



# **Fall 2022/Winter 2023**

## **COURSE/TIMETABLE/ REGISTRATION INFORMATION**

**(For graduate students)**

### **BASIC INFORMATION**

This memo concerns our PhD program, our thesis-based LLM, our course-based LLM, and our graduate certificate program. The graduate certificate is available only in the Natural Resources, Environmental and Energy Law (NREEL) area. NREEL specializations are available in the thesis-based and course-based programs. This memo begins by setting out the requirements for these programs and then describes how to register.

The various timetables – for courses and exams in the fall and winter semesters – are available on the Current Graduate Students website, <https://law.ucalgary.ca/current-students/current-graduate-students>.

You will need to examine the timetables as you assemble your list of desired courses. No overlaps in either class times or exam times will be permitted, and exam timetables will not be adjusted. All courses are worth 3 credits/units. Any course that satisfies the JD “upper year writing” requirement will also satisfy the requirements of the course-based LLM and the graduate certificate program for courses with a research paper worth at least 50% of the grade.

Ultimately the Graduate Program Director approves each graduate student’s academic program.

### **PROGRAM REQUIREMENTS**

<https://www.ucalgary.ca/pubs/calendar/grad/current/law-law.html>

Thesis-based LLM, NREEL specialization:

- Law 703 (Legal Research and Methodology), Law 705 (Legal Theory) and
- at least two additional 600-level courses in the NREEL area.
- Normally NREEL students do not take courses from outside of Law, but it can be done in appropriate cases with the approval of the Graduate Program Director. (In those cases, Change of Course Registration form is needed).
- As part of Law 703, you will draft a proposal for your thesis, so that you are ready to start on it once your coursework is done, if not before.

Thesis-based LLM, no specialization:

- Law 703 (Legal Research and Methodology), Law 705 (Legal Theory) and
- at least two additional 600-level courses, which may be taken in Law or – with the approval of the Graduate Program Director and if relevant to your NREEL research project – from other faculties. (In those cases, Change of Course Registration form is needed).
- As part of Law 703, you will draft a proposal for your thesis, so that you are ready to start on it once your coursework is done, if not before.

Course-based LLM, NREEL specialization:

- Law 703 (Legal Research and Methodology) and
- five other courses at the 500-level or higher, of which
  - at least two must be at the 600-level or above, and
  - at least two must be Law courses that include evaluation by a research paper worth at least 50% of the grade.
- All five of these courses must be in the NREEL area, unless you decide to take Law 705 instead of one of these courses, which you may do if you wish.
- Normally NREEL students do not take courses from outside of Law, but it can be done in appropriate cases with my approval. (In those cases, Change of Course Registration form is needed).
- As part of Law 703, you will draft a proposal for your major research paper, so that you are ready to start on it once your other coursework is done.
- After you have finished your first six courses and obtained a satisfactory average with a minimum GPA of 3.0, you will register to complete your major research paper, through law 707 and Law 708. If you wish to do this on a full-time basis, you will register for Law 707 and 708 in the same semester, giving you four months to complete your major research paper. Alternatively, you may choose to do the major research paper on a part-time basis, by taking Law 707 one semester and Law 708 in a subsequent semester. These courses are graded on a pass/fail basis. Please note that Law 707 and 708 replace Law 706.

Course-based LLM, no specialization:

- Law 703 (Legal Research and Methodology) and
- five other courses at the 500-level or higher, of which
  - at least two must be at the 600-level or above, and
  - at least two must be Law courses that include evaluation by a research paper worth at least 50% of the grade.
- You may substitute Law 705 for one of these courses if you wish.
- With my approval, you may take one relevant non-Law course (3 units).
- As part of Law 703, you will draft a proposal for your major research paper, so that you are ready to start on it once your other coursework is done.
- After you have finished your first six courses and obtained a satisfactory average with a minimum GPA of 3.0, you will register to complete your major research paper, through law 707 and Law 708. If you wish to do this on a full-time basis, you will register for Law 707 and 708 in the same semester, giving you four months to complete your major research paper. Alternatively, you may choose to do the major research paper on a part-time basis, by taking Law 707 one semester and Law 708 in a subsequent semester. These courses are graded on a pass/fail basis. Please note that Law 707 and 708 replace Law 706.

Graduate Certificate in NREEL:

- four Law courses in the NREEL area, of which:

- at least two courses are at the 600-level or above, and
- at least one course is evaluated through a research paper worth at least 50% of the grade.

It is possible, in appropriate cases, for students to take Law 653 (Directed Research) in lieu of one course other than Law 703 and Law 705. Please consult the Graduate Program Director and Graduate Program Administrator about any questions you have.

**Graduate students must maintain an annual GPA of 3.00 and receive no grade lower than B- in order to maintain good academic standing.** A student in poor academic standing will normally be required to withdraw from the program. For more information about academic standing, see <https://www.ucalgary.ca/pubs/calendar/grad/current/gs-h-2.html>.

## PREREQUISITES/COREQUISITES

If you have questions about prerequisites or corequisites, please ask the Graduate Program Director.

## AUDITING COURSES

Provided the instructor consents *first*, the Graduate Program Director may consent to graduate students auditing courses. The procedure is as follows: (1) approach the instructor by email seeking the instructor's consent to audit; (2) if you obtain consent, complete a "Registration Exceptions" form : [https://www.ucalgary.ca/sites/default/files/teams/1/registration\\_exception\\_form-feb-2020.pdf](https://www.ucalgary.ca/sites/default/files/teams/1/registration_exception_form-feb-2020.pdf) and ask the instructor to initial it; and (3) give the form to the Graduate Program Director who will submit it to Enrollment Services. Enrollment Services registers you as an audit student and charges you a fee.

## LAW-RELATED COURSES OUTSIDE THE FACULTY

Graduate students wishing to take a course outside the faculty must consult with the Graduate Program Director. Upon approval from the GPD the Change of Course registration form is required.

## ENROLLMENT CAPS

All courses and course sections are capped for pedagogical or seating capacity reasons. If a particular time, term or professor is a priority to you, make registration in that course a priority *because we will not lift enrollment caps even where there is a significant wait list*. However, there is a lot of movement in and out of courses through the summer and up to the add/drop deadlines in mid-September, so if a course is full, be patient and do not despair. Make sure that the Graduate Program Administrator knows about your wishes.

## COURSE OUTLINES

Some course outlines from previous years are available through the Bennett Jones Law Library D2L page. You may access them as follows:

- Sign on to MyUofC.
- Select D2L.
- Click on the “My Tools” drop down menu in the red tool bar at the top of the page and select “Self-Registration”.
- One of the courses listed in the Course Offering Name is “Bennett Jones Law Library”.
- Select it and follow the steps to register for the BJLL course page.
- Once registered, click on “Content” to see the Outlines, which are arranged by course level.

Please note, however, that instructors may change the content and evaluation methods for their courses from year to year.

## HOW TO REGISTER IN COURSES

Two approaches to registration are available to LLM students: to register using the registration system or to give your course preferences to our Graduate Program Administrator so that she can register you. Because JD students tend to be extremely quick and able, and they snap up many of the spots so quickly, please make sure you send your requests to our Graduate Program Assistant through the [form](#) on the Current Graduate Students website. If you would like the Graduate Program Administrator ( Maryam) to enroll you in your courses please fill out the [form](#) and send it to **Maryam by Wednesday June 15th**. You are welcome, also, to register yourself when the system **opens at 12:00 am on Monday, June 20**. Step by step instructions can be found at <https://www.ucalgary.ca/registrar/student-centre/how-guides>. If you do register yourself in any courses, please let the Graduate Program Administrator know immediately, so that she can plan accordingly.

**In either case, you must first initialize your registration, through the instructions here:**

<https://live-ucalgary.ucalgary.ca/sites/default/files/teams/14/how-to-initialize-registration.pdf>.

**PLEASE NOTE:** Neither you nor the Graduate Program Administrator can register you until your registration has been initialized.

## KEY REGISTRATION DATES: FALL TERM

<https://www.ucalgary.ca/pubs/calendar/grad/current/academic-schedule.html>

- **Thursday, September 15, 2022:** Last day for *dropping* courses, without receiving a “W” grade and without being responsible for the fees for the course (after this date, if you withdraw from a Fall or year-long course, you are still responsible for paying).
- **Friday, September 16, 2022:** Last day for *adding* courses or for changing registrations from credit to audit or audit to credit in year-long and Fall courses.

- **Wednesday, December 7, 2022:** Last day for dropping Fall courses – a “W” for “withdraw” will appear on your transcript

## KEY REGISTRATION DATES: WINTER TERM

<https://www.ucalgary.ca/pubs/calendar/grad/current/academic-schedule.html>

- **Thursday, January 19, 2023:** Last day for *dropping* courses, without receiving a “W” grade and without being responsible for the fees for the course (after this date, if you withdraw from a Fall or year-long course, you are still responsible for paying).
- **Friday, January 20, 2023:** Last day for *adding* courses or for changing registrations from credit to audit or audit to credit in Winter courses.
- **Wednesday, April 12, 2023:** Last day for dropping Fall courses – a “W” for “withdraw” will appear on your transcript

## PAYMENT OF FEES

<https://www.ucalgary.ca/pubs/calendar/grad/current/academic-schedule.html>

There are a number of options regarding fee payment. It is highly recommended that you use telephone or internet banking services to pay your fees. By paying through banking services, you can avoid the long line-ups that occur around the fee payment deadline and ensure that your fees are processed right away. The University of Calgary no longer accepts tuition payments by credit card.

Students can often spread out their tuition payments over the semester. For more information, see <https://www.ucalgary.ca/registrar/finances/tuition-and-fees/graduate-student-payment-plan>.

Additional information on fee payment can be found at <http://www.ucalgary.ca/currentstudents/finances>

Students can access their fee statement through their Student Centre in [My UofC](#). For more information regarding fee assessment and payment, contact Enrollment Services at [esdocs@ucalgary.ca](mailto:esdocs@ucalgary.ca).

**Friday, September 23, 2022:** fee-payment deadline for graduate students for Fall term.

**Friday, January 27, 2023:** fee-payment deadline for JD and graduate students for Winter term.

## COURSE DESCRIPTIONS

The following courses are open to graduate students in 2021-22. **Asterisks indicate NREEL courses.** The descriptions for NREEL courses are appended to the end of this memo. Further information about courses being offered this year, including the material to be covered and the anticipated evaluation methods, are provided in the [Instructor Course Descriptions](#) document on the Current Graduate Students webpage. We **strongly recommend** that students review this document

carefully prior to making course selections. For courses not listed in the Instructor Course Descriptions document, please see the [Calendar Course Descriptions](#).

<b>Fall 2022</b>	<b>Winter 2023</b>
LAW 509 Business Associations (Stewart)	LAW 509 Business Associations (van de Biezenbos)
LAW 511 Criminal Process (Sitar)	LAW 519 Jurisprudence (Bagg & Janzen)
LAW 515 Family Law (Griffith)	LAW 525 Bankruptcy and Restructuring Law (Girgis)
LAW 521 Real Estate Transactions (Van Vliet)	LAW 527 Basic Tax Law (Nikolaou)
LAW 527 Basic Tax Law (Brown)	LAW 553 Insurance Law (Viney / Gray)
LAW 536 International Criminal Law (Duffy)	LAW 563 International Human Rights Law (Kravetz)
LAW 561 Employment Law (Snowdon)	LAW 567 Law & Economics (Ilg)
LAW 565 Internet Law (Laidlaw)	LAW 569 Law & Literature (Duffy)
LAW 579.01 Legal Theory: Property (Watson-Hamilton)	LAW 577 Tax Policy (Mintz)
LAW 579.02: Legal Theory: Residential Schools Litigation (Calliou)	LAW 579.01 Legal Theory: Canadian Federalism (Stewart)
LAW 593 Health Law (Hardcastle)	LAW 579.02 Legal Theory: Multiculturalism & the Law (Kislowicz)
LAW 596 Feminist Legal Theory (Koshan)	LAW 579.03: Legal Theory: Religion & the Law (Kislowicz)
LAW 601 Advanced Criminal Law (Fagan)	LAW 607 Advanced Legal Research (Williams)
* LAW 605 Oil & Gas Contracts (Pittman)	LAW 613 Conflict of Laws (Tscherning)
LAW 607 Advanced Legal Research (Garingan)	* LAW 628 International Investment Law (Whitsitt)
* LAW 617 Alternative Energy Law (Tscherning)	LAW 631 International Tax Law (Chiu, Montes & Goguen)
Law 619 Estate Planning (Brown)	* LAW 637 Energy Law (van de Biezenbos)
* LAW 627 - International Environmental Law (Hubert)	LAW 653 Directed Research
LAW 632 Entrepreneurial Law (Tingle)	LAW 693.01 Privacy & Cybersecurity (Laidlaw)
* LAW 638 Climate Change Law (Mascher)	* LAW 693.02 Law, Science & the Regulatory State (Olszynski)
Law 644 National Security Lab (Nesbitt)	* LAW 693.03 Indigenous Peoples & the Law (R. Hamilton)
LAW 648 Securities (Clements)	* LAW 693.04 Environmental Law (Wright)
LAW 656 Mergers & Acquisitions (Hibbard & Riley)	LAW 693.05 Fintech Law & Policy (Clements)
LAW 653 - Directed Research	LAW 693.06 Money Laundering (Ahmed)
* LAW 693.01 - International Law (Whitsitt)	LAW 693.07 Sports Law (Shim)
* LAW 693.02 - Oil and Gas Law (Stewart)	* LAW 693.08 Negotiating Indigenous Rights (Chipeur, online)
LAW 693.03 Intro to US Legal System (Thompson – hybrid)	* LAW 693.09 Indigenous Economic Development (Calliou)
* LAW 693.04 Reconciliation & Lawyers (Menard)	LAW 693.10 Intellectual Property (Hagen)
LAW 693.05 Internet Law (Laidlaw)	LAW 693.11 Human Rights Law (Koshan)
LAW 693.06 E-Litigation (Christian)	LAW 693.12 Artificial Intelligence (Hagen)
LAW 693.07 International Dispute Settlement (Whitsitt)	LAW 698 Immigration Law (Sharma)
Law 693.08 Feminist Legal Theory (Koshan)	LAW 699 Labour Law (Francis & Jones)

## 2022-23 NREEL COURSES

For information about courses outside the NREEL area, see Instructor Course Descriptions under Registration and Course Selection on the [Current Graduate Students](#) website.

### **LAW 605 (Fall) Oil & 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.

#### **Evaluation:**

- Take home midterm (required): 40%
- Final Exam: 50%
- Course Participation: 10%

This course is not evaluated through a research paper worth more than 50% of the course grade.

#### **Instructor:**

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

**Prerequisite or Corequisite:** *Oil & Gas Law*

### **LAW 617 (Fall) – Alternative Energy Law (Tscherning)**

This seminar course will allow students to gain an understanding of the key legal and policy issues arising in the field of "alternative energy" (which encompasses renewable and low-carbon energy generation such as wind energy, nuclear energy, the production of hydrogen, and liquefied natural gas). The course will examine the role of alternative energy in the global energy transition to a low carbon economy and explore domestic and international regimes designed to integrate alternative energy in the existing energy mix.

Seminar discussions will be used to examine the legal frameworks for the promotion and development of alternative energy projects and the creation of low-carbon energy markets. The course will require students to undertake independent research, to present this in written form (e.g., a client memo), and to make in-class oral presentations. Depending on enrollment, evaluation of the course will likely consist of a blended grade for the written work, class presentation, and class participation components.

The largest proportion of the final course grade will be assigned to the substantial written research paper, which may be used to fulfill the Upper Year Writing Requirement or the research paper requirement for graduate students (on approval by the instructor).

### **LAW 627 (Fall) – 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. It may also be used by graduate students to meet their research paper requirement.

### **LAW 628 (Winter) – International Investment Law (Whitsitt)**

#### (i) Description

People often question whether international law is really law. There are many reasons for taking this view – especially when one considers the consensual basis upon which international law rests. In contrast to many regimes of international law the law governing foreign investors is fairly robust; it permits foreign investors the ability to bring international claims against countries. This course examines the design of and current developments in international investment law and arbitration, also called investor-state dispute settlement (ISDS). Particular attention is paid to bilateral investment treaties (US-Argentina) and regional trade



agreements (e.g. CUSMA and CETA). The course traces the purpose, context, and evolution of the clauses and provisions characteristic of contemporary investment treaties (e.g. 'fair and equitable treatment', 'full protection and security', 'expropriation', etc ). In so doing, we will review and arbitral jurisprudence that interprets and applies these treaty protections.

The aim of this course is to give students a solid grounding in the legal issues, while also providing opportunity for critical discussion and reflection on the law and possible reforms. Students will also develop skills in analysis, listening, presentation, discussion, research and writing.

(ii) Assessment

Evaluation of student performance in this course will be assessed on the following basis: a fifty percent (50%) legal memo research assignment; a twenty percent (20%) class participation grade and a thirty percent (30%) class presentation.

(iii) Requirements

Students taking this course must have already taken a course in international law, preferably Law 549.

This course meets the international requirement and may count for the Upper Year Writing Requirement and the graduate research paper requirement.

### **Law 637 (Winter) – 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 decarbonized. The course offers an optional paper which will satisfy the upper year writing requirement and the graduate research paper requirement.

### **LAW 638 (Fall) – Climate Change Law (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 then turns to domestic climate law and policy. 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.

This course can be used to fulfil the International Law and Upper Year Writing Requirements in the JD program and also the graduate requirement of a research paper worth at least 50% of the course grade. Assessment components for this course will include a major research paper/written research brief, class presentation, and class participation.

### **LAW 653 (either semester) – Directed Research**

A supervised research project involving the in-depth examination of a legal problem or area of concern not normally covered in a substantive or procedural course and which provides the basis for an article, research paper, brief, memorial, draft legislation, etc. Admission to this course depends on the availability of a Faculty member to supervise the particular projects. A Directed Research Proposal Form is available at: [http://www.law.ucalgary.ca/system/files/Microsoft+Word+-+Directed\\_Research\\_Information\\_and\\_Form\\_J09.pdf](http://www.law.ucalgary.ca/system/files/Microsoft+Word+-+Directed_Research_Information_and_Form_J09.pdf)

Proposals for directed research require the approval of the Graduate Program Director before classes start each semester. Contact the Graduate Program Administrator for more information.

### **LAW 693.01 (Fall) – International Law (Whitsitt)**

#### (i) Description

Over the past number of months as you've watched the conflict between Russia and Ukraine develop have you wondered what the rules of international law permit and prohibit? Have you questioned whether the sanctions imposed by states against Russia, its businesses and people are legal? Have you wondered if there are institutions that can help resolve or address these concerns?

These are the types of questions that this course addresses. It examines the historical context, theory and practice of international law. It also considers the interplay between international law and politics. This course is an introductory survey, dealing with the foundational concepts of international law, including the sources of international law and how international law co-mingles with domestic/municipal law, using the Canadian system as an example. We will also consider legal construct of international law's central actor: the state. In so doing, the key concept of jurisdiction and sovereignty will be explored. Throughout, we will also consider other actors (e.g. corporations, individuals and international organizations) and the role they play in the global order.

The primary objective of this course is to expose students to key concepts of international law and to develop a familiarity and fluency with the vocabulary of international law. Students will become familiar with international law's actors, how the world order functions and the limits of international law.

#### (ii) Assessment

How students will be evaluated in this course has yet to be determined.

#### (iii) Requirements

This course meets the international law requirement.

No background in international law is necessary for students taking this course.

### **LAW 693.02 (Fall) – 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 693.02 (Winter) – Law, Science & the Regulatory State (Olszynski)**

Description: This course will provide students with a theoretical and practical understanding of how law and science operate in the Canadian regulatory state, with a particular focus on environmental law and policy. Substantively, the course touches on constitutional law, administrative law, and environmental law, as well as the norms and principles of the scientific method. The first part will provide a basic understanding of democratic governance in Canada, including the separation of powers and how laws and regulations are passed. This part will also provide an overview of the scientific method and the role that science has come to play in modern democracies. Part II is more substantive and sets out in detail which level of government has jurisdiction over which aspects of the environment. We will consider federal, provincial, municipal, territorial, and Indigenous governments and jurisdiction. Drawing on the concepts and principles from Part I, Part III will introduce students to some of the unique features of environmental law and policy and, applying a case study approach, will illustrate the various opportunities and challenges for science to inform and influence its development and implementation. The course will end with student presentations based on group work. A planned key feature of this course is the opportunity for interdisciplinarity: the course will be offered to J.D. students but also graduate students in science and public policy.

Method of Evaluation: Research Project and Final Exam

Upper Year Writing and Other Requirements: While this course will include a mandatory research paper component, it will not be eligible for satisfying the Faculty's upper year writing requirement, the theoretical perspectives requirement, or the international requirement. As such, it will also not permit course-based graduate students to satisfy the research paper requirement.

### **LAW 693.03 (Winter) Indigenous Peoples & the Law (R. Hamilton)**

The relationship between Indigenous peoples and the Canadian state is one of the most challenging and important issues Canada faces. This course considers 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 focusing primarily on analysis of case law, the course also explores the place of Indigenous peoples in Canada's constitutional architecture and how their status as distinct political communities is shaping evolving notions of federalism. The course examines the historical and contemporary importance of Indigenous legal traditions and tensions between state and Indigenous law. In this, it introduces theories of legal pluralism and provides opportunities for critical reflection and discussion on a range of perspectives about the rights of Indigenous peoples and the relationship between Indigenous peoples and the state.

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

### **LAW 693.04 (Fall) Reconciliation and Lawyers (Menard, online because of instructor's location)**

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 practices, 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 practices 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 practices, laws and policies have discriminatory impacts on all Indigenous peoples, and how these practices 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 JD theory requirement. Please consult the Graduate Program Director if you are thinking of using this course to meet the graduate student research paper 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 Benchler liaison) who provide guidance and advice to the Law Society on legal issues affecting Indigenous peoples. She endeavors 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 693.04 (Winter) – 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, impact assessment, environmental torts, compliance and enforcement, public participation in environmental decision-making, climate change, 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 consist of class participation, class presentations, and a major research paper. There will be no exam option. Students may use this course to fulfill their International Law and upper year writing requirements, as well as the graduate research paper requirement.

**LAW 693.08 (Winter) Negotiating Indigenous Rights (Chipeur, online)**

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 antiquity. 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 JD Upper Year Writing Requirement or the graduate research paper requirement.

**LAW 693.09 (Winter) Indigenous Economic Development (Calliou)****LAW 703 (Fall) Graduate Seminar in Legal Research (Hagen / Hoffman)**

This seminar course is intended to help graduate students prepare to develop, research and write a thesis or major research paper. The course will include the following topics: choosing a research question, scholarly legal writing, research ethics, intellectual property in your work, academic integrity, citation and research methods. Research methods will include doctrinal, comparative, interdisciplinary, transdisciplinary and empirical. Students will develop a research proposal, including an annotated bibliography. A separate lab component will include a library orientation, discussion of library resources, legal sources, search methods, search tips, search topics and search terms.

Subject to approval, it is anticipated that evaluation will consist of class participation (20%) an academic integrity quiz (15%) and a number of assignments (65%) that aim to assist the student to develop a research proposal for their thesis or major paper.

**LAW 705 (Winter) Graduate Seminar in Legal Theory (Stewart)**

This course is aimed at helping thesis-based LLM students prepare the theoretical framework for their thesis work.