



## Instructor Course Descriptions

2023-2024

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

### ***Multi-sectioned Courses***

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

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

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

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

### **Required Courses**

#### **Law 503: Administrative Law (Kislowicz/Zaidi – 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 (Harrison – Winter Term)**

Administrative law is concerned with two complex questions:

1. What authority did the Legislature or Parliament properly delegate; and
2. Did the individual or organization to whom authority was delegated act within their prerogative?

There are no simple answers to those two questions. They represent the source of decades of disagreement among courts, legal scholars and lawyers. Successive Supreme Court of Canada rulings struggle to answer both questions.

Administrative law is necessarily taught from a unique perspective. The breadth of delegated decision makers in our country forces us to learn, not how those decisions are made, but rather how courts review their decisions. This review is called 'judicial review', and it is the hallmark of administrative law.

The concepts employed by courts to judicially review decisions by delegated decision makers are the same concepts we will learn. They include:

- Procedural fairness;
- Standard of review;
- Correctness/reasonableness of a decision; and
- The court's prerogative to review those decisions.

Every lawyer, without exception, will use and rely upon the concepts learned in this class. It is crucial students understand administrative law to successfully practice law.

#### Evaluation

Assessment will be based on one final examination worth 100% of the final grade.

Richard E. Harrison is a litigation lawyer with Wilson Laycraft. He focuses on environmental litigation and exclusively acts against proponents. Other areas of practice include commercial litigation and debtor/creditor disputes and collections.

## **Law 505: Civil Procedure (Benediktsson & Sadovnick/Burkett & Hykaway – Winter Term)**

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

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

## **Law 507: Evidence (Ahn – Fall Term)**

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

The law of Evidence is then about how you determine what facts you can or should use to support your case, how you get those facts (the evidence) admitted at trial, and how you marshal them to your advantage. It is also about countering the facts that you do not like – either by undermining their reliability, their importance, and/or ensuring that they are not admitted at all. For this reason, Evidence is indispensable for any future litigator. It is also indispensable for solicitors as they set the facts down that litigators will subsequently use at trial. The law of evidence informs legal analysis every step of the way.

In this class we will focus on the principles that undergird the law of evidence and the most important of the resultant rules that affect the outcome of each trial. We will see that evidentiary rules and evidentiary principles are two sides of the same coin and come to understand how you must be adept at using both – principles and rules, theory, Law 505: Civil Pand practice – to become an effective advocate. We will develop your understanding of the principles and use in-class problems to flesh out how these evidentiary principles apply to a rule-based legal order. The class will cover both civil and criminal trials, though because there is a great deal of overlap in the evidentiary principles as they apply to both trials, the focus will be on the criminal trial as it often provides for the more challenging of situations.

Assessment will be based on the submission of an optional written work (worth 20%) and classroom participation/presentation (worth 20%). There will be a final examination worth 80% for those who do not do the optional assignment and 60% for those who do the optional assignment.

### **Law 507: 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 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 six 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.

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.

### **Objectives**

1. Identify, understand, and apply the fundamental principles of evidence.
2. Analyze fact patterns and identify the evidence issues
3. Discuss, understand, and develop the ability to write about the goals of Evidence Law, the manner of obtaining those goals, and the strengths of weaknesses of various approaches, particularly to admissibility, judicial discretion, and proof.

### **Evaluation**

- 1) Class Participation – 10%
- 2) Written Fact Pattern Analysis – 5 pages Maximum – 30%
- 3) Two-hour Final Examination – 60%

*Brett Code, K.C., is a litigator, arbitrator, and investigator who has practiced corporate, commercial, securities, professional conduct, construction, employment, and other litigation since 1993. He is a partner at Tingle Merrett LLP. Brett has taught Evidence since 2009, except for 2016-18. 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 taught ethics and professional responsibility at CPLED and the prior Bar Admission courses, for many years.*

### **Law 507: Evidence (LaRoche – Winter Term)**

The law of evidence provides the legal foundation of any trial. It is the law that applies to determine how the facts at trial are dealt with, which ones are admitted and how much weight

each one should be given. Can an individual testify? Should that person be believed? Can we submit business records as reliable documents of business practice? What do we do about a highly incriminating conversation overheard by a third party who is willing to testify? Whether these and other facts are admitted at trial, and the weight that they are given, really can and will turn the trial.

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

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

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

## **Law 508: Negotiations (Wright / Stewart – Winter Term)**

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 regarding 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: Ethical Lawyering (Hagen – Fall Term)**

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

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

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

Subject to approval, it is anticipated that evaluation will be based on a mandatory case comment (P/F), a mandatory short piece of writing on an assigned ethical issue (P/F), and a mandatory final exam. Students will also have the option to write a major research paper worth 50% on an approved topic instead of the writing on an assigned ethical issue. If the student writes a major research paper, then the final exam will be worth 50% of the mark. The student will have the option to have the short piece of writing on an assigned ethical issue count towards one question on the final exam.

### **Law 510: Ethical Lawyering (Christian – Fall Term)**

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 510: Ethical Lawyering (Tkatch – Winter Term)**



Law 510 introduces students to ethical issues in the practice of law. The course focuses on core ethical principles enumerated in the Law Society of Alberta's *Code of Professional Conduct*, as well as from relevant caselaw and academic articles.

The course will explore legal, theoretical, and practical application of ethical issues in various areas of law including civil and criminal litigation, family law, corporate and commercial practice. Students will be able to recognize key ethical issues, such as when a solicitor/client relationship is formed, duties to current and former clients, how to identify and avoid conflicts of interest, what is proper conduct in and out of court, and what are the ethical duties owed to a client, to other lawyers, to the courts and the overall administration of justice. Discussions will engage on ethical consideration working in big firms, and those working as sole practitioners, government lawyers, Crown counsel, and corporate in-house counsel.

The course considers the role of law societies and the self-regulation of the profession. It also considers the role of the courts over the conduct of lawyers pursuant to its inherent jurisdiction of its own process and the administration of justice.

Subject to approval, evaluation will be based on a written assignment (35%) attendance & participation (15%) and a mandatory final exam (50%).

**Instructor:**

Shelley Tkatch, K.C is a thirty-year federal prosecutor with the Public Prosecution of Canada working as litigation, advisory and appellate counsel on complex criminal matters; including organized crime and advanced *Charter* issues. She is a member of the National Wiretap Experts Committee and frequently instructs and lectures on advanced search and seizure issues involving technology and electronic surveillance. From 2011 to 2016, she was Deputy Chief Federal Prosecutor in Alberta and in charge of the Calgary office. In 2023, she started as a Sessional Lecturer with the University of Calgary Law, teaching Law 510 – Ethical Lawyering.

**Law 602.01 & .02: Advocacy: Criminal Trials; Advocacy: Civil Trials  
(Christian/Shim – Winter Term)**

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

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

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

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

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

## **Optional Courses**

### **Law 509: Business Associations (Stewart – Fall Term)**

In this course, we will explore different types of business organizations, like partnerships and corporations, with a specific focus on corporations. We will cover topics like business formation, agency law, fiduciary responsibilities, business liability, share structure, shareholder rights, and the role of corporations in governance.

Your assessment as a student will be based on a final examination.

Additionally, you have the option to write a research essay, which can contribute 50% to your overall course grade and fulfill the faculty's upper year writing requirement.

### **Law 509: Business Associations (Wilson – Winter Term)**

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

### **Law 511: Criminal Process (Sitar – Fall Term)**

#### *Course Objectives*

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

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

#### *Evaluation*

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

#### *Biography*

Kelsey Sitar is a Calgary-based criminal defence lawyer who maintains both a trial and appellate practice focused on large-scale investigations and serious violent crime. Her 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 – Fall Term)**

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

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

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

## **Law 519: Jurisprudence (Bagg/Janzen – Winter Term)**

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

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

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

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

### **Law 521: Real Estate Transactions (Van Vliet – Winter Term)**

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

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

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

### **Law 525: Bankruptcy & Restructuring Law (Girgis – Winter Term)**

*Insolvency law is the root of commercial and financial law because it obliges the law to choose. There is not enough money to go around and so the law must choose who to pay. The choice cannot be avoided or compromised or fudged. The law must always decide who is to bear the risk so that there is always a winner and loser. On bankruptcy it is difficult to split the difference. That is why bankruptcy is the most crucial indicator of the attitudes of a legal system and arguably the most important of all commercial disciplines. \**

\* Phillip Wood, *Principles of International Insolvency* at p. 1.

Bankruptcy and insolvency law introduces students to issues in bankruptcy and insolvency law, as well as restructuring law, both of which have become fundamental aspects of commercial and consumer laws in the last several decades, nationally and internationally. The purpose of this course is for students to become familiar with the *Bankruptcy and Insolvency Act* and gain an awareness of the economic and social issues and public policy that influence bankruptcy and

insolvency law. The course will also examine aspects of the *Companies' Creditors Arrangement Act*, the *Fraudulent Preferences Act*, the *Fraudulent Conveyances Act*, the *Personal Property Security Act* and the *Canada Business Corporations Act*.

By the end of the course, students should be able to analyze the central rules, policies and principles of bankruptcy and insolvency law. The topics covered in the course will include: a history of Canadian bankruptcy law, initiation of bankruptcy proceedings, property available to creditors, contractual entitlements in bankruptcy, review of pre-bankruptcy transactions, ranking of creditors and the distribution of proceeds, and the bankruptcy discharge. Subject to approval, students will have the option of writing a 100% final examination **OR** a 50% final examination and a 50% research paper (3000 words exclusive of footnotes). The examination under both options is identical. The final exam is OPEN BOOK.

This course will satisfy the upper year writing requirement.

*The research paper may also qualify for submission to the annual Insolvency Institute of Canada Writing Award Program.*

## **Law 527: Basic Tax Law (Brown – Fall Term)**

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

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

The course will be evaluated through a choice of: • Group in class discussion problems 15% plus 85% final exam; or • Group in Class discussion problems 15% plus 35% written assignment (policy paper or case comment) plus a 50% final exam.

### **Law 527: Basic Tax Law (Nikolaou – Winter Term)**

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

Students will discover that, like in other areas of law, there are some tax questions for which there is no clear answer. Students will, however, learn the principles to be applied in determining residence, income from employment, income from business or property and capital gains and losses. This course will also be fundamental to future learning in the International Tax, Corporate Tax, and Estate Planning courses. The course will include short, pre-recorded podcasts, instructor-led lectures, and in-class group discussion problems. Course materials include a series of readings, group discussion problems and a computer assisted learning program.

The course will be evaluated through a choice of: (a) Group in-class discussion problems 15% plus 85% final exam; or (b) Group in-class discussion problems 15% plus 35% written assignment (policy paper or case comment) plus a 50% final exam.

### **Law 533: Wills & Estates (Ng/McGurk – Fall Term)**

Can your client cut one or more of their children out of their will? Just how mentally competent and free from the influence of others must your client be to make a will? How quickly can an executor distribute the deceased’s assets? Is it true that all legal fees on an estate litigation file are paid by the estate as a first call on assets? This course will answer those questions – and more – by teaching you the basics of wills and estate administration. We will look at the preparation and execution of wills, the courts’ interpretation of wills, the revocation and alteration of wills, testamentary capacity, testamentary gifts, intestate succession, family support, estate administration, enduring powers of attorney, and personal directives. We will only briefly touch

on lawyers' ethical obligations, testamentary trusts, and tax considerations, as all three topics are covered at length in other courses (Ethical Lawyering, Trusts, and Estate Planning). The course is focused on the Alberta legislation and its interpretation.

**The assessment of students will be through a combination of a memo and a final exam worth at least 50%.**

### **Law 536: International Criminal Law (Kravetz – Fall Term)**

This course focuses on the development and implementation of the international criminal law framework for the prosecution of those who commit the most egregious crimes. 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.

A specific area of focus of the course will be the investigation and prosecution of gender-based crimes. The course will examine recent developments and ongoing challenges in this field of international legal practice.

National prosecutions of international crimes will also be discussed. Through specific case studies, the course will examine the challenges and opportunities of these prosecutions, as well as the application of universal jurisdiction legal frameworks at the domestic level.

This course will include both lecture-based sessions as well as seminar discussions. The doctrinal components to the course will give context to subsequent discussions. Evaluations may include (subject to change) class participation, a class presentation, and writing assignments. Students may use this course to fulfill their International Law and Upper-Year Writing Requirements.

### **Law 543: Intellectual Property (Hagen – Winter Term)**

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.

Subject to approval, it is anticipated that evaluation will be by means of a final exam (50%/100%) and, at the student's option, either a research paper (50%) that satisfies the upper year writing requirement, or a short piece of writing (P/F). The student will have the option of the short piece of writing counting towards one question on the final exam.

### **Law 547 Human Rights Law (Luhtanen – Fall Term)**

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 antidiscrimination 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 will include live lectures and problem-solving exercises. **Evaluation is based on 2 components: (1) all students will file a mock human rights complaint, and (2) all students will file a client memorandum.** The complaint and memorandum are based on the same fact pattern. 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 – Fall Term)**

(i) Description

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

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

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

(ii) Assessment

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

(iii) Requirements

This course meets the international law requirement.

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

## **Law 553: Insurance Law (Viney/Gray – Winter Term)**

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

The primary purpose of the class is to prepare students to deal effectively with the issues and work that they may encounter in insurance related work in the first few years of their legal practice. Due to the nature of insurance law practice, adequate preparation for this type of

work requires not only familiarity with the relevant authorities but practice in the "hands-on" application of these authorities to particular and occasionally peculiar fact scenarios. For this reason, the readings are relatively limited, but class members are expected to complete them prior to each class and to arrive prepared to engage in small and large group discussions concerning the application of the principles drawn from those readings to other contexts.

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

This course is taught by Alison Gray, a Partner at Gowling WLG:

<https://gowlingwlg.com/en/people/alison-gray/#panel-button1> and Christine Viney, a Partner at Bennett Jones LLP: <http://www.bennettjones.com/VineyChristine/>

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

### **Law 557: Commercial Arbitration (Pappas/Rojas – Winter Term)**

Law 557 offers an introduction to the exciting field of international and domestic commercial arbitration, which is quickly becoming the default means of resolving commercial disputes throughout the world. The course will generally be broken into seven parts: (1) Part I sets forth an introduction to commercial arbitration, including a brief history of arbitration, and a review of the basic characteristics and rationale for arbitration; (2) Part II addresses the form and substance of the agreement to arbitrate; (3) Part III addresses the responsibilities and qualifications of arbitrators; (4) Part IV discusses the arbitration process; (5) Part V addresses the role of national court systems and international arbitral institutions in the arbitration process; (6) Part VI addresses the arbitration award, as well as its recognition, enforcement, and annulment; and (7) Part VII reviews investor-state arbitration under the ICSID Convention and other bilateral and multilateral investment treaties.

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

This course fulfills the Faculty's international requirement.

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

### **Law 561: Employment Law (Snowdon – Fall Term)**

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 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, Health, and Safety, 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; and
- business issues and considerations arising from employment law.

The course will be evaluated by way of a 100% final examination. This course does not have a paper option.

### **Law 563: International Human Rights Law (Kravetz – Winter Term)**

The language of international human rights permeates the vernacular of law and political culture the world over. Human rights are promoted as being instrumental for democracy, peace, the rule of law, sustainable development, and the protection of the environment, as well as being a tool of empowerment and social change. But the grand aspirations of international human rights remain largely unfulfilled in reality — an “ornament on a tragic world in which

they do not transform” (Moyn, 2014, p. 177). For this reason, the idealism elicited by international human rights as a universal moral and legal code must be tempered with a necessary understanding of their technical application and the political context in which they are exercised.

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

This course can be used to fulfil the Faculty of Law’s International Law and Upper Year Writing Requirements. Assessment components for this course may include (subject to change) writing assignments, class presentation, and class participation

### **Law 565: Internet Law (Laidlaw – Fall Term)**

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 regarding the legal issues that arise concerning internet use;
- Develop critical analysis skills concerning current and developing law;
- Develop skills in analyzing comparative law;

- Critically understand the social and political context of internet governance and be able to analyze policy concerning internet regulatory issues;
- Be able to apply legal knowledge gained to analyze and resolve case-problems.

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

### **Law 567: Law & Economics (Ilg – Winter Term)**

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

The main substantive areas of the course include: 1) an introduction to the economic analysis of law, including foundational works in the law and economics literature; 2) economic analysis as applied to various doctrinal areas of law, including contract, tort, property, constitutional, corporate law, and crime; 3) modern developments that draw upon behavioural and experimental studies, and 4) critical assessments of law and economics.

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

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

### **Law 571: Oil & Gas Law (Pittman – Fall Term)**

This course will use the oil and gas industry in Western Canada as a rubric for examining both established and emerging topics in contract, tort, and property law. We will learn about oil and gas exploration and development (including carbon capture and hydrogen), and how the law has responded to unique issues presented by industry actors over the last 75 years. We will also examine how the principles of oil and gas law are being applied to the energy transition and will discuss practical issues faced by commercial lawyers in transactions and joint ventures.

This course will work in tandem with Law 605, Oil and Gas Contracts. Students wishing to take Law 605 will benefit from taking this course prior to taking Law 605.

### **Law 575: Remedies (Ilg – Fall Term)**

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

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

### **Law 577: Tax Policy (Mintz – Winter Term) \*ONLINE**

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

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

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

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

Dr. Jack M. Mintz is the President's Fellow of the School of Public Policy at the University of Calgary after serving as the Palmer Chair and founding Director from January 1, 2008, to June 30, 2015. He is currently Chair of the Alberta Premier's Economic Recovery Council since March 2020. He also serves on the board of Imperial Oil Limited and is the National Policy Advisor for Ernst & Young. His affiliations include Distinguished Senior Fellow, MacDonald-Laurier Institute, Senior Fellow at the C.D. Howe Institute, and a board member of the Canada West Foundation. He is also a regular contributor to the Financial Post and is a member of the editorial board of International Tax and Public Finance. Dr. Mintz held the position of Professor of Business Economics at the Rotman School of Business from 1989-2007 and Department of Economics at Queen's University, Kingston, 1978-89. He was a Visiting Professor, Columbia Law School, 2015; New York University Law School, 2007; President and CEO of the C. D. Howe Institute from 1999- 2006; Clifford Clark Visiting Economist at the Department of Finance, Ottawa; and Associate Dean (Academic) of the Faculty of Management, University of Toronto, 1993 – 1995.

He was founding Editor-in-Chief of *International Tax and Public Finance*, published by Kluwer Academic Publishers from 1994 – 2001. In the past he served on corporate boards including Brookfield Asset Management (2002-2012), Morneau Shepell (2010-2020) and CHC Helicopter (2003-2008). He chaired the federal government’s Technical Committee on Business Taxation in 1996 and 1997 that led to corporate tax reform in Canada since 2000. He also served on numerous panels and boards at the federal and provincial levels including Vice-President and chair of the Social Sciences and Humanities Research Council 2012- 2018, chair of the Alberta Financial Investment and Planning Advisory Commission 2007 and member of the federal Panel on Healthcare Innovation 2014-5. Dr. Mintz has consulted widely with the World Bank, the International Monetary Fund, the Organization for Economic Co-operation and Development, and various governments, businesses, and non-profit organizations in Canada and abroad. Dr. Mintz became a member of the Order of Canada in 2015 as well as receiving the Queen Elizabeth Diamond Jubilee Medal in 2012 for service to the Canadian tax policy community. He has been recognized by Who’s Who Legal as one of the top global experts on corporate taxation since 2016.

### **Law 579.xx: Legal Theory: International Law (Whitsitt – Fall Term)**

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 579.xx: Law and Critical Race Theory (Chaudhry – Fall Term)**

This course will focus on critical race theory and its applications to the law. Racism is a system of power. Critical race theory provides a critique of social, economic, and power relations that underlie the legal system, and a theoretical framework to apply this critique, that allows for the ability to articulate strategies to disrupt systemic racism. The law can be a site of intervention. This course will examine the relationships between constructions of race, racism, and the law in Canada, both historically and contemporarily. Drawing on critical race theory, students will explore legal doctrines, decisions, and strategies to test the law’s claims to neutrality. Students will learn about the different “camps” of critical race theory and their applicability to differing legal issues, namely storytelling/genealogy, intersectionality, and materialist approaches. Students will examine how legal structures and norms operate across contexts, from courtrooms



and classrooms to borderlines and bodies. As we work through this complex material, students will be encouraged to situate themselves socio-historically as individuals, community members, and future lawyers. Collectively, the class will work toward developing anti-racist strategies and a critical race theory framework for use in legal practice.

### **Learning Objectives**

- Students will build clarity and understanding of key terminology and concepts used in critical race theory.
- Students will be able to critically reflect on their relationship and positionality to legal systems and race by situating themselves socio-historically and critically reflect on their relationship to legal systems and race.
- Students will be able to identify tangible ways systemic racism appears in legal practice (in the courtroom, in own dealings with the client, in enforcement or application of the law).
- Students will develop skills to meaningfully engage in conversations regarding racism and racial justice in legal practice.
- Students will develop these skills to theorize about practical anti-racist strategies for legal practice.
- Students will practice and hone their critical reading skills.
- Students will conduct research and synthesize their findings.
- Students will deliver a presentation that effectively communicates their application of critical race theory to a legal issue or case to a target audience.

### **Method of Evaluation**

- 15% for participation based on thoughtful contributions to class discussion, attendance, and contributions to peer feedback presentations;
- 10% for paper outline;
- 25% for class presentation of paper topic; and
- 50% for final paper.

This course can be used to satisfy the Faculty's theoretical perspectives requirement and the upper year writing requirement.

Sania Chaudhry is an employment, labour, and human rights lawyer at Forte Workplace Law, with a prior background practicing in family law, immigration law, administrative prosecutions, and civil litigation. She was recently shortlisted as an Excellence Awardee in the Female Trailblazer of the Year category for the Canadian Law Awards and recently received the Rising Star award from the South Asian Bar Association Calgary. Last year, she was also named a Top 30 Under 30 award recipients by the Alberta Council for Global Cooperation, received the Women Who Inspire Award from the Canadian Council of Muslim Women, and received the Community Crusader award from the South Asian Inspiration Awards. Sania is active on many different Boards and organizations looking to foster equity, diversity, and inclusion from an intersectional lens. She has spoken and

written about anti-racism, gendered Islamophobia, and mental health in the legal profession, including on the CBA Every Lawyer Podcast, to the Senate Standing Committee on Legal & Constitutional Affairs, and an op-ed in the Globe and Mail among others. She was also appointed last year to the Alberta Anti-Racism Advisory Council and appointed this year to the Workers Compensation Appeals Commission as well.

## **Law 579.xx: Legal Theory: Property (Watson Hamilton - Fall Term)**

There is only one theoretical question that is asked and answered in property theory. That question is: what justifies private property? It is an important question because private property is the foundation of capitalism. And it is a question that is thought to require a very persuasive answer because private property is the basis of every-increasing wealth inequality in our world. It is also a question asked in several different ways, such as what is property? Or is this something (e.g., frozen sperm or NFTs) property? Or is something public or community or private property? All those inquiries ultimately return to the question of ... what justifies private property?

Many have tried to answer this question from a wide variety of theoretical perspectives over the centuries. The dominant property theory perspective in North America is an economic one, but we will look at a wide range of perspectives that address the question, including labour, dessert, socialist, Marxist, libertarian, liberal, feminist, critical race, and critical Indigenous perspectives, as well as economic perspectives.

Class materials will be available to download from D2L. We will start by situating the course in the context of recurring concepts in property theory, such as capitalism, economic efficiency, social contract theory (justifying government), and more. This introduction will also include an overview of the various types of property theory and their relationships to one another. We will then move through a series of transdisciplinary readings discussing the older, still dominant property theories and their justifications for private property. Those readings will be followed by some of the critical responses to those theories and some of the newer perspectives on whether private property can be justified. We will end with several examples of the use of different property perspectives to debate new and controversial somethings vying to be or not to be private property.

This is a seminar class where much learning happens through group discussion of the readings. Readings will be relatively short – about 20-25 pages per class – to facilitate students' understanding and engagement.

Evaluation will be based on: (1) class participation (which will include a written introduction to a reading for one class), worth 25% of the final grade, and (2) one of three paper options: (a) a research paper worth 75% of the final grade which may be used to satisfy the upper year

writing requirement because it includes significant case law and legislative sources; (b) an analytical or reflective paper with little or no research beyond the class materials that does not satisfy the upper-year writing requirement; or (c) three papers, each worth 25% of the final grade, that each apply a different theory examined in the course to a different context (first a case chosen by the instructor, then a current event of the student's choice, and finally a work of art, broadly conceived, of the student's choice). The instructor will provide a list of possible topics for the 75% papers, but students are encouraged to choose their own topics based on their interests.

This course satisfies the Theoretical Perspectives Requirement and can be used to satisfy the Upper Year Writing Requirement. **This course is capped at 18 students.**

### **Law 579.xx: Legal Theory: Canadian Federalism (Stewart – Winter Term)**

To navigate the realm of constitutional disputes in a country, a lawyer must possess a profound comprehension of its intricate order. This holds especially true for those practicing Canadian constitutional law.

In our course, we shall embark on a collective journey to develop a nuanced understanding of Canadian federalism, delving into discussions on the nation's laws, its contested history, diverse populace, and institutional frameworks. Together, we shall explore the essential elements for the flourishing of Canadian federalism, aiming to adopt a constitutional language that can meet the present and future needs of the federation.

Through a curated selection of interdisciplinary readings, we shall unravel Canada's blueprint for formal governance and power-sharing. Our study shall grant us insight into the functioning of Canadian institutions and the imperative of adapting them to accommodate the needs of a deeply diverse citizenry.

Along the way, we shall:

- Delve into the nature of constitutionalism and sovereignty.
- Uncover the intricate relationship between the inability to make formal constitutional changes and the consequential emergence of informal mechanisms for change.
- Stretch our legal imaginations to fathom the significant role narratives play in upholding and adapting Canadian federalism.
- Acquire knowledge about the federal principle and its navigation through the processes of decentralization since 1867.
- Assess the connection between the possession of power by subnational groups and their access to financial resources to exercise that power.

- Examine the role of the Supreme Court of Canada as the arbiter of interjurisdictional disputes.
- Explore how executive branches employ collaborative federalism to circumvent involving the judicial branch in interjurisdictional disputes.
- Apply our newfound understanding of Canadian federalism to the devolution issues stemming from Quebec nationalism, western alienation, eastern dependencies, and Indigenous self-government.
- Utilize our accumulated knowledge to anticipate the impact of demands for devolution on the future of Canada's federal system.

Student assessment is comprised of researching, writing, and presenting an essay, which can be used to satisfy both the faculty's upper year writing requirement, and the faculty's theoretical perspectives requirement.

### **Law 579.xx: Legal Theory: Law & Religion (Kislowicz – Winter Term)**

The relations between state law and religion have long and complicated histories. Most, if not all, contemporary bills of rights treat religion as a special category worthy of specific protections. Despite this longstanding practice, disputes involving religious components are a perennial concern, and parties often turn to the courts, legislatures, or other legal actors to resolve them. These disputes raise questions of what it means for a state to be “secular” or maintain religious neutrality, how the law should respond to religious diversity, and which demands of members of religious minority communities are legitimate. Canadian examples include cases about whether a student could be prohibited from wearing a kirpan in a public school, whether a religious university with a community covenant prohibiting same-sex relationships could be denied accreditation by law societies, and whether courts should resolve intra-communal disputes.

This course focuses on how law engages with religion, with special attention to Canada. Students will consider how the social forces of law and religion interact and shape one another through the consideration of theoretical approaches to religion, legal doctrine, and Canadian and comparative examples.

This is a seminar class where learning happens through group discussion of the course readings. Active participants in the discussion will get the most from this course.

Evaluation will be based on (1) a research paper, (2) class participation, and (3) responses to the course readings.

This course can be used to satisfy the Theoretical Perspectives Requirement and the Upper Year Writing Requirement.

## **Law 579.xx: Legal Theory: Artificial Intelligence (Hagen – Winter Term)**

Both artificial intelligence (AI) and automated decision-making (ADM) are expected to have a big impact on our lives and promise to raise deep theoretical and philosophical questions. This course will cover some of the legal, ethical issues and policy issues relating to AI and ADM. Typical kinds of questions could include the following. Who is liable for harm caused by AI: the designer, operator, or AI itself? Should AI be liable for torts and crimes? Does it make sense to punish AI? Should AI pay taxes? Can AI make valid contracts? What is the relationship between smart contracts, decentralized autonomous organizations and AI? Does machine learning inevitably result in privacy violations because of its extensive use of personal information? Can AI be an author, inventor, and owner of shares of corporations? Is or will AI be actually intelligent so that AI will possess legal rights? How does the law deal with anti-competitive effects of AI? Is the design of AI and ADM regulated for safety and other reasons? Is AI legally permitted to discriminate against us? Should humans have a right to an explanation of automated decisions? Should algorithms be transparent and accountable? Should the law treat AI differently than other novel technology? Can we use AI to regulate humans? What are the legal implications of “super intelligent” AI that is more intelligent than humans? Do lawyers have an ethical obligation to understand AI? Will or should there be robot lawyers and robot judges?

Subject to approval, it is anticipated that evaluation will be by means of class participation (20%), a required final exam (30%/80%) and a required piece of writing. At the student's option, the student may choose to write either a research paper on an approved topic (50%), or a short piece of writing (P/F). If the student writes the research paper, then the final exam will be worth 30% and 80% otherwise. If the student does not write the research paper, the student will have the option of the short piece of writing counting towards one question on the final exam.

## **Law 579.xx: Legal Theory: Residential School Litigation (Caillou – Winter Term)**

This course will provide students the opportunity to explore several theoretical approaches to the study of law, including law and society; critical legal studies; feminism; critical Indigenous studies; and decolonial and critical race theories. These theoretical lenses will be applied specifically in relation to the Indian Residential Schools litigation and settlement agreement. Students will learn how the application of critical theories can lead to diverse legal interpretations. The Indian Residential School Settlement Agreement was the largest class action settlement in Canadian history at the time. Students will examine the historical context of residential schools and the assimilation policy to explore the damages caused to former students, their families, and communities. Students will learn about the litigation and the alternative dispute resolution (ADR) process, and the underlying legal theories such as tort theories of corrective justice and retributive justice. Students will also learn about the principles

of restorative justice and Indigenous legal principles underlying the settlement agreement. The main elements of the settlement agreement will be explored with a focus on the Individual Assessment Process and the Truth and Reconciliation Commission (TRC) along with the implementation of its Calls to Action. Students will examine the role of the legal profession in the litigation, the settlement agreement and in carrying out the Calls to Action, and approaches to reconciliation.

## **Law 591: Provincial Court Clerkships (Fradsham – Winter Term)**

***\*By application – See Current Students website***

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

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

**Five students will be selected for the Winter 2024 term.**

## **Law 593: Health Law (Hardcastle – Winter Term)**

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 policymakers 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 597: International Trade Law (Whitsitt – Winter Term)**

### (i) Description

In this course students will be introduced to and begin exploring the fundamental concepts of international trade regulation, such as trade in goods and services, international trade agreements, tariffs, trade disputes, the so-called “trade wars”, remedies, subsidies, and other issues that have increasingly become more and more prevalent in mainstream media. You are encouraged to monitor media headlines, and publications such as *The Economist*, *The New York Times*, *The Washington Post*, and others.

You are also encouraged to subscribe and listen to the Trade Talks podcast by Chad Bown and Soumaya Keynes, found free at <https://www.tradetalkspodcast.com/> and podcast providers of your preference.

### (ii) Assessment

How students will be evaluated is still to be determined, but a significant portion of the evaluation in this course will involve participation in a simulated trade negotiation exercise.

### (iii) Requirements

This course counts toward the international law requirement.

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

## **Law 598: Trusts (Mensch – Fall Term)**

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.

**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.**

## **Law 599.xx: Legal Practice: Innovation (Kowalski – ONLINE – Fall Term)**

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

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

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

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

Students will be evaluated as follows:

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



15% Class Presentation

10% Class Participation

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

## **Law 599.xx: Legal Practice: Project Management (Kathuria – Winter Term)**

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

**January 26 & 27**

**February 9 & 10**

**March 15 & 16**

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

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

Why is this course relevant to you?

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

It is anticipated that students will be evaluated based on:

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

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

### **Law 599.xx: Legal Practice: Leadership for Lawyers (Sandwith – Winter Term)**

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

The legal industry is being impacted and challenged by worldwide and systemic forces that will continue to change the practice and profession in myriad ways. However, the knowledge and skills required to navigate and succeed within this ever-changing environment are fundamentally different from traditional legal knowledge and skills.

In this course we will explore and develop the foundational skills needed to thrive in this ever-changing legal environment through the lens of leadership.

Throughout this course we will identify the skills that support effective leadership and actively engage in the development of these skills. We will also facilitate an introspective examination of students' own leadership qualities and characteristics, highlighting both strengths and opportunities for development. Students will gain foundational skills and knowledge to support a lifelong leadership journey.

Evaluation components will likely include:

1. Regular and Meaningful class participation
2. Reflective Learning Journals
3. Individual Leadership Development Plans

The course is taught by lawyer turned legal operations and management consultant, Kyla Sandwith, whose website is here: [www.denovoinc.ca](http://www.denovoinc.ca)

### **Law 599.xx: Legal Practice: Corporate & In-House \*ONLINE (Charbonneau – Winter Term)**

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

**Delivery:** The course will be delivered virtually.

**Evaluation:** This is a graded course: written paper (30%); individual participation (20%); group project (20%); final exam (30%).

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

## **Law 601: Advanced Criminal Law (Fagan – Fall Term)**

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

Assessment will likely occur by way of attendance/class participation, and an open book final exam. This course is capped at 20 students.

## **BIO**

Kaysi Fagan is an award-winning lawyer, educator, and public speaker. She is the only practicing criminal defence lawyer in the country with 3 law degrees from 3 different countries. Ms. Fagan completed her J.D. at the University of Western Ontario and two Master of Laws degrees (New York University and the National University of Singapore) thereafter. Prior to practicing in Calgary, Ms. Fagan was based at the headquarters of the International Police (“INTERPOL”) in Lyon, France. She has been in practice for 13+ years and has appeared at every level of Court in the Province, as well as in the SCC. In 2021 she was named as one of Canada’s “Top 40 Lawyers Under 40” by Lexpert Magazine. Ms. Fagan is a published author, a TEDx Speaker, and was a legal expert on a popular American true crime series. She has lectured for RCMP major crimes division and is currently the youngest Faculty member with the Legal Education Society of Alberta. She is also a former fire fighter and a black belt martial artist. This will be her 6th year teaching Advanced Criminal Law at the University of Calgary. ([www.kaysifagan.com](http://www.kaysifagan.com))

## **Law 605: Oil & Gas Contracts (Pittman – Winter Term)**

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

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

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

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

### **Evaluation:**

Take home midterm (required): 40%

Final Exam: 50%

Course Participation: 10%

**Instructor:**

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

**Law 607: Advanced Legal Research (Williams – Winter Term)**

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.

This class is based on the “Learning by doing” pedagogical method. The majority of topics are covered through a combination of lectures (synchronous and asynchronous) along with short pre-class and in-class exercises. Students will have the opportunity to apply research skills en masse by producing an opinion letter and memorandum.

Students will be evaluated based on in-class exercises, pre-class exercises, and research and writing assignments.

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

**Law 608: Common Law en francais (Magnan – Fall Term)**

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

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

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

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

This course is the first step in helping students:

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

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

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

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

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

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

*Les principes généraux du droit pénal, de la plaidoirie, des droits linguistiques et du droit des affaires seront explorés afin d'offrir un contexte pour faciliter l'acquisition de la terminologie juridique en français.*

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

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

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

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

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

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

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

## **Law 610: Internship in French (Magnan – Winter Term)**

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-remunerated law-related work;
- complete a final report for the internship supervisor and Professor Magnan.

This course is the first step in helping students:

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

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

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

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

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

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

*Les étudiantes et étudiants devront :*

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

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

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

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

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

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

## **Law 613: Conflict of Laws (Tscherning – Winter Term)**

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 point(s) of contact. Conflict of Laws issues raise three components which typically interact: (a) the jurisdiction of the Canadian court; (b) the rules which the Canadian court applies in deciding a case; and (c) the recognition and enforcement of a foreign court judgment by the Canadian court. Private International Law issues arise in a multitude of scenarios, including in international and cross-border interactions involving contract and tort law which may give rise to conflict of laws "dispute risks".



The course will prepare students to successfully navigate the complexities of inter-jurisdictional matters and transactions in a highly challenging and academic area of the law. Depending on enrollment, evaluation is planned to consist of a 100 per cent written final examination. Students may elect an optional written case comment at 30 per cent (with a 70 per cent written final examination). Given the nature of the course and topics examined, the course satisfies the Faculty's International Requirement.

### **Law 614: Advanced Topics French Common Law (Magnan – Winter Term)**

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

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

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

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

This course is the first step in helping students:

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

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

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

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

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

*L'objectif premier du cours est de permettre aux étudiantes et étudiants d'approfondir leurs connaissances de la terminologie juridique en français par l'entremise d'apprentissage*

*contextuel et pratique. Les sujets abordés seront : le droit de la famille, le droit international privé, et la plaidoirie en appel.*

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

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

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

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

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

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

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

## **Law 616: Public Interest Theory (Fluker – Winter Term)**

This course examines questions related to the public interest such as: What is justice? What is democracy? What is the rule of law? What is the lawyer's role in the search for justice, upholding democracy, or adhering to the rule of law? Is the law inherently political?

Law 616 explores aspects of legal and political theory relevant to public interest lawyering, and as such fulfils the Theoretical Perspectives requirement in the JD program. The course examines access to justice issues such as standing rules and costs awards and analyzes how these procedural mechanisms shape and constrain efforts within legal process to generate social change or advocate in the public interest. Law 616 grapples with the notion of public interest lawyering and the unique problems faced by lawyers trying to use legal process to foster social change. The course also explores the practical challenges faced by lawyers who serve client, cause, and community.

One component of the evaluation will be a term paper worth 50% of the final course grade, which provides students with the opportunity to fulfill the Upper Year Writing Requirement

## **Law 617: Alternative Energy Law (Tscherning – Fall Term)**

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

Seminar discussions will be used to examine the legal frameworks for the promotion and development of alternative energy projects and the creation of low-carbon energy markets. The course will require students to undertake independent research, to present this in written form (e.g., a client memo), and to make in-class oral presentations. Depending on enrollment, evaluation of the course will likely consist of a blended grade for the written work, class presentation, and class participation components. The largest proportion of the final course grade will be assigned to the substantial written research paper, which may be used to fulfill the Upper Year Writing Requirement (on approval by the instructor).

## **Law 619: Estate Planning (C. Brown – Fall Term)**

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

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

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

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

## **Law 620: Public Interest Practice (Fluker – Winter Term)**

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. For a sense of the projects at the Clinic, see <https://law.ucalgary.ca/clinics/public-interest-law>.

Law 620: Public Interest Practice is an experiential course that commences in September and occurs once a week through Fall and Winter term classes. This course is graded on the CR/D/F scale.

Law 620: Public Interest Practice is part of the two-course Public Interest set with Law 616 Public Interest Theory. If you register in Law 620: Public Interest Practice, you **must** also register in Law 616: Public Interest Theory.

### **Law 622: Law of the Sea (Hubert – Fall Term)**

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

Against this backdrop, this seminar course will provide students with a solid foundation in the key legal norms and institutions that govern international relations concerning maritime matters. It focuses on the *de facto* 'constitutional' legal framework established under the 1982 United Nations Convention on the Law of the Sea. Given that the law of the sea forms part of the corpus of international law as a whole, this course will also provide students with a fundamental understanding of the legal concepts and norms that govern international law generally, including lawmaking processes, legal sources and the law of treaties, jurisdiction, and dispute settlement. Doctrinal aspects will be reinforced through class discussions of contemporary issues and case studies, including those most relevant to Canada's national interests. The course also emphasises skills development in legal and non-legal research, as well as written and verbal communication. Course content will be explored through a combination of lectures, seminar discussions, guest lectures, workshops, and class simulations.

This course will be assessed based on a fifteen percent (15%) class participation grade, a twenty percent (20%) class presentation, and sixty-five percent (65%) 6,500-word research paper. This

course may be used to fulfil the Upper Year Writing Requirement and International Law Requirement.

### **Law 623: Environmental Impact Assessment Law (Wright – Fall Term)**

Environmental impact assessment (EIA) 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. Now is an opportune 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.

This course will primarily focus on the latest overhaul of Canada's 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 and student participation may also form the basis of assessment in this course.

NOTE: Students who completed Environmental Law in Winter 2023 are strongly discouraged from taking EIA law in Fall 2023 as there will be overlap in the curriculum.

### **Law 624: Environmental Law & Ethics (Mascher – Winter Term)**

This course views environmental and resource development issues from an ethical/theoretical perspective and critically examines law that purports to address environmental problems. As

such, the course does not provide a comprehensive set of materials in any given area of environmental law or attempt to duplicate the substantive coverage of the environmental law courses offered in the upper year curriculum. Rather this course aims to provide students with the ability to recognize various environmental perspectives and critically assess their use in law. Students will explore themes and perspectives in the environmental literature relating to various theories and ethical perspectives including anthropocentrism, inherent value, species preservation, environmental economics, environmental/climate justice, sustainability, and ecological integrity. Students will examine how these various theories are, or ought to be, applied in environmental law.

It is strongly recommended that students who enroll in this course have completed, or are concurrently enrolled in, Environmental Law International Environmental Law or one of the specialized elective courses offered in the natural resources, energy, and environment law area. One of the key requirements for course completion will be completion of a writing assignment which may be used to fulfil the Upper Year Writing Requirement. In addition to the written assignment, assessment will include a class participation and a class presentation component. This course also fulfills the upper year Theoretical Perspectives Requirement.

### **Law 627: International Environmental Law (Hubert – Winter Term)**

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, 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 considering 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 – Winter Term)**

### (i) Description

People often question whether international law is really law. There are many reasons for taking this view – especially when one considers the consensual basis upon which international law rests. In contrast to many regimes of international law the law governing foreign investors is robust; it permits foreign investors the ability to bring international claims against countries. This course examines the design of and current developments in international investment law and arbitration, also called investor-state dispute settlement (ISDS). Particular attention is paid to bilateral investment treaties (US-Argentina) and regional trade agreements (e.g., CUSMA and CETA). The course traces the purpose, context, and evolution of the clauses and provisions characteristic of contemporary investment treaties (e.g., ‘fair and equitable treatment’, ‘full protection and security’, ‘expropriation’, etc.). In so doing, we will review and arbitral jurisprudence that interprets and applies these treaty protections.

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

### (ii) Assessment

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

(iii) Requirements

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

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

**Law 631: International Tax Law (Chiu/Montes/Farquhar – Winter Term)**

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).

**Law 632: Entrepreneurial (Tingle – Fall Term)**

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

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

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



### **Law 637: Energy Law (MacNab – Fall Term)**

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

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

### **Law 638: Climate Change Law (Mascher – Fall Term)**

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

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

### **Law 640: Energy Transportation and Infrastructure Law (Tscherning – Winter Term)**

This seminar course will provide students with an understanding of the key issues in transportation law and the construction and regulation of infrastructure from the perspective of the Canadian and international energy industry. The course examines the challenges of transporting energy commodities and will focus on the broad range of energy transportation methods such as oil and gas pipelines, the LNG-chain, rail, ground and maritime transportation, and offshore electricity transmission infrastructure for wind energy and PtX projects in the Canadian and international context. Topics examined in the course are likely to include: national and international governance on the safe transportation of dangerous goods, including international environmental legal regimes; liability for catastrophic accidents; mandatory insurance regimes for the transport of dangerous goods; and the planning, construction and regulation of related energy infrastructure will also be examined.

The course will require students to undertake independent research, to present this in written form (e.g., a client memo), and to make in-class oral presentations. Depending on enrollment, evaluation of the course will likely consist of a blended grade for the written work, class presentation, and class participation components. The largest proportion of the final course grade will be assigned to the substantial written research paper, which may be used to fulfill the Upper Year Writing Requirement (on approval by the instructor).

### **Law 644: National Security Lab (Nesbitt – Fall Term)**

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 the distinction(s) between terrorism, extremism and hate when it comes to prosecutions and national security investigations? Or maybe foreign espionage (spying), hacking, disinformation campaigns, and government cyber authorities? Advising the government and/or businesses on international sanctions? Canada's powers and operations in times of emergency, including, yes, pandemics, but also...Trucker Convoys? 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 the country that will give you an introduction into the laws and policies that make up the emerging field of Canadian "national security law". It will be intense, dynamic, current, and focus on primary sources. 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, Alberta's hate crimes unit, and others. (If you don't know those acronyms and want to, again this is the course for you!). Our guest speakers generally take time to talk jobs in the national security field.

Students will be evaluated in three ways. First, from day 1 we will be working with Alberta's *Provincial Security and Intelligence Office* to provide research and 'consulting' on hate crimes, extremism, and terrorism in the province. Students will be given a choice of topics and placed in groups depending on their interests; projects might include briefing police on hate crimes and extremism, or the Security and Intelligence Office on a related topic or online extremism or working with/presenting to community groups on the laws and policies around hate, extremism, and terrorism in Canada. Students will be marked both as a group on the quality of their briefing materials (written) and individually based on their presentations (oral) or background materials (written, if preferred). Second, there will be a one-day end of year 'national security crisis simulation'. Students will be divided into 'government agencies' based on their expressed interests and provided with additional readings about--and a mentor from--their assigned agency, including in the past police services, public prosecutions, CSIS, CSE, and Global Affairs. Mentors will talk law, policy, and jobs. The simulation itself is dynamic and intense, but a lot of fun; the crisis scenario is created in consultation with provincial and federal law enforcement and intelligence agencies, so expect it to be true to life.

This year we will focus more, depending on your assigned agency, on foreign interference, search, and seizure and 'wiretap law' (for those that express an interest), international sanctions, and policing of hate/extremism/terrorism particularly at protests. Finally, students will be assessed on their in-class performance, which involves showing up, participating from time-to-time, and particularly demonstrating a level of preparation when participating.

This course meets the upper-year theoretical perspective requirement.

### **Law 648: Securities (Clements – Fall Term)**

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

This course will introduce students to a variety of topics in securities law and regulation including underlying economic theory; historical and constitutional developments like efforts to establish a national securities regulator; the scope of markets, products, participants, intermediaries, and regulatory oversight structures; international comparative frameworks; public offerings; exempt market distributions; continuous disclosure obligations; corporate governance; market manipulation and insider trading; marketplace regulation (i.e. regulating stock exchanges, alternative trading systems, and crypto-asset trading platforms); financial market intermediary regulation (investment dealers, advisors and funds); civil liability; administrative and criminal sanctions; and enforcement. It will also introduce students to nascent developments in securities law and policy including issues relating to financial market systemic risk and financial crises; high-

frequency and algorithmic trading; passive investing, exchange traded and index funds; environmental, social and governance (ESG) investing; financial product innovation; behavioral finance; financial technology (fintech) developments in securities markets such as robo-advisors; cryptocurrencies and other crypto-assets; and new developments in capital-markets like the “gamification” of retail trading platforms, and decentralized finance applications (DeFi).

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 the current issues and developments in securities regulatory policy. Course materials include a core text, assigned readings, and statutory materials. Student evaluation will likely be based on a midterm examination (20%), a group assignment (20%) and presentation (10%), and an open-book final exam (50%). There are no pre / co-requisites for Securities Law, and the course is designed to be accessible to those without prior financial market regulation experience.

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

### **Law 650: Business Skills for Lawyers (J. Brown – Fall Term)**

*“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.”<sup>1</sup>*

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

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

### **Law 656: Mergers and Acquisitions (Riley, Hibbard and Lawless – Fall Term)**

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 principal 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 businessperson, 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 (<https://mcmillan.ca/people/beth-riley/>) of McMillan LLP and Bruce Hibbard (<http://www.bennettjones.com/HibbardBruce/>) and John Lawless (<https://www.bennettjones.com/People/L/Lawless-John>) of Bennett Jones LLP. Other specialist expert practitioners will provide guest lectures on selected topics relevant to M&A.

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

### **Law 674A & B: BLG Business Venture Clinic (Tingle – Fall/Winter Term)**

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

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

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

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

### **Law 686 Student Legal Assistance (SLA) Clinical Theory (Billington - Fall - Winter)** **Law 688 Student Legal Assistance (SLA) Clinical Practice (Billington - Fall - Winter)**

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 undergraduate students at the University of Calgary. Legal Services are delivered by University of Calgary Faculty of Law student caseworkers who provide agency representation and legal information to clients within the scope of legal services allowed for law students pursuant to the Legal

Profession Act and the Rules of the Law Society of Alberta. This includes court appearances and agency representation for low-income clients in the Alberta Court of Justice (Family, Criminal, Traffic and Civil Divisions), at certain administrative tribunals and in a variety of outreach programs. SLA has provided legal services in Calgary and region since 1979 and is a partner in the access to justice community in Calgary and area. At Student Legal Assistance we believe that law students play an important role in providing access to justice for disadvantaged and marginalized groups who otherwise would be left unrepresented or remain self-represented.

**Law 686 – SLA Clinical Theory** explores substantive issues of law, procedure, evidence, practice management, client management, ethics, and skills in the context of access to justice. Students will learn about the framework of legal services available to low-income clients and will explore and better understand the systemic barriers to access to justice for low-income and marginalized clients including through engagement with diverse and experienced legal professionals and justice system stakeholders in Calgary. Evaluation is by way of assignments including: 3 short reflective essays on experiential learning and course topics (15% each), a research paper outline (5%); and a final research paper (50%) due at the end of the winter term on an area of clinical practice or primer for use by caseworkers in the SLA clinic.

**Law 688 – SLA Clinical Practice** provides advanced experiential learning, representing real clients in a clinical setting under the supervision of SLA's supervising lawyers. Students engage in experiential learning as law student caseworkers and will deal directly with a variety of client files including matters before the Alberta Court of Justice (Criminal, Family, Civil and Traffic courts) including summary conviction criminal law offences, family law matters, residential tenancy issues, small claims disputes, and traffic offences and before certain administrative law tribunals. Students will also have an outreach component to serve community partners. Students develop a range of skills including interviewing, counselling, negotiation, alternative dispute resolution, judicial dispute resolution, pre-trial conferences, dispositions, trial advocacy, research, drafting, court practice, client relations, and file practice management. Each student will be assigned and is expected to carry a file load of about 10-15 active client files (at one time) in a variety of areas of law. The files will be selected and allocated by the Course Instructor, in consultation with the SLA supervising lawyers, based on complexity and area of law. Evaluation is by a series of assignments including file review memos at the beginning and end of each term; outreach participation; and a short reflective essay on skill development.

**Law 686/688 must be taken together in the same year.** Enrollment is open only to students who are eligible to be an SLA caseworker and have volunteered as an SLA caseworker in 1L, 2L or worked as a summer caseworker. Both courses are capped at 12 students and consent is to enroll is needed. Clinical Theory (686) is graded on the University's 12-band scale. Clinical Practice (688) is graded CR/D/F. The courses are scheduled to run through both the Fall and Winter terms once per week. Final grades for both courses will be assigned at the end of the Winter term. Registration in Law 686/688 precludes an application for Law 591 (Alberta Court of Justice Clerkships) in the Winter Term as SLA deals with representing clients before Justices of the Alberta Court of Justice.

## **Law 687: Criminal Justice Clinical (Blake – Winter Term)**

“Criminal justice” is what happens after a complicated series of events has gone bad. It is the 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 after the dust of the trial (or guilty plea) settles. Together, and subject to availability of guests, we will explore forensic crime scene investigation, Youth Criminal Justice, advent of Community Courts and other alternative solutions to criminal justice issues, post-trial issues which will include Indigenous Persons considerations, not criminally responsible on account of mental disorder as well as pre-trial fitness issues, bail, sentencing, appeals, practical parole considerations and, broadly speaking, wrongful convictions. We will host several guests as well as participate in a field trip to an Indigenous Courtroom (subject to COVID restrictions).

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

Assessment will be based on the following:

- a) Participation in class
- b) 2-L students will be assigned to participate as witnesses in the final 3-L Advocacy Trial to be held at the end of the Winter Term Block Week program, the object of which is to learn about witness preparation
- c) There will be three (3) further assignments during the term:
  - i. a short-written reflection on preparing witnesses for trial (3-Ls) or being a witness on the trial (2-Ls) [feedback will be provided in class discussions based on the written reflections;
  - ii. preparing written submissions on sentence in either the role of Crown counsel or Defence Counsel as assigned by the Course Instructor; and
  - iii. Delivering oral submissions on sentence in the assigned role as above.

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

### **PLEASE NOTE:**

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

## **Law 689: Family Law Clinical (Massie – Winter Term)**



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 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: Indigenous Economic Development (Caillou – Fall Term)**

This course will provide an overview of the economic development issues in Indigenous communities. We will explore the role of law in Indigenous economic development. In what ways does law inhibit or support Indigenous economic development? We will critically analyze the theories and concepts of law and development more generally and of Indigenous economic development more specifically. These theories range from neoclassical economic theories to theories of social justice and economic justice. We will gain an understanding of the colonial institutional and systemic mechanisms that marginalized Indigenous peoples from Canada's economy. The course will provide an historical overview of development strategies by the federal government and legislative initiatives to improve Indigenous economies as well as how Indigenous rights factor into economic issues. We will also explore how large industrial projects impact Indigenous communities, yet provide economic opportunities through partnerships, joint ventures, and impact benefit agreements. We will learn from some case studies of successful Indigenous enterprises and examine what are the factors that led to their successful economic development. Indigenous communities view economic development as an integral part of self-determination, so we will explore Indigenous economic development in relation to self-government, from those operating under the Indian Act to those revitalizing their Indigenous legal orders. Indigenous economic development is a rapidly developing area with significant legal implications and therefore we see governments, industry and other sectors in Canada working with Indigenous communities to achieve economic reconciliation.

### **Law 693.xx: Intro to US Legal System (Thompson – Fall Term) \*Hybrid**

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

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

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

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

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

While in the U.S. Army Reserves, Judge Thompson was an instructor to foreign military personnel in Papua New Guinea, Sri Lanka, Thailand and the Philippines on Intelligence and Psychological Operations, as well as at the U.S. Naval Fleet Information Warfare Center in Coronado, to U.S. Marines and deploying personnel. He also served with Canadian (1stRCR) and British Forces in Coralic/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: Reconciliation and Lawyers (Menard – Fall Term) \**ONLINE***

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

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

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

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

**Law 693.xx: E-Litigation (Christian – Fall Term)**

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 mooting (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 mooting (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: International Dispute Settlement (Hopkins – Fall Term)**

(i) Description

Have you ever wondered about the deals that have to be struck between businesses for you to buy your groceries or your clothes? What happens if a Mexican company delivers avocados to Safeway that are rotten? What if a US business decides that it no longer wants to buy lumber from its Canadian supplier because it is allegedly concerned about the environment and doesn't think the Canadian company harvests timber in a sustainable manner? This course introduces students to the theories, laws and policies that underpin these international commercial transactions. It also employs this inter-disciplinary approach to consider the primary dispute settlement mechanism (i.e., arbitration) utilized by commercial parties when conflicts arise.

Against this background, students will develop the written advocacy skills needed in an international setting. Students will construct legal arguments that either explicitly or implicitly engage the theories, laws and policies introduced in the first part of the course. This will be done with reference to a problem scenario presented to students in the Fall.

(ii) Assessment

How students will be evaluated is still to be determined, but a significant portion of the evaluation in this course will involve completion of a written claimant memorandum connected to the Vis Moot Problem.

(iii) Requirements

This course meets the theory requirement and may be used for the Upper Year Writing Requirement.

Background in international law/arbitration is helpful but not required.

***\*\*This course is highly recommended for students participating in the Willem C. Vis Moot Competition in the Winter Term\*\****

### **Law 693.xx: Disability and the Law (Chipeur – Fall Term)**

This course examines how Canadian law and public policy impact the lives of people with disabilities. Historically, Canadians with disabilities were segregated from public life and their needs were considered a private matter for their families, religious organizations, and charities. Some were subject to abuse in government-run institutions and forcibly sterilized pursuant to provincial law. Despite these conditions, people with disabilities, collectively and individually, have used legal and political methods to achieve self-determination and equal membership in Canadian society. Throughout the course, students will analyze legislation and caselaw to understand how people with disabilities have sought inclusion in Canadian society and how federal and provincial governments and the judiciary have responded to these efforts.

Students will write a paper on a topic related to persons with disabilities and the law. The paper will satisfy the Upper Year Writing Requirement.

### **Law 693.xx: Contract Drafting (Woodhead – Fall Term)**

(i) Description

Every lawyer encounter contracts at some stage in their career. Whether it is the source of a legal dispute they are handling, an agreement on a transaction they are advising on, or their own letter of employment at a law firm. It is important that every lawyer understands, not only the basics of written contracts but also how to create effective, binding agreements. This course hopes to provide students with a basic and necessary understanding of contract drafting and explores some of the consequences that may arise from poorly thought-out contractual agreements. Contract Drafting provides a practical component to and builds on the legal knowledge provided by Contracts in 1L. This course focuses on the structure and use of language in documents that create and support legal relationships and takes a practical and hands-on approach to learning

how to draft and negotiate these documents. Students will draft, analyze, and discuss legal documents in the areas of corporate/commercial law, and other substantive areas of law. The course will be taught in person unless otherwise noted. Class attendance is required and graded in-class assignments will be provided. Topics that will be taught throughout the course include, but are not limited to:

- Contract Law Overview
- Components of a Contract – Formal Commercial Agreement
- Real Estate Documents, Leases, Right of First Refusal, Right of First Offer
- Procurement Documents
- Family Law Documents
- Litigation Documents
- Termination Documents and Clauses
- Minutes, Officer Certificates, Resolutions and Policies

Guest lecturers and specialists in various legal areas may be introduced to provide students with key learning opportunities and insight into conventional legal practices.

(ii) Evaluation

Students will be assessed through a series of assignments which require the utilization of these practical skills. Student evaluation will comprise of a variety of small assessment tools, which could include exercises, quizzes, and participation, worth 10-20% of the final grade, along with two or three assignments for the remaining 80-90%.

### **Law 693.xx: Law of Armed Conflicts (Clute – Fall Term)**

In an armed conflict, what does the law say about the protection of civilians, their homes and critical infrastructure? Can civilians and their property legally ever be attacked? What about “accidental” harm? Can persons who fight who may not be part of the armed forces be tried as criminals if captured? During the decades-long so-called war on terror did the law permit the killing of apparent civilians with missiles fired from drones or was there an obligation to arrest/capture them? What about the risk to bystanders? These are issues addressed by International Humanitarian Law “IHL” (also known as the “law of war” or the “law of armed conflict”), which governs the conduct of hostilities during an armed conflict.

IHL is the only branch of public international law specifically designed to strike a balance during armed conflicts between humanitarian values and military necessity. Its object and purpose are to protect persons who are not participating in hostilities, such as civilians, and those who are no longer doing so, namely combatants and those directly participating in hostilities who are wounded or captured. It restricts the means and methods of warfare that those engaged in hostilities may use such as by limiting who and what may be attacked and the types of weapons that may be employed. But it also permits the taking of life in certain circumstances, which outside of an armed conflict would be a crime. The course examines these issues and touches

upon other bodies of public international law to which IHL is connected, namely international human rights law, international criminal law, and the law governing the use of force between states.

The course will consist of lecture presentations but will also encourage discussion and may include small group activities.

It is *anticipated* that evaluation will be as follows:

Class Participation:	10%	
Class Presentation:	20%	Same topic as the paper
Research Paper:	30%	
Final Examination:	40%	
<b>Total:</b>	<b>100%</b>	

This course is taught by Brent Clute, a retired Canadian Forces Legal Officer. He served for over 24 years with the Canadian Forces including on operations in Afghanistan, Bosnia and Hercegovina, and the Arabian Gulf. He was the senior legal advisor to the Canadian Special Forces Command and was seconded to Global Affairs Canada. In his last posting he oversaw legal training for the Canadian Forces. In his free time, he is a volunteer dog-walker with the Cochrane Humane Society. <https://www.linkedin.com/in/brent-clute/>

## **Law 693.xx: The Dynamics of Law Making: Lawyers, Politics, and Government (Macdonald/Redford – Fall Term)**

Lawyers are critical to ensuring that the political process supports good government. There is a great tradition of lawyers participating in public service as volunteers or as paid professionals, and even as elected officials.

This course examines these roles and the ethical and legal issues that arise in a lawyer's performance of this public service. A general understanding of the legislative and political processes as well as how lawyers can facilitate good governance will be examined. This course also covers the lawyers ethical and professional obligations, such as their duty to their employer, law societies, and other standards of conduct. It also covers the numerous forms of legal and quasi legal advice that lawyers might provide while being a political animal.

Students will examine the relationship between legal, ethical, political, and governmental difficulties that lawyers experience when practising in our democracy through case studies and historical examples. Through in-class conversations, written assignments, and presentations, they will also improve their communication and critical thinking abilities.

This course is recommended for students with an interest in advocacy, public service, law, policy development, and politics.

After taking this course, students will have a deeper understanding of the role a lawyer plays in the governing and political process. This is achieved by examining the intersection of ethical, legal, political, and governmental issues faced by a lawyer who is active in our democracy.

### **Law 693.xx: Privacy & Cybersecurity (Laidlaw – Winter Term)**

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

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

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

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

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

### **Law 693.xx: Law, Science & the Regulatory State (Olszynski – Winter Term)**



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

**Method of Evaluation:** Research Project and Final Exam

**Upper Year Writing and Other Requirements:** While this course will include a mandatory research paper component, it will not be eligible for satisfying the Faculty's upper year writing requirement, the theoretical perspectives requirement, or the international requirement.

### **Law 693.xx: Gender Based Violence and the Law (Koshan – Winter Term)**

This course examines a particular social problem, gender-based violence (GBV) through the lens of several different legal systems, e.g., criminal, family, employment, residential tenancy, and human rights law. Students will learn to think holistically about social problems by exploring how different legal systems intersect and sometimes work in opposition to each other. There will also be an interdisciplinary component to the course, with students learning how other professionals (e.g., nursing, and social work) screen for and respond to GBV and how different ethical and professional obligations can intersect and conflict. Students will have opportunities to engage in experiential learning, to develop trauma-informed lawyering skills, and to meet with lawyers, judges, and other professionals who work in this area. The course will cover domestic and international approaches to GBV and different theoretical approaches to GBV. Classes will be seminar-style with active preparation and participation from all students expected.

Evaluation includes 3 components: (1) a research paper, where students will be encouraged to write in the form of a factum, law reform brief, shadow report or judgment, or a paper critically reflecting on the themes of the course; (2) presentation of research papers; and (3) class

participation. This course can be used to satisfy the upper-year theory and writing requirements.

### **Law 693.XX: Equitable Remedies for Financial Misconduct (Deering & Qureshi – Winter Term)**

Financial misconduct takes numerous forms, from the traditional “Ponzi” scheme (most notably committed by Bernie Madoff); to financial manipulation (such as the notorious Enron scandal); to employee thefts, frauds, and kick-back schemes. Each are based upon misconduct intended to deceive, and result in significant financial losses to the victims.

This course will focus on the equitable and other remedies available in cases of serious financial misconduct. The course will begin with a discussion of the Court’s jurisdiction and power to grant extraordinary remedies, including a consideration of the various causes of action available. The course will then explore investigations of financial crime, including issues related to experts and legal privilege. The course will then focus on extraordinary equitable pre-judgment remedies, often referred to as the “nuclear weapons” of litigation: Anton Pillar Orders (civil search warrants), Norwich Orders (third party production orders), Mareva injunctions and preservation orders (civil asset freezing orders), and remedial orders under the Business Corporations Act.

The course will include lectures from experts (such as forensic accountants, computer forensic experts and others), and lawyers from the DLA Piper law firm around the world who specialize in these matters.

Jordan and Imran both focus their practice on investigations and proceedings relating to serious financial misconduct, including fraud, bribery, corruption, and white-collar crime.

By the end of this course, the students should be familiar with the central legal concepts associated with these extraordinary equitable remedies, as well as the evidentiary and procedural issues attendant in obtaining or resisting them.

Subject to approval, the course will be evaluated as follows:

- 15% participation based upon class attendance, contribution to class discussion, and completion of a self-evaluation
- 35% written submissions for case scenario involving the “set aside” application of various extraordinary orders
- 50% final exam (open book)

This course is taught by Jordan Deering and Imran Qureshi. Jordan is a Partner and Chair of DLA Piper (Canada) LLP’s Corporate Crime, Compliance & Investigations team. Imran is Partner in DLA Piper (Canada) LLP’s Litigation, Investigations and Arbitrations Group.

### **Law 693.xx: Money Laundering (Ahmed – Winter Term)**

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

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

Further, by locating money laundering and financial crime within their broader contexts, the course offers a critical perspective on how finance and financial regulation intersects with and influences public policy. Why does Canada, with its 15 laws, 12 federal agencies and 10-plus agencies for each province to check money laundering, qualify as a major laundering haven? What policy and regulatory similarities and/or differences exist between Canada, the UK, and the US?

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

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

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

### **Law 693.XX: Sports Law (Shim – Winter Term)**

This course will introduce students to the topic of sports law and will focus on legal issues that arise in sport. Focus will be placed on Sport Dispute Resolution Centre of Canada and Court of Arbitration for Sport decisions and their effect on the current landscape of sport. This course will also examine caselaw and text sources related to topics such as criminal law and sport, human rights issues, sport ethics, sport broadcasting, sport policy, sport arbitration, Anti-doping, the Olympics, and sport governance.

The intent of the course is for students to understand the procedural and policy aspects of sports law and the issues faced by amateur and professional athletes. Students will be expected to come prepared to discuss case law and current sport related issues as they arise.

### **Evaluation Method**

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

### **Law 693.xx: Fintech Law & Policy (Clements – Winter Term)**

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

- Acquire knowledge of new technologies impacting financial market products, services, intermediaries, and processes and evaluate whether fintech could lead to enhanced financial inclusion and social utility;
- Assess “fintech” as a historical development, understand the regulatory frameworks that apply to fintech in Canada, and become familiar with comparative international regimes;
- Develop a general understanding of financial market regulation in Canada including capital markets and securities law, crypto-assets, blockchain and smart-contracts, banking, lending, payments, money-service businesses, and financial market systemic risk;
- Recognize the challenges in regulating fintech, including regulatory “arbitrage,” agency jurisdictional fragmentation and overlap, blockchain and other decentralized applications and protocols that extend beyond national borders;
- Become familiar with regulatory adaptations that are being used for novel fintech innovations, like regulatory “sandboxes, to provide flexibility while ensuring adequate systemic risk and consumer protection safeguards; and

- Identify the relationship between financial market innovation and systemic risk; and investigate emerging instabilities from the use of blockchain, DeFi, artificial intelligence in financial markets, and non-governmental payment and value transfer systems including their impact on monetary policy goals and consumer payments integrity and stability.

Course materials include statutory and topical secondary source materials. There is no textbook in this course. Student evaluation will likely be based on in-class participation (15%); an in-class oral presentation where each student profiles a fintech company (25%); and a mandatory 6000-word research paper (60%). Students may use this course to fulfill their upper year writing requirement. There are no pre / co-requisites for Fintech Law & Policy. The course is designed to be accessible to those without prior financial market regulation or securities law experience.

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

### **Law 693.xx: Negotiating Indigenous Rights (Chipeur/Crowfoot – Winter Term)** ***\*HYBRID***

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

### **Law 693.xx: Mindfulness and the Legal Profession (Telfer – Winter Term)** ***\*By Application and ONLINE***

Interested students are required to submit a Statement of Interest to the attention of Angela Gallo-Dewar at [agallode@ucalgary.ca](mailto:agallode@ucalgary.ca) by Monday, June 26<sup>th</sup>.

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Mindfulness is a contemplative practice that allows lawyers to bring attention, insight, and better judgment to a variety of complex problems. The Law Society of Ontario recommends that lawyers incorporate daily mindfulness practices to improve mental health and well-being. Mindfulness is also relevant to many legal skills that lawyers require.

The course considers the literature which documents the significant benefits associated with mindfulness and then undertakes an investigation of how mindfulness and emotional intelligence (EQ) are relevant to the legal profession. Course Modules cover specific mindfulness topics that impact the legal profession. Topics may include:

- An Introduction to Mindfulness
- The Happy Lawyer? Mental Health and the Legal Profession
- The Distracted Lawyer: Focus and Concentration and the Myth of Multitasking
- The Emotionally Intelligent Lawyer
- The Client Interview and Mindful Listening
- Mindfulness and Negotiation
- Mindfulness and Legal Ethics

Students will be exposed to current literature on mindfulness, emotional intelligence, and the legal profession. Students will be expected to critically assess those readings in class.

Students will be introduced to the practice of mindfulness through experiential sessions in class. Students will be expected to adopt a mindfulness practice outside of class.

The course will provide students with the opportunity to advance their skills in critical reading, thinking, and writing. The course will also prepare students for advanced independent research in subsequent terms.

Assessment will be as follows:

30% Contribution to Seminar: attendance, preparation, participation, critical insight, and weekly journal entries. [Attendance is mandatory]

70% Book Review Essay: original review of a leading book on mindfulness that impacts the legal profession [5000 words]. The book review essay can be used to satisfy the Faculty's upper year writing requirement.

**Law 696.xx: Marketing & Client Development Clinic (Pekarsky – Winter Term)**

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, 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 unprecedented access to the local business and legal community.

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 executive search leader and small business owner), 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, and participation and submission of a Group Pitch Project. There will be no final exam. Course delivery will be in-person. Please see the course outline for specific details of the course objectives, expectations, and assessment.

### **Law 697: Corporate Tax Law (Brown – Winter Term)**

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

The course will include, instructor led lectures and in-class group discussion problems. Course materials include a series of on- line readings, workbook problems and a computer assisted learning program.

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

### **Law 698: Immigration and Refugee Law (Zaidi – Winter Term)**

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

### **Law 699: Labour Law (Benedict – Winter Term)**

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

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

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

### **Law 703: Graduate Seminar in Research & Methodology (Hagen – Fall Term)**

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



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