



2020-2021

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 24 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, electricity infrastructure and markets, landlord and tenant disputes, employee human rights complaints, tax audits, and restaurant, liquor store, or cannabis retail business licencing. Lawyers in both public and private practice will encounter administrative law regularly.

What is administrative law? It is the body of law governing the exercise of public authority. Administrative law ensures that government actions are authorized by Parliament or provincial legislatures. It also ensures that laws are implemented and administered in a fair and reasonable manner.

This course offers an introduction to this rich area of law and 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; and
- Judicial review of administrative decisions.

The focus of this course will be the law governing judicial review of administrative decisions: what powers of review do the courts have, and what are their limits? This area is fraught and constantly evolving. Indeed, just this past December, the Supreme Court of Canada reserved its decisions in a trilogy of appeals that, when released, may bring about a further sea change. As a result, it is an exciting time to study administrative law.

The course is taught by Brynne Harding and Brendan MacArthur-Stevens:

- Brynne is a tax and litigation lawyer at Osler, Hoskin & Harcourt LLP. She advises and defends clients in commercial disputes, under tax audit and in tax appeals, challenging administrative decisions, and clients faced with investigations and prosecutions arising from workplace and environmental accidents. Before joining Osler, Brynne served as a law clerk to Justice Rothstein of 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

Subject to approval, assessment will likely be based on one final examination. Students may elect to receive a participation grade, worth 25%. If such an election is made, the final examination will be worth 75% of the final grade. If such an election is not made, the final examination will be worth 100% 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 include both lectures and tutorials in a lecture-lecture-lecture/tutorial repeating cycle. For lectures, students are required to read the materials (posted on D2L) and come to class prepared for a discussion of the substantive and practical law of civil procedure. Tutorials are intended to provide students with an opportunity to ask questions and discuss and practice drafting skills for the assignments, described below.

Required assignments for the class will consist of both practical drafting assignments and an examination.

Law 507.01 Evidence (Code – Fall 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 Fall of 2020, the course will not be taught on site. It will entail a blend of synchronous (real-time) and asynchronous learning activities, still in development. The evaluation scheme will involve two components: an optional writing assignment (30%) and a final exam worth either 70 or 100% 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 507.02 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.

As classes are expected to be delivered online rather than in-person for the Fall 2020 semester, delivery of this course will be a blend of synchronous (real time) and asynchronous learning. Most lectures will be pre-recorded and posted to D2L in advance of the classes (asynchronous). 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 a final examination worth 100% for those who do not do the optional assignment and 70% 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 Evidence (L. Silver – Winter Term)

What does a shoe, an invoice, a text message, and a smoking gun all have in common? They are all possible pieces of evidence in a criminal or civil trial. Standing alone these items are meaningless but as part of the evidence at trial these disparate facts can weave a cogent and probative narrative. This course will introduce you to the evidentiary principles which proscribe how that narrative is told both in court and beyond. Although the law of evidence offers insight on the relationship between the substantive elements of a civil claim or criminal offence and the proof of those matters in court, evidence is created well before the lawyer opens the court room door. This course will provide a meaningful framework for all lawyering interactions such as drafting a contract, interviewing a client, and writing an opinion letter, whether you litigate a matter or not.

Together we will discuss, question and debate key evidentiary principles such as the admissibility of evidence, circumstantial evidence, presumptions, manner of proof through real and testimonial evidence, trial judge's exclusionary discretion, character evidence, hearsay, expert evidence, confessions, and privilege. A component of the course will involve problem-based and experiential learning. Assessment will be based on the submission of one mandatory opinion letter (worth 30%) and a final examination (worth 70%). Students may also submit an optional 'blog' case commentary (worth 30%). If the optional assignment is submitted, the final examination is worth 40%.

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 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 ethical issues 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 will likely be a blend of synchronous (real-time) and asynchronous learning activities.

Law 510.02 & .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 (Oshionebo – Fall Term)

Mandatory for students who started JD program in 2017 or earlier

This course focuses on the basic forms of business organizations with strong emphasis on partnerships, franchises and corporations. Students will be exposed to the fundamental principles and rules governing partnerships, franchises and corporations in Canada. Topics to be discussed include the nature and types of partnerships, the relationship between partners, liability of partners to third parties, obligations and rights of franchisors and franchisees, incorporation process, nature of the corporation, capital structure of the corporation, governance structure of the corporation, directors' duties, and the rights and responsibilities of shareholders. Subject to approval, students will have the option of writing a 100% final examination **OR** a 70% final examination and a 30% research paper. The examination under both options is identical. The final examination is OPEN BOOK.

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

Mandatory for students who started JD program in 2017 or earlier

This course will cover the 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 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.

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. It is anticipated this course will involve both synchronous and asynchronous learning activities.

Evaluation

Evaluation will likely be based upon: (i) preparation for and participation in class (30%, to be assessed through a combination of: contributions to class discussions, two reflective journal entries, and facilitation of class discussions based on those entries); (ii) an activity focused on building practice skills (10%); 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. Finally, this course will include a blend of synchronous (real-time) and asynchronous learning activities.

Jonathan F. Griffith is a family law lawyer, mediator and arbitrator at Daunais, McKay and Harms 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. In addition to serving his clients, Jonathan actively volunteers on CBA committees and on boards of directors for several community-based organizations.

Law 519 Jurisprudence/Law 705 Graduate Seminar in Legal Theory (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 adjudication, and justifications of punishment. The course work 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.

Since the course will be conducted as a seminar, class preparedness and participation will be assessed. Given the nature of the course, the use of electronic devices will be of little, if any, benefit and will be strongly discouraged. Students will be expected to come to class prepared to discuss assigned readings and to articulate and defend their own impressions and ideas. 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.

Of note: those registered in the Law 705 Graduate Seminar will have additional course requirements (including leading a seminar in accordance with their interest in the course material or graduate work, as appropriate).

Law 521 Real Estate Transactions (Raby/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 Steve Raby, a partner at Norton Rose Fulbright LLP, and Gordon Van Vliet, a partner at Field LLP. See:

<https://www.nortonrosefulbright.com/en-ca/people/124185>

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 lectures, instructor led lectures and in-class group discussion problems.

Course materials include a series of on-line readings, the group discussion problems and solutions 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 (Fluker)

This course will provide students with an understanding of key topics in environmental law and policy in Canada. Topics may include environmental ethics, environmental regulation, compliance and enforcement in environmental law, constitutional and jurisdictional dimensions of environmental law, public participation in environmental decision-making, environmental assessment, environmental torts, and the application of international environmental law in Canada. Particular attention will be given to endangered species law and policy in Canada. 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 and materials focused on domestic legislation, judicial decisions, and administrative tribunal rulings. Evaluation will include a final examination, but students will also have the option of writing a paper for evaluation that satisfies the Upper Year Writing Requirement.

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, with a particular focus on Canada.

Transnational criminal law is increasingly emerging as a major avenue through which crimes of international concern will be addressed. Discussions may include extradition, terrorism, human trafficking, drug trafficking, cybercrime, state sovereignty and impunity (particularly relating to torture), money laundering, and organized crime. This course is taught as a seminar, rather than as a doctrinal, lecture-based course, because it is a quickly evolving area of the law. This class bridges substantive law and the building of legal skills. While students will address timely issues in international criminal law, and in transnational criminal law, they will also be building skills necessary for the practice of law in any field. Those skills include the ability to conduct advanced 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.

Evaluation will consist of class participation, a class presentation, and a major research paper. Students may use this course to fulfill their International Law and upper year writing requirements.

Law 543 Intellectual Property (Hagen)

In a knowledge-based economy, intellectual property rights are a central means by which ideas are protected. Hassett and Shapiro have estimated that, as of 2009, in the US, 44.16% of the market value of all industries was the value of their intellectual capital, which includes intellectual property rights. Intellectual property rights can exist in a diverse variety of things, including books, computer software, robotics, music, paintings, buildings, movies, news media, medicines, machines, genes, organisms, marks, geographical indications and methods of doing business.

Licensing these rights is a means by which businesses and individuals earn income in a capitalist economy. At the same time, both individuals and companies want to utilize such ideas to build new ideas as innovators and to consume those ideas as part of an intellectually satisfying life. This has led to controversies and litigation surrounding, amongst other things, the balance between owners' and users' rights, the impact of IP rights on innovation, the protection of software and business methods by patents, the role of Internet intermediaries in online copyright infringement, music and movie sharing on the Internet, the patentability of genes, higher life forms, software, and business methods, the setting of tariffs for the collective management of copyright, whether AI can be inventors, the availability and limits of trademark protection (such as the necessity of use, the protection of functions and controlling parallel imports), the legal protection of technological measures that protect copyright, the principle of technological neutrality, and the appropriateness of injunctions in protecting intellectual property rights. In this course we will study the legal regulation of this tug-of-war between owners and users of ideas in the form of copyright law, trademark law and patent law, especially with reference to emerging technology.

The course will likely be a blend of synchronous (real-time) and asynchronous learning activities. Evaluation will be by means of pass/fail assignments, a final exam (50%/80%) and, at the student's option, either a research paper (50%) that satisfies the upper year writing requirement, or a blog (20%).

Law 547 Human Rights Law (Koshan)

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.

Classes are expected to be in person in winter term, and will include live lectures and problem-solving exercises. 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 client memorandum is a final assignment for the course, which can be used to fulfill the upper year writing requirement if additional research is undertaken. 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.

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 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, an Associate 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 insurance defence and coverage as well as medical, legal and professional negligence and product liability claims.

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 taught by way of a combination of live instruction (via video conferencing technology insofar as is necessary) and asynchronous presentations. The course will be evaluated by way of two 25% assignments 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 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 (25%), presentation (25%) 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 include a research paper option that could be used to satisfy the Faculty's upper year writing requirement. The course evaluation will also likely include a final examination.

Law 569 Law & Literature (Watson Hamilton)

This course explores interdisciplinary connections between law and literature. Its objectives are: (1) to further develop critical reading skills; (2) to explore tensions in the life of the law and lawyers through fiction; and (3) to have fun – because reading good fiction is enjoyable and discussing it may be.

This course can be used to satisfy the upper year “Theoretical Perspectives Requirement.” Two different theoretical approaches will be used in the Winter 2021 version of this course. The first is a law-as-literature or “hermeneutic” approach to the subject, which applies literary interpretation methods to legal as well as literary texts. No background in literary theory is required (or even desirable). The second theoretical approach is a “narrative” approach, that focuses on the stories told within law by clients and others, with particular attention to the role of “lawyer as translator.” Both theoretical perspectives should be widely applicable to other academic and practice contexts.

Both theoretical perspectives will be applied in the majority of classes, where we will look at law-in-literature, i.e., the fictional treatment of legal themes in literary texts. The texts will be novellas (such as Camus' *The Stranger*), short stories and book chapters (from authors such as Melville, Dickens, Tolstoy, Asimov, Wolfe, Oates, Atwood, and King) due to the short 10-week length of the term. In this part of the course we will focus on the tensions between law and justice or between the personal and professional lives of lawyers that are presented in literature.

This course can also be used to satisfy the Upper-Year Writing Requirement, even though that requirement demands extensive research in primary sources (statutes and cases). Evaluation components will include at least 20-30% for various types of class participation; 20-30% for very short papers apply the theoretical approaches to both legal and literary materials, and 50% for a 5,000 to 6,000-word paper that applies one of the theoretical approaches to a novel that students will select from a list of 25-40 novels. Some of those novels will allow students to use the 50% paper to satisfy the Upper-Year Writing requirement, although do so will require imagination and hard work.

Law 571 Oil and Gas Law (Stewart)

This course examines 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. The course will consist of online lectures over Zoom, including a guest lecture from energy law experts. By the end of the course students should be able to:

1. Understand basic terminology relevant to the oil and gas sector;
2. Understand the oil and gas ownership theory and conservation principles;
3. Understand and analyze the legal issues associated with the drafting and interpretation of the private oil and gas lease;
4. Be familiar with the general structure of public oil and gas tenure regimes both provincially and federally, and critically evaluate the difference between these regimes;
5. Understand the role of the Alberta Energy Regulator; the Alberta Surface Rights Board, and the Nation Energy Board in oil and gas development;
6. Appreciate some of the policy issues surrounding oil and gas development in Canada;

7. Identify areas of oil and gas law in need of reform;
8. Use the techniques of legal reasoning and argument;
9. Apply intellectual and practical skills to formulate solutions to legal problems; and
10. Demonstrate behaviour consistent with academic integrity, social responsibility, and high professional standards.

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 579.xx Legal Theory: Residential Schools Litigation (Mahoney)

The Indian Residential Schools litigation led to the largest and most comprehensive class action settlement agreement in Canadian history and is unique in the world. Its underlying theoretical framework was informed by a combination of tort law theory, critical race theory, feminist legal theory, restorative justice principles, human rights principles, and indigenous laws. It demonstrates that in order for the law to properly deal with the harms resulting from a clash of cultures, sexism, racism and a genocidal colonial policy, not one legal theory or set of values was sufficient to arrive at a just result that would adequately address the harms and lead to reconciliation. Instead, a combination of theories was required. Those theories, which informed the litigation, will be discussed in depth in this course.

Students will study the settlement agreement and its component parts including the common experience payment, the individual assessment process, the healing funds, the Truth and Reconciliation Commission, the commemoration funds, the education credits, the Educational Trust and the apologies from both the federal government and the Vatican. Students will analyse and theoretically evaluate court decisions that preceded the settlement negotiations.

Students will be evaluated by their class participation (15%), class presentation (35%) and through the writing of a research paper (50%). The research paper may be used to satisfy the Faculty's upper year writing requirement. This course also satisfies the Faculty's theoretical perspectives requirement.

Law 579.xx Legal Theory: Indigenous Legal Traditions (Mahoney)

Mainstream legal educational materials suggest, by implication, that Indigenous peoples were lawless prior to European contact. This is a false idea that will be challenged in this seminar where students may have to shift their thinking and perspectives in order to do the necessary intellectual work to move past stereotypes and assumptions.

The seminar will deal with three broad and overlapping themes. First, there will be an introduction to Indigenous laws while examining mainstream legal theories and assumptions about the concept of 'law' that have made it difficult to understand that indigenous laws existed prior to contact with European settlers. Students will learn what Indigenous legal orders are, and how Indigenous legal orders enable Indigenous societies to manage themselves as self-governing and self-determining peoples. Second, because sexism is a major social issue both in Canadian society and Indigenous communities, we will examine how universalizing principles can perpetuate sexism in both Western and Indigenous legal systems. It is hoped that through this part of the course students will come to understand the ways that racial and gendered norms operate in law and in inter-societal legal relationships and conflicts. Third, students will explore inter-societal legal realities through an examination of Cree law and Canadian law through case studies. They will be encouraged to think about legal pluralism and what it means to live in a multi-juridical society and to consider questions about power, jurisdiction, legal authority, and participation.

The centerpiece of the course will be two graphic novels, *Cree Law: Mikomosis and the Wetiko* and *The Outside Circle*. The Mikomosis novel is based on the true story of a Cree man sentenced to death by a 19th century Alberta court after carrying out an execution ordered by his Cree community under a Cree concept known as Wetiko. *The Outside Circle* is a contemporary graphic novel about urban crime, the overrepresentation of indigenous men in prison, and redemption. A variety of other theoretical readings and activities will be assigned over the course of the term, including the preparation of case briefs from different perspectives.

The course will be evaluated on the basis of classroom work and a research paper. The classroom work will comprise 50% of the grade (15% class participation and 35% class presentation) and the research paper, 50%. This paper may be used to satisfy the Faculty's upper year writing requirement. This course may also be used to satisfy the Faculty's theoretical perspectives requirement.

Law 579.xx Legal Theory: Multiculturalism & the Law (Kislowicz)

The term multiculturalism is often used to describe a social fact – increasing recognition of diversity along ethnic, cultural, religious, racial, sexual, or other lines – and also to describe government policies responding to this social fact. In this course, we will examine how courts, legislatures, and theorists have articulated, and sometimes complicated, conceptions of culture and multiculturalism. At root, these actors are all engaged with the questions of how we can and should best live together, how to best balance communal and individual interests, and the mutual influence of cultural identities and law.

Our materials start by situating our course in the context of some very complicated cases. We will then move on to discussing some dominant theories of multiculturalism, and some critical responses to these. Next, we look at some

governmental and judicial responses to the notion of multiculturalism. Our discussion will then consider more critically the notions of law and culture, and examine their meeting points through some specific examples.

The course will be evaluated based on a several components: (1) a term paper of 7000-7500 words, (2) an in-class presentation, (3) short written response(s) to the course readings, and (4) class participation. The paper can be used to satisfy the 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 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 Credit/D/F basis.

Five students will be selected for the winter 2021 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.

Classes will be online and seminar-style with active preparation and participation from all students expected. We will meet mostly in synchronous classes (real-time), with some asynchronous small group work. 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) leading a class on a topic relevant to feminist legal theory and practice (done in small groups); and (3) class participation. This course can be used to satisfy the upper-year theory and writing requirements. Classes will commence the week of September 28, 2020.

Law 598 Trusts (Coe)

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)

The course is designed to be interactive and 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)

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. 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.

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 run a legal matter

It is anticipated that students will be evaluated based on:

1. A participation grade based on class attendance/meaningful participation/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 Tetrault: <https://www.mccarthy.ca/en/people/rick-kathuria-0>

Law 601: Advanced Criminal Law (Fagan)

This course is designed to equip students with an overview of 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 and evidentiary issues that arise in the defence and prosecution of serious crimes, in particular those involving drugs and violence. Topics include identification; search warrants; “pipeline” investigations; “Mr. Bigs”; the police use of force; expert witnesses; entrapment and sentencing.

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. Students will be evaluated by way of attendance/class participation and an open-book final exam which will cover the entire course.

BIO

Kaysi Fagan is a Criminal Defence Lawyer who defends all criminal charges, with a focus on the defence of drug prosecutions. Ms. Fagan completed her Law degree at the University of Western Ontario and thereafter completed two Master of Laws degrees (New York University and the National University of Singapore). Prior to practicing in Calgary, Ms. Fagan worked at the headquarters of the International Police (“INTERPOL”) in Lyon, France. She has appeared at every level of Court in the Province as well as in the Supreme Court of Canada. Ms. Fagan is a published author and has a recurring role as a legal expert on a popular American television show.

Law 605 Oil and Gas Contracts (Pittman/Todesco)

“The reports of my death have been grossly exaggerated.”--Mark Twain

“Not quite dead yet.”-- Monty Python

Why would anyone take a course in oil and gas contracts? Much has been written on the transition from carbon-based fuels to renewable energy sources and how this threatens the future of the oil and gas industry. Over the last few years, enrollment in oil and gas law courses has declined and even at the University of Calgary, the Haskayne School of Business has cancelled its Petroleum Landman specialization.

However, global hydrocarbon consumption is predicted to increase over the next decades, in line with a rising global population and the increasing GDP of developing countries. By 2040, it's expected that more than half of the world's energy needs will still be met through oil and gas – hence this course lives to fight another day.

The concepts presented will not be unique to oil and gas contracts – this will be a course on transactions and joint ventures with an oil and gas focus, rather than the other way around. Concepts and skills acquired will be easily transferred to other industries or areas of practice.

The current plan is to expose students to the entire life-cycle of an oil and gas transaction including:

- (1) Letters of Intent;
- (2) Confidentiality Agreements;
- (3) Study and Bidding Agreements;
- (4) Joint Operating Agreements;
- (5) Purchase and Sale Agreements;
- (6) Farmout Agreements;
- (7) Service Agreements;
- (8) Agreements related to pipelines, gas plants, and other facilities; and
- (9) Dispute Resolution Mechanisms.

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 frequently requires students to apply the legal principles from the Contracts, Property and Tort Law courses taught in 1L, and we assume a level of familiarity commensurate with having passed those courses.

Evaluation:

Take home midterm (required): 35%

Final Exam: 55%

Course Participation: 10%

Instructors:

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

Jay Todesco, Senior Legal Counsel, Suncor Energy

Law 607 Advanced Legal Research (Clarke - Fall)

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 - Winter)

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.

Students accepted in the course will be paired with a mentor, a bilingual lawyer or judge in Calgary with experience in French Common Law, allowing students to regularly test their French legal knowledge and gain insight into the practice of law in French in Alberta.

The course is a hybrid course, with a blend of synchronous (real-time) and asynchronous learning activities to allow students flexibility in their learning. The synchronous 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>

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. Les étudiants acceptés au cours seront jumelés avec un mentor, un avocat ou juge bilingue à Calgary, leur permettant de tester de façon régulière et continue leurs connaissances juridiques en français avec d'autres francophones et francophiles et de mieux comprendre les enjeux de la pratique du droit en français en Alberta.

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>

Les étudiants intéressés à participer au cours doivent envoyer un courriel à Angela Gallo-Dewar (agallode@ucalgary.ca) et Professeure Magnan (cmagnan@uottawa.ca) confirmant qu'ils ont

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>

*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>

Law 613 Conflict of Laws (Tscherning)

Conflict of Laws (also known as Private International Law) is the body of rules and procedures designed to assist the domestic courts in deciding a case which contains one or more 'foreign' or international points of contact. Conflict of Laws issues raise three components which typically interact: (a) the jurisdiction of the Canadian court; (b) the rules to apply in deciding a case; and (c) the recognition and enforcement of foreign court judgments. Private International Law issues arise in a multitude of scenarios, including in international and cross-border interactions involving contract and tort law scenarios which give rise to numerous conflict of laws "dispute risks".

Topics are examined from both a domestic and international perspective and students will gain a comprehensive understanding of litigation and civil procedure arising from interactions in the international field. The course is taught through practical examples of international legal practice drawn from several areas of law, including the importance of private international law to the Canadian and international energy and natural resources sector. Given the nature of the topics examined, this is a truly international course with a global focus. It will prepare students with a genuine mindset and curiosity for navigating the complexities of inter-jurisdictional transactions for their future practice in a dynamic and highly complex area of the law.

Depending on enrollment, evaluation is planned to consist of a 70 per cent written final examination as well as an optional 30 per cent written research component. Given the nature of the course and topics examined, the course will also satisfy the Faculty's International Requirement

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, jurisprudence, 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>

*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, la philosophie du droit, 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>

Law 616 Public Interest 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 lawyer's role in society what it should be? Is the work of lawyers political?

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. No, the lawyer's role in society is not what it should be. And yes, the lawyer's work is political.

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.

This course meets the Theoretical Perspectives Requirement. 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 like standing rules and costs, and analysis 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 from both sides. We explore the practical challenges faced by lawyers who serve client, cause, and community, and discuss some 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' experience throughout.

Law 616: Public Interest Theory is part of the two-course Public Interest set with Law 620: Public Interest Practice. Public Interest Theory is a single term course in the Fall term that is capped at 15 students. Law 620: Public Interest Practice is an experiential companion course that commences in September and occurs once a week through the Fall and Winter terms and is capped at 12 students.

Students wishing to register in only Law 616 can send a single e-mail to drew.yewchuk@ucalgary.ca to check if there is a spot available. Students that register in Law 620: Public Interest Practice have a priority for registration in Law 616 over students not registered in Law 620: Public Interest Practice, and students enrolled in Law 620 will bump students who have only enrolled in Law 616 from the course.

Law 617 Alternative Energy Law (Tscherning)

This course will provide students with an understanding of the key issues in “alternative energy” law and policy, which encompasses both renewable energy generation and clean energy generation. The course will examine the global energy transition to a “low carbon energy” economy and the promoting and integrating of alternative energy into the existing energy mix. It will examine international and comparative models of alternative energy law and policy and the regulation of energy markets to promote the development of these technologies. Accordingly, the course will provide students with an understanding of the key issues in alternative energy law and policy both in Canada and internationally.

The course intends to cover a select group of alternative energy sources including solar, wind, hydro, tidal, clean coal and nuclear energy. Specific topics may include: the concept of alternative energy and its origins; the interaction of alternative energy and traditional energy generation; the energy mix for a low carbon economy; carbon constraints in climate change law and policy; regional cooperation on alternative energy, energy security etc. Selected case-studies will be used to illustrate the development of alternative energy projects and will require students to undertake independent research as assigned by the instructor and to present this in both online and written formats (e.g. class presentations, written research briefings etc).

The course will be taught both synchronous and asynchronous online in the Fall 2020 semester. Depending on enrollment, assessment will likely consist of class participation, an exam and optional research paper, which can be used to fulfill the Upper Year Writing Requirement on approval by the instructor. Given the nature of the course and topics examined, the course will also satisfy the Faculty's International Requirement.

Law 620 Public Interest Practice (Laing & Yewchuk)

Students in this experiential 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.

Students in the 2020/2021 year will be involved in legal research, writing, and advocacy on five general projects, each with a distinct public interest purpose:

1. To maximize the ability of individuals and groups to participate effectively in decisions that affect the environment;
2. To establish safeguards to prevent strategic litigation against public participation;
3. To generate effective legal mechanisms that protect habitat in Alberta that threatened species need to survive;
4. To improve every lever available in law to obtain the information necessary for democratic accountability from public bodies; and
5. To change apparently neutral laws that disproportionately affect the disadvantaged.

For more information on current projects, consult www.ucalgary.ca/pilc.

This course is graded on the CR/D/F scale. If you are registered in this course, you may still apply for Law 591: Provincial Court Clerkships in the Winter term.

Law 620: Public Interest Practice is part of the two-course Public Interest set with Law 616 Public Interest Theory. Law 620: Public Interest Practice is an experiential companion course that commences in September and occurs once a week through Fall and Winter term classes that is capped at 12 students. Law 616: Public Interest Theory is a single term course in the Fall term that is capped at 15 students. If you register in Law 620: Public Interest Practice, you *must* also register in Law 616: Public Interest Theory.

Law 623 Environmental Impact Assessment Law (Wright)

Environmental impact assessment (EA) has become a cornerstone of environmental law around the world. In Canada in recent years, EIA law has become controversial

and politically charged, with the federal statute undergoing a major overhaul in 2012 and again in 2019. There could hardly be a more fruitful time to study the subject.

This course will provide students with a sophisticated understanding of EIA law, including the basic components of EIA legislation, key considerations in EIA processes, and relevant case law in the area. Specific issues to be covered will include project scoping, assessment factors to be considered, public participation, project alternatives, Indigenous engagement, discretionary decision-making, and jurisdictional dimensions.

Throughout the course, students will engage with a variety of materials that resemble those one would encounter in practice. This will include material students are typically accustomed to such as case law, legislation, and decision statements, but it will also include primary and secondary materials such as environmental impact statements, intervenor submissions, academic literature, and advisory reports. Several guest speakers will also present to the class and share perspectives that represent different interests and groups. Given the Covid-19 pandemic, this course will entail a blend of synchronous and asynchronous learning activities.

This course will primarily focus on the latest overhaul of the federal EIA statute, and the ensuing new regime under the *Impact Assessment Act*. By the end of this course, students will be deeply familiar with new federal legislative regime, thus placing them in a position to add value in any near-future professional activity on the subject.

It should be noted that this is a course where more than 50% of the final grade will be attributed to a research paper, meaning students may elect to use this paper to satisfy the upper year writing requirement. For those interested, this would be an opportunity to generate a paper for eventual publication. Several smaller assignments will also form the basis of assessment in this course.

NOTE: Students who completed Environmental Law in the Winter 2020 term are strongly discouraged from taking EIA law in Fall 2020 as there will be significant overlap in the curriculum.

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 (e.g. endangered species), but rather aims to provide students with the ability to recognize various ethical perspectives and critically assess their use in environmental 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. No background in environmental law is necessary for students taking this course.

As the delivery of this course will take place online, it will likely entail a blend of synchronous (real-time) and asynchronous learning activities. The course assessment will include: participation; a presentation; and written research paper. This research paper may, but need not, meet the upper year writing requirement. 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

Sarah Chiu is a partner at Felesky Flynn LLP. She is a tax lawyer who practises in all areas of taxation. Sarah received her Bachelor of Laws degree from the University of Calgary and maintains her ties with the University as a frequent guest lecturer and as a former coach for the school's Donald G. Bowman National Tax Moot team. Sarah also holds a Bachelor of Science in Civil Engineering degree. Sarah recently presented

at the Canadian Tax Foundation Annual Conferences in 2013 and 2015. Sarah has also lectured for courses for the Chartered Professional Accountants of Canada and has been a speaker for or contributed papers to a number of other organizations including the International Fiscal Association, Canadian Bar Association, the Canadian Petroleum Tax Society and the Federated Press.

Christopher Montes is a partner at Felesky Flynn LLP and practises in all areas of taxation law, with an emphasis on corporate and international tax planning and tax dispute resolution. He is a frequent speaker at Canadian Tax Foundation, Canadian Bar Association and Canadian Petroleum Tax Society conferences and events. Christopher holds a master's degree in law from the University of Cambridge in England, where he studied on a full scholarship from the Canadian Institute for Advanced Legal Studies. Christopher also holds a Bachelor of Commerce degree from the University of Calgary, where he graduated as gold medalist, and a bachelor's degree in law from Osgoode Hall Law School, where he graduated as silver medalist.

Matthew Kraemer is a partner at Felesky Flynn LLP. Matthew's practice focusses on corporate tax planning, public company reorganizations, mergers and acquisitions, international tax planning and business critical tax issues. He has been a sessional tax instructor at the University of Calgary and is a frequent speaker at Canadian Tax Foundation, Canadian Petroleum Tax Society and International Fiscal Association conferences and events. Matthew graduated from the University of Calgary Faculty of Law in 2007 and is called to the bar in Alberta and British Columbia. He sits on the board for Big Brothers Big Sisters Calgary and area.

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 and a final exam.

Law 637 Energy Law (van de Biesenbos)

This course is concerned with the law pertaining to the regulation of energy facilities (especially linear such as pipelines and transmission lines) and energy markets. It is principally concerned with the natural gas sector and the electricity sector and with government regulation of the activities associated with the construction and operation of energy facilities. Some of that regulation is concerned with permitting the physical activities (eg the construction of a new pipeline or a new transmission line) 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.

The course assumes that you have taken a course in Administrative Law. The course is one of a number of energy and resources law courses in the Faculty. Here are some comments on some differences between the coverage of this course and others: the Oil and Gas Law course is principally concerned with upstream property law issues in the oil and gas sector (i.e. leasing); the Oil and Gas Contracts course is a private law course principally concerned with standard form contracts in the oil and gas sector (e.g. farmout agreements, operating agreements etc).

The Energy Law course 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. The course will offer an optional paper which will satisfy the upper year writing requirement.

Law 644 National Security Law Lab (Nesbitt)

Are you interested in the law that governs national and international responses to terrorism, including terrorism prosecutions against Incel and far right actors? How about foreign espionage (spying), hacking, disinformation campaigns, and government cyber authorities? The legal regimes governing Canada's covert national security intelligence gathering and assessment activities? Advising businesses on international sanctions or financial crimes? Canada's powers and operations in times of emergency, including pandemics. Perhaps it's the idea of engaging in legal and theoretical debates about how the law protects—or should protect—civil and political rights in such times of emergency that makes you sit up and take notice? If you answered 'yes' to one or more of these questions, then this is definitely the course for you!

This course is one of the very few across Canada that will give you an introduction into the laws and policies that make up the emerging field of "national security law". It will be intense, dynamic, current, and focus on primary sources (legislation, case

law, and you will get to see what wiretap authorizations etc. look like). Most classes will involve in-class miniature “crisis simulations” related to the topic at hand, and you will be put in touch with some of Canada’s leaders in the field (either in person or via Zoom), including in years past guests from the CSIS, CSE, NSIRA, DOJ, PPSC, Alberta Crown, Calgary police, NSICOP, among others (if you don’t know those acronyms and want to, again this is the course for you!). Our guest speakers always take time to talk jobs in the national security field as well as with government and NGOs; I will also work with engaged students in this class to make them contacts and create opportunities for future employment. This year we will also expand our usual discussion on cognitive biases of all sorts, including those that have the biggest impact on intelligence and legal operations and assessment.

Assignments will be various but will not include an exam. Class attendance (whether that be remote or in person) will be key because of the in-class simulated crises (we can’t foil the terrorist plot if you aren’t there!) Note that this year, the National Security Law Lab can serve as your “international requirement” towards your JD degree.

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 by protecting investors 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; the scope of markets, products, participants and regulatory oversight structures; international comparative frameworks; public offerings; exempt distributions; continuous disclosure obligations; corporate governance; insider trading; 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, fund structures and financial product innovation, behavioral finance, financial technology (fintech), initial coin-offerings and other innovations in crypto-assets.

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 and statutory materials. Student evaluation will likely be based on group and individual assignments, an in-class presentation, and a final exam.

Although not a prerequisite, it is recommended that students take Business Associations either prior to, or concurrent with, Securities Law. This course is taught by Ryan Clements, Assistant Professor, Chair Business Law and 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 Business Law: 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 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 graded on the 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 Law 693.xx: 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 information and agency representation to low income clients within the scope of representation allowed for law students pursuant to the Legal Profession Act and the Rules of the Law Society of Alberta. This includes court appearances and representation for low income clients in the Provincial Court of Alberta in family, criminal, traffic and civil matters, 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 and as such has modified its operations. The course and the method of delivery will need to continue to be responsive to these factors.

Law 686 – SLA Clinical Theory deals reflectively with the delivery of legal services to low income and marginalized groups and will explore substantive issues of law, procedure, evidence, practice management, client management, ethics and skills in the context of access to justice. In this course, students 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 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, working and representing real clients in a clinical setting under the supervision of SLA's supervising lawyers. Students will deal with a variety of client files including: summary criminal law offences, family law matters, residential tenancy issues, small claims disputes, and traffic offences. 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 reflective essay on skill development.

Law 686/688 must be taken together in the same year. Enrollment is open to students who have volunteered as an SLA caseworker in 1L or worked as a summer caseworker. 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. Both courses are capped at 12 students. 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 we will explore the forensic crime scene investigation (subject to scheduling), 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, 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).

Whether the course is delivered in person or on-line, student participation is a requirement, and therefore **attendance is mandatory**. Any absence will require the **prior** permission of the Course Instructor. If delivered on-line, delivery of the course will be a blend of synchronous (real-time) and asynchronous learning models.

Assessment will be based on the following:

- a) Participation in class (whether on-line or in person)
- b) 2-L students will be assigned to participate as witnesses in the final 3-L Advocacy Trial to be held on or about January 23, 2021, the object of which is to learn about witness preparation
- c) There will be three (3) 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);
 - 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. Learners will be provided feedback on all assignments submitted for grading.

PLEASE NOTE:

- Pre-requisite/Co-requisite - Law 511: Criminal Process. Pre-requisite may be waived by Instructor.
- Although not a prerequisite, it is strongly recommended that students take **Law 507: Evidence** 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 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 filing 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 mooted (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 mooted (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: Introduction to the U.S. Legal System (Thompson)

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 Corralici/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: Food and Agricultural Law (Allen/Exner)

Did you know that agriculture is more than farming and ranching? Agriculture encompasses the whole of our food production and processing system, and the variety of resources used to produce the food that we enjoy. But even describing agriculture with reference to food is not adequate today. Today, agriculture involves and centers on not only food, but also fuel and bio-products.

The food and agriculture industry is a dynamic and rapidly-changing one. How we produce the different types of food, energy and nutrition that we rely upon is evolving due to changes in technology, such as advances in engineering and biology, and continued growth in the world's population. With more than 7 billion people in the world who want and need to be fed every day, and require energy for the machines and devices they use, the importance of this industry cannot be overstated.

The study of food and agricultural law encompasses 1) the application of fundamental legal concepts (such as property law, tort law, and contract law) to issues arising in food and agriculture, and 2) legal concepts that are unique to food and agriculture (such as food safety regulations or labeling requirements). In studying food and agricultural law, you will engage in the study of one of the most diverse areas of law, addressing, among other things: plant and livestock production issues, food safety concerns, land use, resource management challenges, and regulation of new food and agricultural products such as cannabis, as well as unique applications of traditional areas of law such as property law, administrative law, intellectual property law, energy law, privacy and data protection law, and environmental law. You will also study how various areas of commercial and securities law are dealt with in the food and agriculture industry.

In the practice of food and agricultural law, you may:

- Assist companies and producers in the food and agriculture industry in raising capital to develop or expand their business.
- Consider the operation and regulation of the grain supply chain and agricultural value chain, advising regarding the legal and regulatory issues involved in the movement of agricultural production from the producer all the way to the consumer.
- Assist corporations and other entities in addressing issues concerning the production and regulation of genetically modified crops and seeds, including with respect to intellectual property protection of novel technologies.

- Consider matters of privacy, data protection, and data ownership related to customers, employees, and drones.
- Engage with regulatory agencies to ensure compliance with existing agriculture or food safety standards, or work to develop new ones.

To aid in the development of your knowledge and understanding of this diverse area of law and practice, it is expected that students will be evaluated as follows:

- (1) Preparation of a legal/research memorandum (40%);
- (2) Preparation of a policy advising memo regarding a regulatory issue (45%);
- (3) Participation based on class attendance (15%).

This course will likely include a blend of synchronous (real-time) and asynchronous learning activities. This course is co-instructed by Kristal Allen and Scott Exner, partners with MLT Aikins LLP, whose bios may be found here: <https://www.mltaikins.com/people/kristal-allen/>
<https://www.mltaikins.com/people/scott-exner/>

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 696.xx Human Rights Clinical (Foster/Marsden)

By Application- see Current Students website

This course is a clinical program with the Alberta Human Rights Commission (AHRC). It is graded on a CR/D/F basis.

Students who complete this clinical program will gain an in-depth understanding of human rights law, and the administrative process through which human rights complaints are resolved in Alberta. This program presents an ideal opportunity to understand and learn about the responsibilities of the Alberta Human Rights Commission under the Alberta Human Rights Act (the Act), including complaint intake, conciliation, investigation, appeals to the Chief Commissioner, tribunal dispute resolution and hearings, and the work of education and engagement. The student's duties may include:

- Participating in complaint intake, and possibly mediation and investigation processes, through shadowing a human rights officer;
- Attending human rights forums and assisting AHRC legal counsel with preparation for presentations at these forums
- Assisting AHRC legal counsel, Tribunal Members and the Chief Commissioner with research for Tribunal Dispute Resolutions and Tribunal hearings, and judicial reviews;
- Attending Tribunal Dispute Resolution meetings and/or Tribunal hearings;
- Attending court proceedings with legal counsel for the Chief Commissioner.

Prerequisites:

- Law 547: Human Rights Law is a prerequisite for this clinical program and, although not required, the following courses would be beneficial: administrative law, labour arbitration, employment law, and/or evidence.

Two students will be selected for the winter 2021 semester.

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 pre-recorded lectures, instructor led lectures and in-class group discussion problems.

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

Evaluation has typically consisted of a midterm exam worth 50% and a take home assignment that is due on the last day of classes worth 35%. The remaining 15% of the final grade will be earned though Group in Class discussion problems.