



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

Goldbach

Course

3 CREDITS

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

## Evaluation:

Evaluation for this class will consist of class participation (20%), and either (1) a 3-hour closed-book examination or (2) a 72-hour take-home examination (80%).

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

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

Pavlich

Course

3 CREDITS

**CHANGE July 28, 2017: Course description and evaluation method.**

This course, delivered in seminar format, commences with a general consideration of religion, political structure and economics (limited) in social and cultural formations that establish the foundations and origins of order and justice in those ancient legal jurisdictions that have exerted an important influence on regimes of law. Selected theories of jurisprudence - notably natural law, positivism and realism (including critical legal studies) - are reviewed briefly (but frequently referenced throughout the course) to provide a conceptual context for and enable critique of the values underlying the narratives of the subject area.

The major focus of the course is on the evolution of the continental Civil Law system of Western Europe (using the Italian legal system as a paradigm) and the Common-Law system developed in England. We compare and contrast these systems with the legal system and ideas of law in China. We do this following the major sequence and ordering of Professor John Head in his book *Great Legal Traditions*. The course engages comparative legal theory focusing on the similarities and differences between the Civil and Common law traditions as well the role and development of ideas of law in the Chinese legal tradition.

In the course of this focus, we consider, compare and trace various historical, common foundations of these "legal traditions" through the background of legal order and the cultural and social formations of peoples of the ancient Near East (emphasizing those of Mesopotamian derivation especially the Babylonians (Akkadians through the Code of Hammurabi), Israelites (in the Deuteronomy Code) and the Hittite Code), Greece (noting the influence of Egypt) and Roman Law (including the significant role of the Catholic Church in transmuting Roman law to Europe) and discuss, determine and evaluate their contributions to western ideas of law. We review and critique the hypothesis of law as a system of rules related to each other by logical consistency according to criteria of legal reasoning as applied and adopted by institutions socially recognized as legitimate and historically justifiable. We explore this in the context of a social phenomenon and a formation that appears to endorse legalism and the rule of law as a central mechanism for the cultural organization of a just society. We compare this evolutionary path with the legal and Confucian streams of thought in ancient and modern China.

In addition, the course cross cuts the above comparison by considering these legal traditions through the lens of myth, custom, religion, language, writing and moral reasoning on the role of power elites responsible for law codes, legislation, dispute resolution and precedent in the evolution from pre-legal to proto-legal, and then on to fledged, autonomous, legal systems.

**Required:**

- 1.D. Pavlich, *Materials in Western Ideas of Law* (online)
- 2.Peter Stein, *Roman Law in European History* (Kindle)
- 3.Adriaan Lanni, *Law & Justice in the Courts of Classical Athens* (Kindle)
- 4.James Brundage, *The Medieval Origins of the Legal Profession* (Kindle)

**Evaluation:**

There will be a choice of essay assignment or 8-hour take-home exam.

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

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

Seminar

3 CREDITS

This seminar offers a selective introduction to the economic analysis of the law. Narrowly conceived, law and economics (L&E) is a body of scholarship that uses the classical models of rational choice and welfare economics to analyze the rationales and likely impact of various areas of substantive law, legal institutions, and legal processes. More broadly conceived, L&E uses a wide variety of theoretical and empirical tools from economics to deepen our understanding of legal systems. In this course we will first examine some of the classic theorems and results of L&E in the areas of property, torts, and contract. We will then consider L&E in select regimes of modern regulatory law, such as labor, anti-trust, and environmental protection. The course will introduce students not only to some of the theoretical claims in this area of scholarship but also to recent advances in empirically testing the claims.

## Required Text

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

## Evaluation:

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

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

**LAW 312D.001**      **Topics in Philosophy of Law & Theoretical Perspectives****Statistics for Lawyers**
 Term 1     Term 2    Lin

Seminar

3 CREDITS

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

## Evaluation:

- Final paper 70%
- Class participation 30%

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

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

**SEMINAR CANCELLED.**

This seminar explores processes of reconciliation in multicultural settler societies such as Canada, Australia, Germany, Israel, New Zealand, South Africa, and the United States. We will focus on a variety of mechanisms and processes that aim to realize reconciliation including apologies, reparations, truth-seeking, formal acknowledgement, accountability, community empowerment, institutional and legal reform, and redistribution of resources. The seminar focuses not only on the State, but also on the role of civil society in developing and implementing practices of reconciliation. In light of the recommendations recently made by Canada's Truth and Reconciliation Commission, the seminar will also focus on the limits of law and the role of legal education in furthering reconciliation in the Canadian context. The seminar provides an opportunity to think about the intersection of law, morality, and politics by critically examining and reflecting on the aims and processes of reconciliation.

## Evaluation:

Seminar participation including one in-class presentation (30%), a short assignment (10%), an essay outline devised in consultation with the instructor (10%), and a final paper (50%).

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

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<b>LAW 313D.001</b>	<b><u>Legal History</u></b>			
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Hutchison	Seminar	3 CREDITS

This is a specialized legal history seminar focusing on the history of the corporation. The goal of the course is to understand how and why the corporation has developed in modern economies, and the role it has played in structuring economic activity. Each week's readings will focus on a different aspect of the history of corporate law, with students being expected to discuss the readings critically during seminar. Specific topics to be covered include the origins of English company law, the separation of ownership and control, cyclical merger and deconsolidation movements, and many others. The major assignment in the course will be a research paper on a relevant topic of each student's choosing. Although familiarity with corporate law concepts will certainly be helpful, no specific background in either corporate law or legal history is required to take this course.

Readings: weekly readings to be determined.

## Evaluation:

Research paper - 75%

Participation in seminar - 25%

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

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**LAW 316.001**      **International Law** Term 1    Term 2

Stewart, J.

Course

3 CREDITS

**CHANGE June 28, 2017: Course added.**

This course provides a survey of the substance, structure and identity of public international law. It is divided into three parts. Part I provides students with an in-depth understanding of core concepts in public international law, which are essential tools for working in any branch of the field. These include a critical understanding of legal concepts governing sources of international law, its subjects, and the various institutions that make up the system of global governance. In Part II, we move beyond these core building blocks to address a range of substantive sub-fields of public international law, namely the Legality of the Use of Force, the United Nations Charter, International Human Rights Law and International Environmental Law, among others. Part III of the course then considers remedies and enforcement through judicial and non-judicial avenues alike. Overall, the course will provide you with a leading understanding of these areas from both theoretical and practical perspectives, in ways that will shape your vision of global governance and be critically important for anyone hoping to work in a branch of international law.

## Evaluation:

20% participation grade, plus option of an 80% final assignment or an 80% final exam.

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

**LAW 324D.001**      **Topics in International Law & Transactions****Transnational Business and Human Rights** Term 1    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.*

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

Edinger

Course

3 CREDITS

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

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

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

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

Required text:

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

Evaluation:

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

*Professor Liz Edinger is a full time member of the Peter A. Allard School 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:

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

Evaluation:

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

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

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

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

Term 1     Term 2    Matsui                      Cheng                      Kim                      Course                      3 CREDITS

This course plans to offer introduction to the legal systems of Asia, focusing on the People's Republic of China, Japan, and Korea. The course has two objectives. The first is to learn the basic skills of comparative law 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 four components: (1) the Chinese component (Potter) , (2) the Japanese component (Matsui), (3) the Korean component, and (4) wrap-up sessions regarding the similarities and differences among three countries.

## Evaluation:

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

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

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

*John C.H. Kim*

**LAW 336.001**      **Chinese Law: Implications for**  
**Canada-China Relations**

Term 1     Term 2    Cheng                      Course                      3 CREDITS

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

## Evaluation:

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

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

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

Matsui

Seminar

3 CREDITS

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

**Pre-requisites:**

There are no pre-requisites for taking this seminar.

**Evaluation:**

Class participation 30% and final assignment 70%.

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

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

**Syllabus:**

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

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

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

Cheng

Course

3 CREDITS

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

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

## Evaluation:

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

## Syllabus:

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

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

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**LAW 342A.001**      Topics in Comparative Law      Islamic Law  
 Term 1     Term 2      Natour      Seminar      1 CREDITS

**\*This intensive seminar meets Tues & Thurs, Sept 12, 14, 19 & 21, 2:00-5:00 PM in Allard 115; and Thurs, Sept 14, 12:30-2:00 PM, Rm TBA. Course conflicts are allowed for this class.\***

Introduction to Islamic law:

This intensive course is designed for students who are not familiar with Islam or Islamic history. It provides an introductory examination of three main areas of nowadays Islamic law:

1. The Islamic theory of jurisprudence, the 4 Sunni schools, the Ottoman Medjella as the first modern codification of the Islamic Law.
2. The Islamic family Law; Marriage, divorce, wife maintenance, adoption of minors, child support, custody, inheritance, etc.
3. The Sharia'a Court in a non-Muslim state: historic background, areas of jurisdiction, the substantive Law, Islamic Law vs. the state secular Law.

Evaluation:

Final paper.

Graded Honours/Pass/Fail.

*Professor Ahmad Natour, Judge ((B.A. Arabic Language & Literature, Islamic and Middle Eastern Studies, Hebrew University of Jerusalem), (LL.B., Tel-Aviv University), (M.A. Mass Communication & Culture, Hebrew University of Jerusalem), (LL.M., Magna Cum laude, Tel-Aviv University), (S.J.D., American University)) is a Professor of Law in the Faculty of Law at Hebrew University of Jerusalem.*

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**LAW 342C.001****Topics in Comparative Law****Topics in French Common Law**
 Term 1    Term 2

Magnan

Course

3 CREDITS

## Course Description / Description du cours :

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

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

## Course Structure / Structure du cours :

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

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

## Evaluation/ Méthode d'évaluation:

- Assignments / Travaux
  - o Case brief / Résumé d'arrêt (10%)
  - o Memorandum / Avis juridique (50%)
  - o Moot / Exposé oral - (20%)
- Participation
  - o In class / En class (10%)
  - o On line / En ligne (10%)

## Biographical Information / Biographie :

*Professor Caroline Magnan studied political science at McGill before graduating from the French Common Law Program at the University of Ottawa in 2006. A Fulbright Scholar and recipient of the Fondation Ricard Scholarship, Prof. Magnan completed her LLM at Harvard. She then clerked for Justice Bastarache at the Supreme Court of Canada. Before joining the faculty, Prof. Magnan worked as bilingual legal counsel with the Alberta Court of Appeal and with a tax firm in Calgary. Prof. Magnan resides in Calgary, where she has been working as Director of the Pan-Canadian French Common Law Program since September 2015.*

*Professeure Magnan a étudié la science politique à McGill avant de graduer du programme de common law en français de l'Université d'Ottawa en 2006. Boursière Fulbright et de la Fondation Ricard, la professeure Magnan a complété sa maîtrise en droit à Harvard. Elle a ensuite été auxiliaire juridique à la Cour suprême du Canada pour le juge Bastarache. Avant de se joindre à la faculté, la professeure Magnan a travaillé comme conseillère juridique bilingue à la Cour d'appel de l'Alberta et en droit fiscal international à un cabinet à Calgary. Toujours à Calgary, la professeure Magnan agit comme directrice du programme pancanadien de common law en français depuis septembre 2015.*

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<b>LAW 342C.002</b>	<b><u>Topics in Comparative Law</u></b>	<b><u>Citizenship, Social Justice &amp; Creative Problem Solving in Canada &amp; S.Africa</u></b>
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	LeBaron Sarra
		Workshop 3 CREDITS

**\*Registration by permission only. Class meets Tues., Jan. 30 & Feb. 6, 3-6 p.m.; Tues., Feb. 27, 4-6 p.m. This workshop does NOT fulfill the 3 credit seminar requirement.\***

Course schedule:

The workshop consists of 8 hours of classes at Allard Hall and 28 hours of an intensive program in South Africa, in Johannesburg and at Stellenbosch University and the Stellenbosch Institute for Advanced Studies. Classes at Allard Hall are: Tuesday January 30, 3 to 6 pm; Tuesday February 6, 3 to 6 pm; Tuesday February 27, 4 to 6 pm. South Africa classes: departure April 25 (after exam period), returning May 3. Travel costs are covered by the Law School.

Course description:

Problem solving is integral to the practice of law, particularly in a world that is increasingly diverse, and the Citizenship, Social Justice and Creative Problem Solving in Canada and South Africa Global Comparative Seminar is aimed at broadening students' understanding of different legal frameworks, different approaches to truth-finding and reconciliation of deep differences, and widely varying global perspectives. At UBC, the students will study theory and approaches to problem solving in South Africa and other African states. They will also learn about the Constitutional framework, including the enshrining of fundamental rights; the history of the Truth and Reconciliation Commission and linkages with and differences to the Canadian TRC. In South Africa, the seminar will give students a unique opportunity for in-depth engagement with South Africa legal scholars, jurists, interdisciplinary scholars and visionary leaders including learning about the design and functioning of the Constitutional Court through lectures from former and current justices; visiting NGOs whose mission is to address social inequality in South Africa; participating in a two day intensive multi-lingual, multidisciplinary course with South African peers titled Transforming Social Justice and Citizenship: South African Experiences at Stellenbosch University and time permitting, attending and contributing to an international research colloquium The Theory and Practice of Social Transformation through the Arts with scholars practitioners from Ireland, Peru, Kenya, South Africa, Canada and the US.

Application process:

Six students will be given the opportunity to participate in this workshop. Students must apply for the course by 4 pm on June 9, 2017, by email to Professor LeBaron's assistant, Leslie Soon at soon@allard.ubc.ca, including most recent transcript (or a printout of their Law grades summary from the UBC Student Service Centre website), resumé and a brief paragraph as to why the student is interested in participating. Interviews will be held in person or by Skype in the last two weeks of June.

Evaluation:

80% of the course mark is a paper of 3,000 words, due March 15, 2018; and 20% is based on participation in classes at Allard Hall.

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

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

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**LAW 342D.001**      Topics in Comparative Law      Comparative Health Law  
 Term 1    Term 2      Bobinski      Seminar      3 CREDITS

**SEMINAR CANCELLED.**

This Comparative Health Law course will provide students with an opportunity to explore the intersection of law and health care in different societies. Human biology and the fundamental economic, social and ethical challenges of health care systems are the same around the world, yet the legal response to these challenges can vary significantly. This course will explore topics ranging from the legal aspects of the structure and financing of health care systems to the regulation of reproduction and death. The course readings include a diverse range of sources, from traditional legal materials, such as judicial decisions and statutes drawn from domestic and foreign jurisdictions, to excerpts from popular news accounts, medical journals, and social science articles. Students will have an opportunity to discuss and to debate health care law and policy in different areas as well as the utility of comparative approaches for lawyers, judges, policy-makers and advocates. The course will focus on health care law in Canada and the U.S. but will explore selected approaches adopted in other countries as well.

Evaluation: Students will be evaluated based on (1) class participation and (2) a research paper.

Course Materials: Required materials provided through Connect.

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

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**LAW 342D.002**      Topics in Comparative Law      Courts, Politics, and the Judicial Function  
 Term 1    Term 2      Goldbach      Seminar      3 CREDITS

This seminar surveys the multiple sites where judicial activity interacts with public policy and politics. The seminar examines the meaning of judicial independence and exposes students to questions about the impact of judicial activity on democracy and the Rule of Law. The course focuses on Common Law jurisdictions, with examples drawn mainly from Canada, Israel, and the U.S. Specific topics include: political affiliation and judicial decision-making; judicial review and the legalization of politics; the meaning and normative basis of judicial independence; the politics of judicial selection; "judicial activism" in constitutional law; judicial engagement in the executive function - public inquiries and commissions; judges in foreign affairs; the judicialization of law and development; and the judicialization of international relations. The class considers various statutes and legal decisions in their political contexts, as well as journal articles and empirical studies.

## Evaluation:

Evaluation for this class consists of class participation (15%), short reaction memos during the semester (15%), and a research paper of approximately 5000-6000 words (70%).

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

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**LAW 342D.003**      Topics in Comparative Law      World Trade System  
 Term 1     Term 2      Biukovic      Seminar      3 CREDITS

**CHANGE June 26, 2017: Seminar description and evaluation method added.**

Seminar Description:

This seminar aims primarily to introduce students to the world of economic integration agreements at the cross regional, regional and sub-regional levels and their impact on the world trading system and national law and policy making. The seminar topics are divided into three major themes: (a) the WTO law in a nutshell (focusing on the main principles and disciplines of the world trading system relevant for the emergence of free trade and investment agreements; (b) substantive content of economic integration agreements such as comprehensive trade and economic partnerships (such as CETA), preferential trade and investment agreements (such as NAFTA), and bilateral investment treaties, such as Canada-China Foreign Investment Promotion and Protection Agreement -- FIPA (focusing on provisions related to trade in goods and services, investment, and linkages between trade human rights that affect political, economic and social dimensions of integration), and (c) future challenges for the world trading system due to the proliferation of trade and investment treaties.

The Objectives of the Seminar:

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

Evaluation:

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

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

Matsui

Course

3 CREDITS

**CHANGE January 29, 2018: Classroom.**

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

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

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

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

## Evaluation method:

30% class participation

70% final examination or assignment

## Class participation:

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

## Final examination or final assignment:

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

The final examination will ask students to analyze a specific question in light of the protection of freedom of expression.

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

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

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Syllabus:

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

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

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**LAW 343D.001**

**Topics in Public Law**

**Privacy and the Law**

Term 1

Term 2

Goold

*Seminar*

**3 CREDITS**

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

Evaluation:

Major research paper (3500-4000 words) 80%

Two 15-minute class presentations 20%

Required Materials:

Solove, *Understanding Privacy* (Harvard)

*Professor Ben Goold is a full time member of the Peter A. Allard School of Law.*

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

Breder

Prince

Shroff

Seminar

3 CREDITS

This seminar will explore the rapidly evolving area of animal law from both a practical examination of the current legal issues involving non-human animals and a theoretical examination of what legal and social issues may emerge in the future. Animal Law is a combination of the common law, statutes, and legal theory, where the core of the matter involves an animal. Animal Law often intersects traditional areas of the law, such as criminal, torts, wills, contract, family, tenancies, strata and constitutional law. Students will be asked to critically consider the current and historical legal status of animals within these various areas of the law. We will explore fundamental questions such as whether or not animals should be afforded additional rights and what impact, if any, new “animal rights” may have on human and non-human relationships.

Municipal, provincial and federal legislation regulating animal welfare and treatment will be reviewed. Opportunities and ideas for legislative change will be discussed. The seminar encompasses companion animals, wildlife, exotic animals, animals raised for food, animals in entertainment, in research and industry. The focus of this seminar will be on both a scholarly understanding of animals and the law, coupled with a pragmatic approach to practice in this area of law, whether as a specialty or aspect of practice. Through written material, discussion, topical media and case law review, students will consider the tools available in the legal field to effect social, economic, cultural and legal change. We will also host engaging leaders in the field as guest speakers from time to time.

Participation in this seminar is essential and all views are welcomed and encouraged.

## Evaluation:

70% Research paper / 30% Attendance and Participation

*Rebeka Breder (B.A. (Joint Honours, McGill University, 2000), JD (UBC, 2004)). Ms. Breder's passion for animal rights and welfare started at an early age. She first appeared as an animal law advocate when she was 13 years old, to convince a Montreal suburb to ban duck hunting. Ms. Breder is now known as a trailblazer in developing animal law in Canada. Some of her cases and legal opinions have changed the law and contributed to the legal evolution of animal rights and welfare. After practising animal law and litigation for over a decade in a large Vancouver downtown law firm, she opened Breder Law in December, 2016. This firm almost exclusively focusses on animal law and litigation. Ms. Breder's animal law practice includes: wildlife and regulatory challenges, defending “dangerous” dogs, veterinary malpractice, general urban animal and wildlife matters, breeder, condominium and pet custody disputes. She acts only for the interests of animals. She has experience at all levels of court and various tribunals. Ms. Breder founded the first Animal Law section of the Canadian Bar Association in Canada and is the founder and current Chair of the Animal Law section, B.C. Branch. She dedicates a lot of her time to animal rights and welfare causes, she sits on the Board of Directors of the Vancouver Humane Society and on the Board of Advisors of Animal Justice. Ms. Breder is also a frequent lecturer and is often seen or heard in local, national and international media, and she was filmed in a documentary.*

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

*V. Victoria Shroff (Bachelor of Arts in Sociology (Honours), (U.B.C.1990), LL.B. (U.B.C. 1996)), called to the B.C. Bar in 1997, has a civil litigation practice at Shroff & Associates in downtown Vancouver. For the past 17 years, Ms. Shroff has had a strong focus on animal law in her practice. She is one of the first and longest serving animal law practitioners in B.C. and her practice has garnered local and national media attention, particularly in the areas of serious dog bite, pet insurance, animal custody, veterinary malpractice and animals in society. Ms. Shroff has appeared in B.C. Provincial Court, Supreme Court and the Court of Appeal as litigation counsel. Ms. Shroff has assisted clients from Vancouver to Newfoundland and has lectured locally and internationally on animal law. Animal Law has emerged as a principled field of inquiry and practice in its own right over the past few decades. It is a fascinating area of law that encompasses case and statutory law where an animal is at the core of the matter. Ms. Shroff taught animal law in 2016 at Allard with Ms. Amber Prince. Victoria Shroff may be reached at shroff@telus.net.*

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<b>LAW 343D.003</b>	<b>Topics in Public Law</b>	<b><u>Global Corruption, Law, Theory and Practice</u></b>
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	Weiler                      Ferguson, G.	Seminar                      3 CREDITS

**CHANGE June 28, 2017: Seminar description and evaluation method added.**

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

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

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

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

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

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

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

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

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

**Methodology:**

Will be a combination of lectures and classroom discussion.

**Evaluation:**

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

**Course Materials:**

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

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

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

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**LAW 343D.004**      **Topics in Public Law**      **Crown Liability**  
 Term 1    Term 2      Horsman      Hughes, J.      Gay      Seminar      3 CREDITS

**SEMINAR CANCELLED.**

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

## Evaluation:

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

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

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

*Andrew Gay, Q.C., (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 areas include tort litigation for the Provincial Government, commercial litigation, and administrative law. Andrew is a contributing author of the text Government Liability: Law and Practice and has written papers for the Continuing Legal Education Society on judicial review, tort law and cross-border litigation.*

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**LAW 344D.001**      **Innovations in Governance & Regulatory Design**  
 Term 1    Term 2      Ford      Seminar      3 CREDITS

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

## Evaluation:

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

## Evaluation:

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

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

Matsui

*Seminar***3 CREDITS**

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

**Pre-requisites:**

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

**Evaluation:**

Class participation 30% and final assignment 70%.

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

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

**Syllabus:**

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

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

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

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

**Evaluation:**

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

*THE HONOURABLE LYNN SMITH, Q.C.*

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

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

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

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

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

**Evaluation:**

Evaluation will be by way of 20% attendance and 80% final examination.

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

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**LAW 353D.001****Aboriginal & Treaty Rights****Aboriginal Title Litigation** Term 1  Term 2

Jackson

Seminar

3 CREDITS

**CHANGE June 19, 2017: Seminar description and evaluation method.**

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

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

Each week I will be joined by counsel representing indigenous nations, together with counsel from the Department of Justice, the Attorney General BC and other lawyers who have represented third-party interests, to discuss “the case of the week”. In some cases the discussion will extend over several seminars. I am also hoping that the seminar will be joined for some of the seminars by leaders from indigenous nations who have been involved in these cases to give you a sense of the way in which Aboriginal title and rights are deeply embedded in law, history and politics.

Because the seminar will require coordinating the busy schedules of many people the cases that will be the subject of the seminar has not yet been finalized but it likely will include these cases:

Calder (1973) - The first SCC case in the modern era reviving the concept of aboriginal title;

Sparrow (1990) - The first SCC case interpreting section 35 of the Constitution Act 1982;

Van der Peet (1996) -the first SCC case defining the meaning of an aboriginal right under section 35;

Delgamuukw - (1997) The first SCC defining the meaning of aboriginal title under section 35 and recognizing the importance of oral histories;

Haida Nation (2003) -first Supreme Court case and still a leading case in defining the scope of the duty of consultation and accommodation;

Ahousaht Nation v. Canada - (2009) - one of the most complex and still ongoing cases defining the scope of aboriginal fishing rights;

Tsilqot'in Nation v British Columbia (2014) – the most recent Supreme Court case defining the meaning of aboriginal title and the first case in which a declaration of aboriginal title was affirmed;

Gitxaala Nation et al v Canada (2016) -the judicial review brought by a coalition of Coastal First Nations successfully challenging the Governor in Council decision to approve the Northern Gateway pipeline for breach of the duty to consult and accommodate;

Haida Nation v AGBC (2017) -the current Haida Nation title case before the BC Supreme Court.

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

**Evaluation:**

The method of evaluation will be by a research paper related to the subject matter of the seminar or to an alternative project agreed upon between the instructor and student.

*Professor Michael Jackson is a full time member of the Peter A. Allard School 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*

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recent Haida Nation case, and a consultant for the Royal Commission on Aboriginal Peoples.

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**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 of 1996 and practices as a partner with the Vancouver law firm Callison & Hanna, Barristers & Solicitors. He provides legal representation to aboriginal groups in the aboriginal law area, with a focus on comprehensive and specific land claims, self-government and community development in B.C. and the N.W.T. He is the author of Legal Issues on Indigenous Economic Development (Toronto: LexisNexis, 2017). He is of the Nlaka'pamux Nation from the community of Lytton.*

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

**CHANGE June 23, 2017: Students registered in 358B.001 Topics in First Nations Law: Aboriginal Taxation are NOT ALLOWED to register for 469.003 Civil Procedure, 378C.001 Issues in Immigration & Refugee Law, or LAW 435C.001 Topics in Tort Law: Personal Injury Law. Exam and/or class time conflict.**

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

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

Evaluation:  
100% Exam.

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

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

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

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**LAW 358D.001**      **Topics in First Nations Law**      **Indigenous Legal Theory**  
 Term 1     Term 2      Christie      Seminar      3 CREDITS

**CHANGE June 19, 2017: Seminar description added.**

Over the last decade or so the mass of writings in the field of Indigenous legal theory has greatly expanded. Indigenous theorists (and others) have begun to seriously explore numerous theoretical matters that arise when we step back from Canadian law, Indigenous laws, and their interrelations. These explorations run the gamut from fundamental investigations into the nature of 'the law', to questions about how to understand the nature of the co-existence of Canadian law and Indigenous laws, to questions about how the different systems might be reconciled, to deeply prescriptive questions about what paths we should construct and follow over the next few generations. This course looks closely at ruminations by theorists working in this field, but does so with very specific objectives – to think about how we are situated in this complex multi-juridical world, how we came to find ourselves in the current situation, and about what concrete steps would best lead us toward a better world.

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

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**LAW 362D.001**      **Topics in Family Law**      **Current Issues in Family Law**  
 Term 1     Term 2      Redmond      Seminar      3 CREDITS

Law 362D is an advanced family law course dealing specifically with current issues in family law. The seminar will be limited to 12 – 15 students and will be taught one evening per week for three hours from 5:30pm to 8:30 pm. We will be focusing almost exclusively on recent cases and examining current trends in family law in British Columbia. There will also be a focus on Dispute Resolution including mediation, arbitration and Collaborative Divorce.

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

Evaluation:

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

Textbook required:

Annotated Family Practice 2017-2018 published by CLEBC.

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

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

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**LAW 367.001**      **Reproduction & Law**  
 Term 1     Term 2      Tremblay      Course      3 CREDITS

What is reproduction? How is reproduction regulated? What is the state's role in promoting or discouraging certain reproductive or sexual behaviour? What is the state's role in balancing rights individuals' rights and interests when it comes to reproduction? This seminar will investigate the many meanings of reproduction and its regulation in Canada and beyond. Special attention will be devoted to analyzing how certain groups have been disproportionately affected by state policies. Topics explored will include: fertility/infertility; assisted reproduction; surrogacy; gamete and embryo donation; eugenics; abortion; contraception; adoption; and more. Critical, historical and comparative perspectives.

Prerequisites:

There is no strict prerequisite for taking this seminar. However, knowledge of family law is desirable.

Evaluation:

- Midterm written assignment (optional; 33.33%; 2000 words);
- Open book final exam (100% OR 66.66%).

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

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**LAW 368D.001      Sexuality & Law** Term 1    Term 2

Aloni

*Seminar***3 CREDITS**

The seminar examines the legal and social constructions that enable legal regulation of human sexuality. Human sexuality is governed by a broad range of laws, norms, and economic structures rather than by a single, independent body of laws. Thus, understanding the way law has contended with sexuality involves the study of the intersection of various seemingly disparate fields of law, such as contracts, tax, property, health, administrative, criminal, employment, and constitutional. In recognition of this complexity, this seminar takes a fundamentally interdisciplinary approach and examines major topics in the intersection of law and sexuality from domestic, international, and comparative perspectives.

The seminar will explore both established and important cutting-edge issues in the field. Topics we may cover include sex and sexual orientation–based discrimination in the workplace; nonreproductive sexuality; trans identity and politics; religious liberty versus LGBTQ equality; legal issues affecting the lives of unmarried couples; potential legal recognition of multiple partners and of nonconjugal relationships; and singlism and the law. The seminar will also examine the deeper issues and theoretical questions these topics raise, such as when, why, and how nations began to regulate sex; the perception of sex, gender, and sexual orientation as binary categories; modern and postmodern theories of gender and sexuality; arguments about the state's interests in regulating relationships; and debates about economic inequality and its connection to gender and sexuality. I may add further topics, depending on recent legal developments and students' interest.

## Evaluation:

15% for class participation

15% for book review from a list offered by the instructor

70% for one term paper on a topic approved by the instructor

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

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

Liston

Course

4 CREDITS

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

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

Content covered includes:

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

Evaluation:

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

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

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

Stacey

Course

4 CREDITS

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

Virtually every facet of modern life is affected in some way by the administrative state from labour relations to immigration to professional governance to environmental protection. These laws are administered primarily by administrative agencies, not courts. This course provides an introduction to the rules, principles and policy considerations that shape the powers of these administrative decision-makers. Major topics will include administrative law remedies, procedural fairness, bias and independence, and substantive judicial review of administrative decision-making. The course aims to look beyond the standard administrative law preoccupation with judicial review, to include the study of administrative agencies themselves. We will devote special attention to administrative law issues in British Columbia such as the Administrative Tribunals Act and Aboriginal administrative law.

Evaluation:

Mid-term assessment (20%) and open-book final examination (80%).

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

**LAW 372.003**      **Administrative Law**

Term 1    Term 2      Gruber                      Dickson                      Course                      4 CREDITS

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

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 practices primarily in the areas of commercial litigation & arbitration, insolvency & restructuring, and public & administrative law. He is a member of the CBA Law Reform and Access to Justice Committees and the author of a number of papers and articles.*

*Tim Dickson (LL.B. (University of Toronto 2003)) is a principal at JFK Law Corporation, where he practices litigation with a particular emphasis on administrative, Aboriginal and constitutional law.*

**LAW 374.001**      **Municipal Law**

Term 1    Term 2      Manhas                      Course                      3 CREDITS

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

## Evaluation:

Evaluation will be by examination.

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



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

**\*Registration by permission only.\***  
**CHANGE September 22, 2017: Wednesday start time.**

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

**\*Registration by permission only.\***  
**CHANGE September 22, 2017: Wednesday start time.**

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:*

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

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

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

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

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

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

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

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

Hawkins, K.

Sood

Clinical

11 CREDITS

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

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

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

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

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

**LAW 379D.003****Externship****Judicial Externship** Term 1  Term 2

Barkaskas

Clinical

11 CREDITS

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

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

Evaluation:  
Pass/Fail.

Pre-requisites for application:

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

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

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

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

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

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

Evaluation:  
Pass/Fail.

Pre-requisites for application:

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

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

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

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

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

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

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

380A.001

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

Evaluation:

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

Pre-requisite: LAW 459 Business Organizations

Co-requisite: LAW 379 Externship: Business Law Clinic

*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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<b>LAW 380A.002</b>	<b><u>Externship Reflection</u></b>	<b><u>Business Law Clinic - Reflection</u></b>
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	
Baron	Chow	Workshop
		2 CREDITS

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

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

## 380A.001

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

## Evaluation:

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

Pre-requisite: LAW 459 Business Organizations

Co-requisite: LAW 379 Externship: Business Law Clinic

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

Barrett

Seminar

3 CREDITS

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

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

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

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

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

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

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

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

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

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

Major publications include:

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

(forthcoming, 2014)

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

**LAW 380C.001****Externship Reflection****Judicial Externship**
 Term 1

 Term 2

Barkaskas

Locke

Workshop

4 CREDITS

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

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

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

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

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

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

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

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

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

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

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

Hawkins, K.

Sood

Mangat

Seminar

4 CREDITS

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

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

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

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

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

*Raji Mangat (J.D. (University of Victoria, 2004), M.A. International Affairs (Carleton University, 1999), B.A. University of British Columbia, 1997)) is the Director of Litigation at West Coast Women's Legal Education and Action Fund (West Coast LEAF). She conducts litigation for the organization and oversees the management and strategic direction of West Coast LEAF's litigation portfolio on a range of cases that impact substantive equality for women in BC. As part of her work at West Coast LEAF, Raji also serves as Liaison Counsel to the Rise Women's Legal Centre where her work is aimed at identifying and litigating systemic issues in family law and child protection. Prior to joining West Coast LEAF, Raji was counsel at the BC Civil Liberties Association, where she worked generally on litigation and policy matters with a particular focus on criminal justice system reform, civil forfeiture and voting rights. She has also consulted on a wide range of advocacy projects for international non-profit organizations. Raji currently sits on the board of Access Pro Bono.*

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

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

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

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

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

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

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

*Raji Mangat (J.D. (University of Victoria, 2004), M.A. International Affairs (Carleton University, 1999), B.A. University of British Columbia, 1997)) is the Director of Litigation at West Coast Women's Legal Education and Action Fund (West Coast LEAF). She conducts litigation for the organization and oversees the management and strategic direction of West Coast LEAF's litigation portfolio on a range of cases that impact substantive equality for women in BC. As part of her work at West Coast LEAF, Raji also serves as Liaison Counsel to the Rise Women's Legal Centre where her work is aimed at identifying and litigating systemic issues in family law and child protection. Prior to joining West Coast LEAF, Raji was counsel at the BC Civil Liberties Association, where she worked generally on litigation and policy matters with a particular focus on criminal justice system reform, civil forfeiture and voting rights. She has also consulted on a wide range of advocacy projects for international non-profit organizations. Raji currently sits on the board of Access Pro Bono.*





**LAW 390.001**      **Environmental Law Workshop**

Term 1     Term 2    Carlson                      Nowlan                                      Workshop                      3 CREDITS

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

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

## Evaluation:

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

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

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

**LAW 392.001**      **Natural Resources**

Term 1     Term 2    Armstrong                                      Course                                      3 CREDITS

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

## Evaluation:

Evaluation will be based 100% on a final exam.

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

**LAW 395.001 Forest Law**

Term 1  Term 2      Mancell                      Garton                                      Course                      3 CREDITS

**CHANGE June 23, 2017: Students registered in 395.001 Forest Law are NOT ALLOWED to register in LAW 404.001 Law of Homicide or 440.001 Insurance Law. Exam Conflict.**

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

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

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

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

**Evaluation:**

100% final exam.

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

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





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

**Students registered for LAW 406C.001 Topics in Criminal Justice: Principles of Sentencing are NOT ALLOWED to register for LAW 300.003 Jurisprudence & Critical Perspectives or LAW 435C.001 Topics in Tort Law: Personal Injury Law. Exam and/or class time conflict.**

This is a survey course designed to teach students the theory and practice of sentencing. 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 sentence. We will also examine the plea negotiation process and students will have an opportunity to engage in an online mock plea negotiation. We will examine contemporary issues in sentencing such as mandatory minimum sentences, the sentencing of Indigenous offenders, and dangerous and long term offender designations.

Evaluation:

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

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

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

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**LAW 407.001**      Taxation  
 Term 1     Term 2      Duff      Course      4 CREDITS

**\*Cross-listed with LAW 506.001.\***

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

Required Materials:

1. David G. Duff, Benjamin Alarie, 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 Peter A. Allard School of Law.*

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

Course      4 CREDITS

**\*Cross-listed with LAW 506.002.\***

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

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

## Evaluation:

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

## Required materials:

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

*Professor Tony Sheppard is a full time member of the Peter A. Allard School of Law.*

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

Course      3 CREDITS

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

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

## Required Materials:

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

Evaluation: 100% exam

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

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



**LAW 411D.001**      Tax Policy Term 1    Term 2      Cui

Seminar

3 CREDITS

**SEMINAR CANCELLED**

This seminar course will be given in colloquium format. For about 8 out of the 12 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 2017, topics included using machine learning to predict judicial decisions in tax matters, feminist critiques of Canadian tax policy, tax discrimination, the OECD's BEPS project, and pre-enforcement review of tax regulations.) During weeks when there are no speakers, students will be introduced to select conceptual tools for analyzing tax policy. These will include but are not limited to tools of economic analysis, such as the concepts of the economic incidence of taxation, excess burden, the different types of return to investment (e.g. rent, risk, and riskless return), and welfare economics.

## Evaluation:

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

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

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

Course

3 CREDITS

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

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

## Evaluation:

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

Prerequisite: LAW 407 (previously LAW 220) Taxation.

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

*Richard Weiland, LL.B., TEP, is a partner with Clark Wilson LLP. His practice has an emphasis on advising business owners and high net worth individuals and families on corporate structuring, tax, and estate planning. He also advises charities and other tax-exempt entities on tax, governance and business structuring matters. Richard has a B.A. from Trinity Western University and an LL.B. from University of Victoria. He is also certified by the international Society of Trust and Estate Practitioners. He has authored chapters for professional publications on estate planning and administration issues and is a regular speaker and author for professional and lay audiences.*

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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 type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Kroft	Seminar	3 CREDITS

**SEMINAR CANCELLED.**

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

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

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

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

**Evaluation:**

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

**Enrolment:**

The seminar size will be restricted to 20 students.

Prerequisite or co-requisite: LAW 407 - Taxation I

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

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

Gusikoski

Course

3 CREDITS

This course is designed to provide students with a foundation in labour law and the various legal regimes that affect the unionized workplace. Students will learn about the principal provisions of the Labour Relations Code and related jurisprudence on such issues as certifications, unfair labour practices, union and employer successorships, strikes, lockouts and a union's duty of fair representation. This course will also provide an overview of the more salient legal regimes which inform or affect the law of the unionized workplace, including the Charter, human rights and relevant common law of employment concepts.

Evaluation:

90% final exam and 10% participation.

*Colin Gusikoski received his commerce and law degrees from the University of Saskatchewan, obtaining an average of distinction in both. He completed his masters of laws at Osgoode Hall Law School, writing his thesis in the area of occupational health and safety regulation. After law school, Colin articulated at a leading union-side labour law firm in Toronto. After he was called to the bar in 2008, Colin spent 8 months conducting research for a Guatemalan legal clinic with cases before the Inter-American system of human rights. Since then, he has practiced labour and administrative law at Victory Square Law Office, where he is currently a partner. Colin has represented private and public sector unions before numerous tribunals and has appeared at both superior and appellant levels of court in BC and Saskatchewan.*

**LAW 419C.001**      **Individual Employment Law** Term 1     Term 2

McLean, P.      Mitha

Course

3 CREDITS

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

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

Evaluation:

Student evaluation will be based on an examination.

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

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

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<b>LAW 419D.001</b>	<b><u>Individual Employment Law</u></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

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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**LAW 421D.001**      **Topics in Labour Law**      **Precarious Labour and the Law**  
 Term 1    Term 2      Hastie      Seminar      3 CREDITS

This seminar critically examines the relationship between law and precarious labour, an issue of increasing urgency both within Canada, and globally. We will engage with questions such as: How precarious labour is defined? What are its causes and consequences? How does the law currently ameliorate or exacerbate precariousness at work? How can the law (better) respond to issues attending precarious labour? We will explore these questions through a series of case studies related to: care work; agricultural work; service economies; informal labour markets; and, others. This seminar is well-suited to students who are inquisitive, active classroom participants, and interested in issues of justice.

Evaluation:

10% class participation; 25% short assignments; and, 65% term paper.

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

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**LAW 422.001**      **Intellectual Property**  
 Term 1    Term 2      Reynolds, G.      Course      3 CREDITS

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 Peter A. Allard School of Law.*

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

Term 1     Term 2    Bailey                      Marles                      Takagawa                      Course                      3 CREDITS

**CHANGE June 26, 2017: Course description and evaluation method.**

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 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:**

100% final exam.

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

*Jennifer A. Marles (B.Sc. (UBC 2001), M.Sc. (University of Toronto 2003), LL.B. (University of Victoria 2006)) joined Oyen Wiggs Green & Mutala LLP in 2008. She is a registered patent agent and trademark agent, and 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

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

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

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

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

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

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

**Required Materials:**

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

**Evaluation:**

Attendance and participation: 30%

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

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

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

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

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

Twitter: @jonfestinger

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

PSN: cdmjon

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<b>LAW 423D.001</b>	<b><u>Topics in Intellectual Property</u></b>	<b><u>Intellectual Property &amp; Human Rights</u></b>		
<input checked="" type="checkbox"/> Term 1	<input 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 Peter A. Allard School of Law.

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

Festinger

Course

3 CREDITS

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

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

## Evaluation:

Class Preparation &amp; Participation - 40%

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

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

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

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

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

Twitter: @jonfestinger

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

PSN: cdmjon

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

Matsui

Seminar

3 CREDITS

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

## Pre-requisites:

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

## Evaluation:

Class participation 30% and final assignment 70%.

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

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

## Syllabus:

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

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

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

Tsiakos

Workshop

3 CREDITS

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

This skills-based course offers upper year students advanced instruction in legal research, writing, and analysis. It builds on skills acquired in Law 281 (Legal Research and Writing). The course focuses on Canadian legal research, but will also touch on researching international law and the laws of other jurisdictions including England, the United States, and the European Union. Instruction in writing focuses on legal analysis and forms of writing common to legal practice. Within this framework, students will develop their research and analytical skills through weekly exercises, two-three 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 (5%) and two - three assignments focusing on BC and Canada (95%).

*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 434.001      Medical Negligence Law**

Term 1     Term 2    Osmond                  Raab                                  Course                  3 CREDITS

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

**CHANGE December 5, 2017: Instructors, course description, evaluation method.**

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

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

A case list and course outline will be provided on the first day of class. An optional information source is *Legal Liabilities of Doctors and Hospitals in Canada*, Robertson & Picard (5th ed 2017), which is slated to be available from the publisher in late December 2017.

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

Evaluation:

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

*Brenda Osmond (B.Sc. Pharm. (U of M), Pharm. D. (UBC), J.D. (UBC)) is an associate lawyer at Pacific Medical Law. Brenda obtained her law degree from UBC and was called to the bar in 2010. Brenda has a doctoral degree in clinical pharmacy and was a pharmacist before she became a lawyer. As a pharmacist, Brenda had a distinguished career advocating for the interests of patients.*

*For the last 10 years of her pharmacy career she was Deputy Registrar of the College of Pharmacists of BC. In that role she assisted in developing the standards for safe pharmacy practice and investigated complaints about the practice of pharmacy. She was also involved in efforts to improve the delivery of healthcare in BC through the implementation of computerized health records. Throughout her career Brenda has been a speaker at professional development conferences and a frequent contributor to professional publications.*

*Susanne Raab (B.A. (U. Western Ontario), LL.B. (U. Victoria)) is a lawyer at Pacific Medical Law, and an advocate for people living with disabilities. She has been selected for inclusion by her peers in Best Lawyers in Canada in the area of Medical Negligence and is recognized as a leading practitioner in the Canadian Lexpert Directory in medical malpractice. Susanne is also a Fellow of the Litigation Counsel of America, an honorary trial lawyer society whose membership is limited to less than one-half of one percent of North American lawyers, judges and scholars.*

*Susanne's practice focuses on representing individuals and families who have suffered injuries as a result of medical malpractice, with a focus on birth injuries and catastrophic brain and spinal cord injuries. Prior to joining Pacific Medical Law, Susanne spent much of her legal career representing physicians in complex medical malpractice actions.*

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

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

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

**CHANGE July 31, 2017: Course added.**

**Students registered for LAW 435C.001 Topics in Tort Law: Personal Injury Law are NOT ALLOWED to register for LAW 300.003 Jurisprudence & Critical Perspectives, LAW 406C.001 Topics in Criminal Justice: Principles of Sentencing, or LAW 358B.001 Topics in First Nations Law: Aboriginal Taxation. Exam and/or class time conflict.**

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

Course Objectives:

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

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

Required Reading Materials:

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

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

Evaluation:

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

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

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

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

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

Brasil

Hermanson

Seminar

3 CREDITS

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

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

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

**Materials:**

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

**Prerequisites:**

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

**Evaluation:**

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

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

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



**LAW 439.001**      **Construction Law**

Term 1     Term 2    Singleton      Hand      Course      3 CREDITS

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

**Evaluation:**

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

*John Singleton Q.C. (LL.B. (University of Alberta 1969), LL.M. (University of London (LSE) 1971)) is the managing partner of Singleton Urquhart in Vancouver. Mr. Singleton has spent his entire career, spanning 47 years, in the practice of Construction and Insurance Law and is widely published author on topics in these areas. He has also presented this course at Stanford University to law and MBA students.*

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

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**LAW 440.001 Insurance Law**

Term 1  Term 2      Doyle                      Lamb                      Course                      3 CREDITS

**CHANGE June 23, 2017: Students registered in 440.001 Insurance Law are NOT ALLOWED to register in LAW 404.001 Law of Homicide or 395.001 Forest Law. Exam Conflict.**

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

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

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

**Materials:**

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

**Evaluation:**

Evaluation is based on an open-book final examination.

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

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

**LAW 442.001 Condominium Law**

Term 1  Term 2      Harris, D.                      Course                      3 CREDITS

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

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

**Evaluation:**

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

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

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**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 Peter A. Allard School of Law.*

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

Sarra

Course

3 CREDITS

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

Required materials will be posted on-line.

Evaluation:

50% of the course mark is a paper of 2,500 words, due November 9, 2017, on a subject selected by the student and agreed upon with the professor; 40% is participation in a restructuring simulation; and 10% is based on participation in class.

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

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**LAW 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

**CHANGE October 19, 2017: Classroom.**

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 Peter A. Allard School of Law.*

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

Course

3 CREDITS

**CHANGE June 20, 2017: Course added.**

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 Peter A. Allard School 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 Peter A. Allard School 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 theory and operation of the Canadian law of trusts. The limited statutory material focusses on B.C. 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 1981 he taught law (including trusts) for six years, which included two years at UBC from 1975-77. He has very broad experience dealing with business law issues for over 35 years in relation to many of British Columbia's leading enterprises, with clients ranging from large corporations to family companies to fiduciaries, across many industries. While he is not primarily a trusts and estates practitioner, a significant number of his engagements involve trusts and related concepts. He has been recognized in various directories including the Lexpert/ALM Guide to the Leading 500 Lawyers in Canada, Woodward/White's The Best Lawyers in Canada and Chambers Canada. He was Lawson Lundell's managing partner from 2007 to 2009.*

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**LAW 452.001****Succession**

Term 1  Term 2 Francis, A. Taylor, G. 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.

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

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

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

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

Course      4 CREDITS

**\*Cross-listed with LAW 508D.002.\***

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

## Required Materials:

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

## Evaluation:

Final exam 100%

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

**LAW 459.003**      **Business Organizations** Term 1    Term 2      Hutchison

Course      4 CREDITS

**\*Cross-listed with LAW 508D.003.\***

**CHANGE August 23, 2017: Evaluation. September 15: Classroom.**

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

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

## Evaluation:

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

Class participation - 5%

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





**LAW 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 (DLA Piper (Canada) LLP).

**Evaluation:**

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

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

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

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**LAW 465.001**      **Introduction to Corporate Finance**  
 Term 1    Term 2      Sarra      Course      3 CREDITS

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

**Prerequisite:**

LAW 459 Business Organizations

**Evaluation:**

80% of the course mark is a paper of 3,500 words, due November 20, 2017, on a subject selected by the student and agreed upon with the professor. A list of possible topics will be given out first class, but students are not limited to these topics. 20% of the course mark is based on participation in class, including in-class exercises, small group problem-solving activities and one in-class presentation.

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

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**LAW 466.001**      **Business Law Capstone**

Term 1    Term 2      Gauthier      Course      3 CREDITS

**\*Registration by permission only. Class will be held at UBC Robson in the Law Boardroom.\***  
**CHANGE June 12, 2017: Course added.**

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

## Prerequisite:

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

## Evaluation:

Evaluation will be 100% assignments and class participation.

*Christian Gauthier*

**LAW 467C.001**      **Topics in Corporate Law****Corporate Solicitors' Workshop**

Term 1    Term 2      Smith, B.      Mezzarobba      Workshop      3 CREDITS

**CHANGE June 28, 2017: Workshop added.**

This course is a practical workshop designed to introduce students to the work of a corporate solicitor. The course is taught in a seminar format and introduces students to various aspects of a commercial transaction, such as the purchase and sale of a business. The course will review the various legal, professional, practice and practical issues involved in such transactions from start to finish and will provide practical experience analyzing issues, drafting documents and negotiating on behalf of various parties involved in the transaction. Students will complete the negotiation of the transaction outlined in the course fact pattern at a one-day workshop (to be held on a weekend day in March, 2018).

Students are cautioned that the completion of weekly drafting assignments and attendance at and active participation in all classes and 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 senior lawyer with Whiteboard Law Corporation. Mr. Smith is a corporate solicitor who focuses his practice on transactions involving information technology and emerging growth companies, including the purchase and sale of companies or their assets, commercialization of technology, outsourcing arrangements, corporate finance transactions (primarily venture capital financings) and founder and shareholder arrangements. He also acts as part-time General Counsel for a large Vancouver-based technology company. Mr. Smith has instructed or co-instructed this course for over 10 years.*

*Rachelle Mezzarobba (B.A. (UBC 2004), LL.B. (University of Alberta 2009)) is a partner with Clark Wilson LLP. Ms. Mezzarobba practices in the areas of commercial real estate and private company mergers and acquisitions. While she focuses mainly on transactional work Ms. Mezzarobba also assists clients with leases, land subdivisions, corporate structuring and reorganizations, and corporate agreements, including shareholder and partnership agreements.*

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<b>LAW 467C.002</b>	<b><u>Topics in Corporate Law</u></b>	<b><u>Financial Accounting in Legal Practice</u></b>	
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Jawanda	Course 3 CREDITS

**CHANGE November 2, 2017: Course added.**

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

## Evaluation:

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

*Pavan Jawanda, Partner, McCarthy Tétrault LLP., received his BBA from Simon Fraser University in 2003 and his LLB from the University of British Columbia in 2008. Prior to joining McCarthy Tétrault, he was a corporate lawyer with Davis Polk & Wardwell LLP, where he was based in its New York office from 2008 to 2012 and in its Hong Kong office from 2012 to 2014. Mr. Jawanda is also a Certified Public Accountant and was previously an auditor with KPMG LLP. His practice at McCarthy Tétrault is primarily focused on advising public and private companies and private equity firms on domestic and international mergers and acquisitions, capital markets, corporate finance, venture capital, and other corporate and commercial transactions, and he also regularly advises on securities regulatory compliance, corporate governance, start-up matters, and other general corporate matters. He represents clients from a wide range of industries, including technology, financial services, consumer products, mining, energy, and manufacturing. Mr. Jawanda is also an adjunct instructor at Kwantlen Polytechnic University's School of Business where he teaches business law. He has been a co-author of a number of articles in the area of securities law for the Practising Law Institute, and has been a national presenter in the areas of corporate finance for lawyers and M&A transactions for the Canadian Bar Association.*

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<b>LAW 467D.001</b>	<b><u>Topics in Corporate Law</u></b>	<b><u>White Collar Crime</u></b>	
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> 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 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.*

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

DelBigio

Course

3 CREDITS

**\*Cross-listed with LAW 555C.003.\***

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

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

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

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

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

**Evaluation:**

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

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

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

Salter

Course

3 CREDITS

**\*Cross-listed with LAW 555C.004.\***

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

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

## Evaluation:

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

## JD students

Evaluation in this course involves 2 components:

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

## LLMCL students

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

## Class Attendance and Participation

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

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

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

Armour, D.

Hume, G.

Course

3 CREDITS

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

Any exploration of legal ethics must consider the several core values and aspirations that inform the profession's behavioural norms and expectations, and the conflicting nature of some of the resulting ethical directives. In the more nuanced and correspondingly difficult situations, choices must be made that are often neither clearly right nor wrong.

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

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

Classroom discussion is encouraged.

Evaluation:

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

*Deborah Armour is Chief Legal Officer of the Law Society of British Columbia with overall responsibility for professional conduct, investigations, discipline, custodianships and unauthorized practice of law. She is on the National Discipline Standards Standing Committee of the Federation of Law Societies of Canada and is an active member of the Discipline Administrators' Steering Committee. She has been a frequent speaker and panelist over the years before a variety of audiences including Continuing Legal Education of BC, the Canadian Bar Association, the Canadian Corporate Counsel Association, the Inns of Court Program and law firms.*

*Prior to joining the Law Society in 2010, Deb held executive-level legal, compliance and regulatory positions with various organizations. She began her legal career at the law firm of Ladner Downs where she practiced commercial litigation. She obtained her law degree from Dalhousie Law School in 1985.*

*This is Deb Armour's fourth term teaching Ethics and Professionalism.*

*Gavin Hume is Associate Counsel at Harris & Company LLP, Western Canada's largest management-side workplace law firm, and he is widely considered one of the country's leading employment and labour law practitioners.*

*Over a career that spans almost five decades, Gavin has established himself as a practitioner who acts at the highest level of integrity and professional conduct. He has served as President of the Law Society of British Columbia, and sat on their Ethics Committee, and was past chair of the Federation of Law Societies Standing Committee on the Model Code of Conduct, while also serving as the organization's BC representative. In addition to an extensive collection of awards and accolades for his legal prowess, Gavin is a steadfast volunteer who has been recognized for his numerous contributions to the YMCA, the Continuing Legal Education Society of BC, and the Canadian Bar Association.*

*Gavin is an alumni of the Peter A. Allard School of Law where he has also been a guest lecturer. He was appointed Queen's Counsel in 1992.*

**LAW 469.001**      **Civil Procedure**

Term 1     Term 2    Greenberg      Michaud      Course      3 CREDITS

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

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

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

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

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

**Required Materials:**

Casebook: Civil Litigation, updated July 2017, available electronically on Connect

**Evaluation:**

Exam worth 95% and written assignments 5%

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

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

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

Term 1  Term 2 Crerar Cameron, G. 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 Gavin Cameron, Law 469 Civil Litigation Casebook, 2018 edition.
2. Janet Walker, et al. The Civil Litigation Process: Cases and Materials, 8th ed. (Toronto: Emond Montgomery Publications Ltd., 2016).
3. Supreme Court Civil Rules: Any of these sources:
  - Bouck, Dillon, and Turriff, British Columbia Annual Practice 2018 (Canada Law Book Inc.) (the "White Book");
  - Seckel & MacInnis, Supreme Court Rules Annotated 2018 (Carswell) (the "Black Book"); or
  - Online: [http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/168\\_2009\\_01](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/168_2009_01)

Evaluation:

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

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

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

**LAW 469.003**      Civil Procedure

Term 1    Term 2      Goulden                      Kuntz                                      Course                      3 CREDITS

**CHANGE June 23, 2017: Students registered in 469.003 Civil Procedure are NOT ALLOWED to register for LAW 378C.001 Issues in Immigration & Refugee Law or 358B.001 Topics in First Nations Law: Aboriginal Taxation. Exam and/or class time conflict.**

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

## Required Materials:

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

## Evaluation:

100% Final examination.

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

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

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

Levy

*Clinical***3 CREDITS****\*Registration by Permission Only. (See LAW 470.001T2 and LAW 471D.001.)\***

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

Pre-requisite or Co-requisite:  
LAW 476 Evidence

Co-requisite:  
LAW 471.001 Preventing Wrongful Convictions

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

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

**LAW 470.001T2     The Innocence Project** Term 1    Term 2

Levy

*Clinical***3 CREDITS****\*Registration by Permission Only. (See LAW 470.001T1 and LAW 471D.001.)\***

See above description.

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

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**LAW 471D.001**      Preventing Wrongful Convictions Term 1     Term 2

Turko

Scott

Seminar

3 CREDITS

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

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

## Co-requisite:

This course is required for students in the Innocence Project.

## Evaluation:

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

*Donna Turko graduated from Dalhousie University with an LLB in 1991. She also has BA and MA (Thesis: Cameras in the Courtroom) in Sociology from UBC. Donna currently practices criminal, prison and regulatory law and appears in every level of trial and appeal court. In 2005, she successfully represented three prisoners on habeas corpus issue before the Supreme Court of Canada. Prior to law school, Donna worked as a news reporter and producer. As a lawyer, she is often contracted as a Legal Commentator. Donna has been a mentor and a guest lecturer with the UBC Innocence Project for the past 8 years and is a reviewer for Innocence Canada.*

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

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

Term 1     Term 2    Smart                      McEwan                      Francis                      Workshop                      3 CREDITS

**\*Priority registration to third-year students. Remaining seats open to second-year students.\***

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

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

**Prerequisites:**

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

**Evaluation:**

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

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

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

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

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

Holloway

Workshop

3 CREDITS

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

**Evaluation:**

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

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

Participation and attendance: 10%

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

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

Sutherland, J.

Course

3 CREDITS

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

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

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

## Evaluation:

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

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

L01

L02

L03

L04

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

## Prerequisite:

LAW 476 Evidence is a prerequisite for this course.

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

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

Nugent

Vos

CREDITS

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

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

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

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

CREDITS

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

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

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

CREDITS

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

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

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

Winteringham

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

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

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

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

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

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

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

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

Elwood

Course

**4 CREDITS**

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

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

## Evaluation:

Final examination (100%).

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



**LAW 478.001**      **Foundations of Dispute Resolution**

Term 1    Term 2      Goldbach      *Course*      3 CREDITS

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

## Evaluation:

Evaluation for this class consists of class participation (15%), a small group project on a substantive legal area or set of legal cases (25%), and a research paper of approximately 4000-5000 words (60%).

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

**LAW 481A.001**      **Topics in Litigation, Dispute Resolution & Administration of Justice**      **Negotiation - Theory and Practice**

Term 1    Term 2      Cazalet      *Seminar*      1 CREDITS

**\*This intensive seminar will meet Sept 11, 12, 14, 18, & 19: 9:30 AM-12:30 PM in Allard Hall, room 115. Course conflicts are allowed for this class.\***

**CHANGE June 26, 2017: Seminar description and evaluation method added.**

In this subject students will be introduced to the theory and practice of negotiation. The focus of class time will be the development of expertise in the practice of negotiation informed by theories of conflict and disputing behaviour, models of negotiation, interpersonal skills and ethical practice.

Students will plan and participate in negotiations, review their own and their peers' negotiations and develop an understanding of their own approaches to negotiation.

## Evaluation:

The evaluation for this subject will be on an honours, pass, fail basis. Students will be required to submit a negotiation preparation plan, participate in a recorded negotiation and submit a reflective report following the negotiation.

*Gary Cazalet is Director of the Civil Justice Research Group and Senior Lecturer at the Melbourne Law School, University of Melbourne. He teaches across a broad range of subjects including, Advocacy, Negotiation, Dispute Resolution, Law Apps (a law and technology subject) and Law & Literature. He has a deep interest and commitment to teaching and has served as the School's Director of Teaching. His areas of research include the development of law school teaching, civil procedure and law and technology. Prior to joining the Law School, he was a barrister at the independent Victorian Bar, a mediator and a solicitor. Gary's educational qualifications include BA(Hons)LLB (Monash) and GCUT (Melbourne).*

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**LAW 481D.001**      Topics in Litigation, Dispute Resolution & Administration of Justice      Resilient Lawyering in a Time of Change  
 Term 1     Term 2      LeBaron      Seminar      3 CREDITS

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

Evaluation:

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

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

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**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 Peter A. Allard School of Law and is the Director of the Dispute Resolution Program.*

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

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

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

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

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

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

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

Evaluation Method:

Pass/Fail.

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

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

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

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

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

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

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

## Evaluation Method:

Pass/Fail.

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

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

Barkaskas

Course

4 CREDITS

**\*Registration by permission only. This course does NOT fulfill the 3 credit seminar requirement.\***

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

## Evaluation Method:

10% Participation

10% Weekly Journal

80% Paper

The academic component of the course focuses on decolonizing and Indigenizing law. Students read and are encouraged to discuss and reflect on certain themes, some of which will be informed by current files, some of which are related to issues specific to Indigenous peoples and the law, and some of which are central or core to the experiential learning pedagogy. Students read current scholarly publications, such as works examining decolonization and Indigenous legal orders, as well as new studies on clinical legal education. The course incorporates Indigenous pedagogies, including storytelling and talking circles, to advance new ways of learning law.

The academic component is comprised of weekly reflective journaling, participation in rounds, class discussions based on the weekly readings, attendance at lectures, and a substantial research paper. The graded term paper is an independent legal research and critical reflection paper, including analysis of the student's experiential learning at the ICLC and discussions during lectures throughout the term.

Examples of themes we explore in the academic program include: access to justice, advocacy, antiracism, agency, argument, authority, cultural competency, cross-cultural understanding, decolonization, evidence, experience, Indigenous legal traditions, Indigenous legal theory, Indigenous feminisms, Indigenous methodologies, language, reconciliation representation, resistance, self-determination, sovereignty and trauma-informed practice.

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

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

**\*Registration by permission only. This course does NOT fulfill the 3 credit seminar requirement.\***

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

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

The academic component of the course focuses on decolonizing and Indigenizing law. Students read and are encouraged to discuss and reflect on certain themes, some of which will be informed by current files, some of which are related to issues specific to Indigenous peoples and the law, and some of which are central or core to the experiential learning pedagogy. Students read current scholarly publications, such as works examining decolonization and Indigenous legal orders, as well as new studies on clinical legal education. The course incorporates Indigenous pedagogies, including storytelling and talking circles, to advance new ways of learning law.

The academic component is comprised of weekly reflective journaling, participation in rounds, class discussions based on the weekly readings, attendance at lectures, and a substantial research paper. The graded term paper is an independent legal research and critical reflection paper, including analysis of the student's experiential learning at the ICLC and discussions during lectures throughout the term.

Examples of themes we explore in the academic program include: access to justice, advocacy, antiracism, agency, argument, authority, cultural competency, cross-cultural understanding, decolonization, evidence, experience, Indigenous legal traditions, Indigenous legal theory, Indigenous feminisms, Indigenous methodologies, language, reconciliation representation, resistance, self-determination, sovereignty and trauma-informed practice.

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

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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.*

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**LAW 491.001T1**      Law Students Legal Advice Program  
Credit Term 1     Term 2

Wall

*Clinical***2 CREDITS****\*Registration by permission only.\***

The LSLAP Credit Program program will allow students to put their legal education to practical use through clinical work in a variety of areas of law including criminal, immigration, employment, contract, debt, wills and estates, and consumer protection. Students will be able to improve on research and advocacy skills under the guidance of experienced counsel while gaining a sense of leadership within the organization. In addition to signing and abiding by the LSLAP Code of Conduct and Practice, students are expected to develop competence in effective client interviewing and counselling, legal research, file management, written advocacy and drafting, oral advocacy, and dispute resolution.

Students put their legal education to practical use through clinical work in a variety of areas of law and will improve on research and advocacy skills under the guidance of experienced counsel.

Students enrolled in the credit program at LSLAP will obtain 4 course credits for completing a number of major files over two semesters. Major files vary based on student interest, and may consist of full trials in provincial court, oral or written submissions to a tribunal, immigration applications, sentencing submissions or peace bonds, and civil applications. Students will also gain experience running a part-time a clinic at Robson Square Small Claims Court.

## Pre-requisites:

Experience as a volunteer clinician with LSLAP is valuable but not required.

## Evaluation:

This is a Pass/Fail course.

*Leslie Ann Wall*

**LAW 491.001T2**      Law Students Legal Advice Program  
Credit Term 1     Term 2

Wall

*Clinical***2 CREDITS****\*Registration by permission only.\***

See above description.

*Leslie Ann Wall*

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**LAW 500.001T1**      **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 500.001T2)\***

This seminar introduces students to the central conceptual and methodological approaches to the study of law as well as to current trends in legal scholarship. The first term considers the main disciplinary approaches to the study of legal norms, institutions, and systems from both positive and normative perspectives. It also considers several standard methodologies used to study law including comparative and interdisciplinary approaches. Through seminar participation, students will become familiar with giving and receiving critical feedback—skills that are integral to graduate studies. Class discussion will also be used to explore methodological choices, hone research and writing skills, and contemplate writing for publication.

Evaluation:

Evaluation in the first term, will be based on the following: refining the research question through critical reflection; developing a literature review; matching the selected project with an appropriate and justified methodological approach; and producing the introduction and a skeleton draft of the master thesis.

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

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

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

This seminar introduces students to several of the main conceptual and methodological approaches to the study of law as well as to current trends in legal scholarship. The first term considers the main disciplinary approaches to the study of legal norms, institutions, and systems from both positive and normative perspectives. It also examines and evaluates several standard methodologies used to study law including comparative and interdisciplinary approaches. The main purposes of the first term are: to refine the research question through critical reflection; to develop a literature review; and, to match the selected project with an appropriate and justified methodological approach.

The second term provides students with an opportunity to workshop their research project in a collaborative and constructive forum. Students will receive substantive feedback on draft thesis chapters from the instructor as well as from fellow students. Through seminar participation, students will become familiar with giving and receiving critical feedback—skills that are integral to graduate studies. Discussion will also further explore methodological choices, research and writing skills, and writing for publication.

Evaluation:

Assessment is on a pass/fail basis and will be based on seminar participation and presentations, a literature review, a thesis proposal, and work presented in the second term including comments on draft thesis chapters.

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

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

Litchfield

Web-based

5 CREDITS

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

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

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

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**LAW 505.99A**      Canadian Public Law Term 1     Term 2

Danay

Web-based

5 CREDITS

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

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

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

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**LAW 506.001**      Taxation Term 1     Term 2

Duff

Course

4 CREDITS

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

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

## Required Materials:

1. David G. Duff, Benjamin Alarie, 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 Peter A. Allard School of Law.*

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**LAW 506.002**      Taxation Term 1     Term 2

Sheppard

Course

4 CREDITS

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

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

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

## Evaluation:

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

## Required materials:

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

*Professor Tony Sheppard is a full time member of the Peter A. Allard School of Law.*

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**LAW 508D.001**      **Business Organizations** Term 1     Term 2    Liao

Course

4 CREDITS

**\*Cross-listed with LAW 459.001.\***

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

## Required Materials:

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

## Evaluation:

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

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

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**LAW 508D.002**      **Business Organizations** Term 1     Term 2    Lin

Course

4 CREDITS

**\*Cross-listed with LAW 459.002.\***

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

## Required Materials:

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

## Evaluation:

Final exam 100%

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

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**LAW 509.001**      **Administrative Law** Term 1     Term 2

Liston

Course

4 CREDITS

**\*Cross-listed with LAW 372.001.\***

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

Content covered includes:

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

Evaluation:

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

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

**LAW 509.002**      **Administrative Law** Term 1     Term 2

Stacey

Course

4 CREDITS

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

Virtually every facet of modern life is affected in some way by the administrative state from labour relations to immigration to professional governance to environmental protection. These laws are administered primarily by administrative agencies, not courts. This course provides an introduction to the rules, principles and policy considerations that shape the powers of these administrative decision-makers. Major topics will include administrative law remedies, procedural fairness, bias and independence, and substantive judicial review of administrative decision-making. The course aims to look beyond the standard administrative law preoccupation with judicial review, to include the study of administrative agencies themselves. We will devote special attention to administrative law issues in British Columbia such as the Administrative Tribunals Act and Aboriginal administrative law.

Evaluation:

Mid-term assessment (20%) and open-book final examination (80%).

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

**LAW 509.003**      **Administrative Law**

Term 1    Term 2      Gruber                      Dickson                      Course                      4 CREDITS

**\*Cross-listed with LAW 372.003.\***

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 practices primarily in the areas of commercial litigation & arbitration, insolvency & restructuring, and public & administrative law. He is a member of the CBA Law Reform and Access to Justice Committees and the author of a number of papers and articles.*

*Tim Dickson (LL.B. (University of Toronto 2003)) is a principal at JFK Law Corporation, where he practices litigation with a particular emphasis on administrative, Aboriginal and constitutional law.*

**LAW 511D.001**      **International Criminal Law**

Term 1    Term 2      Perrin    Seminar                      4 CREDITS

**\*This seminar fulfills the J.D. Seminar requirement. J.D. students ARE allowed to register for this seminar.\***

This seminar course covers the law and practice of international criminal law, primarily as it has been developed by international criminal courts and tribunals in recent years, including the International Criminal Court, International Criminal Tribunal for the former Yugoslavia, International Criminal Tribunal for Rwanda, and Special Court for Sierra Leone.

Substantive topics may include: the elements of war crimes, crimes against humanity and genocide; modes of liability (including joint criminal enterprise and command/superior criminal responsibility); and circumstances excluding criminal liability. The development of the institutions of international criminal law will be explored, including the division of labour between national versus international prosecutions for serious international crimes.

Our seminar will be interactive and involve presentations by students of their research related to a particular international criminal law issue in the context of a recent or ongoing situation in which international crimes have allegedly been committed.

## Evaluation:

Research paper proposal and bibliography: 10%

In-class presentation: 20%

Final research paper: 70%

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

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**LAW 524D.001**      **Methodologies in Law and Policy**      **Legal Methodologies**  
 Term 1    Term 2      LeBaron      Seminar      4 CREDITS

**\*Enrolment restricted to LL.M., LL.M.CL. and Ph.D. students only.\***

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

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**LAW 525.001**      **Canadian Criminal Law and Procedure**  
 Term 1    Term 2      Russo      Course      5 CREDITS

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

**CHANGE July 28, 2017: Course added.**

Criminal Law and Procedure 525 will focus on the practical application of criminal law and aims to be a foundation for practicing criminal law in B.C. The course will examine the role of counsel, how a prosecution unfolds, and the core legislation and common law relevant to each stage. Students will learn to identify the elements of a criminal offence and common defences, and burdens and presumptions relevant to their application. Students will also explore how courts apply the Canadian Charter of Rights and Freedoms to strike down law, exclude evidence, or provide for other remedies.

Evaluation:

Course evaluation is based on:

- mid-term exam for 35% of the final grade
- a final exam for 65% of the final grade

Text: Roach, Berger, Cunliffe, and Stribopoulos, *Criminal Law and Procedure: Cases and Materials* (11th ed., 2015). ["RBCS"]

*Robert Russo Russo (J.D., LL.M., and Ph.D. in Law (UBC)) has taught Tort Law and Transnational Law to J.D. students at UBC as well as conducting legal seminars on labour law and migrant workers for Continuing Legal Education programs. Over the course of his doctoral studies he has held a SSHRC scholarship and has been invited to present to the Royal Society of Canada in Ottawa. He has published in Canadian, American and European law journals, including co-authoring an article with Professor Wesley Pue on official discretion in criminal law relating to Canada's Anti-Terrorism Act ("The Problem of Official Discretion in Anti-Terrorism Law: A Comment on R. v. Khawaja" (Vol. 24: 2008)) More recently he has been employed with the Federal Government of Canada for over nine years as one of the government's senior representatives at tribunal hearings dealing with civil claims of serious physical and sexual abuse at government operated Indian Residential Schools.*

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**LAW 525.99A**      **Canadian Criminal Law and Procedure**  
 Term 1    Term 2      Davey      Web-based      5 CREDITS

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

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

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

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**LAW 555C.002**      Topics in Common Law Theory and Practice

Term 1    Term 2      Martin, A.      Course      3 CREDITS

**\*Cross-listed with LAW 468.002.\***

This course provides an introduction to the major ethical issues facing lawyers in BC and elsewhere in Canada and the structures of professional regulation in which those ethical issues play out. Lawyers have obligations not only to the client but also to the court, the profession, and the administration of justice more generally. Successful practice requires lawyers to fulfill these obligations in a conscious and proactive way.

Core topics will include the lawyer-client relationship, confidentiality and privilege, loyalty and conflicts, advocacy (including civility), and criminal law. Additional topics may include advertising and mental health.

## Evaluation:

60% final written examination; 20% one written reflection assignment based on the course materials; 20% participation, which includes attendance, in-class exercises, and short written reflections on the assigned readings.

*Assistant Professor Andrew Flavelle Martin is a full time member of the Peter A. Allard School of Law.*

**LAW 555C.003**      Topics in Common Law Theory and Practice

Term 1    Term 2      DelBigio      Course      3 CREDITS

**\*Cross-listed with LAW 468.003.\***

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

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

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

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

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

## Evaluation:

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

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

**LAW 555C.004**      Topics in Common Law Theory and Practice Term 1     Term 2

Salter

Course

3 CREDITS

**\*Cross-listed with LAW 468.004.\***

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

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

## Evaluation:

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

## JD students

Evaluation in this course involves 2 components:

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

## LLMCL students

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

## Class Attendance and Participation

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

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

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

Course                    2 CREDITS

**\*Course meets Aug 21-25, 9:30 AM-12:30 PM and 1:30-3:30 PM; in Allard Hall, room 115. Registration only for Tax LLM Program students.\***

Although often regarded as a distinct and self-contained body of law, tax law is properly understood as part of the broader legal system in which it exists and the social and political system that gives it shape. This course provides an introduction to the study of Canadian tax law in a comparative context, considering the goals of taxation and the structure of tax systems; the legal framework for tax law including the legal concept of taxation and constitutional requirements for tax law; the interpretation of tax legislation and tax treaties; tax avoidance and anti-avoidance rules; tax administration; and key elements of the income tax in Canada and other countries.

Evaluation:

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

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

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**LAW 562.001**      Taxation of Corporations & Shareholders Term 1     Term 2    Duff

Course                    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 Peter A. Allard School of Law.*

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**LAW 565.001**      **International Taxation** Term 1    Term 2      Duff

Course                      4 CREDITS

**\*Cross-listed with LAW 410.001 International Taxation.\***

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

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

## Required Materials:

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

## Evaluation:

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

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

Pre-requisite: Law 407 Taxation

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

**LAW 566.001**      **Tax Policy** Term 1    Term 2      Cui

Seminar                      3 CREDITS

This seminar course will be given in colloquium format. For about 8 out of the 12 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 2017, topics included using machine learning to predict judicial decisions in tax matters, feminist critiques of Canadian tax policy, tax discrimination, the OECD's BEPS project, and pre-enforcement review of tax regulations.) During weeks when there are no speakers, students will be introduced to select conceptual tools for analyzing tax policy. These will include but are not limited to tools of economic analysis, such as the concepts of the economic incidence of taxation, excess burden, the different types of return to investment (e.g. rent, risk, and riskless return), and welfare economics.

## Evaluation:

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

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

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<b>LAW 567.001</b>	<b><u>Tax Administration and Dispute Resolution</u></b>	<b><u>Tax Dispute Resolution and Litigation</u></b>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Kroft	Seminar	3 CREDITS

**SEMINAR CANCELLED.**

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

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

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

**Evaluation:**

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

**Enrolment:**

The seminar size will be restricted to 20 students.

Prerequisite or co-requisite: LAW 407 - Taxation I

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

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**LAW 568A.001****Topics in Taxation****Environmental Taxation** Term 1  Term 2

Mann

Seminar

1 CREDITS

**This intensive seminar meets Tues & Thurs, Feb 6, 8, 13 & 15, 2:00-5:00 PM in Allard 115; and Thurs, Feb 15, 12:30-2:00 PM, Rm 115. Course conflicts are allowed for this class.\***

**CHANGE July 14: Seminar added.**

Environmental taxes are a market instrument used to influence taxpayer action. Environmental taxes either impose a tax cost on some product or activity that is environmentally damaging, or they give a tax benefit to some product or activity that is environmentally beneficial. All types of tax systems—income tax, estate tax, property tax, and excise tax—potentially can incorporate environmental tax measures, and all levels of government—local, state, and federal—can consider environmental taxes. Environmental taxes will not necessarily replace traditional environmental regulation. In some instances, they may complement regulation, and in others they may provide an option when regulation is not appropriate. In this seminar, students will

- Examine theories of environmental taxation.
- Compare the use of taxes to combat climate change with other instruments such as cap-and-trade and regulatory measures.
- Compare environmental taxation strategies throughout the world.
- Focus on Canadian and U.S. approaches to environmental taxation.

Students will be evaluated as follows:

20 % participation

60 % four individually written response papers

20 % four group written response papers

*Roberta Mann is the Mr. & Mrs. L.L. Stewart Professor of Business Law at the University of Oregon School of Law. She teaches and writes about tax law, with a particular emphasis on how the tax system affects the environment. Professor Mann served as the only tax lawyer on the National Academies of Science committee studying the greenhouse gas impact of the Internal Revenue Code. She is active with the ABA Tax Section, the National Tax Association, and the Portland Tax Forum, and regularly speaks at the annual Global Conference on Environmental Taxation. Before beginning her teaching career, Professor Mann served on the staff of the Joint Committee on Taxation of the United States Congress and worked for the Office of Chief Counsel of the Internal Revenue Service in Washington, D.C. Mann earned her LLM in Taxation with distinction from Georgetown University Law Center and her J.D. cum laude from the Arizona State University College of Law. Mann also holds an M.B.A. and a B.S. in Psychology from Arizona State University.*

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**LAW 568B.001**Topics in TaxationIntroduction to the VAT, GST and HST Term 1 Term 2

Cui

Course

2 CREDITS

**\*This intensive course meets Thurs, Oct 19, Nov 2 & Nov 9, 9:00 AM-12:30 PM, & Fri Oct 20, Nov 3 & 10, 9:30 AM-4:30 PM in Allard Hall, room 115. Course conflicts are allowed for this class. J.D. students ARE allowed to be registered in this course. J.D. students please contact Gloria Cheng (cheng@allard.ubc.ca) or Susan Morin (morin@allard.ubc.ca) if you would like to be registered in this course and you have a time-conflict.\***

**CHANGE August 10, 2017: Course added.**

This 2-credit course will offer an introduction to the basic legal issues under a value added tax (VAT), as well as the basic provisions of the Canadian Goods and Services Tax (GST) and provincial Harmonized Sales Taxes (HST). Topics covered will include registration, taxable activities, taxable supplies, the invoice-credit mechanism, timing and valuation, exemption and zero-rating, cross-border transactions, taxation of financial services and real estate, and anti-avoidance doctrines under the VAT. When practicable, guest lectures by practitioners of Canadian commodity taxation will be arranged.

Textbooks:

- Alan Schenk, Victor Thuronyi and Wei Cui, *Value Added Tax: A Comparative Approach* (2nd Edition): Cambridge University Press, 2015
- Halsbury's *Laws of Canada – Taxation (Goods and Services)* (2015 Reissue) (available through Lexis Advance Quicklaw and the Law Library)

Method of evaluation:

- 15% class participation
- 35%: one research assignment on the GST, total word count 1,500 words max.
- 50%: a take-home exam

Graded by percentage.

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

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<b>LAW 568C.001</b>	<b>Topics in Taxation</b>	<b><u>Tax Law in Practice</u></b>	
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Brayley	Course 3 CREDITS

This course will move beyond the topics covered in courses on taxation of corporations, partnerships and trusts to consider them in light of issues faced by lawyers and accountants in a tax practice. The context for the course will be the life cycle of a business and will include such topics as (i) legal and ethical issues in a tax practice; (ii) solicitor client privilege in the context of a commercial practice; (iii) choice of business form; (iv) reorganizing and combining corporations; (v) selling a business through an asset sale or a share sale; (vi) preserving the business for future generations; and (vii) managing tax disputes from a solicitor's perspective.

Evaluation:

Students will be evaluated on the basis of written assignments (80%) and class participation (20%).

Prerequisites:

LAW 407 Taxation, LAW 506 Taxation or LAW 561 Fundamental Concepts in Tax Law; and LAW 408 Taxation of Corporations and Shareholders or LAW 562 Taxation of Corporations and Shareholders

Recommended: LAW 409 Taxation of Partnerships and Trusts or LAW 563 Taxation of Partnerships and Trusts

Enrolment:

The class size will be restricted to 20 students.

*Cathie Brayley (LL.B. (Windsor 1983)) is a partner with Clark Wilson LLP and provides advice on taxation issues related to mergers, acquisitions, corporate reorganizations, corporate domestic tax planning, succession planning, trusts, personal tax and estate planning and compliance issues. She also resolves disputes at the audit and appeal levels within the Canada Revenue Agency and provides advice on the Canada Revenue Agency's Voluntary Disclosures Program. Cathie is a frequent speaker on taxation issues at conferences for diverse audiences, was involved in the design of the Canadian Bar Association's Tax Law for Lawyers program, and has been a faculty member in this program since it was established in 1995. She is also a member of the Income Tax Education Committee of CPA Canada, and a former member of the Board of Governors of the Canadian Tax Foundation (2012 – 2015), and has been chair of the Canadian Tax Foundation Conferences Committee since 2013. In 2016 she was named by the International Tax Review as one of Canada's Women Leaders in Tax.*

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**LAW 568C.002****Topics in Taxation****United States Taxation** Term 1  Term 2

Ward

Course

3 CREDITS

**JD students ARE allowed to register in this course.**  
**CHANGE September 5: Course added.**

The United States presents its citizens and residents with one of the world's most comprehensive systems for revenue collection. US citizens are subject to US income taxation on worldwide income regardless of their residence, subject to US gift taxation on worldwide transfers of wealth at full fair market value if made while alive, and subject to US estate taxation on worldwide transfers of wealth at full fair market value if deferred until death. In addition, the United States imposes dramatically different tax regimes on the revenues of non-electing corporate entities, electing corporate entities, and entities classified as partnerships for US income tax purposes. This course will introduce students to the United States income (individual and business), gift, and estate tax systems as those systems are applied to citizens, residents, and non-residents. Coverage will include income taxation of individuals, corporations, partnerships, trusts, and estates, as well as gift and estate taxation of individuals. Tax traps and planning opportunities will be noted as much of the subject matter will be addressed in case studies in which the students will be encouraged to apply the statutory, regulatory, and common law concepts to which they have been introduced.

Evaluation:

Take-home exam.

*Robert E. Ward (B.A. (Northwestern University), J.D. (University of Santa Clara School of Law), and LL.M. Taxation (Boston University School of Law)) has practiced as a tax lawyer for over 37 years. He is the founding stockholder of WardChisholm, P.C., a firm of tax lawyers with offices in Bethesda, Maryland and Vancouver, British Columbia. WardChisholm, P.C. provides tax, business, and estate planning services and represents taxpayers before the Internal Revenue Service and the United States Tax Court. The firm focuses on providing tax planning and representation to owners of privately-held businesses, integrating business succession planning with personal estate planning needs. The firm also assists clients in establishing foreign asset protection trusts, public and private tax-exempt charitable organizations, and all forms of business entities, both domestic and foreign. Working closely with Canadian legal counsel and tax advisors, the firm offers these same services for individuals and businesses residing in Canada who acquire U.S. assets or engage in U.S. investment and business activities. Bob is a member of the state bar associations of Washington, California, and Maryland and is licensed as a practitioner of foreign law by the Law Society of British Columbia. He is a member of the Estate Planning Council of Vancouver and a member of the board of directors of The University of British Columbia American Foundation. Bob is a member of the Advisory Board of the Bloomberg BNA Tax Management International Journal, a frequent lecturer at continuing education programs, and author of over thirty articles on various tax topics appearing in Taxes, Trust Quarterly Review, The Practical Lawyer, The Practical Tax Lawyer, Practical Tax Strategies, and The Journal of Asset Protection Planning.*

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<b>LAW 569C.001</b>	<b><u>Topics in International Taxation</u></b>	<b><u>Transfer Pricing</u></b>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Noble	Course	3 CREDITS

**\*Priority enrolment to LLM students, then if space available to PhD and JD students.\***

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.*

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<b>LAW 610C.001</b>	<b><u>Doctoral Seminar I: Issues in Legal Theory</u></b>			
<input checked="" type="checkbox"/> Term 1	<input type="checkbox"/> Term 2	Cui	Seminar	3 CREDITS

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

This seminar will review contemporary scholarship in legal theory, taking into account not only philosophical but also economic and political theories of the law. A central theme will be unpacking the concept of the "rule of law": Does the concept denote particular types of institutions or does it describe a general mode of social cooperation? What are its relations to morality and other social norms, to markets, and to political institutions? Seminar sessions will involve active discussion of assigned readings, and both short written assignments in response to the readings and student presentations will be required.

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

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

Sarra

*Seminar***3 CREDITS****\*Enrolment restricted to Ph.D. students only.\***

This seminar will provide a selective overview of a range of approaches to interdisciplinary and comparative research in law. Seminars will be discussion-based, and will focus on selected readings assigned for each week. Seminar participants will circulate short written responses to the readings in advance of each session. The goal of seminar discussions will be to gain an appreciation of not only the substance, but also the theoretical and methodological frameworks utilized by the authors. We will engage with a wide range of critical interdisciplinary and comparative research in order to learn more about the diversity of scholarly approaches and methods that can be brought to bear on the study of legal phenomena. This seminar is intended to assist doctoral students as they begin to prepare for comprehensive examinations. A syllabus will be circulated before the end of Fall Term 2016.

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

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