001**      **Fundamental Concepts in Tax Law** Term 1    Term 2      Duff

Course      2 CREDITS

**\*Course meets Aug 24, 1:30-3:00 PM; Aug 25-28, 9:30 AM-12:30 PM and 1:30-3:30 PM; in Allard Hall, room 115.****Registration only for Tax LLM Program students.\*****CHANGE July 22, 2015: 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, procedure and professional ethics; key features of the income tax in Canada and other countries.

Evaluation:

Take-home examination (90%) and class participation (10%)

*Professor David G. Duff is a full time member of the UBC Faculty of Law.***LAW 562.001**      **Taxation of Corporations & Shareholders** Term 1    Term 2      Duff

Course      4 CREDITS

**\*Cross-listed with LAW 408.001 Taxation of Corporations & Shareholders.\***

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

Required Materials:

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

Evaluation: 100% exam

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

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

**LAW 563.001**      **Taxation of Partnerships and Other  
Flow-Through Entities** Term 1     Term 2

Duff

Course

CREDITS

**\*Cross-listed with LAW 409.001 Taxation of Partnerships and Other Flow-Through Entities.\***

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

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

Evaluation: 100% exam

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

*Professor David G. Duff is a full time member of the UBC Faculty of Law.***LAW 564.001**      **Taxation of Trusts and Estates** Term 1     Term 2

Smith, N.

Course

3 CREDITS

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

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

Evaluation:

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

Prerequisite: LAW 561 Fundamental Concepts in Tax Law.

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

**LAW 565.001**      International Taxation Term 1    Term 2      Duff*Course*                      **4 CREDITS**

**\*Cross-listed with LAW 410.001 International Taxation.\***  
**CHANGE January 7: Classroom change.**

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

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

## Required Materials:

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

Evaluation: 100% exam

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

*Professor David G. Duff is a full time member of the UBC Faculty of Law.***LAW 566.001**      Tax Law and Policy Workshop Term 1    Term 2      Cui*Seminar*                      **3 CREDITS**

**\*Cross-listed with LAW 411D.001 Tax Law and Policy Workshop.\***  
**CHANGE January 7: Thursday classroom changed.**

This seminar course will be given in colloquium format. For most of the weeks, prominent tax specialists and scholars from a variety of disciplines (law, economics, political science, accounting, and others) from Canada, the U.S. and other countries will present their current or recent research during a colloquium session. A preparatory session will be held before each colloquium session to discuss relevant background reading. Topics will vary depend on the speakers invited. (During Spring 2015, topics included corporate tax reform in Canada, new international tax policy initiatives of the OECD, VAT design, taxation and inequality, financial instrument taxation and anti-avoidance, environmental taxation, and select topics in U.S. taxation that have consequences for Canada.) 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 25%, and the weighted average grade of both short response papers and a longer term paper, counting 75%.

*Professor Wei Cui is a full time member of the UBC Faculty 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 Tax Administration and Dispute Resolution.\***

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

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

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

**Evaluation:**

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

**Prerequisite:** LAW 561 Fundamental Concepts in Tax Law.

**Enrolment:**

The seminar size will be restricted to 20 students.

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

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**LAW 568A.001**      Topics in Taxation      Tax and Social Justice  
 Term 1     Term 2    Philipps      Seminar      1 CREDITS

**SEMINAR CANCELLED.**

This intensive course will look at the Canadian tax system from a social justice perspective. It will consider the extent to which ideas about social justice inform the tax system, how taxes impact materially and symbolically on relatively marginalized groups and on overall patterns of inequality, and the considerations at play in choosing the tax system as an instrument to deliver social policy. Students will learn about the constitutional framework and legislative process for making tax policy, the distinctive features and norms of tax dispute resolution, and how these processes affect the capacity of the tax system to advance social justice. Approximately half of the course will be devoted to specific topics at the intersection of tax policy and social justice such as taxation of families, taxes and disability, taxation and the charitable and non-profit sector, and higher education tax policy. The course focuses on Canada while referencing comparative and international material to provide context.

Classroom activities will include discussion of key readings as well as hands on exercises, problem solving and examples to illustrate the connections between tax and social justice and the choices that are made in designing and administering the tax system.

## Evaluation:

Evaluation will be by way of a 2,500 word written assignment on a topic approved by the instructor. Students may write the assignment as a policy brief, advocacy piece, or scholarly research paper. The paper must be submitted by 3:30 pm on Monday, November 2, 2015.

Graded Honours/Pass/Fail.

## Pre-requisites/Co-requisites:

Students should have taken or be concurrently enrolled in LAW 407 Taxation or LAW 506 Taxation.

Anyone considering taking this course is welcome to email the instructor with any questions, at [lphilipps@osgoode.yorku.ca](mailto:lphilipps@osgoode.yorku.ca).

*Professor Lisa Philipps (LL.B. (University of Toronto); LL.M. (York University)) was called to the Bar of Ontario in 1988. Professor Philipps is on the faculty at York University's Osgoode Hall Law School where she teaches and writes about taxation law and fiscal policy. She is known for incisive expert commentary on budgets, taxes, law, gender and social policy. At Osgoode since 1996, Philipps has published widely on topics such as tax expenditures, family taxation, balanced budget laws, judicial approaches to tax law, taxes and disability, and charitable donation tax incentives. Her research has been funded by the Social Sciences and Humanities Research Council of Canada, the Law Commission of Canada, the Canadian Tax Foundation and other agencies. In her scholarship and in the classroom, she explores the basic values and policy choices at play in designing a fair and efficient tax system.*

*Professor Philipps has provided commissioned research and advice to a number of bodies. In 2015 she was appointed as Special Counsel to Ontario's Ministry of Finance. She practised tax law with the firm of Blake, Cassels & Graydon prior to embarking on her academic career, and taught at the Universities of Victoria and British Columbia before joining York University.*

*She has held a number of leadership roles at the Law School and University levels, most recently as Associate Vice-President Research from 2011-14. An active volunteer, she serves as Director of Research Policy on the Board of the Federation for the Humanities and Social Sciences, a national non-profit organization. She is also appointed as a member of the Provincial Judges Pension Board.*

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**LAW 569C.001**      Topics in International Taxation      Transfer Pricing

Term 1     Term 2      Noble      Course      3 CREDITS

**\*Priority enrolment to LLM students, then if space available to PhD and JD students.\***  
**CHANGE June 30, 2015: 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%.

*Greg Noble (J.D. (University of Saskatchewan)) is admitted to the Bar in Saskatchewan as well as in England and Wales. He is the BC Tax Leader as well as a member of the Canadian Transfer Pricing practice of Ernst & Young LLP. He is based in Vancouver and held the position of Canadian National Market Leader for the Transfer Pricing practice from 2007-2010. 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 has worked in both Vancouver and Tokyo, where he has been heavily involved in dispute resolution matters such as transfer pricing audits, competent authority and advance pricing agreements.*

*Mr. Noble is a frequent speaker at events sponsored by organizations such as the Canadian Tax Foundation, Tax Executive Institute and various external organizations. He has also lectured at the university level, including the University of British Columbia, Simon Fraser University and Temple Law School.*

*He has published extensively on the topic of transfer pricing in textbooks and journals such as the Canadian Tax Journal and International Tax Review. He also frequently discusses transfer pricing matters in the media, in publications such as The Globe and Mail and the National Post, as well as on national and local television.*

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

Term 1     Term 2      Christie      Seminar      3 CREDITS

**\*Enrolment restricted to Ph.D. students only.\***

The principal objective of the first semester of the PhD seminar is to provide students with a selective overview of major developments in legal theory over the twentieth century. The seminar is intended to provide a grounding for further jurisprudential work by students in the course of their studies, including comprehensive examinations in the area of legal theory. Seminars will be based on discussion and analysis of assigned readings. Participants will be expected to circulate short written responses to the readings in advance of each seminar.

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

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**LAW 611C.001**      **Doctoral Seminar II: Comparative & Interdisciplinary Perspectives** Term 1     Term 2

Potter

*Seminar***3 CREDITS****\*Enrolment restricted to Ph.D. students only.\*****CHANGE June 24, 2015: Instructor.**

This seminar will provide a selective overview of a range of approaches to interdisciplinary research in law. Seminars will be discussion-based, and will usually focus on selected readings each week. Seminar participants will circulate short written responses to the readings in advance of each seminar. 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 be reading closely a wide range of interdisciplinary and critical research in order to learn more about the diversity of methods (including but not limited to quantitative empirical methods and game theory) that can be brought to bear on the study of legal phenomena.

*Professor Pitman Potter is a member of the UBC Faculty of Law and Director of the UBC Institute of Asian Research.*

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