



Instructor Course Descriptions

2021-2022

DISCLAIMER: These descriptions are for course-selection information only. They are not course outlines and are subject to change as circumstances warrant.

Multi-sectioned Courses

Law 503 (Administrative Law), Law 505 (Civil Procedure), Law 507 (Evidence), and Law 510 (Ethical Lawyering) are all sectioned into three and run at different times and in different terms.

Students may choose whichever section of these courses that they wish.

Therefore, if being in a particular section at a particular time is important to you, you must prioritize that course during registration.

Note: Theory courses are all capped at 16 students. ***Therefore, if taking a particular theory course is important to you, you must prioritize that course during registration.***

Required Courses

Law 503 Administrative Law (Fluker and Olszynski – Fall Term)

Administrative law governs the exercise of public authority. It is a set of rules and principles that regulates the relationships between branches of government and between the government and individuals. It addresses questions such as:

- What rights do individuals have when they receive government services?
- How can individuals vindicate those rights?
- How do governments create decision-making bodies such as agencies, boards, and commissions?
- What are the legitimate ways in which government bodies can exercise the authority granted them (usually by statute)?
- How can courts review the decisions of other government bodies?

Administrative agencies, boards, and commission are a pervasive part of contemporary Canadian life. They are the principal means by which the government acts and implements its programmes and policies.

A lawyer practicing administrative law might appear before the National Energy Board, the Canada Radio and Telecommunications Commission, the Copyright Board, the Alberta Energy Regulator, human rights tribunals (both federal and provincial), landlord-tenant boards, municipal zoning boards, or any number of

other government agencies, which translates into a very diverse field. This course will focus on an element that ties many of those areas of practice together: the judicial review of administrative decisions.

Law 503 Administrative Law (Harding/MacArthur-Stevens – Winter Term)

Administrative law is everywhere: it is in every aspect of Canadian life subject to government regulation and every related area of legal practice. These include approving pipelines in the public interest, refugee asylum claims, decisions affecting incarcerated persons, electricity infrastructure and markets, landlord and tenant disputes, professional regulation, employee human rights complaints, tax audits, competition and securities law, and restaurant, liquor store, or cannabis retail business licensing.

Administrative law deserves a re-brand as "Advanced Constitutional Law". Just as constitutional law limits the power of the legislative branch of government, administrative law governs and limits the powers of the executive branch. The course offers an introduction to this rich area of law, which governs the exercise of all public authority. In this course we will study the tools and concepts you need to engage with the Canadian administrative state on behalf of your clients, across many areas of legal practice. We will explore the following topics:

- Canada's constitutional and administrative structure;
- Independence, impartiality, and bias in the Canadian administrative state;
- Procedural fairness before administrative tribunals;
- Judicial review of administrative decisions; and
- What it means for all state power to be exercised fairly and reasonably, as required by law.

The course engages the theoretical and doctrinal underpinnings of administrative law, while also infusing practicality and real-world application of the central concepts. The course is taught by Brynne Harding and Brendan MacArthur-Stevens:

- Brynne is a litigation and public law lawyer at Bennett Jones LLP, with a background in tax litigation and administrative law. After law school, Brynne was a law clerk for Justice Marshall Rothstein at the Supreme Court of Canada; and
- Brendan is a litigation lawyer at Blake, Cassels & Graydon LLP. His practice encompasses a number of areas, including appellate litigation, constitutional and administrative law, and commercial disputes. Prior to entering private practice,

Brendan clerked for the judges of the Court of Appeal for Ontario and then for Justice Karakatsanis at the Supreme Court of Canada.

Evaluation

Assessment will be based on one final examination worth 100% of the final grade. Students may elect to complete an optional essay, worth 30% of the grade. If such an election is made, the final examination will be worth 70% of the final grade.

Law 505 Civil Procedure (Benediktsson & Sadovnick/Burkett & Hykaway)

Law 505 introduces students to the law of civil procedure governing Court actions commenced in Alberta, with a focus on actions in the Court of Queen's Bench. The intent of the course is to develop practical lawyering skills and foster an understanding of the applicable law relating to the commencement and management of civil disputes from commencement up to (but not including) trial. The course will cover both substantive and procedural law, including the *Alberta Rules of Court* (and related jurisprudence), and practical and procedural strategies for litigators in Alberta, as well as jurisprudence in related areas such as jurisdiction and professional responsibility obligations related to the conduct of an action.

The course is structured so as to combine substantive legal understanding of civil procedure with practical lawyering skills, with the objective of fostering general competence in the commencement and conduct of a civil proceeding. The format will be lecture based and students are required to read the materials (posted on D2L and the designated text book) and come to class prepared for a discussion of the substantive and practical law of civil procedure.

Assessment in this course will be based on three assignments and a participation grade. The anticipated breakdown for assessment, which is subject to change once the Course Outline is finalized, is participation (5%), Assignment #1 – Pleadings (20%), Assignment #2 – Application and Affidavit (30%), and Assignment #3 – Brief, Order, and Bill of Costs (45%).

Law 507.01 Evidence (H. Markham Silver, Q.C. – Fall Term)

"Don't you believe in flying saucers, they ask me? Don't you believe in telepathy? — in ancient astronauts? — in the Bermuda triangle? — in life after death?

No, I reply. No, no, no, no, and again no.

One person recently, goaded into desperation by the litany of unrelieved negation, burst out "Don't you believe in anything?"

Yes", I said. "I believe in *evidence*. I believe in observation, measurement, and reasoning, confirmed by independent observers. I'll believe anything, no matter how wild and ridiculous, if there is *evidence* for it. The wilder and more ridiculous something is, however, the firmer and more solid the evidence will have to be."

— Isaac Asimov

Evidence as a concept is something we use every day - in analyzing situations, in making decisions, in proving a theory in an undergraduate or graduate essay, in defending a thesis, in explaining a point to a friend over coffee. We weave together disparate pieces of information in the hope that they will be accepted as facts and thereby present a cogent and probative narrative. In everyday life, we do it naturally and without rules and without burdens of proof. As lawyers, we draft contracts to memorialize the agreements reached by the parties, or draft wills or convey property. But how do we *prove* to the necessary standard the agreement, or the state of mind of the testator or the intention of the parties buying and selling property? How do we prove a criminal charge or a civil claim?

This course will introduce the student to the principles and rules that inform how a narrative is created and then presented in Court, whether criminal or civil. As we know from our lives before Law, evidence is created and exists long before a case ever gets to the courtroom door. We will throughout this course gain an understanding of the relationship between the substantive elements of a nascent civil claim or criminal offence and the ultimate proof of those elements in Court by examining the importance of understanding how each step in the legal process, from interviewing the client, drafting the contract, writing an opinion letter, marshalling witnesses, and negotiation are all interconnected and in concert will ultimately be used by one side or the other to prove their point or disprove that of their opponent.

Whether in person or remote, delivery of this course will be synchronous (real time) learning. To get the most out of real time exercise and discussions, learners are required to view the lectures and do the assigned course readings in advance of class. Together in real time we will discuss, question and debate key evidentiary principles such as relevancy and materiality, the admissibility of evidence, the differences and similarities between direct and circumstantial evidence, presumptions, manner of proof through real and testimonial evidence, trial judge's exclusionary discretion, character evidence, hearsay, expert evidence, confessions, and privilege. As such, the course will involve problem-based and experiential learning through interactive discussion.

Assessment will be based on the submission of an optional written work (worth 30%) and classroom participation/presentation (worth 10%). There will be a final examination worth 90% for those who do not do the optional assignment and 60% for those who do the optional assignment.

This course is taught by H. Markham Silver, Q.C., a sole practitioner:

www.linkedin.com/in/markham-silver-q-c-61323643

Law 507.02 Evidence (Ewenson – Fall Term)

The law of evidence provides the legal foundation of any trial. It is the law that applies to determine how the facts at trial are dealt with, which ones are admitted and how much weight each one should be given. Can an individual testify? Should that person be believed? Can we submit business records as reliable documents of business practice? What do we do about a highly incriminating conversation overheard by a third party who is willing to testify? Whether these and other facts are admitted at trial, and the weight that they are given, really can and will turn the trial.

The law of Evidence is then about how you turn that trial, how you determine what facts you can or should use to support your case, how you get those facts (the evidence) admitted at trial, and how you marshal them to your advantage. But it is also about countering the facts that you do not like – either by undermining their reliability, or their importance, or ensuring that they are not admitted at all. For this reason, Evidence is indispensable for any future litigator – and it should be exciting to any future litigator! But likewise it is indispensable for any solicitor, for solicitors set the facts down that litigators will subsequently use at trial; if they do not know how to make those facts compelling and admissible, well, they have done a disservice to their client. The law of evidence informs legal analysis every step of the way.

In this class we will focus on the principles that undergird the law of evidence and the most important of the resultant rules that affect the outcome of each and every trial. We will see that evidentiary rules and evidentiary principles are two sides of the same coin and come to understand how you must be adept at using both – principles and rules, theory and practice – to become an effective advocate. We will develop your understanding of the principles and use in-class problems to flesh out how these evidentiary principles apply to a rule-based legal order. The class will cover both civil and criminal trials, though because there is a great deal of overlap in the evidentiary principles as they apply to both trials, the focus will be on the criminal trial as it often provides for the more challenging of situations.

Assessment will be based on the submission of an optional written work (worth 30%) and classroom participation/presentation (worth 10%). There will be a final examination worth 90% for those who do not do the optional assignment and 60% for those who do the optional assignment.

This course will be taught by Mike Eweson who is a Deputy Chief Prosecutor with Alberta Justice in Calgary. Mike has been with the Calgary office for over 15 years and his practice is focused primarily on homicide trials. He has an LLM in International Criminal Law and previously taught this course in 2016.

Law 507.01 Evidence (Code – Winter Term)

At its simplest, evidence is about proof. In studying it, we examine what lawyers and their clients can and cannot use in a trial to persuade a trier of fact, whether judge or jury, to make a finding of fact in their favour and then to draw inferences from those facts that lead to success in the cause. In a trial, civil or criminal, the evidence upon which such a decision will be made consists of a mixture of facts that: 1) are true; 2) might be true; 3) appear to be true; and 4) are false or might be false but are found to be true, fair, or just.

Truth, fairness, and justice are not synonyms. Justice or fairness often require that the truth, that is, evidence known to be factual, reliable, or real, be excluded from the court record. Truth-seeking is a central judicial function, but a just result does not purport to be the truth. The common law trial is a process designed, substantively, to resolve disputes in a way that reflects the relative importance of the sometimes competing values of truth, justice and fairness. To do so, the trial court must make findings and decisions that constitute something like the truth so as to deliver something like justice.

The law of evidence is an intellectual discipline, difficult both practically and theoretically, that organizes modes of inference and judgment, establishes principles, rules, and guidelines, employs judicial discretion, relies upon morals and values, and tries to eliminate prejudices, all in order to permit a judge and jury to decide a case in a manner that is just and that maintains and promotes both the integrity of our legal system and its legitimacy in our community.

In this course, students will be introduced to, and be asked to discuss and debate, the basic principles of the law of evidence and will establish the ability to think through problems of proof, how to resolve them, and how to construct evidentiary arguments, for and against.

The ability to use evidence law to argue for or against admissibility is the prime aim of the course. The “Law” of Evidence is ever-changing. Knowing certain cases now will be of no value, in some contexts, even 6 months from now. Therefore, knowing the factual and substantive content of the cases is of less importance than is the ability to use the things said and decided in the cases generally to develop an argument, a legal skill that will always be of service to you, wherever you end up in your careers.

In the Winter of 2022, we expect that the course will be taught in person in class. The evaluation scheme will involve three components: the in-class moot of a leading case, which is a group assignment in groups of 3 (Judge, Crown, Accused’s Counsel) (25%); an optional writing assignment (30%) and a final exam worth either 45% or 75% written during the Faculty’s examination period.

A difficulty in evidence is that most leading cases involve murder, sexual assault, and other violent crimes. Once called to the bar, you will have a choice whether to continue to read and think about such matters, prosecute them, defend them, or ignore them. Here, we have no choice. Since we must read about things we might rather not, it is essential that we attempt simply to be clinical about Evidence Law's sources, and to discuss the facts as do the judges writing them - without fear, censure, or embarrassment.

Brett Code, Q.C., is a litigator, arbitrator, and investigator who has practiced corporate and commercial litigation since 1993. He is a partner and lead counsel at Tingle Merrett LLP. Brett taught Evidence in 2019. He was a sessional instructor and an Adjunct Professor at the Faculty of Law from 2001 to 2015. He has taught Corporate Governance, Business Associations, Civil Procedure, and Evidence. In 2009, he was awarded the Howard Tidswell Award for Teaching Excellence by the Faculty. He is a former Bencher of the Law Society and teaches ethics and professional responsibility at CPLED.

Law 508 Negotiation (Wright/Sowter)

Lawyers negotiate. No matter what area of practice or what type of clients, lawyers are required to negotiate in different contexts and roles. However, developing effective negotiation and dispute resolution skills takes time and effort. Lawyers must learn to balance client expectations (reasonable and unreasonable), the law, emotionally charged environments, difficult personalities, and cross-cultural complexities. Negotiation can also present unique challenges by operating outside of the strict timelines and procedures found in the litigation context.

This performance-based 3-week intensive course, which is a key part of the Calgary Curriculum in second year, will provide students with a solid theoretical and practical foundation for becoming an effective negotiator, and, as a result, a well-equipped lawyer. The first part of the course will begin by providing students with grounding in negotiation and dispute resolution theory and thinking, including exposure to interest-based negotiations and different dispute resolution process options. Through various exercises, each student will learn to apply ethical reasoning skills, improve cultural sensitivity, and navigate the complexities of multiparty contexts. The course will also look at the use of unregulated professions such as mediators, and other non-lawyer professionals.

The second part of the course will use a problem-based learning approach to challenge students to determine salient issues, apply the law, and negotiate a settlement or advise a client on their options. Using hypothetical legal problems, students will engage in two different multi-day mock negotiation exercises in small teams. To simulate a real-world environment and provide practical feedback, negotiations will take place in the presence of practitioners from the Calgary legal community. Through this approach, students will learn to distinguish between the

different process options and negotiation styles, particularly with regard to areas such as rights-based and interest-based negotiation, facilitative and evaluative mediation, collaborative law, non-adversarial contractual negotiations, negotiation within an adversarial process, and multiparty public policy negotiations.

Throughout the course, students will be frequently engaging in activities such as negotiation simulations and role plays, interviewing, group work, short writing and drafting activities, and cultural competency exercises, in addition to the problem-solving cases. The exercises will require students to develop effective communication skills, to navigate difficult conversations, to interview clients, and to effectively prepare for negotiation.

Students will be assessed on a CR/D/F scale and evaluation will be based on a mix of exercises and assignments. Attendance (which is mandatory) and participation will be a significant part of course grading, including students' thoughtful preparation and engagement in simulation exercises. A substantive drafting exercise will also form a significant part of the grade.

Law 510.01 Ethical Lawyering (Hagen)

Law 510 introduces students to ethical issues in the practice of law. The course provides an opportunity for students to become competent at ethical and legal reasoning about how to act as a lawyer. The course will focus on understanding the Law Society of Alberta's *Code of Professional Conduct*, the ethical ideas and values that it embodies, and how to apply the principles provided therein.

It will also consider case law arising from the inherent jurisdiction of the court over its own processes, cases relating to fiduciary obligations of lawyers, negligence and money laundering. It will examine both general ethical and legal issues that cut across areas of practice as well as those that arise in different contexts, such as civil and criminal litigation and the corporate context.

Law 510 will also address the general issue of what is needed to be a good lawyer, the challenges to being a good lawyer, and how being a good lawyer relates to right action in legal practice. The course also introduces students to topics on the regulation of the legal profession, such as the rationale for self-regulation and the idea of regulating in the public interest.

Subject to approval, it is anticipated that evaluation will be based on an optional, fail-safe, 24-hour take-home mid-term exam (20%), a short piece of writing on an assigned ethical issue (30%), and a mandatory final exam (50%/70% if midterm is not written). Students will also have the option to write a major research paper worth 50% on an approved topic in order to satisfy the upper year writing requirement instead of the mid-term and the short writing requirement.

Law 510.02 & 510.03 Ethical Lawyering (Christian)

Law 510 introduces students to issues of lawyers' ethics and professional responsibility. The primary purpose of the course is for students to become competent at ethical reasoning in the context of legal practice and in particular practice contexts. What are the different professional dilemmas confronting in-house lawyers as compared to lawyers at a law firm or sole practitioners? What are the ethical issues facing crown prosecutors? How are these similar and dissimilar to the ethical issues facing criminal defence lawyers? The course will cover selected topics in "the law governing lawyers" including the Law Society of Alberta's *Code of Professional Conduct*, law society disciplinary decisions, case law arising from the inherent jurisdiction of the court over its own processes, and case law relating to the application of the law of fiduciary obligations, negligence and contract to lawyer-client relationships.

Law 510 will also address the general question of what it means to be an ethical lawyer, and how the answers to that question are incorporated into a lawyer's assessment of how to respond to specific ethical problems that arise in legal practice. The course will explore the tensions between the concept of the ethical lawyer and the personal, business and economic constraints of law practice. The course also introduces students to the regulation of the legal profession. It will cover selected topics relating to the regulation of the legal profession including reasons for regulation, access to justice and the proper extent of regulation.

Subject to approval, it is anticipated that evaluation will be based on an advising memo (30%), Mid-term exam (20) and a final exam (50%). Also, the course may likely entail a blend of synchronous (real-time) and asynchronous learning activities.

Law 602.01 &.02 Advocacy: Criminal Trials; Advocacy: Civil Trials (L. Silver)

This course develops core lawyering competencies through the practice of advocacy. Students will engage with fundamental trial skills in the context of a complex civil or criminal case. The course, as a capstone to the final year of law studies, utilizes and applies previously acquired knowledge from criminal law, torts, evidence, ethical lawyering and civil procedure. It will also build on the previous block weeks courses. Students will experience the trial process as they draft documents, negotiate, and appear before a Queen's Bench Justice for a pre-trial conference. Throughout the course, each student will apply legal principles, engage in critical analysis and strategic decision-making, partake in persuasive advocacy and utilize negotiation skills as they prepare and present a criminal or civil case for trial. Upon completion of this course, the student will be well-prepared to commence their legal career.

The three-week course is intensive and requires mandatory attendance with daily preparation. It is a performance-based course where students learn by doing through

supportive feedback from leading practitioners and judges. Participants will choose to represent parties in either a civil or criminal action and will be assigned to small groups of fourteen students where most of the course learnings will occur. Students will also experience demonstrations given by seasoned practitioners and short mini-lectures or panel discussions on assigned subjects. The course culminates in a final trial presentation at the Calgary Courts Centre before either a sitting judge or a trial lawyer. Students will also be assigned to a Trial Advocacy Mentor, a trial practitioner, who will give advice and feedback as the students prepare for the final trial presentations.

In the first week, the student is introduced to fundamental trial skills such as examination and cross-examination, impeachment, admission of documentary evidence, objections, and re-examination. These skills are further enhanced and applied in the second week as the students engage with expert witnesses, professional witnesses, and combine their newly acquired skills in a “mini-trial” presentation. The third week will involve negotiation and drafting of trial admissions, a pre-trial conference before a Justice of the Court of Queen’s Bench and a presentation of opening and closing trial submissions. At the end of the third week, students will conduct a full-scale trial, either with or without a jury.

Throughout weeks two and three the students will be working toward the final trial presentation including the preparation of the Trial Book, which is the students’ trial “roadmap,” outlining their theme and theory, witness examinations, documentary evidence, legal issues and trial submissions in a comprehensive and organized format. The Trial Book submission will include a journal article in which the student will reflect on course learnings and the final trial presentation experience.

Students will be assessed on a CR/D/F scale based on four assessment areas involving daily mandatory attendance, daily mandatory active participation, submission of the Trial Book, and the final trial presentation. Please see the course outline for a specific discussion of the course objectives, expectations and assessment.

Optional Courses

Law 509 Business Associations (Stewart – Fall Term)

In this course, we will cover forms of business organizations, including partnerships, limited partnerships, societies, and corporations, with a focus on the corporation and the rights and responsibilities of shareholders and directors. Topics will include the formation of the organization, agency law, fiduciary duties and relationships, corporate liability, shareholder suits, securities law issues, and the role of the corporation in an ever more interconnected world.

Student assessment is comprised of a final take-home examination. All students are also offered an optional research essay for 50% of the course grade. This essay can be used to satisfy your writing requirement.

Law 509 Business Associations (van de Biezenbos – Winter Term)

This course will cover the forms of business organizations, including partnerships, limited partnerships, franchises, and corporations, with a focus on the corporation and the rights and responsibilities of shareholders and directors. Topics will include formation of the organization, fiduciary duties and relationships, corporate liability, shareholder rights, and the role of the corporation in an ever more interconnected world. The course is evaluated by a 100 final exam OR a 70% final exam and 30% paper on a business law issue.

Law 511 Criminal Process (Sitar)

Course Objectives

In examining the procedure by which an accused person is brought to trial, this course will focus on the role of the criminal courts in overseeing police conduct and preserving individual rights. Issues examined will include judicial interim release, legal rights on detention and arrest, search and seizure (including the prior judicial authorization process), and available remedies pursuant to ss. 24(1) & 24(2) of the Canadian Charter of Rights and Freedoms. In the context of recent jurisprudence and statutory changes, students will be invited to consider the trajectory of criminal process developments and potential areas of future litigation.

Although not a prerequisite, it is recommended that students take Evidence prior to, or concurrently with, Criminal Process.

Evaluation

Evaluation will likely be based upon: (i) preparation for and participation in class (including two short reflective journal entries based on assigned readings); (ii) skill-building activities conducted during class time; and (iii) a factum focused on an assigned fact pattern, which will be due on the last day of classes (60%). This factum will be written with reference to course materials only and will not satisfy the Upper Year Writing Requirement.

Biography

Kelsey Sitar is a Calgary-based criminal defence lawyer who maintains both a trial and appellate practice focused on large-scale investigations and serious violent crime. Her particular areas of interest are search and seizure, the impact of technological advancements on criminal prosecutions, drug policy, and the role of race in the criminal justice system.

Law 515 Family Law (Griffith)

This course provides an introduction to family law, including issues families face when they form a partnership, become parents, and upon separation. The course will cover the formation of the family unit, including marriage, cohabitation, and adoption. It will also cover separation and divorce, including parenting issues such as: decision-making, parenting time, mobility, and abduction; and, financial issues such as child support, spousal support, and property division, for both married and unmarried partners.

Family law covers difficult subject matters such as domestic violence and coercive control as well as complex issues such as the tax implications of relationship breakdown, and procedural issues such as process options and court procedures. This course will examine the realities of practice and the current status of family law in Alberta. It will also incorporate policy considerations as appropriate. Evaluation will likely consist of an assignment and an open book final exam.

Jonathan F. Griffith is counsel in the Early Intervention department at the Law Society of Alberta. He spent 11 years as a family law lawyer, mediator and arbitrator in Calgary. He obtained a B.A from the University of Calgary, an LL. B. from the University of New Brunswick and an LL. M. from Osgoode Hall, York University with a specialization in family law. Jonathan is frequently listed as faculty at Legal Education of Albert Society and Federation of Law Societies of Canada conferences where he presents on select topics in family law.

Law 519 Jurisprudence (Bagg/Janzen)

This course will introduce students to contemporary and classical treatments of core questions in the philosophy of law. Topics to be addressed include: the nature of law, our obligation (if any) to obey the law, theories of justice, adjudication, and justifications of punishment. The coursework will include researching, reading about, analyzing, discussing, and defending possible answers to these questions. By striving to understand, criticise, or support such answers, students will gain a theoretical understanding of the law while sharpening the reasoning, communication, and writing skills essential to the practice of law.

Specifically, the course will assist students in developing the ability to:

- assess information,
- recognize and evaluate arguments in academic writing,
- analyze and evaluate one's own views and the views of others, and
- formulate effective arguments and persuasively articulate them.

Since the course will be conducted as a seminar, class preparedness and participation will be assessed. Students will be expected to come to class prepared to discuss assigned readings and to express and defend their own ideas and reactions to the readings. In addition to participation, grades will be based on students' research, reasoning, and writing abilities, which will be determined by a research paper on a topic of the student's choosing. The course can be used to satisfy the Upper-Year Writing Requirement.

Law 521 Real Estate Transactions (Van Vliet)

A practical course on real estate transactions, with a focus on residential real estate conveyancing. Topics include the lawyer's role in real estate transactions, formation and consummation of the purchase contract, the duties of the real estate agent, mortgage financing, closing procedures and remedies. In addition to dealing with substantive law the course will focus on the standard contracts and practical examples will be used to supplement case law and text sources. The topics covered and the skills discussed will be transferable to commercial real estate transactions but the focus is on equipping students to handle all aspects of acting for buyers / sellers and borrowers / lenders in relation to residential real estate transactions.

Evaluation in the course will consist of an optional assignment and a final exam. The assignment will not satisfy the Upper Year Writing Requirement.

This course is taught by Gordon Van Vliet, a partner at Field LLP. See:
http://www.fieldlaw.com/lawyer_overview.asp?lawyerID=365

Law 527 Basic Tax (C. Brown)

Tax law impacts everyone. This course will equip students with an understanding of the fundamentals of the Canadian personal income tax system. We will explore the structure of the Income Tax Act (the "Act") as it relates to the determination of income for tax purposes, the subsequent determination of taxable income, and the determination of tax payable by individuals. There will be a focus on the rationale underpinning each part of the Act we explore, and on the difficulties in categorizing even the most common economic relationships and transactions for the purposes of applying a tax system that is equitable, efficient, and simple. The concepts learned in this course will have potential use in students' personal and professional endeavors. They will provide students with the analytical tools necessary to make more informed decisions about some personal financial matters and identify areas where more advanced tax expertise is necessary for personal matters and for future clients.

Students will discover that, like in other areas of law, there are some tax questions for which there is no clear answer. Students will, however, learn the principles to be applied in determining residence, income from employment, income from business

or property and capital gains and losses. This course will also be fundamental to future learning in the International Tax, Corporate Tax, and Estate Planning courses. The course will include short pre recorded podcasts, instructor led lectures and in-class group discussion problems.

Course materials include a series of on-line readings, group discussion problems and a computer assisted learning program.

The course will be evaluated through a choice of:

- Group in class discussion problems 15% plus 85% final exam; or
- Group in Class discussion problems 15% plus 35% written assignment (policy paper or case comment) plus a 50% final exam.

Law 531 Environmental Law (Wright)

This course will provide students with an understanding of key topics in environmental law and policy in Canada. Topics will include regulation of environmental matters, constitutional and jurisdictional dimensions of environmental law, environmental assessment, environmental torts, compliance and enforcement, public participation in environmental decision-making, and the application of international environmental law in Canada. Particular attention will be given to environmental impact assessment and the relatively new federal regime. Case law, case studies, commentary and source documents will be used to illustrate the application of environmental law to current issues in Canada. The course is primarily doctrinal, with class discussions, guest presentations, and materials focused on domestic legislation, judicial decisions, and administrative tribunal rulings. Evaluation will include a final examination and student participation, but students will have the option (in addition to writing the exam) of also writing a paper for evaluation that satisfies the Upper Year Writing Requirement.

Law 533 Wills & Estates (Watson Hamilton)

Can your client cut one or more of their children out of their will? Does that clause in the will you just drafted offend the rule against perpetuities? Just how mentally competent and free from the influence of others must your client be to make a will? How quickly can an executor distribute the deceased's assets? Is it true that all legal fees on an estate litigation file are paid by the estate as a first call on assets? This course will answer those questions – and more – by teaching you the basics of wills and estate administration. We will look at the preparation and execution of wills, the courts' interpretation of wills, the revocation and alteration of wills, testamentary capacity, testamentary gifts, intestate succession, family support, estate administration, enduring powers of attorney, and personal directives. We will only briefly touch on lawyers' ethical obligations, testamentary trusts and tax considerations, as all three topics are covered at length in other courses (Ethical

Lawyering, Trusts and Estate Planning). The course is focused on the Alberta legislation and its interpretation; there are more than 30 different statutes and regulations that are relevant to wills and estates in this province.

The assessment of students will be through a combination of class presentations of case briefs, quizzes (short answer, T/F, multiple choice), and a final exam worth at least 50%. In exceptional cases, if a student has a strong interest in a specific wills or estate issue, the instructor may give permission for the student to research and write a paper that fulfills the upper year writing requirement in place of the final exam.

Law 536 International Criminal Law (Duffy)

This course has two primary substantive focuses. The first is on the development and operation of the international legal framework for the prosecution of those who commit the most egregious crimes. The second is on transnational crime, which, for the purpose of this course, will include crimes that occur across national borders, or those that occur within a given state, but which have an adverse international impact. We will consider the prosecution of international crimes through international tribunals and specialized courts, including the International Criminal Court (ICC), the International Criminal Tribunal for the Former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), the Special Court for Sierra Leone (SCSL), and the Extraordinary Chambers in the Courts of Cambodia (ECCC). International crimes discussed will include crimes against humanity, war crimes, genocide, and aggression. National prosecutions of international crimes will also be discussed.

Transnational criminal law and mutual cooperation among states are increasingly emerging as major avenues through which crimes of international concern will be addressed. Discussions may include, but are not limited to, extradition, terrorism, human trafficking, drug trafficking, cybercrime, state sovereignty and impunity (particularly relating to torture), money laundering, and organized crime. Given the broad range of this area of law, the course will involve topics rather than presenting a comprehensive overview of this field.

This course is taught primarily as a seminar, rather than as a doctrinal, lecture-based course, because of the continuing evolution of foundational aspects of this field. There is, however, a doctrinal component to the course, which will give context to subsequent discussions, so some classes will have a lecture format.

Evaluations may (subject to change) include class participation, a short written opinion, and a final research paper. Students may use this course to fulfill their International Law and Upper-Year Writing Requirements.

Law 547 Human Rights Law (Munn)

This course focuses on domestic human rights law, i.e. federal and provincial human rights codes and their application by tribunals and courts. After introductory sessions that situate human rights law within debates on rights theory and within the international human rights context, the course focuses on statutory anti-discrimination provisions and their application to public and private actors such as governments, employers, landlords and service providers (e.g. educational institutions), as well as the defences available to such actors, the remedies available to complainants, and procedural / access to justice issues. We also study a broad range of grounds of discrimination, including race, disability, gender, gender identity, sexual orientation, family and marital status, age, and social condition, and explore human rights in the context of reconciliation between settlers and Indigenous peoples in Canada.

Evaluation is based on 2 components: (1) a human rights complaint, and (2) a client memorandum. The complaint and memorandum are based on the same fact pattern, and students will receive feedback on the complaint that they can incorporate into the memorandum. There is no final exam. The course focuses on skills necessary for developing a human rights practice, and is relevant to students interested in the law of discrimination and the obligations of government and private actors to accommodate members of disadvantaged groups in the workplace, tenancies, service industries, etc.

This course is taught by D. Jean Munn Q.C., a partner at Caron & Partners, whose bio can be found here: <https://www.caronpartners.com/d-jean-munn>

Law 549 International Law (Whitsitt)

Public international law concerns the legal relations between states, and to some extent with the individuals within those states. This course is an introductory survey, dealing with the sources, methods and general principles of international law. Given the breadth of the subject matter, the survey is necessarily selective. This course begins by exploring the structural foundations of the international legal system, including the methods of creating international law and traditional ideas about the legal personality and powers of nation states as the foundational subjects within the system. This will be followed by reviews of the concepts and application of state jurisdiction and state responsibility. It will then consider the interaction of international law with national law, using the Canadian system as an example. No background in international law is necessary for students taking this course.

Law 553 Insurance Law (Viney/Gray)

Law 553 provides students with an introduction to the policies, principles and procedures that underlie the theory and practice of insurance law. The course begins with an overview of the nature of insurance law and its sources, but the primary focus is on the application of the relevant legal and policy principles to issues commonly encountered by lawyers engaged in various aspects of insurance work. Topics to be covered include concepts unique to insurance, such as insurable interest, disclosure requirements, utmost good faith and subrogation, and the application of these concepts to the interpretation of contracts of insurance.

The primary purpose of the class is to prepare students to deal effectively with the issues and work that they may encounter in insurance related-work in the first few years of their legal practice. Due to the nature of insurance law practice, adequate preparation for this type of work requires not only familiarity with the relevant authorities but practice in the "hands-on" application of these authorities to particular and occasionally peculiar fact scenarios. For this reason, the readings are relatively limited, but class members are expected to complete them prior to each class and to arrive prepared to engage in small and large group discussions concerning the application of the principles drawn from those readings to other contexts.

It is anticipated that students will be evaluated through: 1) a participation grade based on class attendance and participation as well as a self-evaluation (15%); 2) a memorandum directed towards a senior lawyer providing a coverage opinion (45%); and 3) a final examination (40%).

This course is taught by Alison Gray, a Partner at Gowling WLG:
<https://gowlingwlg.com/en/people/alison-gray/#panel-button1> and Christine Viney, a Partner at Bennett Jones LLP:
<http://www.bennettjones.com/VineyChristine/>

Alison is an experienced insurance defence lawyer who also handles insurance coverage matters. She practices primarily complex commercial litigation, class actions and medical malpractice. Christine is a litigator who brings an extensive background in the insurance industry to a practice that includes focuses on insurance coverage in complex litigation as well as medical, legal and professional negligence and product liability claims.

Law 557 Commercial Arbitration Law (Pappas)

Due to the Instructor's location, this course will occur primarily online.

Law 557 offers an introduction to the exciting field of international and domestic commercial arbitration, which is quickly becoming the default means of resolving commercial disputes throughout the world. The course will generally be broken into seven parts: (1) Part I sets forth an introduction to commercial arbitration, including a brief history of arbitration, and a review of the basic characteristics and

rationale for arbitration; (2) Part II addresses the form and substance of the agreement to arbitrate; (3) Part III addresses the responsibilities and qualifications of arbitrators; (4) Part IV discusses the arbitration process; (5) Part V addresses the role of national court systems and international arbitral institutions in the arbitration process; (6) Part VI addresses the arbitration award, as well as its recognition, enforcement, and annulment; and (7) Part VII reviews investor-state arbitration under the ICSID Convention and other bilateral and multilateral investment treaties.

The course will examine commercial arbitration primarily from an international perspective, but will also consider it from a Canadian perspective. Students can expect to review both foreign and Canadian commentaries, statutes, and case law on the subject. Evaluation will be primarily through a final exam and assignments over the course of the semester. The course will likely occur online through a virtual platform.

This course fulfills the Faculty's international requirement.

Law 557 is taught by Vasilis Pappas, a partner at Bennett Jones whose practice focuses on international arbitration: <http://bennettjones.com/PappasVasilis/>

Law 561 Employment Law (Cascadden)

Employment law directly affects every person who works in Canada, and of course every business or organization that engages people to perform services. As society becomes more diverse, workplace issues become more complex and interesting, and employment law is evolving at a faster rate than ever before. The greater complexity and legal risk faced by employers as the law develops make employment law a growing (and recession proof) legal practice.

In this course we will cover the statutory and common law that forms the legal basis for the employer/employee relationship. From a statutory perspective, we will review Employment Standards, Human Rights, Privacy, along with court and tribunal decisions that interpret these statutes.

Our review of the common law will examine all aspects of the employer/employee relationship, from the determination of whether and when an employment relationship exists, to how the relationship terminated. We will of course carefully consider the obligations of employers and employees throughout the relationship.

Some of the specific points covered in this course include:

- determining whether a person is an employee or a contractor;
- the validity of employment contracts;
- non-competition, non-solicitation, and other restrictive covenants;
- obligations of employers and employees on dismissal;

- resignation, job abandonment, constructive dismissal, and for-cause dismissal;
- drug and alcohol testing, substance dependency, and other disability issues;
- harassment and other discriminatory practices;
- the remarkable impact that pandemics have on employment relationships; and
- business issues and considerations arising from employment law.

The course will be evaluated by way of two 25% assignments, including one written assignment and one case presentation to the class, and a 50% final examination. This course does not have a paper option.

This course is taught by Will Cascadden, a lawyer at Gowling WLG whose bio is here: [Will Cascadden Bio](#)

Law 563 International Human Rights (Hubert)

The language of international human rights permeates the vernacular of law and political culture the world over. Human rights are promoted as being instrumental for democracy, peace, the rule of law, sustainable development and the protection of the environment, as well as being a tool of empowerment and social change. But the grand aspirations of international human rights remains largely unfulfilled in reality — an “ornament on a tragic world in which they do not transform” (Moyn, 2014, p. 177). For this reason, the idealism elicited by international human rights as a universal moral and legal code must be tempered with a necessary understanding of their technical application and the political context in which they are exercised.

This course offers a broad introduction to the law, theory, and practice of international human rights. Topics covered will include the origins and evolution of international human rights; the sources of international human rights law; the role of international, regional, and domestic institutions and actors in implementing, monitoring, and enforcing international human rights; and the specific application of international human rights law in Canada. This course will adopt a dialectical approach to teaching and learning. Throughout the course we will engage with, discuss, and critically analyse perennial and emerging issues in international human rights law.

This course can be used to fulfil the Faculty of Law's International Law and Upper Year Writing Requirements. Assessment components for this course will include a major research paper, class presentation, and class participation

Law 565 Internet Law (Laidlaw)

The purpose of this course is to examine the legal and policy issues relating to the use of the internet. Case studies will be explored on topics, such as network neutrality, the internet of things, digital trade, jurisdiction, intermediary liability, content regulation and freedom of expression, privacy and surveillance, consumer protection and competition law, cyberwarfare, artificial intelligence and blockchain.

These issues will be examined through a combination of lectures, seminar discussions, presentations and problem-based work. The course will focus on the legal issues in its Canadian and international context, and include comparative analysis of the law in the USA and Europe. As this is an evolving area of the law, analysis will also have a policy bent exploring areas where the law has not been sufficiently developed to address a key legal issue, or perhaps has been developed but with unintended legal consequences. Students can therefore expect to gain the following skills from taking the course:

- Understand the laws governing internet use and have informed views on how the internet should be regulated;
- Understand the major debates regarding cyberlaw, regulation, enforcement and internationalization.
- Be able to present and rationally defend a position with regard to the legal issues that arise concerning internet use;
- Develop critical analysis skills concerning current and developing law;
- Develop skills in analyzing comparative law;
- Critically understand the social and political context of internet governance and be able to analyze policy concerning internet regulatory issues;
- Be able to apply legal knowledge gained to analyze and resolve case-problems.

Evaluation will be made of a student's participation (20%), presentation (30%) and paper (50%). The paper may be used to satisfy the Upper Year Writing Requirement.

Law 567 Law & Economics (Ilg)

This course examines the application of economic reasoning to law. The course is designed for students with little or no training in economics. Many laws impose a price on behaviour, and so it is useful to consider how these costs will alter behaviour, and whether the outcome is productive for society.

The main substantive areas of the course include: 1) an introduction to the economic analysis of law, including foundational works in the law and economics literature; 2) economic analysis as applied to various doctrinal areas of law, including contract, tort, property, constitutional, corporate law, and crime; 3) modern developments that

draw upon behavioural and experimental studies, and; 4) critical assessments of law and economics.

The course can be used to satisfy the faculty's theoretical perspectives requirement.

Course evaluation is not yet finalized, but will likely include a research paper option that might be used to satisfy the Faculty's upper year writing requirement. The course evaluation will also likely include a final examination.

Law 571 Oil and Gas Law (Stewart)

In this, we will examine the processes by which rights to produce oil and gas are acquired in Alberta (i.e., Alberta's upstream industry). The course topics include natural resource federalism and ownership of oil and gas; Canada and Alberta's regulatory regimes; Crown disposition systems for oil and gas; the private oil and gas lease; and abandonment and reclamation obligations. This course has a legal skills component, which focuses on building the skillset that is essential for a competent petroleum lawyer to possess. It offers a workshop on contract literacy and negotiating.

Student assessment is comprised of a final take-home examination. All students are also offered an optional research essay for 50% of the course grade. This essay can be used to satisfy your writing requirement.

Law 575 Remedies (Ilg)

The main focus of the course is on judicial remedies available at common law and equity for breach of duty in tort and contract, including the violation of property interests; compensatory, punitive, and gain-based damages; injunctions and specific performance. Consideration of Charter remedies time permitting.

Course evaluation is not yet finalized, but in previous years the default method of evaluation was a 100 percent final examination. There will likely also be a research paper option that might be used to satisfy the Faculty's upper year writing requirement.

Law 577 Tax Policy (J. Mintz)

Due to the Instructor's location, this course will occur primarily online.

Tax policy is critical to the practice of law. To understand the intent of legislation, it is useful to understand the objectives of tax policy and how they are applied to law.

These objectives include efficiency, equity and simplicity. They apply to the mix of taxes (income, sales and payroll) and specifics with regard to tax rates and the base. This course will provide an overview of tax policy principles and its application to the Canadian tax system. It provides a framework for understanding tax policy including some comparative analysis with other countries, particularly the United States and United Kingdom.

The course will operate as a seminar course. Each week will review a specific topic on a general theme (including but not limited to consumption versus income taxation, horizontal and vertical equity, the role of the corporate tax, capital income taxation, international taxation, sales taxation including the value-added tax, taxation of housing, environmental taxation) which will include both instruction and discussion formats.

The final mark will be based on a major paper (topic chosen by each student) and presentations in class. The paper can be used to satisfy the Faculty's upper year writing requirement.

Dr. Jack M. Mintz is the President's Fellow of the School of Public Policy at the University of Calgary after serving as the Palmer Chair and founding Director from January 1, 2008, to June 30, 2015. He is currently Chair of the Alberta Premier's Economic Recovery Council since March, 2020. He also serves on the board of Imperial Oil Limited and is the National Policy Advisor for Ernst & Young. His affiliations include Distinguished Senior Fellow, MacDonald-Laurier Institute, Senior Fellow at the C.D. Howe Institute and a board member of the Canada West Foundation. He is also a regulator contributor to the Financial Post and is a member of the editorial board of International Tax and Public Finance. Dr. Mintz held the position of Professor of Business Economics at the Rotman School of Business from 1989-2007 and Department of Economics at Queen's University, Kingston, 1978-89. He was a Visiting Professor, Columbia Law School, 2015; New York University Law School, 2007; President and CEO of the C. D. Howe Institute from 1999- 2006; Clifford Clark Visiting Economist at the Department of Finance, Ottawa; and Associate Dean (Academic) of the Faculty of Management, University of Toronto, 1993 – 1995. He was founding Editor-in-Chief of International Tax and Public Finance, published by Kluwer Academic Publishers from 1994 – 2001. In the past he served on corporate boards including Brookfield Asset Management (2002-2012), Morneau Shepell (2010-2020) and CHC Helicopter (2003-2008). He chaired the federal government's Technical Committee on Business Taxation in 1996 and 1997 that led to corporate tax reform in Canada since 2000. He also served on numerous panels and boards at the federal and provincial levels including Vice-President and chair of the Social Sciences and Humanities Research Council 2012- 2018, chair of the Alberta Financial Investment and Planning Advisory Commission 2007 and member of the federal

Panel on Healthcare Innovation 2014-5. Dr. Mintz has consulted widely with the World Bank, the International Monetary Fund, the Organization for Economic Co-operation and Development, and various governments, businesses, and non-profit organizations in Canada and abroad. Dr. Mintz became a member of the Order of Canada in 2015 as well as receiving the Queen Elizabeth Diamond Jubilee Medal in 2012 for service to the Canadian tax policy community. He has been recognized by Who's Who Legal as one of the top global experts on corporate taxation since 2016

Law 579.xx: Legal Theory: Canadian Federalism (Stewart)

Being a lawyer who litigates disputes over a country's constitutional order demands a nuanced understanding of it. This claim is particularly germane for Canadian constitutional lawyers.

In this course, we will learn together to achieve a nuanced appreciation of Canadian federalism through discussions about Canada's law as well as its contested history, diverse peoples, and institutional contexts. We will explore what Canadian federalism needs to thrive, and hopefully, start to use a *constitutionalising* language that can meet the federation's current and future needs.

Through a series of transdisciplinary readings, we will explore Canada's blueprint for formal governance and power-sharing. We will gain a greater appreciation for why Canadian institutions work as they do, and how they must change to cope with the needs of a deeply pluralistic citizenry.

Along the way, we will:

- consider the nature of constitutionalism and sovereignty,
- explore the relationship between the inability to make formal constitutional changes and the consequences of the informal mechanisms for change that have flourished as a result,
- press our legal imaginations to appreciate the roles that narratives play in sustaining and adapting Canadian federalism,
- learn more about the federal principle and how it navigates (and possibly facilitates) the processes of decentralization, that have been occurring since 1867,
- assess the relationship between a subnational group having power and having money to exercise their power,
- critically assess the normative roles that call for equality and efficiency play in fiscal federalism,
- examine how the Supreme Court of Canada plays the umpire of interjurisdictional disputes and whether judicial impartiality is challenged during the process by Justices who are faced with a "role perception," which asserts they are on the Court to represent a subset of society,

- explore how executive branches use collaborative federalism to avoid involving the judicial branch in interjurisdictional disputes,
- apply what we have learned about Canadian federalism to the devolution issues created by Quebec nationalism, western alienation, eastern dependencies, and Indigenous self-government,
- press our knowledge over these issues to attempt to predict how demands for devolution will impact the future of Canada's federal system.

Finally, the last two sessions will be dedicated to current legal issues in Canadian federalism.

Student assessment is comprised of writing and presenting a research paper, which can be used to satisfy the Faculty's upper year writing requirement.

Law 579.xx: Legal Theory: Administrative Law (Fluker)

This course explores themes and issues which inform the administrative law jurisprudence in Canada. The objectives of this course are: (1) encourage and facilitate critical analysis of judicial review decisions made by the courts; (2) explore some of the relationships and tensions within Canadian public law; (3) provide an opportunity to research and write on an advanced topic in administrative law.

This course can be used to satisfy the upper year theoretical perspectives requirement as well as the upper year writing requirement. Course evaluation will include a mandatory term paper worth 50% of the final grade. This will be a seminar-based course that expects students to stay current with assigned readings during the term and actively participate in class discussions.

Specific topics covered in the course may include the doctrine of justiciability, public interest standing, separation of powers between the legislative, executive and judicial branches of government, judicial and tribunal independence from political influence, principle of legality, prerogative powers, principle of judicial deference, and remedies in judicial review. These topics will be explored in the context of current problems and difficulties facing Canadian administrative law, such as: (1) the judicial review of delegated legislative power; (2) the intersection between administrative law and the Charter; (3) the intersection between administrative law and section 35 Indigenous rights; (4) the rule of law and selecting the standard of review; (5) the application of reasonableness to review discretionary decision-making; (6) the increasingly important function of reasons and justification in the exercise of State power; (7) the application of stare decisis in administrative law; (8) the legal status and application of unwritten constitutional principles; (9) the influence of judicial decision-making in the development and implementation of public policy; (10) liability of Crown officials for negligent administrative action.

Law 583 Water Law (Olszynski)

At its core, this course deals with how governments and societies allocate and manage their increasingly scarce water resources. Throughout the western world, water and water laws have played a critical role in social and economic development and will continue to do so in a century marked by the effects of climate change. The course first considers the common law rules applicable to water that Canada inherited from Britain (some of which are still relevant) before examining legislative and other authority over water under Canada's *Constitution Act, 1867*. The course then focuses on Alberta. This part begins with the history of surface and groundwater rights and allocation, including common law rules, the *Northwest Irrigation Act* of 1894, and finally Alberta's *Water Act*, which sets out the current rules for receiving and using water throughout the province, including for agriculture, municipal use, and oil and gas development. The course also considers other legal and policy topics including public and private uses; comparing western U.S. water rights to western Canadian water rights; water quality vs. quantity regulation; replenishing and maintaining aquatic ecosystem requirements; the commodification of water; and generally, how to move innovative water management policies into law.

Evaluation in this course will include a research paper that can be used to meet the Faculty's upper year writing requirement.

Law 591 Provincial Court Clerkships (Fradsham)

By Application – See Current Students website

The purpose of the course is to give students further litigation experience, from the judicial perspective. All clerks rotate through the Criminal, Family and Youth, and Civil Divisions of the Court. All clerks meet regularly with their supervising judges. They do research and write memoranda.

There is no formal class time, whether at the Court or the Faculty of Law. Instead, clerks and their supervising judges work out mutually suitable hours in accordance with their respective schedules. **Clerks should expect to spend about 10 hours a week at the Court House.** Students are graded on a Completed Requirements(CR)/D/F basis.

Five students will be selected for the Winter 2022 term.

Law 593 Health Law (Hardcastle)

Health law is a broad and diverse field that draws from many other disciplines, including bioethics, political science, economics, and the health sciences. It also encompasses many different areas of the law, including constitutional law, negligence, criminal law, intellectual property, and international law. This course exposes students to these varied interdisciplinary perspectives and areas of the law as they relate to the health care system. Health law is a dynamic field, having to constantly evolve and adapt to new scientific discoveries. This course addresses situations in which the law has struggled to keep pace with innovation, such as new reproductive technologies. Health law is also a field that is often at the cutting edge of policy debates and this course explores such contemporary issues as end-of-life care, the regulation of cannabis, and privatization of the health care system.

Traditionally, the doctor-patient relationship was the focus of health law. This course examines various legal issues arising from that relationship, including consent, professional negligence, health privacy, and the discipline of health professionals. However, relationships and issues at the broader systems level are the subject of increasing legal regulation and health law scholarship. Thus, it also explores such topics as the regulation of pharmaceuticals and health research, global health law, public health law, the organization of the Canadian health care system, and the complex legal relationships between different health system actors (including provincial and federal ministries of health, hospitals and other health facilities, health professionals, and patients and their families).

This course addresses how legal instruments can aid policy-makers in the achievement of health policy goals, such as enhanced access to services, cost containment, and improved quality of care. Similarly, it examines the limits of the law as a tool for reform and situations in which laws impede the achievement of these health policy goals. This course also addresses the role of the courts in the health sector. While the courts can function as an important mechanism for holding governments accountable, there are often concerns with judicial competence to weigh in on complex health policy debates.

The evaluation method for this course is a final exam that will comprise 100% of the final grade in the course. Alternatively, students may elect to complete an assignment (due on the last day of classes) comprising 40% of the final grade, thereby reducing the weight of the final exam to 60% of the grade in the course.

Law 594 Indigenous Peoples & the Law (Hamilton)

The relationship between Indigenous peoples and the Canadian state is one of the most challenging and important issues Canada faces. This course introduces students to some of the most important ways that law shapes these relationships, with detailed analysis of Aboriginal rights and title, treaties, the duty to consult, the Crown's fiduciary duty, the division of federal and provincial powers concerning Indigenous peoples, the *Indian Act*, and Indigenous self-government. While the course focuses primarily on analysis of case law, it also explores the place of

Indigenous peoples in Canada's constitutional architecture and in evolving notions of federalism. The course also examines the historical and contemporary importance of Indigenous legal traditions and tensions between state and Indigenous law. In this, the course will introduce theories of legal pluralism and provide opportunity for critical reflection and discussion on a range of perspectives about Aboriginal rights and the relationship between Indigenous peoples and the state.

Students will be given a choice of evaluation method in this course. One option will require submission of a substantial paper that will satisfy the Faculty's upper year writing requirement. The other option will be based on a final exam. Each option may include other evaluation components (e.g., class participation, assignment and/or quiz), which will be detailed in the course outline.

Law 596 Feminist Legal Theory (Koshan)

This course will begin the 4th week of September and will run for 1 hour and 50 minutes per class until the end of the term.

This course will focus on feminist legal theory as it has developed over time and as it has been used by feminist legal activists, primarily in Canada. Introductory sessions examine a range of feminist perspectives and debates on the nature and functions of law and its impact on women and other disadvantaged groups, including liberal feminism, radical feminism, difference feminism, socialist feminism, critical race feminism, Indigenous feminism, critical disability feminism, and queer feminism. In the second part of the course, we concentrate on the ways in which activists have mobilized those perspectives in specific areas (e.g. gender-based violence, reproductive rights, workplace equality) by using and critiquing law as a strategy for social change. Strategies to be examined will include litigation, law reform, feminist judgment writing, and engagement with the international human rights sphere via shadow reports.

Classes will be seminar-style with active preparation and participation from all students expected. Evaluation includes 3 components: (1) a research paper that students may write in the form of a factum, law reform brief, shadow report, or feminist judgment, or a paper critically reflecting on an aspect of feminist activism in Canada and its impact on the law; (2) a class presentation on the research paper topic, designed to provide each student with group feedback; and (3) class participation. This course can be used to satisfy the upper-year theory and writing requirements and is capped at 16 students. Classes will commence the week of September 27, 2021.

Law 597 International Trade Law (Whitsitt)

The circumstances in which we find ourselves remind us of the profound importance of global trade in our lives. In the midst of pandemics, trade plays a vital role in ensuring the availability and affordability of vital medicines, medical products and health care services, particularly among its most vulnerable members. International trade is crucial to ensuring access to medicines and other medical products - no country is entirely self-reliant for the products and equipment it needs for its public health systems. But this is not all. Whether we realize it or not, trade impacts the food we eat, the clothes we wear, the cars we buy, the services to which we have access and so much more. In short, there is no better time to learn about this fundamental discipline.

This course is structured to give you a useful introduction to the rules governing global merchandise trade and the institution (the World Trade Organization or WTO) that oversees this aspect of our global economy. In so doing, you will also become acquainted with current issues (e.g. pandemics, trade wars, national security) that threaten our global economy. In addition to its doctrinal components, this course has a significant skills component.

Evaluation

Evaluation will likely consist of students writing a bench brief to a panel of WTO experts deciding a case about trade restrictions taken in light of COVID-19 (45% of grade). They will also participate in a simulated multilateral trade negotiation (55% of grade). Evaluation of this negotiation exercise will be based on two components: (1) student participation (in groups) in the negotiation, including completion of a negotiation strategy document (20%); and (2) a reflection paper (35%) to be completed individually that evaluates different aspects of the negotiation exercise.

Law 598 Trusts (Coe)

Due to the instructor's availability, this course will be taught online.

This course will examine the concept of the trust and its development in equity; its relationship to other legal concepts (e.g., contracts, gifts, etc.); various types of trusts (testamentary and inter vivos trusts, resulting trusts and constructive trusts); how to constitute, administer and terminate the trust; trustee duties and powers; variation of trusts; breach of trust and the doctrine of tracing; with some attention to the modern uses of the trust and its statutory modifications.

I will post Powerpoint slides in advance of each class. There will be short (ungraded) group-based assessments throughout the course, e.g., ten true/false questions, five short answer questions.

You will have two options for assessment: 50% research paper (which may qualify for the upper-year writing requirement) and 50% final exam or 10% group participation (based on you and a classmate(s) discussing the assigned cases for one class in the term) and 90% final exam.

There are no prerequisites for this course.

This course is taught by Catrin Coe, Q.C., Resolution Counsel at the Court of Queen's Bench of Alberta.

Law 599.xx Leadership for Lawyers (Sandwith)

Beyond substantive legal knowledge and technical skills, what do you need to be successful in your legal career?

The legal industry is going through and will continue to undergo dramatic shifts into the foreseeable future that impact all aspects of the practice and profession. Therefore, it stands to reason that the knowledge and skills required to navigate and succeed within this ever-changing system are different from traditional legal knowledge and skills.

In this course we will explore the science behind leadership and success and analyze it in the context of the legal industry. In particular, we will explore how legal education and culture can actually hinder our abilities to lead effectively and succeed both professionally and personally.

We will identify the skills that support effective leadership and actively engage in the development of these skills throughout the course. We will also facilitate an introspective examination of your own leadership qualities and characteristics, highlighting both your strengths and opportunities for development. Students will learn the tools they need to succeed and become an effective leader as a law student and junior lawyer.

Evaluation components will likely include:

1. Regular and Meaningful class participation
2. Reflective Learning Journals
3. Class Presentations
4. Group case studies and presentations

The course is taught by lawyer turned legal operations and management consultant, Kyla Sandwith, whose website is here: www.denovoinc.ca

Law 599.xx Legal Practice: Innovation (Kowalski)

Due to the Instructor's location, this course will be offered online.

The course is online and is designed to be interactive; students must be prepared to actively participate in each class. The course will entail a blend of synchronous (real-time) and asynchronous learning activities.

The course provides an environmental scan of the dramatic, structural changes happening within the global legal services industry. The focus will be on legal services as an “industry”; lawyers are now just one part of an industry that includes many players, many of whom do not have, or need, a lawyer’s depth of legal training. We will explore the latest innovations, entrepreneurial efforts, and technological advances in the global legal marketplace so that students will be prepared for the legal marketplace of 2025 - not the legal marketplace of 2010.

Using a combination of lectures, case studies, online simulations, role plays and external speakers, this class will highlight skills and knowledge that lawyers of tomorrow will need to excel in the new legal services industry. The course will cover new technology, teaming, idea generation, project management, communication, presentation, social networking competencies, the role of in-house counsel, law firm organization, as well as the ability to understand and analyze law firms, law firm management and legal industry dynamics.

Students will be evaluated as follows:

65% Essay – Can be used to satisfy the Upper Year Writing Requirement.

15% Class Presentation

10% Class Participation

10% successful attainment of the COBOT (Certified Operator of Basic Office Technology) badge for Microsoft Word, and one of: Excel, or Adobe COBOT badges. The online Legal Tech Assessment will be used to teach and assess this requirement.

Law 599.xx Legal Practice: Project Management (Kathuria)

This course will be taught on an intensive basis from 9am to 4pm on the following dates:

January 28-29

February 11-12

March 4-5

Project management is an essential tool in engineering, consulting, architecture and many other professions. It is relatively new to the legal industry with the requirement being driven largely by clients who are demanding far greater efficiencies and cost certainties. To meet this market requirement, lawyers must now understand and use this project management as an important part of their service delivery toolkit.

This course will highlight the use and benefits of legal project management in the legal industry and prepare you for the process of obtaining work from clients. This course is also designed to provide students with the concepts of project management and how they can be applied to legal work, including a detailed review of the different styles of project management and their applicability to legal mandates. Students will work in groups to build plans based on case studies derived from real matters and learn effective pricing techniques. Students will also independently manage a case study project.

Why is this course relevant to you?

- Most law firms have either implemented or are planning to implement legal project management practices
- In-house counsel are using these techniques to manage work for their business clients
- You will gain the skills to play a key role in how to obtain and run a legal matter

It is anticipated that students will be evaluated based on:

1. A participation grade based on meaningful participation in class and exercises (25%);
2. Completion of interim assignment (25%); and
3. A final assignment (50%).

This course is taught by Rick Kathuria, Chief Administrative Officer at McCarthy Tétrault: <https://www.mccarthy.ca/en/people/rick-kathuria-0>

Law 599.xx Legal Practice: Corporate & In-House Counsel (Charbonneau)

Due to the Instructor's location, this course will be offered primarily online.

Description: Increasingly, many law graduates will work as, or closely with, in-house counsel over the course of their careers. In-house counsel operate in a different environment and face different pressures than lawyers in private practice. The context in which in-house counsel practice law means that they encounter

distinct professional responsibility issues and ethical quandaries. In-house legal departments are required to manage and sometimes reduce budgets yet maintain or increase legal services. In-house counsel must operationalize the efficient delivery of legal advice and drive innovation often through use of technology, alternative legal service providers and/or use of legal support from lower cost jurisdictions. They are required to develop business acumen and financial skills, along with the ability to navigate in a corporate setting where they must influence behaviours often without having authority over their colleagues. They must balance the role of ethical advisor and corporate conscience against the practical needs of a business to drive profits and take risks. Whether a lawyer moves in-house or is working closely with clients who are in-house counsel, advance knowledge of the specific requirements and challenges will help them steer a safer course. This course will examine problems faced by in-house and external counsel in advising corporations, and it will also address the pragmatic aspects of in-house practice with a skills development focus.

Delivery: The course will be delivered primarily virtually, with a few weeks delivered in person, logistics permitting.

Evaluation: This is a graded course: research paper (35%); weekly discussion (25%); group project based on case study (20%); final exam (20%).

Instructor: This course is taught by Lynne Charbonneau, a lawyer based in Vancouver. Lynne is a judge of the World Bank Administrative Tribunal and a corporate director of BlueShore Financial Credit Union, Inuvialuit Development Corporation and Actsafe Safety Association. She served as Deputy General Counsel at HSBC Bank Canada from 2005 until 2018. Prior to that, she practiced corporate and securities law with Fasken Martineau DuMoulin LLP for over a decade. She graduated from UBC's Allard School of Law and clerked for the Federal Court of Appeal.

Law 601: Advanced Criminal Law (Fagan)

This course is designed to equip students with the tools needed to survive on the front lines of criminal litigation. The goal is to introduce some of the more interesting and challenging *Charter*, procedural, substantive and evidentiary issues that arise in the defence and prosecution of serious crimes. Topics include drug trafficking/ possession for the purpose of trafficking; search warrants; "pipeline" investigations; "Mr. Bigs"; the police use of force; expert witnesses and entrapment. This course aims to extend beyond the theoretical and provide students with hands-on opportunities to apply what they have learned in class. It also aims to expose students to diverse and compelling guest speakers, which in the past have included an RCMP major crimes homicide detective; a forensic psychologist; judges/justices from all levels of court in the Province; a former CSIS officer and distinguished members of the Criminal Bar, both Crown and Defence. Assessment will likely occur

by way of attendance/class participation, a skill building assignment and an open-book final exam.

This course is capped at 20 students.

BIO

Kaysi Fagan is the only practicing criminal defence lawyer in the country with 3 law degrees from 3 different countries. Ms. Fagan completed her J.D. at the University of Western Ontario and two Master of Laws degrees (New York University and the National University of Singapore) thereafter. Prior to practicing in Calgary, Ms. Fagan worked at the headquarters of the International Police ("INTERPOL") in Lyon, France. She has been in practice for over a decade and has appeared at every level of Court in the Province as well as in the SCC. Ms. Fagan is a published author and has a recurring role as a legal expert on a popular American true crime series. She has taught Advanced Criminal Law at the University of Calgary for the last 3 years; has lectured for RCMP major crimes division and is a Faculty member with the Legal Education Society of Alberta. She is also a former fire fighter and a black belt martial artist. (www.kaysifagan.com)

Law 605 Oil and Gas Contracts (Pittman)

As parts of the globe transition from carbon-based fuels to renewable energy sources, the oil and gas industry finds itself again under the microscope. And yet, by 2040, it's expected that more than half of the world's energy needs will still be met through oil and gas.

The course focuses on transactions and joint ventures generally, and so the concepts discussed and skills acquired will be easily transferred to other industries or areas of practice. However, as oil and gas contracts have been evolving for the last 70 years, there is a complex and developed body of law specific to oil and gas that allows us to have in-depth discussions about contracts, and to learn drafting techniques.

This will be a very hands-on class. Students will be provided with samples of the various documents and will be required to listen to client instructions; to read the language closely; to think about what the document says and how it could be interpreted in light of the governing law; and to draft provisions to address risks or commercial objectives.

The course also frequently requires students to apply the legal principles from the Contracts, Property and Tort Law courses taught in 1L.

Evaluation:

Take home midterm (required): 40%

Final Exam: 50%

Course Participation: 10%

Instructor:

Miles Pittman, Partner, BLG <https://blg.com/en/Our-People/Pittman-Miles>

Law 607 Advanced Legal Research (Clarke)

This course will be taught online.

Advanced Legal Research builds on the basic research skills you developed in Foundations 2. The course provides instruction in research strategy and methodology, evaluation of resources, and citation. It covers both secondary and primary legal materials and emphasizes electronic resources. While the focus is on Canadian legal research, students will be introduced to the U.S., U.K. and Australian legal systems.

This is a practical legal research course, designed to help you transition to conducting research as a summer/articling student and new associate. The assignments require you to utilize these practical skills, including critically evaluating resources, and researching for and writing a legal memorandum.

The course will be primarily taught through asynchronous learning activities but will include a synchronous component. Student evaluation will be comprised of a variety of small assessment tools, which could include exercises, quizzes and participation, worth 15-20% of the final grade, along with two or three assignments for the remaining 80-85%.

Law 607 Advanced Legal Research (Williams)

Advanced Legal Research builds on the basic research skills you developed in Foundations 2. The course provides instruction in research strategy and methodology, evaluation of resources, and citation. It covers both secondary and primary legal materials and emphasizes electronic resources. While students will be introduced to the U.S., U.K. and Australian legal systems, the focus is on Canadian legal research and ways that research is essential in a legal practice.

This is a practical legal research course, designed to help you transition to conducting research as a summer/articling student and new associate. The

assignments require you to utilize these practical skills, including evaluating resources to cite in a memorandum or factum.

Class sessions include a lecture/discussion period and hands-on exercises through which you will learn new tips and methods of searching legal databases and using print resources. Students will be evaluated on the basis of in-class exercises, assignments, and class participation.

This course is taught by Kristy Williams, an Associate at McLeod Law. <https://www.mcleod-law.com/professionals/kristy-l-williams-phd/>

Law 608 Common Law en français (Magnan)

This course is offered through a partnership with the University of Ottawa, Faculty of Law. **It is mandatory for students wishing to participate in the [Certification in Common Law in French, but is open to all students that](#) have completed a program in French immersion (or equivalent) through grade 12.**

The primary purpose of the course is to facilitate the acquisition of French legal terminology through the study of general principles in criminal law, advocacy, language rights and business law.

The course is a hybrid course, with a blend of face to face and online learning activities to allow students flexibility in their learning. The face to face sessions will include presentations by experts that have practiced law in French in Canada and bilingual judges and justices.

Course assessment will be based on assignments (a case brief, paper) and participation. Students may elect to use this paper to satisfy the upper year writing requirement, subject to instructor approval.

This course is the first step in helping students:

- access jobs, such as clerkships at the Supreme Court of Canada, or articles with international firms, where legal training and proficiency in both official languages is an asset.
- contribute legal services to the Francophone community, in the language to which they are entitled;
- master legal terminology in French, and improve skills in legal writing and advocacy.

This course is taught by Caroline Magnan from the University of Ottawa:

<https://commonlaw.uottawa.ca/en/people/magnan-caroline>

<https://juristespower.ca/equipe/caroline-magnan/>

Students interested in the course must send an email to Angela Gallo-Dewar (agallode@ucalgary.ca) and Professor Magnan (cmagnan@uottawa.ca) prior to the start of classes confirming that they have completed a program in French immersion (or equivalent) through grade 12 prior to the start of classes.

Ce cours est offert en partenariat avec la faculté de droit de l'Université d'Ottawa. Il est obligatoire pour les étudiantes et étudiants voulant participer au programme de Certification de common law en français mais ouvert à tous les étudiants qui ont suivi un programme d'immersion française (ou équivalent) jusqu'en 12e année.

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.

Le cours sera offert en format hybride (des activités d'apprentissage synchrones (en temps réel) et asynchrones) afin de donner à l'étudiant plus de flexibilité dans son apprentissage. Les sessions synchrones comprendront des présentations d'experts qui ont pratiqué le droit en français ainsi que des juges bilingues.

L'évaluation sera basée sur des devoirs (commentaire d'arrêt et avis juridique) et sur la participation. Les étudiants peuvent choisir cet avis juridique pour satisfaire à l'exigence du mémoire de recherche, sujet à l'approbation de la professeure.

Ce cours est le premier pas vers un apprentissage qui permettra à l'étudiant à:

- accéder aux postes juridiques, tels des stages à la Cour suprême du Canada et à l'échelle internationale, où la formation juridique et la maîtrise des deux langues officielles constituent un atout;
- contribuer à la collectivité francophone des services juridiques en français auxquels elle a droit;
- maîtriser de la terminologie juridique en français, et améliorer les compétences en matière de rédaction juridique et en plaidoirie;

Le cours est offert par professeure Caroline Magnan de l'Université d'Ottawa.

<https://commonlaw.uottawa.ca/fr/personnes/magnan-caroline>

<https://juristespower.ca/equipe/caroline-magnan/>

Law 610 Internship in French (Magnan) / Certification de common law en français: Stage en droit (Magnan)

This course is offered through a partnership with the University of Ottawa, Faculty of Law. **It is only available to students participating in the [Certification in Common Law in French](#).**

This internship provides students with opportunities for hands-on legal work where legal services are offered in French through collaborations with various

francophone community associations, firms, courts, and governments. Students are evaluated on the pass/fail methodology of completed requirements (CR) or fail (F).

Students must:

- develop a plan with the internship supervisor outlining the legal work and research that will be undertaken over the course of the semester with accompanying timetable;
- complete the requisite hours of non-renumerated law-related work;
- complete a final report for the internship supervisor and Professor Magnan.

This course is the first step in helping students:

- access jobs, such as clerkships at the Supreme Court of Canada, or articles with international firms, where legal training and proficiency in both official languages is an asset.
- contribute legal services to the Francophone community, in the language to which they are entitled;
- master legal terminology in French, and improve skills in legal writing and advocacy.

This course is taught by Caroline Magnan from the University of Ottawa:

<https://commonlaw.uottawa.ca/en/people/magnan-caroline>

<https://juristespower.ca/equipe/caroline-magnan/>

Ce cours est offert en partenariat avec la faculté de droit de l'Université d'Ottawa. Il est uniquement offert aux étudiants participant au programme de [Certification de common law en français](#).

En collaboration avec les associations de juristes d'expression française provinciales et des entités privées et gouvernementales, chaque étudiante et étudiant du programme de Certification de common law en français (CCLF) doit compléter un stage dans un milieu offrant des services juridiques en français. Ce stage permet aux étudiantes et étudiants d'étoffer leurs connaissances en common law en français dans un milieu pratique. Tous les stages sont évalués selon les critères S (satisfaisant) ou NS (non satisfaisant).

Les étudiantes et étudiants devront :

- développer un plan de stage avec le responsable de stage qui décrit le sujet du travail de recherche ainsi que les échéanciers;
- compléter des heures de travail juridique non rémunéré au cours du semestre et ce travail doit être relié au droit;
- achever un rapport final au responsable de stage et à la Professeure Magnan.

Ce cours est le premier pas vers un apprentissage qui permettra à l'étudiant à:

- accéder aux postes juridiques, tels des stages à la Cour suprême du Canada et à l'échelle internationale, où la formation juridique et la maîtrise des deux langues officielles constituent un atout;
- contribuer à la collectivité francophone des services juridiques en français auxquels elle a droit;
- maîtriser de la terminologie juridique en français, et améliorer les compétences en matière de rédaction juridique et en plaidoirie;

Le cours est offert par professeure Caroline Magnan de l'Université d'Ottawa.

<https://commonlaw.uottawa.ca/fr/personnes/magnan-caroline>

<https://juristespower.ca/equipe/caroline-magnan/>

Law 614 Advanced Topics in French Common Law / Études approfondies en common law en français (Magnan)

This course is offered through a partnership with the University of Ottawa, Faculty of Law. It is mandatory for students wishing to participate in the [Certification in Common Law in French, but open to all students that](#) have completed a program in French immersion (or equivalent) through grade 12.

The primary objective of this course is to allow students to deepen their knowledge of French legal terminology through contextual and experiential learning. Topics will include: family law, private international law, and appellate advocacy.

The course is a hybrid course, with a blend of on-line teaching and face to face meetings, to allow students flexibility in their learning. The face to face sessions will include presentations by experts that have practiced law in French in Canada and bilingual judges and justices.

Course assessment will be based on assignments and in-class and on-line participation.

This course is the first step in helping students:

- access jobs, such as clerkships at the Supreme Court of Canada, or articles with international firms, where legal training and proficiency in both official languages is an asset.
- contribute legal services to the Francophone community, in the language to which they are entitled;
- master legal terminology in French, and improve skills in legal writing and advocacy.

This course is taught by Caroline Magnan from the University of Ottawa:

<https://commonlaw.uottawa.ca/en/people/magnan-caroline>

<https://juristespower.ca/equipe/caroline-magnan/>

Ce cours est offert en partenariat avec la faculté de droit de l'Université d'Ottawa. Il est obligatoire pour les étudiantes et étudiants voulant participer au programme de Certification de common law en français mais ouvert à tous les étudiants qui ont suivi un programme d'immersion française (ou équivalent) jusqu'en 12e année..

L'objectif premier du cours est de permettre aux étudiantes et étudiants d'approfondir leurs connaissances de la terminologie juridique en français par l'entremise d'apprentissage contextuel et pratique. Les sujets abordés seront : le droit de la famille, le droit international privé, et la plaidoirie en appel.

Le cours sera offert en format hybride afin de donner à l'étudiant plus de flexibilité dans son apprentissage. Une portion des sessions seront offertes en présentiel et l'autre en ligne. Les sessions en présentiel comprendront des présentations d'experts qui ont pratiqué le droit en français ainsi que des juges bilingues.

L'évaluation sera basée sur des travaux et sur la participation en classe et en ligne.

Ce cours est le premier pas vers un apprentissage qui permettra à l'étudiant à:

- accéder aux postes juridiques, tels des stages à la Cour suprême du Canada et à l'échelle internationale, où la formation juridique et la maîtrise des deux langues officielles constituent un atout;
- contribuer à la collectivité francophone des services juridiques en français auxquels elle a droit;
- maîtriser de la terminologie juridique en français, et améliorer les compétences en matière de rédaction juridique et en plaidoirie;

Le cours est offert par professeure Caroline Magnan de l'Université d'Ottawa.

<https://commonlaw.uottawa.ca/fr/personnes/magnan-caroline>

<https://juristespower.ca/equipe/caroline-magnan/>

Law 616 Public Interest Law: Clinical Theory (Laing & Yewchuk)

What is justice? What is democracy and the rule of law? Who is and should be shaping the legal system? Is the work of lawyers political? What should be the lawyer's role in society?

Justice is the treatment of all living things as having moral worth. Democracy is the people of a given community making their own laws free from internal or external domination. The rule of law binds discretionary authority so that it can only be exercised with foundational political norms. Most lawyers work is political, and many lawyers do work with profound political impacts. The lawyer's role in society should involve considerations of justice beyond the self-interest of a client.

Public Interest Theory walks you through those answers and illuminates some of the reasons our legal and political systems have fallen short of their lofty ideals, describing the methods by which groups have failed or succeeded in their attempts to change laws and societies through legal and extra-legal means. The course discusses the strategies and methods of lawyers who use their skills to push for political change.

We identify the philosophical roots of cries for justice, and discuss relevant aspects of dominant theories of democracy and the rule of law. The class covers legal opportunity structures including standing rules, costs regimes, and cultural context, and analyzes how they shape efforts to generate social change. Finally, we wrestle with the notion of public interest lawyering and the unique problems faced by lawyers trying to change the system regardless of their political orientation. We explore the practical challenges faced by lawyers who serve client, cause, and community, and discuss deeply-embedded conventions in legal education, legal ethics, and the legal profession. We draw examples from prominent cases, Public Interest Law Clinic project files, and the instructors' experiences throughout.

The course fulfills the Theoretical Perspectives Requirement, and is graded based on participation in classroom discussion, short writing assignments, and a final paper. The course does **not** fulfill the upper year writing requirement.

Public Interest Theory (Law 616) is part of the two-course Public Interest set with Public Interest Clinical (Law 620). Public Interest Theory is a single term course in the Fall. Public Interest Clinical is an experiential learning companion clinical course that commences in September and occurs once a week through Fall and Winter term. **Students wishing to register in only Public Interest Theory** can send an e-mail to 'drew.yewchuk@ucalgary.ca' to check if there is an open spot. Students that register in Public Interest Clinical have a priority for registration in Public Interest Theory, and students enrolled in Public Interest Clinical will bump students who have only enrolled in Public Interest Theory.

Law 618 Corporate Finance Law (Tingle)

This course looks at the ways companies finance themselves. For most companies in Canada their financing strategy is nearly as important as their business strategy. This is particularly true for start-ups and fast-growing companies – without external finance, their business strategy will never get off the ground. Even large, established companies in the oil and gas industry compete as much on their relative costs of capital as on their engineering expertise.

The course examines not only the legal mechanisms used in corporate finance, such as contractual and corporate structures, but also the economic rationales for corporate finance decisions. For example, when is it better for a company to borrow money, rather than issue shares? In what situations can a company look for money from a private equity firm as opposed to, say, individual

investors or the public markets?

Classes consist of a lecture followed by practical group assignments designed to teach students how to structure a financing transaction and how to understand and critically evaluate financing terms. Time is spent on the various contracts, such as shareholder agreements, that make up the legal workstreams in corporate finance.

There is only slight overlap with Law 648 *Securities Law*. We briefly touch on the securities law regulations governing the distribution of shares and debt securities, but pay little attention to the vast majority of the current securities regime.

Corporate Finance is particularly recommended for students considering going into business at some point in their careers.

The course is capped at 33 students and fills very quickly. Every year several waiting list students get in, so if you are in the top five or six students on the waiting list, you should attend the first class. Students will be graded on class performance, an in-class presentation, a brief (1200 word) paper, and a shorter-than-usual final exam.

Law 619 Estate Planning (C. Brown)

Estate Planning involves the application of the laws relating to income tax, wills, trusts, personal and real property, insurance, conflict of laws and corporate law , among others, to a particular individual's assets. Its goal is to enable that individual during his or her lifetime to best utilize their assets and on death to dispose of any remaining property to the designated heirs with the minimum tax liability.

The scope of this course precludes a review of all the laws pertaining to estate planning. Its focus will be primarily on the tax aspects. However, other areas of estate planning will be highlighted including important tax planning issues in drafting wills, trusts and shareholder and partnership agreements.

The topics to be discussed include: taxation of the deceased taxpayer, taxation of the deceased's estate and beneficiaries, taxation of trusts, tax roll-overs, the capital gains deduction, will and post mortem planning and selected estate planning topics such as tax planning for persons with disabilities, second marriages, business succession and foreign beneficiaries. The materials to be discussed are directed towards planning for a wide range of clients. It is very practical in its focus. The seminar is designed to be a joint learning experience. Each student will be expected to be prepared for all sessions.

Evaluation Midterm(60%) plus : Client Letter/Presentation (30%) plus student participation (10%) during presentations near the end of the course.

Law 620 Public Interest Law: Clinical Practice (Laing & Yewchuk)

This is an applied client-work course within the Public Interest Law Clinic. Students in this experiential learning clinical course work with lawyers at the Public Interest Law Clinic to advance the clinic's law reform and test litigation projects. Assigned work varies year-to-year and month-to-month according to court dates, client needs, emergent issues, and file progress.

For information on anticipated projects, consult <https://law.ucalgary.ca/clinics/public-interest-law/ongoing-projects>. Law 620 is graded on the CR/D/F scale. If you are registered in the Public Interest Clinical, you may still apply for Provincial Court Clerkships in the Winter term.

Public Interest Clinical (Law 620) is part of the two-course Public Interest set with Public Interest Theory (Law 616). Public Interest Clinical is an experiential learning companion course that commences in September and occurs once a week through Fall and Winter term. Public Interest Theory is a single term course in the Fall term. **If you register in Public Interest Clinical, you must also register in Public Interest Theory.**

Law 622 Law of the Sea (Hubert)

The law of the sea is a branch of international law that stretches back to the very origins of public international law itself. Its foundational character makes it fertile ground for understanding the basics the international legal order, its primary actors, instruments, and institutions. The law of the sea is also interesting as a topic of legal study, because it must address many contemporary challenges in global affairs. Its development is shaped by a longstanding tension between competing state claims to the freedom of the seas and the exercise of exclusive rights by coastal States. This tension persists today, and is influenced by forces such as increased demands for resources, advances in science and technology, issues of global security, the protection of human rights, and the increasing impact of human activities on the marine environment.

Against this backdrop, this seminar course will provide students with a solid foundation in the key legal norms and institutions that govern international relations concerning maritime matters. In particular, it focuses on the *de facto* 'constitutional' legal framework established under the 1982 United Nations Convention on the Law of the Sea. Given that the law of the sea forms part of the corpus of international law as a whole, this course will also provide students with a fundamental understanding of the legal concepts and norms that govern international law generally, including: lawmaking processes, legal sources and the law of treaties, jurisdiction, and dispute settlement. Doctrinal aspects will be reinforced through class discussions of contemporary issues and case studies,

including those most relevant to Canada's national interests. The course also emphasises skills development in legal and non-legal research, as well as written and verbal communication. Course content will be explored through a combination of lectures, seminar discussions, guest lectures, workshops, and class simulations.

This course will be assessed based on a fifteen percent (15%) class participation grade, a twenty percent (20%) class presentation, and sixty-five percent (65%) 6,500-word research paper. This course may be used to fulfil the Upper Year Writing Requirement and International Law Requirement.

Law 624 Environmental Law & Ethics (Mascher)

This course views environmental issues from an ethical perspective and critically examines law that purports to address environmental problems. As such, the course does not provide a comprehensive set of materials in any given area of environmental law or attempt to duplicate the substantive coverage of the environmental law courses offered in the upper year curriculum. Rather this course aims to provide students with the ability to recognize various environmental perspectives and critically assess their use in law. Students will explore themes and perspectives in environmental literature and ethics, including anthropocentrism, inherent value, species preservation, environmental economics, sustainability, and ecological integrity. Students will examine how these various perspectives are, might, or ought to be, applied in environmental law.

While an environmental law is useful for students taking this course, it is not a required pre-requisite. One of the key requirements for course completion will be completion of a writing assignment which may be used to fulfil the Upper Year Writing Requirement. In addition to the written assignment, assessment will include a class participation and a class presentation component. This course also fulfills the upper year Theoretical Perspectives Requirement.

Law 627 International Environmental Law (Hubert)

The international community is increasingly faced with threats of serious or irreversible environmental damage caused by the expansion and intensification of human activities across the globe. Environmental phenomena and processes are all interconnected, as are the human societies that they support. As a result, there is a growing need for interstate cooperation on wide range of environmental issues, such as the conservation of biological diversity, protection of marine ecosystems, transboundary air pollution, and climate change. In addition, due to these environmental interdependences, international environmental law increasingly encroaches upon what was traditionally within the sphere of purely domestic environmental law and policy. A fundamental understanding of the principles and

rules that apply at the international level is therefore essential knowledge for those who plan to practice in the areas of energy, natural resources, or the environment.

This seminar course seeks to provide students with a background in the primary legal norms, institutions and actors that govern international relations concerning the protection of the environment. Given that international environmental law forms part of the corpus of international law as a whole, this course will also provide students with a fundamental understanding of concepts and principles that govern international law generally, including: lawmaking processes, legal sources and the law of treaties, jurisdiction, dispute settlement, and state responsibility. The course will also touch upon interrelationships with other relevant areas of international law, including human rights, trade, global equity, and international development. It will also provide students with an understanding of those areas in which international environmental law is unique in the context of public international law, for example, by examining the role of non-state actors such as NGOs, scientists and other experts, and international institutions in setting and implementing the global environmental agenda. Finally, the course aims to foster a critical and interdisciplinary approach to the study of this area. The protection of the global environment entails a delicate balance between competing societal and economic interests and the prevention of environmental harm in light of scientific uncertainty. We will explore this balancing process through the lens of contemporary issues and case studies relating to the protection of the global environment in light of political, social, scientific and technical considerations. We will also seek to critically evaluate the strengths and weaknesses of international environmental law as a subject area since its emergence in the late 1960s, and its shift towards governance and global environmental management approaches and beyond. In addition, this course will seek to advance skills development in legal and non-legal research, as well as written and verbal communication. Course content will be explored through a combination of lectures, seminar discussions, guest lectures, workshops, and class simulations.

This course will be assessed based on a fifteen percent (15%) class participation grade, a twenty percent (20%) class presentation, and sixty-five percent (65%) 6,500-word research paper. This course may be used to fulfil the Upper Year Writing Requirement and International Law Requirement.

Law 628 International Investment Law (Whitsitt)

This course outlines the principles that make up the international law of foreign investment. The main focus of this course is to provide students with an introduction to the law established by bilateral and multilateral investment treaties. The course traces the purpose, context, and evolution of the clauses and provisions characteristic of contemporary investment treaties, and analyses the jurisprudence that interprets typical investment treaty clauses. In addition, this course introduces

students to the dispute settlement mechanisms for enforcing investment law. Students taking this course must have already taken a course in international law.

Law 631 International Tax Law (Chiu/Montes/Kraemer)

This course will give students the opportunity to study tax law in a global context. It covers both domestic tax law and international tax treaties. Specific issues include jurisdiction to tax, non-residents earning income in Canada and Canadians earning income offshore. This course is designed to help students develop an understanding of international tax law, as well as to understand the framework underlying international tax planning. It will also provide students with an appreciation of the major impact that the globalization of trade and investment flows is having on the practices and policies of income taxation. This course can be used to satisfy the international requirement.

Students will be evaluated by way of take-home final assignment (100%- subject to Faculty approval).

Biographies

Chris Montes: <https://felesky.com/people/christopher-montes/>

Matthew Kraemer: <https://felesky.com/people/matthew-kraemer/>

Sarah Chiu: <https://felesky.com/people/sarah-chiu/>

Law 632 Entrepreneurial Law (Tingle)

Entrepreneurial Law is intended to canvass the legal issues and structures that commonly arise in the startup of new businesses. The course looks at the initial factors that determine whether an idea is best pursued as a new business, the best corporate form for different businesses, the tools used in allocating shares and responsibilities among founders, the employment law and intellectual property issues that commonly arise in startups, the strategies and legal structures used to finance these types of companies, the common sources of finance, the legal methods for protecting directors and officers in these sorts of companies, and the rules relating to Canada's public venture markets.

The focus of the course is to not only to canvass the relevant legal doctrines, but to provide students with the background required to accurately predict the likely outcomes of the legal structures they put into place. The course is strongly recommended for all law students interested in business or contemplating life as a member of a founding team some time in their career.

Students are evaluated through a combination of in-class assignments, an in-class presentation, a short paper, and a shorter-than-usual final exam.

Law 637 Energy Law (van de Biezenbos)

This course is concerned with the law pertaining to the regulation of energy facilities and energy markets, with a focus on electricity. It is principally concerned with government regulation of the activities associated with the construction and operation of electricity and natural gas generation, transmission, and distribution. Some of that regulation is concerned with permitting the physical infrastructure, but most of the regulation that we cover in this course is best characterized as economic regulation - either regulation for competition where there is a functioning energy market, or where there is no competition, the rate regulation of a monopoly provider. We will principally be concerned with utilities other power providers in Alberta, but will also consider federal regulation of interprovincial and international projects, especially transmission lines and gas pipelines.

The course assumes that you have taken a course in Administrative Law and does not include upstream oil & gas law. This is a public law course, perhaps best thought of as a regulated industries course. As such, what you learn in this course should be applicable in other regulated sectors such as the telecommunications industry and the railway industry. There will be some overlap between this course and the Alternative Energy Law course, as we spend most of the class on electricity, which is increasingly being decarbonised. The course offers an optional paper which will satisfy the upper year writing requirement.

Law 638 Climate Change (Mascher)

The course explores the international and domestic legal and policy framework relating to climate change. The course commences with an overview of the science and exploration of the environmental justice and human rights issues raised by climate change. The course then turns to examine the evolving international framework, from the United Nations Framework Convention on Climate Change through to the Paris Agreement. With an understanding of the international architecture, the focus of the course turns to domestic law and policy at the Federal and Provincial levels. This will include an examination of domestic policy choices, with a specific focus on federal and provincial legislation relating to mitigation (greenhouse gas emissions reduction) as well as ongoing climate litigation landscape. As both the legislation and litigation landscape are rapidly evolving in this area of law, the course will focus on selected case studies and will require students to undertake independent research as assigned by the instructor to be presented in both oral and written formats. The goal of this course is to equip students with the foundational skills required to grapple with the complex legal issues posed by climate change.

Assessment in this course will include class participation, class presentation and a written research brief and/or research paper. **This course may be used to fulfil the Upper Year Writing Requirement and the International requirement.**

Law 648 Securities Law (Clements)

A fair and efficient capital market is the foundation of a vibrant economy. Securities regulation plays a critical role in facilitating fair and efficient capital markets, ensuring investor protection, fostering financial system stability, and effectively governing the capital-raising process for businesses. This course will examine key concepts in the regulation of Canadian capital markets with a view to understanding securities regulatory frameworks and underlying public policy rationale.

The course will introduce students to a variety of topics in securities law and regulation including underlying economic theory; historical and constitutional developments like efforts to establish a national securities regulator; the scope of markets, products, participants and regulatory oversight structures; international comparative frameworks; public offerings; exempt market distributions; continuous disclosure obligations; corporate governance; market manipulation and insider trading; marketplace regulation (i.e. regulating stock exchanges); financial market intermediary regulation (investment dealers and funds); and civil liability and enforcement. It will also introduce students to nascent developments in securities law and policy including issues relating to financial market systemic risk and financial crises; passive investing and index funds; ESG investing; financial product innovation; behavioral finance; financial technology (fintech); cryptocurrencies and other crypto-assets; and new developments in capital-markets like the recent “GameStop” meme stock saga, and the “gamification” of trading.

At the conclusion of this course, students will have a strong understanding of the major concepts and regulatory frameworks in Canadian securities law and an awareness of current issues and developments in securities regulatory policy. Course materials include a core text, assigned readings and statutory materials. Student evaluation will likely be based on a midterm examination, a group assignment and presentation, and a final exam. There are no pre / co-requisites for Securities Law, and the course is designed to be accessible to those without prior financial market regulation experience.

This course is taught by Dr. Ryan Clements, Assistant Professor, Chair Business Regulation, University of Calgary Faculty of Law.

Law 650 Torys' Business Skills for Lawyers (J. Brown)

"When Harvard Law School released a report entitled, "What Courses Should Law Students Take? Harvard's Largest Employers Weigh In," a few years ago, 124 respondents listed accounting, financial statement analysis and corporate finance.

Today, accounting skills are "absolutely" valuable for law students and young corporate lawyers in any area where legal advice butts up against the business strategy, says Karen Werger, Managing Partner for Deloitte LLP's Toronto Financial Advisory Practice and National Leader of the Legal Services Sector. She says being both a lawyer and a Chartered Public Accountant is an "extremely valuable combination," giving lawyers a well-rounded financial background and reminding the accountant in them to keep potential legal or regulatory issues top of mind."¹

The *Torys' Business Skills for Lawyers* course is designed to teach law students the key non-legal skills necessary for a lawyer commencing their career no matter what their area of focus. Students will learn how to read and understand financial statements, as well as learn enough about how financial statements are prepared to know where problems (including fraud) can occur. They will learn how to read financial models and how entities are valued.

In general, lawyers are not expected to produce financial statements or forecasts, but they are expected to understand them well enough to follow the conversations and decisions that are derived from the financial statements, and to create legal and contractual structures that reflect the economic realities communicated by these documents. The course will also teach practical negotiation techniques and the nuances of conducting business and negotiating in international environments.

No math beyond very simple addition, subtraction and multiplication is required. However, the content of the course is very different from that of traditional law school classes. Students should be aware that the course has a focus on the subject of accounting and financial statement analysis. However, students should also be aware that surveys of both young and seasoned lawyers both at law firms and in industry have stated that the number one thing they wish they knew better at the start of their careers is how to read financial statements and be more financially literate. It is impossible to overstate how important these skills are for individuals conducting business and as such, lawyers practicing in any discipline.

Classes are divided between lectures and practical assignments, often involving interpreting a set of financial statements or understanding various business activities. Grading in the course is primarily comprised of class participation, two group assignments focused on giving students an opportunity to put what they are learning into practice, and a final exam. There are three instructors: two partners at a financial accounting firm and a former investment banker currently involved in an international business. Guest speakers have included senior industry individuals and lawyers who have practiced both in industry and at law firms.

Law 656 Mergers and Acquisitions (Riley and Hibbard)

This course is intended to provide an understanding of key legal and financial concepts relevant to mergers and acquisitions ("M&A") and related capital market activities. Topics discussed include:

- the role of various capital market participants, including directors and management, shareholders, creditors, securities dealers, legal counsel, regulators and stock exchanges,
- director and officer responsibilities in connection with M&A transactions,
- structuring M&A transactions,
- the required legal documentation to implement the transactions,
- the principle differences between public and private M&A (including securities legislation applicable to M&A),
- M&A negotiations,
- due diligence, and
- certain strategic considerations, financing, tax, regulatory, employment and selected other issues relating to M&A transactions.

The course aims to provide students with both knowledge and practical skills that they will find useful as a business person, securities lawyer or in business negotiations. The full life cycle of a corporation, from incorporation to ultimate M&A sale transaction, will be examined.

The course is taught by Beth Riley (<http://www.bennettjones.com/RileyYBeth/>) and Bruce Hibbard (<http://www.bennettjones.com/HibbardBruce/>) of Bennett Jones LLP with a number of specialist expert practitioners providing guest lectures.

Evaluations will be assignment based with a component related to class participation. Students will be expected to draft a confidentiality agreement and letter of intent and negotiate an M&A transaction applying what they have learned.

Law 667 Advanced Public Law (Duffy)

Public law is a broad area, reaching into various substantive disciplines, and with a scope that would make it impossible to comprehensively cover it in one course. Instead, this seminar is designed to address a selection of advanced topics that are relatively current, or which impact on current events, and which relate to ongoing debates concerning governmental and judicial accountability. These topics will be assessed through specific theoretical lenses. Many of the issues addressed in this course are quite controversial, and they do not lend themselves to obvious or easy answers. A major objective of the course is to allow the development of varying perspectives on these issues through class presentations, discussion, and written assignments. Within the realm of public law, this course has a particular, although

not exclusive, focus on Constitutional Law, Immigration and Refugee Law, Human Rights (and on the convergence of these areas in relation to anti-terrorism), and comparative aspects of these areas of law, drawing from various national jurisdictions, particularly the United States. Some aspects of International Law may also be included. Specific topics vary each year, and are designed to address current legal controversies. As a paper course, this class bridges substantive law and the building of legal skills. While students will address timely issues in public law, they will also be building skills necessary for the practice of law in any field. Those skills include the ability to conduct legal research, to write a persuasive and effective argument, to understand relevant policy issues outside of the framework of legal standards, and to make concise and persuasive oral arguments. Students are also encouraged to identify areas of public law that interest them, beyond the four corners of this course, and to develop those ideas through their major papers.

The class is evaluated through class participation, a presentation (individually or in teams), and a research paper. Constitutional Law is the only prerequisite. The final paper may be used to meet the Upper-Year Writing Requirement, and this course may also be used to meet the Theoretical Perspectives Requirement.

Law 674A & B BLG Business Venture Clinic (Tingle)

The BLG Business Venture Clinic matches law students with start-up companies. The students work with these companies over the course of the entire year, providing legal information and drafting various agreements and other documents.

Each student is provided with a mentor practicing law downtown who reviews the student's memos and agreements before they are forwarded to the client.

Classes consist of lessons on issues that commonly arise in startup companies. As the year progresses, increasing amounts of class time are spent in discussions about problems students are encountering in their work for clients and brainstorming about different solutions. One of the best things about the class is the camaraderie that develops as the students and professor work on problems together.

The course is marked on the law school's CR/D/F system, but feedback is given to students by comments from their mentors on the documents they review. **Students who register for this course must also register in Law 632 Entrepreneurial Law at the same time or have taken Entrepreneurial Law previously.**

Law 686 Student Legal Assistance (SLA) Clinical Theory (Billington)

Law 688 Student Legal Assistance (SLA) Clinical Practice (Billington)

Student Legal Assistance (SLA) is the pro bono law student legal clinic at the University of Calgary Faculty of Law that serves low income Calgary and area residents, and students at the University of Calgary. Legal Services are delivered by University of Calgary Faculty of Law student caseworkers who provide agency representation and legal information to clients within the scope of legal services allowed for law students pursuant to the Legal Profession Act and the Rules of the Law Society of Alberta. This includes court appearances and agency representation for low income clients in the Provincial Court of Alberta (Family, Criminal, Traffic and Civil Divisions), at certain administrative tribunals and in a variety of outreach programs. SLA has provided legal services in Calgary and region since 1979 and is a partner in the access to justice community in Calgary and area. At Student Legal Assistance we believe that law students play an important role in providing access to justice for disadvantaged and marginalized groups who otherwise would be left unrepresented or remain self-represented.

Due to the Covid 19 health emergency, SLA has had to be responsive to the physical distancing imperatives of public health authorities, the University of Calgary and the Provincial Courts. The course and the method of delivery will need to continue to be responsive to these factors.

Law 686 – SLA Clinical Theory explores substantive issues of law, procedure, evidence, practice management, client management, ethics and skills in the context of access to justice. Students will learn about the framework of legal services available to low income clients and will explore and better understand the systemic barriers to access to justice for low-income and marginalized clients including through engagement with diverse and experienced legal professionals and justice system stakeholders in Calgary. Evaluation is by way of assignments including: 3 short reflective essays on experiential learning and course topics; and a final research paper due at the end of the winter term on an area of clinical practice or primer for use by caseworkers in the SLA clinic.

Law 688 – SLA Clinical Practice provides advanced experiential learning, representing real clients in a clinical setting under the supervision of SLA's supervising lawyers. Students engage in experiential learning as law student caseworkers and will deal directly with a variety of client files including matters before the Provincial Court of Alberta (Criminal, Family, Civil and Traffic courts) including summary conviction criminal law offences, family law matters, residential tenancy issues, small claims disputes, and traffic offences and before certain administrative law tribunals. Students will also have an outreach component to serve community partners. Students develop a range of skills including interviewing, counselling, negotiation, alternative dispute resolution, judicial dispute resolution, pre-trial conferences, dispositions, trial advocacy, research, drafting, court practice, client relations, and file practice management. Each student will be assigned and is expected to carry a file load of about 10 active client files (at

one time) in a variety of areas of law. The files will be selected and allocated by the Course Instructor, in consultation with the SLA supervising lawyers, based on complexity and area of law. Evaluation is by a series of assignments including: file review memos at the beginning and end of each term; outreach participation; and a short reflective essay on skill development.

Law 686/688 must be taken together in the same year. Enrollment is open only to students who are eligible to be an SLA caseworker and have volunteered as an SLA caseworker in 1L or worked as a summer caseworker. Both courses are capped at 12 students and consent to enroll is needed. Clinical Theory (686) is graded on the University's 12-band scale. Clinical Practice (688) is graded Cr/D/F. The courses are scheduled to run through both the Fall and Winter terms once per week. Final grades for both courses will be assigned at the end of the Winter term. Registration in Law 686/688 precludes an application for Law 591 (Provincial Court Clerkships) in the Winter Term as SLA deals with representing clients before Judges of the Provincial Courts.

Law 687 Criminal Justice Clinical (H. Markham Silver, Q.C.)

"Criminal justice" is what happens after a complicated series of events has gone bad. It is the end result of failure--the failure of a group of people that sometimes includes, but is never limited to, the accused person." — Paul Delano Butler, *Let's Get Free: A Hip-Hop Theory of Justice*

Students enrolled in *Criminal Justice Clinical* will discuss and consider both what happens before trial and also after the dust of the trial (or guilty plea) settles. Together, and subject to availability of guests, we will explore forensic crime scene investigation, Youth Criminal Justice, advent of Community Courts and other alternative solutions to criminal justice issues, post-trial issues which will include Indigenous Persons considerations, not criminally responsible on account of mental disorder as well as pre-trial fitness issues, bail, sentencing, appeals, practical parole considerations and, broadly speaking, wrongful convictions. We will host a number of guests as well as participate in a field trip to an Indigenous Courtroom (subject to COVID restrictions).

Student participation is a requirement, and therefore **attendance is mandatory**. Any absence will require the **prior** permission of the Course Instructor.

Assessment will be based on the following:

- a) Participation in class
- b) 2-L students will be assigned to participate as witnesses in the final 3-L Advocacy Trial to be held at the end of the Winter Term Block Week program, the object of which is to learn about witness preparation
- c) There will be three (3) further assignments during the term:

- i. a short written reflection on preparing witnesses for trial (3-Ls) or being a witness on the trial (2-Ls) [feedback will be provided in class discussions based on the written reflections];
- ii. preparing written submissions on sentence in either the role of Crown counsel or Defence Counsel as assigned by the Course Instructor; and
- iii. Delivering oral submissions on sentence in the assigned role as above.

The assignments and class participation will be weighted equally and graded on a Completed Requirements (CR), Marginal (D) or Fail (F) basis. Other than as excluded, Learners will be provided feedback on all assignments submitted for grading.

PLEASE NOTE:

- Although not a prerequisite, it is strongly recommended that students take **Law 507: Evidence** and **Law 511: Criminal Process** either prior to, or concurrent with, the Criminal Justice Clinical.

Law 689 Family Law Clinical (Menzies)

The Family Law Clinical Seminar will build upon and enhance the substantive legal principles taught in Law 515: Family Law. The class will involve a more advanced discussion of the issues that arise upon a separation and/or divorce, how those issues may be resolved, as well as the possible options for resolution. Students will gain insight into 'real life' family law practice by drafting court documents and developing skills through role-played interviews and advocacy (a mock chambers application) as well as through class inquiry and discussion. Throughout the term, the class will work from a hypothetical fact scenario from the initial client interview through to the preparation of settlement and divorce documentation. The class will be divided into teams and will work their way through the hypothetical during the term. Additional issues may be added to the hypothetical to enliven the discussion.

A component of the class will also be devoted to a review of relevant case law in the area.

There will likely be three (3) assignments during the course of the term: drafting pleadings and other initiating court documents; drafting a Family Law Application and supporting (or reply) Affidavits; and arguing a mock Special Chambers Application. The assignments will be weighted equally and graded on a Completed Requirements (CR), Marginal (D) or Fail (F) basis.

Law 693.xx Dentons International Energy Law Study Tour (Stewart)

In this course, we will learn how law is used to balance the demands placed upon energy producers to create energy that is clean, yet dependable and cost-efficient. We will trace the overlapping regulatory patchworks of provincial/state and federal rules that direct the energy system in many countries (of particular focus this year: Canada and the United States).

We will compare the role regulators play in energy markets in each jurisdiction, offering insight into the different approaches to constructing legal regimes for managing energy production. We also will compare the law and policy issues associated with the development and management of oil, natural gas, renewables, coal, and nuclear energy.

Through a series of sessions, tours, and panels, you will be offered key insight into the variety of regulatory approaches used to manage energy markets at the domestic, international, and transnational levels.

Student assessment is comprised of writing and presenting a policy white paper, which can be used to fulfill the Faculty's upper year writing requirement.

Law 693.xx Fintech Law & Policy (Clements)

Developments like Bitcoin, Ethereum, blockchain, crypto-assets, payments innovations such as stablecoins and central bank digital currency, decentralized finance ("defi"), and concepts like "open-banking," fintech P2P lending and crowdfunding, financial market "big data," "robo-advisors" and "high-frequency trading" often occupy a prominent place in today's financial press. These innovations are commonly called "fintech" (short for financial technology). Many people don't understand what these innovations are; what benefits (and risks) they present to consumers, investors, and financial markets; and how they are regulated (if at all). Considering recurring financial crises, regulators are keen to mitigate emerging risks. Yet new technologies often don't fit easily within existing legal frameworks. Also, competition and innovation must be continually balanced with adequate financial system safeguards, and consumer and investor protections. This course will introduce students to developments in "fintech" law and policy in Canada. By taking this course students will:

- Acquire knowledge of new technologies impacting financial market products, services, and processes and how fintech may lead to great financial inclusion and social utility;
- Assess "fintech" as a historical development;
- Understand the regulatory frameworks that apply to key fintech sectors in Canada, and become familiar with comparative international regimes;

- Develop a general understanding of financial market regulation in Canada including capital markets and securities law, crypto-assets, blockchain and smart-contracts, banking, lending, payments, money service businesses, and financial market systemic risk;
- Recognize the challenges in regulating fintech, including regulatory “arbitrage” and agency jurisdictional fragmentation, and regulatory adaptations that are being used like “sandboxes, to provide flexibility while ensuring adequate systemic risk and consumer protection safeguards are established; and
- Identify the relationship between financial market innovation and systemic risk; and investigate emerging instabilities from the use of defi, artificial intelligence in financial markets, and non-governmental payment and value transfer systems including their impact on monetary policy goals.

Course materials include statutory and topical secondary source materials. There is no textbook in this course. Students will likely be evaluated based on class participation (15%); an in-class presentation where each student profiles a fintech company (25%); and a 5000-6000 word research paper (60%). Students may use this course to fulfill their upper year writing requirement. There are no pre / co-requisites for Fintech Law & Policy. Although not required, Law 648 (Securities Law) is recommended either prior to or concurrent with Fintech Law & Policy. The course is designed, however, to be accessible to those without prior financial market regulation experience.

This course is taught by Dr. Ryan Clements, Assistant Professor, Chair Business Regulation, University of Calgary Faculty of Law.

Law 693.xx Advanced Health Law (Hardcastle)

Health law is a broad and diverse field that draws from many other disciplines, including bioethics, political science, economics, and the health sciences. It encompasses many different areas of the law, including constitutional law, negligence, criminal law, intellectual property, and international law. Health law is also a dynamic field, having to constantly evolve and adapt to new scientific discoveries, and is often at the cutting edge of public policy debates. This course examines contemporary issues in health law such as the growing role of artificial intelligence in diagnostics and treatment, the shifting boundaries of access to medical assistance in dying, new regulatory changes pertaining to long-term care, and the growing role of privatization in the health sector. Students in the course will write a paper on a health law topic of their choosing. The paper may be used to satisfy the Upper Year Writing Requirement.

Law 693.xx**Sports Law (Shim)**

This course will focus on the legal issues that arise in sports. Particular focus will be placed on decisions from the Court of Arbitration for Sport and its effect on the current landscape of sport. Topics related to criminal law and sport, sport related human rights issues, sport ethics, sport jurisdiction, sport policy, sport arbitration, the Olympics, and sport governance will also be explored.

The intent of the course is for students to understand the procedural and policy aspects of sports law and the issues faced by amateur and professional athletes.

Students will be expected to come prepared to discuss case law and current sport related issues as they arise.

Evaluation Method

Assessment will be based on a combination of class participation, class presentation and a final research paper which will satisfy the upper year writing requirement.

Law 693. xx:**Introduction to the U.S. Legal System (Thompson)**

Due to the instructor's location, this course will likely occur primarily online.

This course will introduce students to the structure of the United States federal and state courts, along with their separate functions. Students will be familiarized with U.S. principles of the Separation of Powers between the Executive, Legislative and Judicial Branches of government. There will be a review of the roles, functions and processes of the Trial, Appellate and Supreme Courts for the U.S. and states, including California. Students will be introduced to the various bodies of law, including U.S. federal and state statutory, case law (precedent), regulatory and municipal law. The processes of initiating litigation through trial and appeal will be included in the overview, along with basic U.S. and state constitutional principles, as well as concepts of civil and criminal procedure, and the presentation and rules of evidence.

Canada is the world's 5th largest exporter of, and the United States is the top importer of, Canadian petroleum oil. The United States imports \$38.9 billion USD worth of oil per year and imports 98.05% of all of Canada's oil exports. Canadian export commodities include wheat and canola to the U.S., as well as, many other products. At least 16% of total U.S. exports go to Canada. California is one of the top 5 U.S. states for export/import trade with Canada. There are also significant collateral consequences of criminal convictions in either jurisdiction that affect visitation and immigration between the countries. Therefore, as lawyers

representing international business interests, it makes sense to be familiar with both legal systems.

Evaluation may include participation, quizzes, a case brief, and will include a final exam.

This course is taught by Judge Nicholas S. Thompson, California Superior Court, Orange County. Judge Thompson has been on the bench as a state trial court judge for the past 10 years. He had previously been a prosecutor with the Orange County District Attorney's Office where he led a gang task force, and served in an Environmental Protection Unit working with federal and state regulatory agencies in the civil and criminal prosecution of environmental violations. Prior to being called to active military service for the invasion of Iraq, he was the state prosecutorial liaison to the Joint Terrorism Task Force. Before becoming a deputy district attorney, Judge Thompson did defense work as a deputy public defender and was in private practice.

While in the U.S. Army Reserves, Judge Thompson was an instructor to foreign military personnel in Papua New Guinea, Sri Lanka, Thailand and the Philippines on Intelligence and Psychological Operations, as well as at the U.S. Naval Fleet Information Warfare Center in Coronado, to U.S. Marines and deploying personnel. He also served with Canadian (1stRCR) and British Forces in Coralici/Bihac, Bosnia in 1996. Judge Thompson is a member of the Screen Actors Guild and performs in local community theater. He is also a part-time dogsledding guide.

Law 693.xx Legal History (Campbell)

In this course, Law students will join graduate students in the History department (in HTST 673) for a seminar course in legal history. Law and History students will be evaluated separately. Each week, JD students will complete 3 hours of regular class time and one additional hour of online, asynchronous learning to make up the usual 4 hours of class time in the winter term.

By reading books and articles by several different authors, students will foster their understanding of the theories and methodologies of legal history and will explore the interface between law and the travels of people, things and ideas in the British colonial and post-colonial world. Students can expect to read books and articles by such scholars as Renisa Mawani, Gautham Rao, Philip Girard, Shaunnagh Dorsett, John McLaren, Lauren Benton, and Mitra Sharafi. Evaluation will be either by a combination of short, bibliographical essays and substantial research papers. This course will fulfill both the theory requirement of the Faculty of Law and, if students so choose, the major paper requirement.

Enrollment is capped at 5 students.

Law 693.xx**eLitigation (Christian)**

Law 693.xx is a specialized civil litigation course that seeks to introduce students to the practice of litigation in the era of social distancing. The intent is to develop the knowledge and practical skills necessary to initiate and conduct litigation using electronic technology, and to foster specialized competence in the commencement and conduct of civil proceedings virtually. The scope of the course will cover electronic filling and service of documents (eFiling/eService), electronic discovery and exchange of relevant documents (eDiscovery), pre-trial questioning of parties and witnesses using virtual technology (eQuestioning) and electronic hearing/trial (eHearing/eTrial).

Law 693 will consider substantive and procedural law, including the Alberta Rules of Court (and related jurisprudence) relevant to litigating in a digital environment. It will also examine professional responsibility issues related to litigation in this environment. The course will present a structured hands-on training designed to familiarize students with technologies relevant to litigating in a digital environment including artificial intelligence technologies used in eDiscovery document review.

The format of the course will include lectures, online discussions in D2L, and drafting and exchange of litigation documents electronically. The course will culminate in a virtual moot (eMooting) conducted by student teams before a sitting judge or a trial lawyer as part of the experiential learning component of the course.

Subject to approval, it is anticipated that the evaluation will be based on Midterm short Paper (30%), electronic moot (20%), and Final Research Paper (50%). The final research paper may be used to satisfy the upper year writing requirement with instructor approval.

Law 693.xx Privacy and Cybersecurity Law (Laidlaw)

In this course students will explore in-depth cybersecurity and the privacy implications of technology. The course takes a practical and policy-oriented approach. Therefore, at the end of the course students will be expected to be ready to understand and advise about the privacy risks of technology across various fields of law and business, understand cybersecurity from the perspective of law, governance and risk management, be prepared to advise during a cybersecurity incident, and critically understand the future policy, legal and social risks. At the end of this course students may experience a mild case of technophobia.

In the first half of the course students will learn the legal frameworks that manage cybersecurity risk and protect (or fail to protect) privacy. Students will explore

theory, industry standards, tort law, data protection law, criminal law, constitutional law, national security law, and international and comparative law. In the second half of the course students will test their knowledge through various case studies. Topics may include, among others, cloud computing, smart cities, cybersecurity event recovery, social media security, law enforcement surveillance and investigations, privacy by design, meaningful consent, consumer protection (smart TVs, behavior advertising etc.), artificial intelligence, biometrics and information warfare.

Students can therefore expect to gain the following skills from taking the course:

- Understand the laws and standards protecting privacy;
- Understand the laws and standards managing cybersecurity risk;
- Understand the major social, legal and policy debates in privacy and cybersecurity;
- Develop critical analysis skills concerning current and developing law;
- Develop skills in analyzing comparative law;
- Be able to apply legal knowledge gained to analyze and resolve case-problems.

Student evaluation is a final exam worth 100% of the final grade in the course. Alternatively, a student may elect to complete a research paper worth 50% of the final grade, reducing the weight of the final exam to 50% of the grade in the course. The paper does **not** fulfil the upper year writing requirement.

Law 693.xx Money Laundering (Ahmed)

What do the film *Wolf of Wall Street*, Prince Charles and the Chelsea Football Club have in common? (They've all been financed by laundered monies at some point.) What is 'snow-washing'? (The laundering of illicit funds in Canada.) But – most importantly – how worried should the average global citizen be about money laundering regulation? (Very.)

This course looks at the evolution of money laundering and financial crime in the last 100 years. Contemporary laundering isn't just about the proceeds from drugs-trafficking, smuggling and corruption but also about Base Erosion Profit Shifting, trade-related malpractices and tax avoidance. The full range of laundering behaviours and practices lie on the spectrum between 'downright criminal' and 'perfectly legal'; we will focus on the political, economic and historical contexts that make them so.

Further, by locating money laundering and financial crime within their broader contexts, the course offers a critical perspective on how finance and financial regulation intersects with and influences public policy. Why does Canada, with its 15 laws, 12 federal agencies and 10-plus agencies for each province to check money

laundering, qualify as a major laundering haven? What policy and regulatory similarities and/ or differences exist between Canada, the UK and the US?

The course also analyses the politics of the global anti-money laundering regulatory architecture and tracks its evolution and performance over time. Engaging with mainstream as well as critical scholarship in the area, the course identifies key issues related to money laundering and financial crime as well as the limitations of existing scholarship (criminogenic approach; paucity of data; onshore vs offshore debates; state-centricism etc).

Finally, the course looks at the broader legal and societal implications of financial regulation: the normalisation of surveillance, the in/adequacy of constitutional and criminal law safeguards in money laundering regulation, and corporate criminality.

This is a seminar-based course and the method of evaluation will be a) class participation (20 percent) and b) a research paper (80 percent). The course may be used to satisfy the Faculty's upper-year writing requirement as well as the international law requirement.

Law 693.xx Negotiating Indigenous Rights (Chipeur)

This course will focus on the practical and legal considerations that must be taken into account when asserting or defending claims or negotiating agreements involving Aboriginal law in Canada. It will build on the foundation laid by the Law 594: Indigenous Peoples & the Law. While that is not a formal prerequisite, students would find it an advantage to have done that course before doing this one. You will hear first-hand from negotiators and litigators in the field, as well as from First Nations leaders. You will become familiar with the dynamics and structure, as well as the cultural aspects, of negotiations concerning Indigenous rights. You will see how section 25 of the Canadian Charter of Rights and Freedoms comes into play in such negotiations, but you will also learn about the continued relevance of the Royal Proclamation of 1763 in Canadian constitutional law – despite its anciency. As well, we will examine how the United Nations Declaration on the Rights of Indigenous Peoples ("UNDRIP") will have a significant role in future negotiations concerning the development of Aboriginal law. In particular, this course will cover the law and practice related to the negotiation and implementation of Indigenous rights in Canada and will include the following topics: aboriginal title and land claims, sovereignty and self-government, the duty to consult, Truth and Reconciliation Commission of Canada Reports and UNDRIP. Students will write a paper on one of these areas of Indigenous law. The paper will satisfy the Upper Year Writing Requirement.

Law 693.xx Reconciliation & Lawyers (Menard)

Canada is a multi-juridical country. We have common law, civil law, and Indigenous laws—Indigenous laws are utilized today in Indigenous communities (e.g. land practises, oral histories, respecting elders, giving back (reciprocity), and/or participating in sacred ceremonies) that takes place far away from the court's jurisdictionally heavy gaze. It is time for Indigenous laws to be understood and implemented in conventional legal system in order to better serve Indigenous peoples as well as fulfill the TRC Calls to Action, UNDRIP and the MMIWG2S Calls for Justice. In this course we will refresh ourselves on the past illegal and genocidal practises Indigenous peoples were forced to endure, and how this has created major barriers in any semblance of trust in the Western legal system as Indigenous peoples watched lawyers work under their *Code of Conduct*, and as the nation sunk to a whole new low. We will also discuss how current legal practises, laws and policies have discriminatory impacts on all Indigenous peoples, and how these practises can also potentially impede on your understanding of how the law functions, how it can potentially benefit you in an unequal manner, and how you can reverse assumptions and imbedded biases to become a universal, well-informed, courageous and confident lawyer of the 21 Century. We will analyze the Law Society of Alberta's *Code of Conduct* and unpack Chapter 3, "Competence" and Chapter 5, "The Lawyer as Advocate". There will be guest speakers throughout the course: Indigenous lawyers, Indigenous urban and rural community members, Indigenous elders, QB Justices and Provincial Court judges who will describe the various paths they are on towards implementing Indigenous laws.

Subject to approval, evaluation will likely consist of class participation, skills building activities and a reflective essay. This course will satisfy the theory requirement. Given the nature of the course, the use of electronic devices will be of little, if any, benefit and will be strongly discouraged.

Bio: Andrea Menard, LLB, LLM is Métis from the abolished Red River Settlement and is a Métis Nation of Alberta citizen who is active in her community in Calgary (Métis Nation Region III) and across the province. In her professional life, she is the Indigenous Initiatives Liaison at the Law Society of Alberta. Her role for the regulator is to work with key stakeholders and develop programs and initiatives to advance the process of reconciliation particularly surrounding access to justice for Indigenous peoples and cultural competency development for lawyers. She also supports initiatives and programs related to equity, equality, and diversity in the legal profession and chairs the Indigenous Advisory Committee, Law Society of Alberta (composed of eight Indigenous lawyers, one Indigenous community member, and one Bencher liaison) who provide guidance and advice to the Law Society on legal issues affecting Indigenous peoples. She endeavours to support and provide feedback on the relationship-building between the Law Society and members of the public, specifically Indigenous peoples and communities on a local, provincial and national scale: <https://www.linkedin.com/in/andrea-menard-503988174/>

Law 696.xx Marketing & Client Development Clinic (Hughes & Pekarsky)

Learning the law and its procedures is one thing but surviving and thriving in the professional services industry is another. The course offers a 360-degree immersive and interactive experience. You will learn about the business of law, developing your strategic business plan, personal brand, marketing, business development and client service. At the end of the course, you will have learned how to create and promote your profile, develop relationships and referrals, pitch and win business and deliver differentiated and profitable client service. In addition, you will have had four unique and immersive opportunities to engage directly with leaders of the Calgary business and legal community through exceptional panel discussions, giving you a distinct advantage in landing your dream career and being ahead of your colleagues.

Think of this course as your personal and practical mini-MBA tailored to your legal career that explores all the things you traditionally don't learn in law school but are critical to your career as a productive lawyer and trusted advisor. Taught by [Adam Pekarsky LL.B.](#) (a lawyer-turned professional services recruiter and business owner) and [Simone Hughes MBA, CM](#) (a global law firm marketing and business development leader), your course will deliver practical and pragmatic learning opportunities; all the things you never learned in law school ... until now!

Students will be assessed on a CR/D/F scale based on the following assessment areas including: mandatory attendance and active participation, submission of a personal business plan and participation and submission of a Group Pitch Project. There will be no final exam. Course delivery will be online with a blend of real-time and recorded learning activities. Please see the course outline for specific details of the course objectives, expectations and assessment.

Law 697 Corporate Tax (C. Brown)

The course is designed to introduce you to Canadian income tax law as it applies to the taxation of corporations and shareholders. At the end of the course, you should be able to read and understand the Income Tax Act and be familiar with the case law that interprets and applies it. In addition, you should have an understanding of business decisions that are affected by tax issues and be competent to provide information on basic corporate tax related issues. You should also have acquired sufficient proficiency in this area to understand how a desired business result may be obtained without adverse tax consequences.

The course will include, instructor led lectures and in-class group discussion problems.

Course materials include a series of on-line readings, work book problems and a computer assisted learning program.

Evaluation has typically consisted of a midterm exam worth 60% and a take home assignment that is due on the Monday during final exams and worth 40%.

Law 698 Immigration and Refugee Law (Sharma)

The basic principles, policies and procedures governing immigration, citizenship and refugee law. Topics to include: The basic jurisprudence for immigration law; Overview of Economic, Family, and Refugee and other immigrant classes (including temporary residents); Citizenship law (eligibility and prohibitions); Selection and admission of immigrants; Enforcement, grounds of inadmissibility and detention; Refugee hearings and risk assessments; Intersection of immigration and criminal law; Immigration appeals; and Discretion and Judicial Review.

Website/Bio here: <http://www.sshlaw.ca/team/raj-sharma/>

Law 699 Labour Law (Francis/Jones)

This course will allow students to: (1) describe and apply the main legal principles of labour law, including appropriate forum(s) in which to adjudicate labour law disputes; (2) recall and apply the most important statutory provisions, jurisprudence and administrative precedents covered in the course; (3) explain and evaluate practice and procedure relevant to labour law; and (4) identify and analyze some emerging issues in labour law. Labour Law is about the regulation of workers acting collectively through an exclusive bargaining agent ("trade union"), selected by a majority of them, to bargain collectively and exclusively on their behalf with their employer the terms and conditions of employment as codified in the collective agreement.

The course covers the law governing unionized workplaces in Canada; topics include: Charter s. 2(d) freedom of association in the collective bargaining context; the status of participants (employers, trade unions, excluded individuals, employees, dependent/independent contractors); trade union organization, certification and revocation; rights and obligations of participants under the Alberta Labour Relations Code and Canada Labour Code; labour law dispute resolution forums and appropriate venues (Court vs. Grievance Arbitration/Labour Relations Board—Federal or Provincial); industrial conflict (strikes and lockouts); and the administrative tribunals that labour law practitioners frequently appear before, including Grievance Arbitration Boards, the Alberta Labour Relations Board, and the Canada Industrial Relations Board.

Assessment of students will be through writing an open-book Final Examination worth 100% of the course final grade;