

# 2019-2020 Course Descriptions & Evaluation Methodology

**\*\*\*THIS INFORMATION IS SUBJECT TO CHANGE\*\*\*  
CURRENT TO JUNE 25, 2019**

Please monitor registration updates throughout the registration cycle:  
<http://www.uwindsor.ca/law/academic-coordinator/35/law-2-and-3-registration>

The course descriptions set out herein are provided by the instructors and represent a more detailed course description to aid your selection. You are encouraged to rely on this information rather than the summary description available on UWinsite Student.

**ABORIGINAL LAW IN SOCIETY**  
**Professor Arlene Dodge**  
**3 credits – Perspectives**

**WINTER 2020**  
**LAWG-5923-1**

Evaluation Methodology:  
Class Participation: 10%  
Reflection Papers (2): 20%  
Group Presentations: 30%  
Final Research Paper: 40%

**Good class - worth considering**

Course Description:

This course will examine Canadian law that applies to Aboriginal Peoples (ie. First Nations, Inuit and Metis) from contact to current date. The course will include topics such as the Royal Proclamation, Pre- & Post Confederation Treaties, Aboriginal and Treaty Rights (S. 35 of *Constitution Act, 1982*), Self-Government, *Indian Act*, Land Claims, Criminal Legal System and Matrimonial Real Property.

**ADMINISTRATIVE LAW**  
**Thomas Kuttner**  
**4 credits**

**FALL 2019**  
**LAWG-5852-1**

Evaluation Methodology:  
TBA

Course Description:

From the moment of birth and the issuance of a birth certificate to the moment of death and the issuance of a death certificate, each of us interacts countless times with the myriad of regulatory regimes which characterize the modern state. Administrative Law is the branch of public law which sets out the framework within which such interactions between citizen and state legitimately take place. It is closely linked to Constitutional Law in several ways: it examines the linkage between legislative mandate and executive action – whether exercised by an arms-length agency or a Minister of the Crown; it lays out the common law entitlement of the citizen to fairness in interactions with state actors; it sets out the grounds upon which the Courts will remedy unlawful conduct by administrative decision-makers of all types—tribunals, agencies, crown servants—through the distinct remedial regime of judicial review. Upon completion of the course, students should gain a general understanding of the principles of administrative law which govern the interrelationship between legislative, executive and judicial exercises of power within our polity.

**ADMINISTRATIVE LAW**  
**John Rokakis**  
**4 credits**

**FALL 2019**  
**LAWG-5852-2**

Evaluation Methodology:  
60% - Final Exam - This exam will have two to three hypothetical cases with questions requiring the application of the materials covered in the course.

30% - Three Quizzes - These quizzes will be spaced during the semester and cover material which has been covered up to that point.

10% - Participation - Students are expected to participate in class activities and discussion. Participation includes arriving on time to class.

Course Description:

Administrative law prescribes the rules by which statutory decision-makers are expected to comply with and, when these rules are violated, provides the redress procedure and remedies. This course will examine the powers and procedures of administrative agencies principally through a review of the various controls - legislative, executive and judicial - placed on statutory decision-makers. In particular, the *Judicial Review Procedure Act* and the *Federal Court Act* will be analyzed. Various grounds of judicial review, including jurisdictional errors, errors of law and fact and abuses of discretionary power, will be studied. Finally, the course will examine the rules of natural justice and the *Statutory Powers Procedure Act* as well as the *Charter of Rights and Freedoms*. The course will be taught using a case analysis approach and by referencing the instructor's experiences before the Immigration and Refugee Board of Canada, and the Federal Court of Canada.

**ADMINISTRATIVE LAW**  
**Stephen C. Roberts**  
**4 credits**

**WINTER 2020**  
**LAWG-5852-2**

Evaluation Methodology

10% - Participation – This will be based on both attendance at classes and participating in discussions and responding to questions in class

25% - Midterm Exam – This exam will be approximately 1 hour long and will have multiple choice questions and will be closed book. (Students may be allowed to have 1 page with notes)

65% - Final Exam – This exam will be approximately 2 hours long and will be mainly multiple choice questions with some short answer questions. It will be closed book. (Students may be allowed 1 page with notes)

Course Description

Administrative agencies in Canada make decisions which affect all of us in society and it is important that those decisions are both lawful and fair. This course will examine the powers and procedures of administrative agencies principally through a review of the various controls – legislative, executive and judicial – placed on statutory decision-makers. In particular, the sources and thresholds of fairness and the level and choices of procedures will be reviewed including a review of the relevant sections of the *Statutory Powers Procedure Act*, the *Bill of Rights* and the *Charter of Rights and Freedoms*. The duty to consult and accommodate aboriginal peoples will also be reviewed. This course will analyze the progression of the standard of review to be applied in judicial review applications including a review of the current case law in this area. Finally, the course will review the remedies available when reviewing administrative decision making including a review of the relevant sections of the *Judicial Review Procedure Act* and the *Federal Court Act*. The course will be taught using a case analysis approach and by referencing the instructor's experiences before administrative tribunals.

**ADVANCED BUSINESS LAW SEMINAR**  
**Professor George Stewart**  
**4 credits**

**Winter 2020**  
**LAWG-5880-1**

Evaluation Methodology

Some units require students to complete assignments some of which may be graded by a practitioner/instructor on a pass/fail basis. Beyond that, and subject to compulsory attendance, the course is graded on a pass/fail basis.

In 1999, James C. Johnson, class of '87, made a substantial gift to the University of Windsor. This generous gift allows the law school to offer a four credit seminar course in Advanced Business Law. The purpose of

Advanced Business Law Seminar is to enhance the corporate/commercial education offered by the University's Faculty of Law by offering third year law students an opportunity to study and analyze sophisticated corporate commercial transactions. The purpose is to give students an advantageous head start during the articling year and the first year of commercial practice. The course is taught by practitioners specializing in the area of law being studied and provides the students with a practical reference point for their academic education.

### **Eligibility**

Enrolment is limited to sixteen third year students. Offers are made first to students who have completed, or will have completed by the end of the fall term, the following Windsor prerequisites: Corporate Finance, Securities Regulation, Commercial Law - Secured Transactions, Insolvency and Restructuring. In the case of Dual Program Students, the following UDM courses may be substituted for the comparable aforementioned Windsor prerequisites: Law 2500 – Secured Transactions, Law 3130 - Bankruptcy, Law 3700 – US Securities Regulation, Law 7400 – Business Planning. Should the class not fill with students who have completed courses as indicated above offers will be made to students who have completed fewer of the prerequisite courses. Students with a greater number of completed prerequisites will be enrolled before students with fewer completed prerequisites. As between students with the same number of prerequisites, selection will be made in accordance with ranking at the end of second year.

Attendance in Toronto is absolutely compulsory on five occasions in order to meet with and learn from leading business law professionals. The specific dates of the Toronto sessions will not usually be established until October and it's certain that the compulsory attendance will require some students in the Advanced Business Law course to absent themselves from other classes in which they may be enrolled in the Winter term. Therefore, students must make arrangements with fellow students and/or faculty to obtain notes, tapes, etc. of material covered in the missed class. This is particularly incumbent for Dual Program students due to UDM's compulsory attendance policy. Dual JD students are mightily encouraged to speak with their Detroit Mercy Law professors as early as possible to obtain a discretionary accommodation from the Detroit Mercy Law attendance policy. Travel and accommodation expenses to and from Toronto are arranged and funded by the Windsor Faculty of Law through the Advanced Business Law Endowment.

### **Course Description**

The course is divided into an introductory session with Jamie Johnson and four other units: mergers and acquisitions, advanced securities regulation, secured transactions and insolvency.

#### **Introductory Sessions.**

One day of sessions introducing the common fact situation concerning a gold drilling enterprise that proceeds through various stages involving mergers, acquisitions, financing and insolvency. These sessions take place with Jamie Johnson at the offices of Signal Hill in Toronto.

#### **Unit 1. Mergers and Acquisitions**

Two days of sessions in Toronto dealing with mergers and acquisitions by focusing on the distinction between the purchase of shares and the purchase of assets with procedures and practices including attention to representations, warranties, indemnities, letters of intent, due diligence, closing agendas, escrow closings and shareholder agreements. These sessions take place at the Toronto offices of BLG.

#### **Unit 2. Advanced Securities Regulation**

Two days of sessions in Toronto dealing with securities regulation in Canada and includes registration requirements, continuous disclosure requirements, multi-jurisdictional securities transactions, bids and related party transactions, statutory liability and due diligence, securities industry regulation, enforcement mechanisms and takeover bids. These sessions take place at the Toronto offices of McCarthy Tétrault.

#### **Unit 3. Secured Transactions**

Two days of sessions dealing with the granting of credit on the basis of security in real and personal property and other methods of minimizing the risk of non-payment; form of standard credit agreement; criteria used to analyze risk; purpose, components and the drafting of a financing commitment letter; representations, warranties and events of default; integrating subordinate debt with senior debt and advanced personal property security law and practice. These sessions take place at the Toronto offices of Miller Thomson

#### **Unit 4. Insolvency**

One day of sessions dealing with strategies in light of a financially distressed corporation and includes attention to: dealing with creditors, clients, employees and other stakeholders prior to and during a restructuring; purpose, structure and components of a business plan and forbearance agreement; assessing liquidation, enforcement and restructuring options; restructuring under the CCAA, BIA, OBCA and Winding Up Act. These sessions take place at the Toronto offices of Blake, Cassels and Graydon.

**The usual course registration procedures do not apply to the Advanced Business Seminar. Interested students must indicate their intent to apply by email to the Academic Coordinator (lawac@uwindsor.ca) by 12:00 noon on Friday, September 13, 2019 including “Advanced Business Law Seminar” in the subject line. Students will be notified if they are selected in November 2019 when registration for Winter 2020 reopens.**

**ADVANCED FAMILY LAW**  
**Cynthia Nantais**  
**3 credits – Paper course**

**WINTER 2020**  
**LAWG-5884-1**

Evaluation Methodology:  
TBD

Course Description

The course is an opportunity to develop a deeper understanding of family law. Students will critically explore selected topics in family law. Topics covered may include non-adversarial dispute resolution, spousal support, child support, parentage issues, child custody, the rights of children in family processes, property for both married and unmarried cohabitants and international implications and obligations.  
**(Pre-requisite: Family Law)**

**ADVANCED LEGAL RESEARCH**  
**Annette Demers, Law Librarian**  
**3 credits**

**FALL 2019 & WINTER 2020**  
**LAWG 5891**

**NOT going to work for Exchange**

Evaluation Methodology:

Assessment is done primarily on the basis of weekly assignments and quizzes. This course is assessed on a Pass/Fail basis.

Course Description

Advanced Legal Research is an opportunity for upper-year law students and transfer students to refresh their legal research skills prior to entering the practice of law. This course will provide a refresher of basics learned in first year of law school, plus more details, more depth and more opportunities to practice. In particular, the course will focus on developing research skills in locating annual and consolidated federal and provincial legislation and regulations; noting up legislation; locating and tracking the entry into force of legislative amendments; locating, updating and noting up court and tribunal decisions; and other topics which may include secondary sources, forms and precedents, public records and more. The emphasis is mostly on online sources which will be used in practice.

**ADVANCED SEMINAR IN THE THEORY AND PRACTICE OF SOCIAL WORK AND LAW**  
**Adam Vasey**  
**4 credits – Perspectives, Paper course**

**FALL 2018**  
**LAWG-5931-1**

Evaluation Methodology:

60%- Final Paper  
40%- Final Presentation

**NOT going to work for Exchange**

Course Description:

This seminar focuses on the intersection of law and social work in theory and practice. It will prepare students to think critically about the interrelationship between law and social work, both as disciplines and

professions, and to identify and analyze theoretical and substantive areas of compatibility and tension. The challenges of interdisciplinary practice will be considered, with a particular emphasis on ethical norms and the advancement of social justice. (Open to MSW/JD students only except with permission from the instructor, the School of Social Work and the Faculty of Law).

This class will be taught on a schedule coordinated directly with registered students.

**ADVANCED TAXATION**  
**Marcela Aroca**  
**3 credits**

**WINTER 2020**  
**LAWG-5834-1**

Evaluation Methodology:

20% - Drafting (Written Advocacy)  
20% - Presentation (Oral Advocacy Exercise or Presentation)  
60% - Written assignments and/or in-class quizzes

**NOT going to work for Exchange**

Course Description:

A seminar which will focus on the elements of corporate taxation and tax controversy and dispute resolution. Corporate taxation includes a study of the taxation of corporate income, corporate residency, distributions, an overview of the tax consequences of transfers to corporations, simple corporate reorganizations and the GAAR. The corporate taxation portion is designed to teach the student how to use corporate vehicles in a tax efficient manner. Time permitting, there may be an introduction to international taxation, particularly on the application of international tax treaties and the concept of treaty shopping and transfer pricing. The tax controversy/litigation component includes a study of the litigation process in the Tax Court of Canada and possibilities for dispute resolution. (**Pre-requisites:** Income Taxation and Business Associations)

**ADVOCACY PROGRAM - MOOT COURT COMPETITONS**

**LAWG-5892**

Students must follow the application process outlined on the Faculty of Law's Advocacy and Mooting Program website: <http://www.uwindsor.ca/law/1288/moots>. The deadline for online applications will be posted once available.

Students selected to represent the Faculty of Law on competitive moot teams will be enrolled in their respective mooting course sections. In planning a timetable, students should keep in mind that there is no guarantee that they will be selected for a moot competition. Therefore, a student should register in a full slate of courses, one of which may be dropped, with the assistance of the Academic Coordinator's Office, if the student is selected for a moot team. The add/drop date for fall 2019 classes in Law is Monday, September 16, 2019. For most moots, the credits earned are recorded in the Winter semester although the work on most Moots start in the Fall term.

The following is a list of moots that have been offered in the past for academic credit. Please note that list Moots we participate in will vary year to year and not all moots will be offered each academic year.

Arnup Cup	4 credits
Wilson Moot	4 credits
Canadian Client Consultation Competition	4 credits
Canadian National Negotiation Competition	4 credits
Julius Alexander Isaac Moot	4 credits
Donald G.H. Bowman National Tax Moot	4 credits
Gale Cup	4 credits
Harold G. Fox Moot	4 credits
International Criminal Law	6 credits (3 fall/3 winter)
Oxford International IP Law Moot	6 credits (3 fall/3 winter)
Jessup International Moot	6 credits (3 fall/3 winter)
Mathews Dinsdale Labour Arbitration	3 credits
Kawaskimhon Aboriginal Moot	4 credits
Laskin Moot	4 credits
Walsh Family Law Moot	4 credits

**NOT for Exchange**

Walsh Negotiation Moot	4 credits
Winkler Class Actions Moot	4 credits
Willms & Shier Environmental Law Moot	4 credits
WTO Moot	4 credits

**ANISHINAABE STUDENT CAMP**  
**Professor Valarie Waboose**  
**3 Credits, Perspectives course**

**WINTER 2020**  
**LAWG-5971-75**

Evaluation Methodology:

Journals – Students will be required to submit four reflection papers (1-2 pages) daily while at the Anishinabe Camp. Students will reflect on what they learned and how the information is impacting their thoughts in relation to self, family, community, universe and the practice of law on each day of the camp. Students may also write about what they learned and/or experienced during the team building and individual exercises. Students will also be asked to submit at least one (1) question in their reflection paper about what they had about the information provided or what they'd like to know more about.

Camp Presentation - Each student will be required to make a 15-minute presentation on their understanding of Indigenous Legal Traditions on Saturday evening. Students may use their reflection papers to guide their presentation or they may present on a particular aspect of the teachings that they learned. The presentation must be about 1 of the 5 areas of Indigenous Legal Traditions outlined in the Borrows text.

Final Paper - Students will be required to write a ten to twelve-page final research paper about how ILT can be utilized within the practice of law. The final paper must be a well-researched and analytical representation of the student's understanding of the topic selected while at the same provide a critical analysis of the topic.

Course Description:

The Pii ki giigidod, N bizendaami: When the Earth Speaks, We Listen Anishinaabe Camp is offered as a four-day Intensive Learning on the Land course. The course will be conducted on Walpole Island First Nation, a First Nation community approximately 1.5 hours from Windsor. This on the land course is designed to assist students in understanding how Indigenous Law is found in many different aspects of the natural and living world. Students will have an opportunity to learn from Indigenous Knowledge keepers through song, dance, ceremony, storytelling and sharing circles. Students will learn first hand how laws are formulated within an Indigenous context.

The class will take place over a four-day intensive period; Thursday, October 17 through Sunday, October 20, 2019. The 4-day Anishinaabe Camp will be held at a lodge located on Walpole Island First Nation. During this 4-day camp 2L and 3L students will learn how Anishinaabe law operates and how it can be found in traditional stories, the environment, treaties, declarations, customs, etc. The camp is outdoors, on land and water, and in a First Nation community territory which is conducive to learning about Indigenous laws.

Registration for this course will be made by application. deadline will be announced shortly.

**ARABS, MUSLIMS AND THE LAW**  
**Reem Bahdi**  
**3 credits**

**WINTER 2020**  
**LAWG-**

Evaluation Methodology: TBD

Could be a very interesting class

Course Description:

The course will examine the role law and legal institutions have played racially defining and categorizing members of Arab and Muslim communities within and across national borders. Attention will be paid to the political and social consequences of this racialization for the subject, as well as the strategies Arab and Muslim communities have employed to challenge the ways in which a variety of legal regimes have marginalized them. The main areas of law that will be examined include immigration, human rights, national security and criminal law. The Course does not assume any prior knowledge of this subject area.

**AUTOMOBILE INSURANCE LAW**  
**Jennifer Bezaire**  
**3 credits**

**WINTER 2020**  
**LAWG-5913-1**

Evaluation Methodology:

100% Final Examination – Open book

Course Description

This course will focus on motor vehicle accident tort law and no-fault (statutory accident benefit) insurance, as well as the interplay between the two. Students will learn the evolution of and basic tenets of Ontario's motor vehicle insurance law, including basic and optional insurance coverage, statutory deductibles, threshold, uninsured and underinsured motorist protection, fault determination rules, A.D.R. at the License Appeal Tribunal, and Special Awards. The current political climate and efficacy of the automobile insurance system and the tension between the insurance industry and victim rights advocates will also be discussed. While not a prerequisite, it is recommended that students take Insurance Law.

**BANKING & NEGOTIABLE INSTRUMENTS**  
**Professor Muharem Kianieff**  
**3 credits**

**WINTER 2019**  
**LAWG-5948**

Evaluation Methodology:

100% open book final examination with paper option worth 50%

Course Description:

"Negotiable instruments" are commonly used as credit and payment instruments in consumer, commercial and financial transactions. They are widely used in connection with sales, guarantees and loans as well as most sophisticated money and financial market contracts. Some of their aspects are closely linked to the banker-customer relationship and must be studied in conjunction with the fundamentals underlying banking and the financial industry. Hence, the course deals with the law applicable to these instruments in the context of "banking" and further provides an overview of the financial system. By the end of the course students will have an understanding of the operation of various payment mechanisms including bills of exchange, cheques, wire transfers and credit cards. Moreover, students will also gain some familiarity and be in a position to critically evaluate many of the policy debates that are prevalent in commercial law.

**\*Business Associations is not a prerequisite for this course however; students are strongly encouraged to complete Business Associations before or during their enrollment in this course.**

**BANKRUPTCY & INSOLVENCY**  
**Professor Vern DaRe**  
**3 credits**

**WINTER 2020**  
**LAWG-5988**

Evaluation Methodology:

100% final exam. The final exam will be open book and will be based on the material taught from the lectures including any articles and handouts provided

Course Description:

This course provides an introduction to Canadian bankruptcy and insolvency law. It combines theory and practice, and examines the underlying principles and policies of the Bankruptcy and Insolvency Act (the "BIA") and the Companies' Creditors Arrangement Act (the "CCAA") as interpreted by the courts in the relevant case law and applied in real life examples.

The course will be taught by a combination of lectures and class discussion. Readings will be assigned for class discussion. Questions are welcomed and encouraged. Students are asked to bring to class the relevant text. There will be guest speakers, who kindly agreed to share their expertise in the subject.

**BLOCKCHAIN TECHNOLOGY & COMMERCIAL LAW**  
**Professor Muharem Kianieff**  
**3 credits**

**WINTER 2019**  
**LAWG-5968**

**Evaluation Methodology:** The course will be evaluated on the basis of a research paper worth 70% of the final grade and a 30-minute presentation worth 20%. The remaining 10% of the grade will be assessed on the basis of student participation in classroom discussions.

**Course Description:** The course will serve as an introduction to Distributed Ledger Technology (Blockchain) and outline the challenges that Blockchain-based technologies will pose to existing commercial law doctrines. In particular, the course will focus on the legal aspects surrounding the development of crypto currencies, smart – contracts and Blockchain Based Software applications. Topics to be considered include the law of payment mechanisms, consumer protection, and Privacy Laws and Regulations.

\*Although there are no prerequisites for this course, Commercial Law – Sales, or Banking and Negotiable Instruments are recommended.

**BUSINESS AGREEMENTS**  
**Special Topics in Law**  
**Werner Keller (Special Lecturer)**  
**3 credits**

**WINTER 2020**  
**LAWG-5871-62**

Evaluation Methodology (no exam):

Assignments (12 assignments each 5%) = 60%

Participation in class discussions 20% (up to 1 mark per class)

Course paper 20%

Course Description

This seminar course integrates senior students registered in UWindsor's Odette school of business with upper year students from UWindsor law in classes regarding business agreements to provide them with learning experiences at the intersection of law and business. Through readings, mini lectures, and analysis of business agreements, students prepare for participation in class discussions to engage in active and collaborative learning. Discussions focus on real business agreements, used as case studies to enhance experiential learning, where the diversity of the course learning community provides multiple perspectives regarding different agreements. Students prepare for these interactive discussions by completing and submitting various written assignments before classes on which they receive formative feedback. Towards the end of the semester, students apply the skills they learned throughout the course to analyze a real-world agreement for their final paper and orally present their analysis to the class. Students have the option to choose an agreement of interest to them to make the learning more relevant to them. Business agreements are used in the course as case studies to create memorable, thought- provoking examples for study to help develop students' skills and understanding of the structure and content of typical business contracts. Students gain "literacy" with business agreements by experiencing certain processes.

In their final 20% paper presented to the class, students will demonstrate what they have learned by doing the following

- choose and define legal/business objectives;
- collect information to be used in the process of analyzing their chosen agreement;
- identify options including negotiation positions; and
- justify their proposals for negotiating changes.

The course is designed to align learning outcomes and activities with assessments and adopts the views of Noam Chomsky (prof at MIT) who said during a speech in 2014 "[His preferred education model is]...*for the student to acquire the capacity to inquire, to create, to innovate, to challenge—that's education... You gain the capacity and the self-confidence for that matter to challenge and create and innovate, and that way you learn; that way you've internalized the material and you can go on. It's not a matter of accumulating*



*some fixed array of facts which then you can write down on a test and forget about tomorrow.”*

### **Students gain skills by experiencing typical processes**

- Identify legal issues (contract structure and deal points sufficient to inform analysis);
- Review various business agreements including their structure, terminology and usual practices;
- Gather information and formulate alternatives and priorities (synthesize);
- Identify possible proposals for contract terms and rank/rate alternatives with reasons;
- Communicate effective critiques, justifications, plans, assessments and decisions in oral and written form;
- Justify, defend and modify the negotiation positions in appropriate civil and persuasive ways;
- Produce and communicate a report that analyzes, justifies and proposes alternatives.

Students will study both transactional and relational agreements including:

General Security Agreement

Guarantee and Postponement of Claim

Letter of Intent

Settlement Agreement and Mutual Release

Shareholder Agreement & Franchise Agreement

My Teaching Philosophy - Lifelong Learning and Skill Development

University should prepare students for lifelong learning through development of critical thinking skills. I aim to pass on my knowledge, experience and attitudes to students. I align learning outcomes with learning activities and learning assessment and setting expectations

Student Feedback VIDEO & Reviews

Some students who finished this course Fall 2015 semester recorded this video >>  
> <https://ctl2.uwindsor.ca/vidlinks/301F66AC2E0B221.html> <<< **VIDEO**

See also anonymous reviews of the following

1. Fall 2015 MBA & law students at <http://www.ratemyprofessors.com/ShowRatings.jsp?tid=2066792> ;

2. The earlier B.Comm version 1.0 ( course 75 491 )

at <http://www.ratemyprofessors.com/ShowRatings.jsp?tid=29617> ; and 3. Student Evaluation of Teaching ‘SET’ results posted on UWindsor’s Student Information System ‘SIS’ for law course 08 98 971 62 Fall 2015 & MBA SET Evaluation Results for 04 75 692 sec 02 in 2015 Fall.

Enrollment Limit: ten (10 ) law students.

Eligibility (by selection if the course is oversubscribed): You will be contacted if the course has more applicants than seats to give you a chance to submit your 1 page statement of interest because the usual course registration procedures do not apply to the Business Agreements Seminar course if oversubscribed. First priority registration is given to students in the MBA JD program. In the event that this course is oversubscribed, preference will be given to students based upon an evaluation of their statement of interest/intent and their cumulative law school GPA. Interested law students will be invited to email their ONE (1) page statement of interest/intent (max 500 words) to the Academic Coordinator ([lawac@uwindsor.ca](mailto:lawac@uwindsor.ca)).

For more information, please contact Werner Keller, Instructor at [whk@uwindsor.ca](mailto:whk@uwindsor.ca)

**BUSINESS ASSOCIATIONS**  
**Professor Shanthi Senthe**  
**4 credits**

**(LAWG-5877-1) FALL 2019/Winter 2020**

Evaluation Methodology

The course will be evaluated by the use of an examination and group presentation.

**EXAM:**

This exam will count towards 80% of the grade in this topic.

The examination will comprise of a combination of problem and essay questions designed to evaluate the three distinct course objectives. Students will be expected to answer a combination of the questions, though there will be some scope for choice. The exact number of questions and the mark weighting given to each will be distributed in advance of the examination.

The examination will be open-book.

**GROUP PRESENTATION:**

The Group Presentation will count towards 20% of the grade in this topic.

Course Description

The aim of this mandatory course is to provide students with a basic understanding of the legal regulation of business enterprises. The goal at the end of the class is to have a solid understanding of the legal principles that govern business enterprises within the Canadian legal and regulatory framework. These principles include fiduciary concepts in commercial relationships.

Further, the objective of this course is not only to familiarize students with various forms of business organization, such as partnerships and corporations, but also the legal relationships embedded therein. The emphasis is on promoting a basic understanding of foundational business concepts and business-related challenges often faced by lawyers. The ultimate aim of the course is to provide students with a broad overview of the most legal issues within business associations with a focus on transactional and experiential experiences.

**CANADIAN CIVIL PROCEDURE  
(COMPULSORY IN LAW II for all Dual JDs)  
Jeffrey J. Hewitt  
4 credits**

**FALL 2019  
LAWG-5825-1**

**NOT going to work for Exchange**

Evaluation Methodology:

100% - Final examination – open book – 3 hours

Course Description

A study of the procedure in a civil action in Ontario including historical background, organization and jurisdiction of courts; commencement of proceedings; pleadings; discovery; parties; disposition without trial; motions; setting down for trial; and overview of the conduct of a trial. The distinction between the general litigation proceeding as compared to the Simplified Procedure will be examined. The course has a strong practical focus and there is an optional drafting component to assist in the understanding of the application of the Rules of Civil Procedure.

**CANADIAN IMMIGRATION AND REFUGEE LAW  
Professor Vasanthi Venkatesh  
3 credits – Perspectives and Transnational course**

**WINTER 2020  
LAWG-5957-1**

Evaluation Methodology:

50% - Final Exam

20% - Class Participation

30% - Paper

Course Description

This course provides an overview of Canadian immigration and refugee law exploring all categories of immigration law including permanent and temporary immigration, refugee system, citizenship laws, and enforcement and removals. The law will be critically analyzed in their social and political context with an aim to reveal the theoretical, historical, transnational, and constitutional underpinnings of Canadian

immigration and refugee law. Comparisons will be made with immigration and refugee laws in other countries.

**CHILD PROTECTION**  
**Valarie Waboose**  
**3 credits**

**WINTER 2020**  
**LAWG-5971-38**

Evaluation Methodology:

**Participation = 10%**

**Reflection Papers and Questions = 20%**

**Seminar Presentations = 30%**

**Take Home Exam = 40%**

Course Description:

This course is designed to provide students with the opportunity to learn and understand the complexities of child welfare law in Canada. The course will have a special emphasis upon Indigenous children within the child welfare system.

The Course will include lecture, role plays, presentations and guest speakers who practice within the area of child welfare law. The term begins with an overview of child welfare law in Canada then moves onto the role of Children's Aid Society, the role of the court system, the role of lawyers and the role of Band Representatives. The course will require students to work closely with the Child Welfare legislation.

The course will also look at Indigenous children during the residential school era, the Sixties Scoop and the current status of children within the child welfare system.

**CIVIL PROCEDURE**  
**COMPULSORY IN LAW II)**  
**David McNevin and Kyla Fair**  
**4 credits**

**WINTER 2020**  
**LAWG-5826-01**

Evaluation Methodology:

50% in-term assignment

50% final examination

**NOT going to work for Exchange**

Course Description

Civil procedure is a study of the process of civil litigation from the commencement of a lawsuit to final judgment and the rules and principles that apply. We will focus on examining the *Rules of Civil Procedure* and the *Courts of Justice Act*, which will be augmented with a discussion of case law and how the rules have been interpreted. Topics include: jurisdiction of courts; commencement of proceedings; pleadings; discovery; disposition without trial; mediation; motions; conduct of a trial; costs and appeals.

**CIVIL PROCEDURE**  
**(COMPULSORY IN LAW II)**  
**Jeff Hewitt**  
**4 credits**

**WINTER 2020**  
**LAWG-5826**

Evaluation Methodology:

100% final examination

**NOT going to work for Exchange**

Course Description

Civil procedure shall examine the process for advancing claims in the civil law context. It is essentially a course that will provide you with the framework for commencing a proceeding in civil court and/or responding to a claim that has been advanced as well as addressing interim matters within a

proceeding. We will focus on examining the Rules of Civil Procedure and the Courts of Justice Act, which will be augmented with a discussion of case law and how the rules have been interpreted.

**CIVIL PROCEDURE  
(COMPULSORY IN LAW II)**

**FALL 2019  
LAWG-5826-02**

**Noel Semple  
4 credits**

**NOT going to work for Exchange**

Evaluation Methodology

Participation (15%)

Quizzes (15%)

Open-book Exam (70%)

Optional Pleading Exercise (13%, if you choose to participate AND it would help your final grade)

Course Description

“Civil procedure” means the rules, principles, and practices by which civil (non-criminal) disputes are resolved according to the law. While most law school courses are about what resolutions the law provides, this course is about how civil legal disputes are resolved. We will study civil procedure by reading cases from a wide variety of legal contexts, including human rights, commercial litigation, and constitutional law.

Part I of the course follows a conventional civil action conducted under Ontario’s Rules of Civil Procedure. Part II of the course explores alternative routes to justice within and outside the courts, in light of the limitations of the conventional civil action. Civil procedure is meant to create access to justice. Throughout the course we will think critically about whether it is doing so, and about how it might better do so. This course will be delivered **online**.

**CIVIL TRIAL ADVOCACY**

**WINTER 2020**

**Edward J. Posliff**

**LAWG-5907-1/3/4**

**4 credits**

There are only 48 spots available for students within this program. Please do not apply to this course if you are uncertain of your ability to commit to the fulfillment of its requirements.

Evaluation Methodology:

75%- In class assignments

25%- Final Trial Performance

The in-class assignments will be graded on a weekly basis by an instructor in the course. The final trial performance will be graded by an instructor in the course.

Attendance is mandatory. Failure to complete any assignment without an excused absence will result in a zero mark for the assignment. Any missed assignment resulting from an excused absence must be made up before the next scheduled class. Excused absences shall be sought from the instructor prior to the date of the absence, except in the case of personal illness documented by a medical note.

The final trials will be conducted on Wednesday, March 18, 2020 and Wednesday, March 25, 2020 during regularly scheduled class time at the Superior Court of Justice, 245 Windsor, Avenue, Windsor, Ontario. Attendance on both dates is mandatory.

Course Description:

The purpose of the course is to assist the student in developing the basic skills of trial advocacy in the context of a civil jury trial. The techniques employed will be: (a) student performance; (b) instructor critique; and (c) observations of demonstrations by experienced counsel. (Anti-requisite: Criminal Advocacy). The

course emphasizes experiential learning. There will be little time devoted to lectures or the review of assigned readings.

**CLASS ACTIONS**  
**Professor Jasminka Kalajdzic**  
**3 credits - Transnational course**

**FALL 2019**  
**LAWG-5908-01**

Evaluation Methodology:

70% final exam or paper  
30% assignment

Course Description

The course will critically and comparatively examine a range of contemporary issues surrounding class actions in Canada and elsewhere. The course is mainly devoted to understanding Ontario class action practice and procedure, with assistance from guest practitioners. To expand our understanding of collective litigation in a global setting, five sessions will be offered simultaneously with the faculties of law at Stanford Law School (USA), Tilburg University (Netherlands) and Leuphana University (Germany). Using video-conferencing, taped lectures and online discussion forums, we will explore and compare the collective litigation mechanisms in the four jurisdictions. Students will have the opportunity to interact with law students and professors at these other law schools in a truly collaborative learning environment.

**CLIENTS**  
**Julie Macfarlane**  
**3 credits**

**FALL 2019**  
**LAWG-5945**

Evaluation Methodology:

80% - Final paper  
20% - Participation

Course Description

This class focuses on a group often neglected as a subject of study and discussion in law school – clients.

The class is built around five core client skills which are common to all types of legal practice. These are empathy; problem-solving; advocacy and commitment; counselling; and client collaboration. We shall be concerned with how legal practice is changing, in some ways dramatically, to adjust to the needs of a 21<sup>st</sup> consumer who is a very different client that 20 or 30 years ago. Course themes include client stereotypes, changes in consumer attitudes towards expertise, the impact of the Internet, the emotional dynamics of client service, and the affordability crisis in legal services.

We shall also be looking in detail – using guest instructors and clients themselves in some cases – at the particular needs and expectations of selected client groups. The five client “groups” selected reflect my own interests and experience, as well as focusing on some of the most vulnerable clients. They include: clients with addictions, Canadian Muslim clients; First Nations clients; clients with limited resources who are primarily self-representing; and victims of sexual violence.

This course will also enable students to explore concretely their own interest in working with particular groups of clients, and what it would require to establish a practice that reached out to these clients.

This course will be taught on an intensive basis as follows:

Wednesday, September 11 – 9.30 – 11.30  
Saturday, September 14 - 9:30 to 4:30  
Sunday, September 15 – 9:30 to 2.00  
Wednesday, September 25 – 9.30 – 11.30  
Wednesday, October 2 – 9.30 – 11.30  
Wednesday, October 9 – 9.30 – 11.30  
Saturday, October 19 - 9:30 to 4:30

Sunday, October 20 – 9:30 to 2.00

**CLINIC PRACTICE PROGRAM**  
**Professor Jillian Rogin**  
**4 - 11 credits**

**FALL 2019 & WINTER 2020**  
**LAWG-5926**

**NOT going to work for Exchange**

Course Description

The Clinic Practice Program is a limited enrolment program in which students are placed at one of four poverty law clinics in the South-west region; Community Legal Aid (CLA), Legal Assistance of Windsor (LAW), Chatham-Kent Legal Clinic (CKLC), or Community Legal Aid Sarnia (CLAS).

Students enrol for *either* one full term (8-11 credits) or part time (4-7 credits per term), for two consecutive semesters. Students must complete three hours of in-clinic work per academic credit. Students must also enroll in the Clinic Seminar Course for three credits whether they are in the part-time or full-time program.

The Clinic Practice Program brings students into supervised contact with clients and will learn legal skills, professional responsibility, and will deepen their awareness of systemic barriers facing marginalized clients. Students enrolled in this program will take on client files and are responsible for the file including representing clients at court appearances/hearings. All work is supervised by a staff lawyer/review counsel.

**Learning Outcomes**

At the end of this program the successful student will be able to

- 1) apply both legal and non-legal knowledge that is relevant to meeting client needs in a clinical law setting,
- 2) apply this knowledge in an ethical way to advance individual and societal goals in the pursuit and justice and the rule of law (in part by recognizing the ways in which power relations can be replicated or, alternatively, undone through law),
- 3) draw from their own observations, research and experience to,
  - a. critically analyze problems and issues in clinical law,
  - b. provide constructive solutions consistent with standards of ethical behavior and the advancement of justice, and,
  - c. recognize the limits of the law in problem-solving, and seek alternate strategies in order to meet client needs.
- 4) identify and response to ethical obligations (including but not limited to those derived from rules of professional conduct), including
  - a. demonstrating civility as expected of a legal professional;
  - b. demonstrating cultural competency and critical witnessing,
  - c. articulating and applying the ethical obligations owed to clients, the legal system, the profession and the general public, and adapting practice accordingly.
- 5) engage appropriately with the law school community, clients, other legal professionals and the public by
  - a. communicating effectively, orally and in writing, to a variety of audiences in both formal and informal contexts, and,
  - b. effectively representing the interests of clients through a variety of approaches (notably advocacy in all its contexts, as well as client counseling, negotiation and mediation).
- 6) evaluate and contribute to effective group processes, including
  - a. assuming various roles in teams to achieve defined outcome in various legal projects, and,
  - b. displaying personal leadership through advocacy for clients as well as in broader legal or policy issues as they arise.
- 7) demonstrate a creative approach to solving legal problems through
  - a. applying existing law to real and complex legal problems to provide potential solutions;
  - b. recognizing, describing and creating elegant solutions to complex legal problems, including the ability to apply learning to solve new or unfamiliar problems.
- 8) recognizing and describing the dynamic nature of law as a body of knowledge and articulating the subsequent need for continuous learning to maintain and enhance professional competence. Students will demonstrate this outcome by recognizing and seeking available learning opportunities to maintain and enhance professional competence.

Evaluation Methodology:

Pass/Fail – Clinic Work

The student work is evaluated as follows: requisite number of hours are completed, self-evaluations (start of term, mid-term, and final) reviewed with the Clinic Academic Professor, and self-reflection exercises. Feedback and evaluation will be provided to the student by the Clinic Academic Professor in consultation with Review Counsel, Staff, and the Executive Director.

**CLINICAL LAW PLACEMENT – CHATHAM-KENT LEGAL CLINIC**  
**Fall 2019 or WINTER 2020** **LAWG-5926**

**Professor Jillian Rogin**

5926-11 8 credits  
5926-12 9 credits  
5926-13 10 credits  
5926-10 11 credits

**NOT going to work for Exchange**

Evaluation Methodology:

Clinic work Pass/Fail

Three evaluations Pass/Fail

Education Plan

Mid-Term Evaluation

Final Evaluation

Course Description:

One student is invited to work for 8 - 11 credits for one term at the Chatham-Kent Legal Clinic in Chatham, Ontario (<http://www.cklc.ca/>). CKLS is a community legal clinic which serves clients with low income with a variety of poverty law matters including Tenant Rights, Income Maintenance, EI, CPP-D, Criminal Injuries Compensation and Wills and Powers of Attorney. The clinic is located at 6 Harvey Street, Chatham, Ontario, N7M 1L6.

Students are expected to provide their own transportation to and from the clinic.

The Clinic seeks a student who will work under the supervision of a clinic lawyer for 8- 11 credits, with each credit requiring 3 hours of work. Students will participate in the same clinic training as students at Legal Assistance of Windsor (LAW) for the first two weeks of the placement.

Students enrolled in this clinic placement must also take the Clinic Seminar course. The Clinic Seminar is a 3 credit course offered to LAW and CLA students. Registration must be made through the Academic Advisor.

Interested students should contact Anna Colombo at [colombo@lao.on.ca](mailto:colombo@lao.on.ca) for more information and a resume and cover letter indicating why they are interested in LAW to the Academic Coordinator. Registration will be made through the Academic Coordinator following selection.

**CLINICAL LAW PLACEMENT – COMMUNITY LEGAL ASSISTANCE SARNIA (08-98-926)**  
**Fall 2019 or WINTER 2020** **LAWG-5926**

**Professor Jillian Rogin**

5926-14 8 credits  
5926-15 9 credits  
5926-17 10 credits  
5926-16 11 credits

**NOT going to work for Exchange**

Evaluation Methodology:

Clinic work Pass/Fail

Three evaluations Pass/Fail

Education Plan

Mid-Term Evaluation

## Final Evaluation

### Course Description

A maximum of two students are invited to work for 8 or more credits for one term at Community Legal Assistance Sarnia (CLAS) in Sarnia, Ontario (<http://sarnialegalclinic.com/index.html>). CLAS is a community legal clinic which serves clients with low income with a variety of poverty law matters including Human Rights, Income Maintenance, ODSP, CPP-D, Criminal Injuries Compensation, Housing Law and Aboriginal Justice. The clinic is located at 201 Front Street N., Suite 407, Sarnia, ON N7T 7T9.

Students are expected to provide their own transportation to and from the clinic.

The Clinic seeks students who will work under the supervision of a clinic lawyer for 8- 11 credits, with each credit requiring 3 hours of work. Students will participate in the same clinic training as students at Legal Assistance of Windsor (LAW) for the first two weeks of the placement.

Students enrolled in this clinic placement must also take the Clinic Seminar course. The Clinic Seminar is a 3 credit course offered to LAW and CLA students. Registration must be made through the Academic Advisor Anna Colombo at [colombo@lao.on.ca](mailto:colombo@lao.on.ca)

Interested students should contact Anna Colombo for more information and a resume and cover letter indicating why they are interested in LAW to the Academic Advisor Registration will be made through the Academic Advisor following selection.

**CLINIC SEMINAR**  
**Professor Jill Rogin**  
**3 credits - Perspectives course**

**FALL 2019 WINTER 2020**  
**LAWG-5927-1**

### Evaluation Methodology:

20% - Class Participation  
20% - Community Project /Law reform presentation  
60% - Critical Reflections

**NOT going to work for Exchange**

### Course Description

This course integrates reading, reflection, and guided classroom discussion on the lawyer's role in providing legal services to clients living in poverty. We will examine the capacities and limitations of lawyers and legal systems in a poverty law context; ethical and professional responsibility issues in a clinical context; critical views of practice in a poverty context including critical race, feminist, and post-colonial analyses, and the social justice mission of law. Students are required to complete several written assignments in which they reflect upon assigned readings and practical clinical experience with clients, colleagues, supervisors, and other third parties. As a final project, students are required to choose a policy or law reform issue, a systemic advocacy intervention, or community project, relating to issues impacting their clients and to create a presentation outlining their intervention. This course is open to students simultaneously registered in the Clinic Practice Program at LAW or the Clinic Practice Program at CLA.

**COMMERCIAL ARBITRATION**  
**Professor Paul Ocheje**  
**3 credits**

**FALL 2019**  
**LAWG-5971-83**

### Evaluation Methodology:

100% Final Exam

### Course Description:

This course will focus on the alternative means of resolving disputes arising under international commercial contracts. International commercial arbitration will be studied as an alternative to litigation, which is controlled primarily by the terms previously agreed upon by the contracting parties, rather than by national



legislation or procedural rules. Most modern commercial contracts contain a dispute resolution clause which specifies arbitration, rather than litigation, as a means of resolving any dispute arising from the contract. The contract may also specify the forum, procedural rules, and governing law of the contract.

International commercial arbitration commands attention, not only because of its presumed advantages over litigation, but because of the issues of equity and social justice to which it gives rise. Most investor-state contracts or contracts for resource extraction between multinational investors and the third world host states often specify arbitration as the most desired mechanism for dispute resolution.

The course will discuss this mechanism in detail, identifying such issues as choice of law, types of arbitration, arbitral institutions, arbitral awards and their enforcement, and so on. In particular, the course will examine questions of compensation and restitution.

**COMMERCIAL LAW - SECURED TRANSACTIONS**      **WINTER 2020**  
**Professor Shanti Senthe**                                      **LAWG-5874-1**  
**3 credits**

Evaluation Methodology:  
80% - Open book final examination  
20% - Group Presentation

Course Description  
This course focuses on secured credit in lending, wholesale and retail sales transactions and touches upon related areas. Most of the course will deal with the financing of commercial and consumer transactions, particularly secured credit under the *Ontario Personal Property Security Act*. The course will combine statutory interpretation and legal principles as they operate throughout commercial transactions. The course is designed to examine the nature and function of security; the scope and application of the PPSA; the creation of security interests; the validity of security agreements; and rights of secured parties between themselves and against third parties and its defined priority rules. Access to credit and its related considerations will also be explored. (**Prerequisite:** *Business Associations*)

**CONFLICT COACHING FOR SRLS**                                      **(LAWG-5971)**                                      **FALL 2019**  
**Georgette Makhoul**  
**3 credits, Paper**

Evaluation Methodology:  
70% - Final Paper  
30% - Participation

Course Description  
This course will provide students with an experiential learning opportunity that reflects Windsor Law's commitment to Access to Justice. Topics covered include learning about the reasons for the rise in self-represented litigants (SRLs) and consequent implications for the practice of law, understanding the scope and limitations of a "legal coaching" model (including "conflict" coaching and preparation for settlement discussions), recognizing the difference between providing legal information as a coach and legal advice, and applying the tools of legal coaching through direct exposure to SRLs. Students will work with local SRLs in family or civil court to assist them as coaches at various stages of their case, including form completion, preparation for hearings, and with potential or actual negotiation/mediation activities and judicial settlement conferences. A high level of professional self-reflection and eagerness to explore a new phenomenon will be required. Students will not provide any legal advice.

**CONFLICTS (PRIVATE INTERNATIONAL LAW)**                                      **WINTER 2020**  
**Dewar Laing**    **LAWG-5860-1**  
**4 credits – Transnational course**

Evaluation Methodology:

TBA

Course Description

This course studies the legal treatment of facts that cross international or provincial boundaries. It examines jurisdiction of courts, recognition and enforcement of out-of-province judgments, and the application of foreign substantive law pursuant to choice of law rules. The course deals with the law relating to geographic diversity of facts in all areas of private law, including torts, contracts, property, family, estates and succession.

**CONSTITUTIONAL LITIGATION**

**Michael Dunn et al**

**3 credits**

**FALL 2019**

**LAWG-5936-1**

Evaluation Methodology:

Note First four assignments will be based on a hypothetical case to be handed out at the beginning of the term. The expert affidavit and factum assignments are team assignments; each member of the team is expected to contribute equally to both assignments and will receive the same grade.

10% - Draft a notice of application

30% - Draft an expert affidavit (teams of two)

30% - Draft a factum (teams of two)

20% - Moot on hypothetical case

10% - Class participation

Course Description

The objective of this advanced constitutional law course is to examine certain aspects of the *Charter of Rights and Freedoms* from a practical, litigation-oriented perspective. This course will look at the procedural, evidentiary and practical background of the cases to understand how those considerations influence constitutional principles and constitutional decision-making by the courts. The seminar will look at issues such as standing, facts, social and economic evidence, the respective roles of the complainant, government and intervener in court, litigation strategy and remedies. Students will examine not only the cases, but also background material such as affidavits, cross-examinations and factums.

**CONSTITUTIONALISM OF THE GLOBAL SOUTH FALL 2019**

**Professor Sujith Xavier & Amaya Alvez**

**3 credits – Transnational & Paper Course**

**LAWG-5971-68**

Evaluation Method:

55%: Research Paper (due before Dec 4 2019)

25%: Research Paper outline (due September 20 before 4 pm)

20%: Participation

**\*\* There are special conditions on registering in this class.**

The central aim of this intensive course is to introduce students to the constitutionalization of democratic values in the Global South (values such as independence of the judges, delineation and separation of the various branches of government, the protection of fundamental rights, and the role of judges in policing the boundaries of public power). We want to demonstrate how these values, enshrined and protected in the Global North, are much more contested and open to change in the Global South. For example, the recent trends to provide constitutional protection to the environment diverges from, and stands in direct contrast to, constitutional approaches in the Global North. In order to fully grasp the realities of the Global South, we employ a historical and comparative method as the basis of our pedagogy. Such an approach brings forward the history of colonization (and the spread of western values) and the role of international law in the construction of the colonies. Moreover, the lens of comparativism allows us to explore the effects of the colonization on various jurisdictions in Latin America and South Asia. Through the lens of history and comparativism, the course intends to introduce students to the ways in which constitutions have been deployed in select jurisdictions in Latin America (especially Chile, Bolivia & Colombia) and South Asia (especially India & Sri Lanka).

This course will be taught intensively from 12:00 noon to 6:00 pm on September 3, 4, 5, 6, 7, and 9. No class on September 8. **No course changes (you cannot add or drop this course) after August 21, 2019.**

**CONSTRUCTION & SURETY LAW**  
**Chuck Andary**  
**3 credits**

**WINTER 2020**  
**LAWG-5971-81**

Course Description:

The construction industry employs roughly 1.3 million Canadians and contributes over 6% of Canada's GDP. Various stakeholders, including owners, general contractors, subcontractors, and insurers and sureties have legal rights and responsibilities that arise at every phase of a construction project. This course will give students an introduction to those rights and responsibilities, with an emphasis on the recent overhaul to construction legislation in Ontario.

Evaluation Methodology:

- i) On April\*, there will be a 2.5 hour open book final examination consisting of multiple choice and short answer questions. The final examination constitutes 80% of the final grade.
- ii) 20% of the final grade will be marked based on participation during class discussions and on the blackboard message board.

**CONTRACT DRAFTING, NEGOTIATION, AND INTERPRETATION**  
**Wener Keller and Paul Layfield**  
**3 Credits**  
TBA

**WINTER 2020**  
**LAWG-5971-26**

**COPYRIGHT**  
**Professor Pascale Chapdelaine**  
**3 credits**

**WINTER 2020**  
**LAWG-5915-01**

Evaluation \_\_\_\_\_ Methodology:

15% student-team presentation

25% written assignment 2000 words

[written assignment based on experiential learning exercise outside the classroom, e.g. visit to art exhibit, theatre company, film makers]

\*60% final three-hour open-book exam

\*15% Optional – Blogpost to be considered for posting on Windsor Law LTEC Lab website ([www.lteclab.com](http://www.lteclab.com)) (bringing final open-book exam to 45% of final grade instead of 60%)

This course explores the main components of Canadian copyright law in an international and transnational context. As a statutory grant by the State, what is the purpose of copyright and how does it relate to property, contracts, and other forms of intellectual property? What subject matter (e.g., books, musical recordings, paintings, films, computer programs, indigenous traditional cultural expressions) does it (fail to) protect and why? How does copyright law mediate between the interests of authors, copyright holders, users, intermediaries, and the public? How is copyright law adapting to the digital age, artificial intelligence, and an ever-changing technological environment? These are the main questions that students will explore throughout this course. This course is particularly suited for students interested in intellectual property and technology law and theory, entertainment law and commercial law.

**CORPORATE FINANCE**  
**Geoff Clarke**  
**3 credits**

**FALL 2019**  
**LAWG-5879-1**

Evaluation Methodology:

100% Final Examination - closed book

Course Description:

This course is intended to provide an understanding of key legal and financial concepts relevant to business financing, mergers and acquisitions, investment banking and capital market activities. Topics discussed include accounting concepts, financial theory, debt vs. equity financing, various financing alternatives and selected issues relating to mergers and acquisitions. In addition, the role of various capital market participants will be examined, including directors and management, shareholders, creditors, securities dealers, legal counsel, regulators and stock exchanges. The course provides a mix of theory and case studies, including case studies that illustrate the manner in which the law is influenced by real world events including corporate finance and capital market scandals. The course aims to provide students with both knowledge and practical skills that they will find useful as a business lawyer, litigator, business executive or investor. The course is taught by a team of Toronto-based lawyers. (**Pre-requisite** Business Associations; Recommended: Income Taxation, Commercial Law and Securities Regulation)

**CRIMINAL LAW & THE CHARTER**  
**Special Topics in Law**  
**Madam Justice Renee M. Pomerance**  
**3 credits, Paper course**

**WINTER 2020**  
**LAWG-5971-39**

Evaluation Methodology:

60% Research Paper  
30% Oral Presentation of Seminar Topic  
10% Class Participation

Course Description

Constitutional issues routinely arise in the context of criminal trials. An understanding of the Charter, and the procedure for litigating constitutional claims, is essential for those seeking a career in criminal law. This is a fluid and dynamic area of the law, with many changes on the horizon. The goal of the course will be to familiarize students with constitutional theory, the operation of specific Charter provisions, and practical litigation skills including Charter advocacy.

The subject matter of the course falls into three categories 1) the investigative process (ss.8,9, and 10 of the Charter); 2) the adjudicative process (s.7, s.11, s.12 of the Charter); and 3) remedies (ss.24(1) and 24(2) of the Charter, s.52 of the Constitution Act, 1982).

This course will be taught intensively.

**\*\* DATES TO BE CONFIRMED IN A REGISTRATION UPDATE**

**CRIMINAL PROCEDURE**  
**Sandy DiMartino**  
**3 credits**

**FALL 2019**  
**LAWG-5883-1**

Evaluation Methodology:

10% Class Participation  
10% Written Assignment  
80% Final Examination (Open Book)

Course Description:

Criminal procedure can be described as the process by which an offence comes to be adjudicated. This course engages a critical approach to understanding criminal procedure in Canada. It includes issues of: police investigative powers; the limits on police powers in accordance with the *Charter of Rights and Freedoms*; the procedure in taking a matter to trial including jurisdiction, bail, and issues relating to disclosure, plea bargaining, and delay; and aspects of the trial process. While learning about substantive law relating to criminal procedure, attention will be paid to how the criminal legal system in Canada engages and perpetuates intersecting forms of oppression and systemic bias.

**CRIMINAL ADVOCACY**  
**Patrick Ducharme**  
**4 credits**

**WINTER 2020**  
**LAWG-5909-1**

Evaluation Methodology

25% Written Factum (15 pages or less)  
25% Topic Paper (8-10 pages)  
50% In-Class Assessments & Participation

Course Description

The mark in this course will be comprised of three separate marks assigned to three separate aspects of the course as follows

1. Written Factum (25%) – Students will prepare an application, including a written factum of no more than fifteen pages in length. The fictional case and accompanying materials provided for the in-class exercises will serve as the factual scenario for the application. Students will be required to identify the issues, research case law in support of their position and present a written argument.

2. Topic Paper (25%) Students will submit a paper that examines an aspect of criminal trial advocacy. Students will be free to choose their own topic for this paper, pending approval by the instructor. The topic papers should be 8-10 typewritten pages in length, double-spaced.

3. Participation (50%) – The last and perhaps most important, aspect of this course will be class participation. Attendance is mandatory. Any absences should be explained in advance to the instructor. Unexplained or unreasonable absences will be held against the student. Students are expected to participate in class discussions, assist in providing constructive feedback to students and participate in in-class exercises.

During the first two weeks of class, students will sign up on participate in in-class exercises. Each student will be required to take on the role of a defence lawyer or prosecutor in at least one exercise. Students can volunteer to participate in additional exercises as a witness or lawyer (if there are additional spots available). For the exercises, students will be evaluated based on preparation for and performance of the exercise. Some exercises may require the student participants to prepare written materials, conduct additional research or meet with other participants to conduct witness preparation.

**(Co-requisite:** Evidence. **Anti-requisite:** Civil Trial Advocacy).

**DISPUTE RESOLUTION: THEORY, CONTEXT & PRACTICE WINTER 2020**  
**Professor Julie Macfarlane**  
**3 credits – Perspectives, Paper Course**

**LAWG-5827-1**

Evaluation Methodology:

75% - Research Paper  
25% - In Class Assignments, Simulations and Discussions

Teaching Methodology:

Through a combination of assigned readings, lectures, class discussions, simulations, role plays, and group work, students will link theory with practice in dispute resolution. Active participation and

engagement in practical exercises and discussions is very important. Some of this class will be taught in an intensive format to expand the time available for extended roleplays and exercises.

**Course Description:**

This course is an introduction to dispute resolution processes, which aim to build consensus and in particular negotiation, mediation, and other collaborative problem-solving processes. Included are examples of the use of these processes in the justice system such as court -connected mediation, restorative justice and diversion programs, judicial settlement conferencing - and by lawyers in private practice using negotiation, mediation, and collaborative law. The foundation of these practical skills is an introduction to conflict theory and an understanding of a spectrum of dispute resolution choices available to clients. We shall spend a significant amount of time in this class talking about how lawyers can offer choices to clients and assist them in decision-making. Both the analytical and practical skills acquired in this course are of critical importance to law students in their role as advocates assisting clients to resolve disputes, and are equally transferable to any professional context.

This course encourages students to think in practical and realistic terms about what clients want and how to best meet their needs. It also encourages critical thinking about the potential of conflict resolution processes to enable access to justice; to meet individual client needs; to address systemic issues such as discrimination and entrenched power; and to enhance power-sharing between lawyer and clients. This discussion will be set against the background of the explosion of self-represented litigants in our justice system who cannot afford access to legal representation, and many who feel dissatisfied with the traditional model of legal services delivery.

This course will include weekend intensives; dates to be announced in the registration updates.

**Entrepreneurship and Law: The EPICentre Practicum (formerly called FUNDAMENTALS OF IP STRATEGY)**

**Professor Myra Tawfik  
3 credits – Transnational Course**

**FALL 2019 and WINTER 2020  
LAWG -5969**

**Limited enrolment: maximum 10 students per semester**

Evaluation Methodology:

This course has generally involved a mix of methods including attendance and participation, client projects, completion of online course modules and final IP strategy assignment.

Course Description:

Note: This course used to be called Fundamentals of IP Strategy

Offered each term, this is an innovative experiential course in IP law and business law developed in collaboration with EPICentre, the on-campus entrepreneurship and innovation centre. The course is designed to enhance the practical skills and expertise of those interested in the strategic aspects of intellectual property law and practice from both business and legal perspectives. Students will work with start-up clients (either live or simulated) and will be assigned projects relevant to the course subject-matter. It is anticipated that students will prepare and deliver law-related workshops and will provide legal triage services for the innovation community in Windsor-Essex County. Given the participatory and experiential nature of the course, students are expected to actively engage with the material and their assigned projects and to come prepared for class. Students must also be willing to meet with clients or attend events outside of class time.

**Pre-requisites: At least one intellectual property law course ( Patent, Trademark, Copyright, or International IP Law Clinic ). Those without prior IP coursework can be admitted at the discretion of the Professor. Expressions of interest to participate in this course should be directed to Professor Tawfik ([mit@uwindsor.ca](mailto:mit@uwindsor.ca)). Students can only take this course once.**

**ENVIRONMENTAL LAW**  
**Professor Patricia Galvao Ferreira**  
**3 credits**

**FALL 2019**  
**LAWG-5920-1**

Evaluation Methodology:

30% problem based learning assignment and presentation (individual or team)  
10% class participation  
60% final three-hour open-book final exam

Course Description

Environmental law is one of the most dynamic and relevant areas of legal practice. Much beyond protecting the polar bear, environmental law plays a pivotal role in protecting the health and welfare of current and future generations, guiding long term economic development, and managing natural resources sustainably. This course employs a combination of lectures, class discussions, case studies and in-class exercises to understand how law is used to address key contemporary environmental issues including air, land & water pollution; climate change; biodiversity & endangered species protection; sustainable energy production & consumption; and sustainable management of natural resources. The course will also discuss the role of law in ensuring that ethnic minorities or low income communities are not disproportionately affected by adverse environmental impact (environmental justice).

Students will develop an understanding of the major environmental statutes and the common law and constitutional law that are relevant to environmental protection in Canada, as well as systems for environmental compliance and enforcement (including judicial review of environmental decision-making). Traditional environmental law models – common law, regulatory statutes, criminal and administrative sanctions, environmental impact assessment – will be contrasted to alternative approaches such as economic incentives and environmental bills of rights. The course will explore intersections between environmental law and: indigenous rights, food law, intellectual property, trade law, among others.

By the end of the course students will be able to understand the potential and limitations of using law to develop a cleaner, safer and more stable economy, and to protect our health and the natural resources we and our descendants depend on.

**(TRANSNATIONAL) ENVIRONMENTAL LAW CLINIC**  
**Professor Patricia Galvao Ferreira**  
**3 credits**  
**Pass/Fail**

**WINTER 2020**  
**LAWG-5974-1**

Evaluation Methodology:

The grade is pass/fail. Your grade will be based on the assessment of your performance as a student advocate/attorney and will take into account a combination of:

- (1) attendance at clinical meetings and preparation for and participation in the meetings and project presentations;
- (2) timely submission of research memos and case work and billing/time;
- (3) a final reflection and summary of the learning experience;
- (4) a 4,000 to 8,000-word research memorandum;
- (5) demonstration of lawyering skills including legal research skills, legal analysis, case development and strategy, legal writing and oral communication, reflection, ability to recognize ethical issues, client interviewing and counseling (if applicable), and communication with co-counsel (when applicable).

Course Description:

Windsor Law has partnered with law schools in Michigan such as Wayne State Faculty of Law and Detroit Mercy Law School to create North America's first Transnational Environmental Law Clinic. The clinic teaches students the skills and strategies needed to affect environmental policy in all three branches of state and federal government. One key objective is to help students transition into their roles as future professionals by providing opportunities for integrating legal research, writing and advocacy skills within real-world situations.

Another objective is for students to learn about current environmental policy challenges and opportunities and explore these issues from multiple perspectives. Students develop a number of core advocacy competencies, such as identifying environmental challenges, problems and legal and governance mechanisms that need improvement, conducting factual investigations, performing practical legal research, advocating through written and oral communications, planning cases, managing time, and addressing ethical issues and dilemmas and sometimes counseling clients and working on administrative appeals or lawsuits.

In addition, students develop an appreciation for the range of strategic and tactical approaches that effective advocates use. Some matters will be best resolved through a policy brief presented at face-to-face meetings with government officials, others by putting public pressure on a polluter or administrative agency in front of a judge, others in an adversarial hearing, etc.

The Clinic meets once a week, with the time divided between a seminar component (1 and ½ hour) and project discussion (1 and ½ hour).

**ESTATE PLANNING AND ADMINISTRATION**  
**John Clark**  
**3 credits**

**(08-98-841-1)**  
**LAWG-5841-1**

**WINTER 2020**

Evaluation Methodology:

Evaluation will be on the basis of pass/fail. Two assignments will be issued, the first in week 6 of the semester, returnable in week 9. It will relate to the creation of a law firm composed of two or more students in the class, the contractual relationship between the members, succession planning within the partnership, and the preparation of the necessary testamentary and other documents required to give effect to the agreement between them.

The second assignment will be made in week 11, returnable during the final examination period on a date to be determined. It will involve the rendering of an opinion and a memorandum to the senior partner of the law firm, outlining a proposal for action to deal with issues arising out of a hypothetical situation. Each assignment will be of equal value.

Course Description:

Instruction in the law and practice of Estate Planning and Administration including:

**Part A** developing and implementing the estate plan including consideration of such influential factors as the nature of family and other obligations and the choice of law rules; succession planning for business; powers of attorney for persons and property; appointment of guardians and custodians; life insurance and business evaluations; and applications for the appointment of an estate trustee.

**Part B** an examination of issues relating to taxation at death and personal tax planning; contentious proceedings and practising defensively; the impact of *Family Law Act* upon estate planning; applications for dependants' support; and claims by common law spouses and same sex partners.

**Part C** an analysis of the administration of an estate, the nature of trusts and trustees obligations; trustee actions; the application to testamentary trust; liability of trustees; administration of estates and the realization of assets including those in foreign states, payment of debts, testamentary expenses, taxes, and so forth; distribution and duty to account; and the role in contentious proceedings and need for even handedness.

Instruction Methodology: The students will be divided into distinct "law partnerships". Fact situations and issues relating to the curriculum will be presented. Some will be dealt with in lecture format; in other cases, the fact situations and issues arising will be presented for analysis by the entire class, and in others, (with the assistance of guest participants comprised of current estate planning professionals, the substantial issues of law and also particular solicitor-client issues will be reviewed by the law partnerships pursuant to their legal retainers by the "clients" presented in the fact situations.

**(Pre-requisite The usual course registration procedures do not apply to the this course.** Registration will be limited to those who have taken Wills and Succession, and preference will be given to students who have completed Business Associations, Trusts, Taxation, and Family Law. In the event the course is over-subscribed, preference will be based on cumulative GPA.



**Interested students must indicate their intent to apply by email to the Academic Coordinator (lawac@uwindsor.ca) by 12:00 noon on Friday, September 13, 2019 including “Estate Planning and Administration” in the subject line. Students will be notified if they are selected in November 2019 when registration for Winter 2020 reopens.**

**EVIDENCE**  
**Professor David Tanovich**  
**4 credits**

**FALL 2019**  
**LAWG-5850-1**

Evaluation Methodology:  
40% - Writing Assignment  
60% - Final Examination

Course Description

The law of evidence is procedural in nature. It is aimed at control and regulation in an effort to fairly promote the search for truth. Those it controls through rules of admissibility and proof include the judge, the fact-finder, the lawyers and witnesses. The law of evidence consists of many rules and exceptions to the rules. As a result, the general guiding principles often get lost in a mass of cases and statutory provisions. In an effort to promote learning, the course has been revised with a greater focus on the general principles and on experiential learning.

The goal of the course is to briefly summarize the leading principles in lectures (supplemented with the readings and my detailed lecture notes in the form of power points) and then to explore the principles in context through case studies, problems and other class exercises. A feminist and critical race lens will be used to assess the fairness and efficacy of the rules. The course is organized into three sections.

The first section will introduce the student to some of the foundational elements of evidence including relevance, inductive reasoning, authentication, exclusionary discretion, limiting instructions, sufficiency and proof. The second section will examine exclusionary rules involving prior sexual history, bad character of the accused, hearsay, confessions, expert opinion evidence and oath-helping. The third section will explore the basic rules governing competence and compellability, questioning and impeachment of witnesses.

**EVIDENCE**  
**Professor Jasminka Kalajdzic**  
**4 credits**

**WINTER 2020**  
**LAWG-5850-1**

Evaluation Methodology:  
20% - Mid-term test  
80% - Exam - 3-hour open book final exam

Course Description

This course provides an introduction to the law of evidence. In the first part of the course we will look at the purpose of the law of evidence and fundamental principles of relevance, prejudicial effect and burdens of proof. In the second part of the course, we look at the rules governing the admissibility of various types of evidence, including witnesses, documentary evidence and judicial notice. In the third part of the course we examine exclusionary rules, principally hearsay and privilege. Throughout, we will identify the ways in which evidentiary rules affect both civil and criminal proceedings, and consider questions of ethical conduct.

**EXTERNSHIP PLACEMENT**  
**Professor Tess Sheldon**  
**Supervising Professor – Externship Program Director and Placement Supervisor**  
**4 credits**

**FALL 2019 or WINTER 2020**  
**LAWG-5933-01**

**Evaluation Methodology:**

**NOT going to work for Exchange**

The Placement portion of the Externship Program is assessed on a pass/fail basis. Students must complete a Learning Agreement, Mid-Term Evaluation and Final Evaluation. Both the Externship Professor and Placement Supervisor will assess these assignments. Feedback will primarily come from the Placement Supervisor based on the work conducted by the student over the term.

**Course Objectives:**

The placement course exposes students to real-world legal work in which they develop lawyering competencies and adapt to the various roles of a lawyer. Students work under the close supervision of an on-site lawyer, receiving frequent feedback on assignments that increase in responsibility over time. Students will be given exposure to access to justice in practice and reflect on the nature and availability of justice in their specific placement context.

**Course Description:** Students enroll in the Externship Placement as part of Windsor Law's Externship Program, simultaneously with the "Learning in Place" seminar. Placements occur in a wide variety of law-related settings and will expose students to a range of competencies important for legal work. Placements vary from term to term and are governed by a set of learning outcomes. Placements share an overarching commitment to, and analysis of, the operation of access to justice. Student-specific competencies aligned with the learning outcomes are developed by the student, Placement Supervisor, and Externship Director. Students are expected to develop a Learning Agreement describing these competencies and plan to meet them over the term. In addition, students complete a midterm and end-of-term evaluation.

**Selection of Students:** Applications are collected in May for the Fall and Winter terms, and again in October for any outstanding placements in the Winter term. Students may apply by submitting an online [Externship Program Application Form](#). Required documents for an application include a cover letter, resume, and transcript (an unofficial transcript will suffice). Students are not guaranteed any particular placement but can rank placements in order of preference during the application process. Applications will be assessed in consultation with the Placement Supervisors.

**FAMILY LAW**  
**Cynthia Nantais**  
**4 credits**

**FALL 2019 or WINTER 2020**  
**LAWG-5843-1**

Evaluation Methodology:

TBD

Course Description

An introduction to the legislation and case law arising in the area of family law, including cohabitation and marriage, divorce, custody and access, child and spousal support and property division.

**FIRST NATIONS WOMEN & THE LAW**  
**Beverley Jacobs**  
**3 credits – Paper course**

**WINTER 2020**  
**LAWG-5971-69**

Evaluation Methodology:

20% course participation  
20% in-class presentation  
10% research paper outline  
50% research paper

**This could be a very interesting class**

Course Description:

This course will introduce students to Indigenous legal traditions that recognize the inherent laws that identify the leadership strengths and responsibilities of Indigenous women. This course will also introduce the imposition of colonial law that has had an impact upon Indigenous lives, including Indigenous women's lives. Canada has defined Aboriginal peoples in the Constitution Act, 1982, s. 35 (1) as "Indians, Metis and

Inuit” peoples. “Indians” have been renamed as “First Nations”. The focus of the second part of this course is to also understand how Canadian laws have impacted the lives of Indigenous women aka “First Nations” women. The focus of the third section of the course is to understand the resilience of Indigenous women despite the imposition of colonial law. Land-based experience is included in the course with a visit to Six Nations Grand River Territory and the Mohawk Institute (former residential school) in Brantford, ON.

**FREEDOM OF EXPRESSION**  
**Professor Richard Moon**  
**3 credits – Perspectives, Paper Course**

**WINTER 2020**  
**LAWG-5937-1**

Evaluation Methodology:  
80% Research Paper  
20% Seminar Presentation

**Course**

This course will examine the constitutional protection of freedom of expression in Canada. The course will consider the different justifications for the special protection of expression. It will also consider what it means to constitutionalize freedom of expression. The course will examine a variety of issues including the regulation of hate promotion, election spending, defamation, commercial advertising, and communicative access to the media, public spaces, and university campuses. The course will focus on Canadian cases but will also consider how some of these issues have been dealt with in other jurisdictions.

**Description:**

**FREEDOM OF RELIGION**  
**Professor Richard Moon**  
**3 credits – Perspectives, Paper Course**

**FALL 2019**  
**LAWG-5938-01**

Evaluation Methodology:  
80% - Research Paper  
20% - Class participation & presentation

**Course Description:** The course will examine the constitutional protection of freedom of religion. It will focus on Canadian cases and issues, but will also look at cases and materials from other jurisdictions. The course will consider the freedom’s theoretical basis as well as a variety of current issues including state support for religious practices, the funding of religious schools, the accommodation of religious practices, the autonomy of religious communities, and blasphemy and religious criticism. The central theme of the course will be the re-conception of religious freedom in the contemporary Western context of greater religious diversity and agnosticism.

**HUMAN DIGNITY**  
**Special Topics in Law**  
**Professor Reem Bahdi**  
**3 credits – Perspectives, Transnational Course & Paper course**

**Fall 2019**  
**LAWG5971-20**

Evaluation Methodology:  
TBA

Course Description:

This interdisciplinary course examines the role of dignity as a concept that can drive social change and the pursuit of justice. This course aims to give participants – students and instructors – the space to explore the meaning of dignity and its relationship to social change, the tools to advance dignity in their professional lives, and the opportunity to engage in interdisciplinary rather than multi-disciplinary learning. Students will examine interdisciplinary meanings of dignity as well as sources of dignity in international and comparative law.

**INCOME TAXATION**  
**Marcela Aroca**  
**4 credits**

**FALL 2019**  
**LAWG-5832-1**

Evaluation Methodology:  
100% Final Exam

Course Description

This course is designed to provide an introduction to Canadian Personal and Corporate Income Tax Law. It is a foundation course upon which other focused and specialized courses will be based for those students intending to give emphasis to taxation in their law careers.

**INSURANCE LAW**  
**Dina Mejalli**  
**3 credits**

**(08-98-912-1)**  
**LAWG-5912-1**

**FALL 2019**

Evaluation Methodology:  
100% - Final Examination – open book

Course Description

A general introduction to the principles of the law of insurance. The course includes examination of agency, duty of disclosure, formation and construction of the contract, insurable interest, waiver and estoppel, valuation, subrogation, and the making and settlement of claims.

**INTERNATIONAL BUSINESS TRANSACTIONS**  
**Professor Maureen Irish**  
**3 credits – Transnational Course**

**WINTER 2020**  
**LAWG-5859**

Evaluation Methodology:  
Examination (100%) or research paper and presentation (100%), at the option of each student.

This seminar studies private law aspects of international economic transactions and government regulation affecting Canadian businesses, including small and medium-sized firms as well as large companies. Topics include international sales contracts, payment mechanisms, f.o.b. and c.i.f. trade terms, transportation law, border security, Canadian customs and anti-dumping law, international investment law, Canadian foreign investment review, international arbitration, government procurement review, and Canadian and international controls on corrupt practices. There are no course pre-requisites or recommended courses.

**INTERNATIONAL ECONOMIC LAW**  
**Professor Maureen Irish**  
**3 credits – Transnational, Paper Course**

**FALL 2019**  
**LAWG-5862-1**

Evaluation Methodology:  
Research paper, presentation and participation

Course Description

This course studies public international economic law, including the law of the World Trade Organization, international development, international financial law (IMF and World Bank), international investment law, and aspects of international commercial arbitration.

**INTERNATIONAL ENVIRONMENTAL LAW**

**WINTER 2020**

**Professor Patricia Galvao Ferreira**  
**3 credits**

**LAWG-5921-1**

Evaluation Methodology:

30% problem based learning assignment and presentation (individual or team)  
10% class participation  
60% final three-hour open-book final exam

Course Description:

The environment knows no boundaries. While states use domestic law to address local environmental problems, we are increasingly confronted with significant transboundary and global environmental challenges like the loss of biodiversity, growing marine pollution, and the threat of climate change. This course examines the legal, scientific, political, economic, and organizational issues associated with the creation of international environmental regimes to address, *inter alia*, atmospheric pollution and climate change, the law of the sea and protection of the marine environment, protection of species and biological diversity (including access to and benefit sharing of genetic resources). The course includes discussion on the sources and general principles of international environmental law, general rights and obligations of states, and issues related to compliance and implementation. Other overarching themes that will illustrate the inherent tensions in international environmental lawmaking include ecological limitations versus economic development; North-South divide and equity considerations; international regulation versus national sovereignty; non-state actors participation in international lawmaking.

The issue of climate change, with a focus on the current regime(s) and the lead-up to the Paris Conference of the Parties to the UN Framework Convention, will receive special attention during the course.

**INTERNATIONAL HUMANITARIAN LAW**  
**Professor Kirsten Stefanik** **LAWG-5853-1**  
**3 credits – Perspectives, Transnational, and Paper**

**WINTER 2020**

Evaluation Methodology:

65% Research Paper  
15% Presentation  
20% Participation

Course Description

The Law of Armed Conflict, or International Humanitarian Law, regulates how armed conflicts are fought in order to protect victims and reduce unnecessary suffering. The course will examine both relevant treaties (especially the 1949 Geneva Conventions and Additional Protocols) and customary international law (as found in military manuals and the decisions of international criminal tribunals, among other sources). Specific topics to be examined include the obligation to distinguish between combatants and non-combatants, the challenges posed by new weapons and the treatment of detainees.

**INTERNATIONAL LAW OF REFUGEES AND FORCED MIGRATION** **WINTER 2020**  
**Special Topics in Law** **LAWG-5952**  
**Professor Anneke Smit**  
**3 credits – Perspectives and Transnational**

Evaluation Methodology:

Participation, in-class presentations, short answer (in-class) midterm, final research paper.

Course Description

The world continues to experience a crisis of refugees and forced migration (and migration management) as large as any in modern history. The international legal regulation of forced migration has been pushed almost to breaking point by the political and logistical pressures on receiving states around the world. While the individual claimant-focused 1951 *Refugee Convention* continues to play an important role, most forced

migration today is *en masse* and the result of armed conflict (and increasingly also economic development or environmental disasters). It also occurs both across and within internationally-recognized borders. Responses to the displacement crisis by potential host states have varied, from acceptance of refugee flows arriving at borders, to closing those borders and sending refugees back towards their home countries, to resettling refugees in third countries such as Canada. Refugee policy, and state responses to refugee movements, have been key catalysts in elections and referenda in (among others) Canada, the United States, the United Kingdom, France and The Netherlands in recent years.

This course will offer an intensive learning experience in the area of international refugee law and policy through seminar-style class sessions based on assigned readings, discussions of news reports and real-time developments in refugee policy, guest speakers, class presentations and a final research paper.

The starting point for the course will be the international legal framework to address forced displacements, and proposals for reworking the framework. It will proceed to cover topics such as the management of mass refugee flows (including recent international, regional and domestic responses to mass migratory flows); law and justice in refugee camps and settlements; the durable solutions to displacement (return, local integration and resettlement); post-conflict justice; and environmental/climate-change and development-induced displacement.

This course will be of interest to students who plan to work in the areas of immigration/refugee law, international humanitarian and/or human rights law, clinical legal practice, and/or politics. It may also be of interest to students simply to allow them better to understand one of the leading international political issues of the day.

Pre/co-requisite: There are no pre- or co-requisites for this course, although Public International Law is recommended, as is Immigration and Refugee Law.

**JUDICIAL INTERNSHIP – CRIMINAL LAW – PROVINCIAL COURT - WINDSOR**

**(08-98-966-01) LAWG-5966-01**

**Fall 2018 or Winter 2019**

**NOT going to work for Exchange**

**JUDICIAL INTERNSHIP – FAMILY LAW – PROVINCIAL COURT WINDSOR**

**(08-98-965-01) LAWG-5965-01**

**Fall 2018 or Winter 2019**

**NOT going to work for Exchange**

**JUDICIAL INTERNSHIP – CRIMINAL AND FAMILY LAW – PROVINCIAL COURT NEWMARKET**

**(08-98-967-01) LAWG-5965-01**

**Fall 2018 or Winter 2019**

**NOT going to work for Exchange**

**JUDICIAL INTERNSHIP – CRIMINAL AND FAMILY LAW – PROVINCIAL COURT CHATHAM**

**(08-98-968-01) LAWG-5968-01**

**Fall 2018 or Winter 2019**

**NOT going to work for Exchange**

**Supervising Professor – Externship Director**

**3 credits**

**CRIMINAL LAW – PROVINCIAL COURT – WINDSOR**

**NOT going to work for Exchange**

There are two placements available each term. The successful applicants must be available for one day per week (Thursday or Friday). Please note that both interns must be available on the same day. The successful applicants must have completed Evidence. Criminal Procedure is not a mandatory course, but would be an asset.

**FAMILY LAW – PROVINCIAL COURT – WINDSOR**

**NOT going to work for Exchange**

There are three placements available each term. The successful applicants must be available all day on the same day and have completed Civil Procedure, Evidence, and Family Law.

**CRIMINAL AND FAMILY LAW – PROVINCIAL COURT – NEWMARKET**

**NOT going to work for Exchange**

There is one placement available each term. The successful applicants must be available all day on Friday and have completed Civil Procedure and Evidence.

### **CRIMINAL AND FAMILY LAW – PROVINCIAL COURT – CHATHAM**

There is one placement available each term. The successful applicant must be available all day for one day per week (any day except Friday) and have completed **Family, Civil Procedure, Criminal Procedure and Evidence**

**NOT going to work for Exchange**

#### **Evaluation Methodology:**

Pass/Fail based on professionalism and contributions to the work of the Court (preparation of research memoranda, etc).

#### **Course Objective**

This course will expose students to the experience of interning with an Ontario court and the benefits of interaction with judges. Students will have the opportunity to do legal research in relation to specific, practical legal problems, which judges must address in their day-to-day work.

#### **Course Description**

Students in the course are required to spend one day per week at the court house working on their assignments. Some flexibility *may* be possible in arranging for two mornings or two afternoons per week instead of a full-day or in completing assignments at the law school library. However, any such alternative arrangements must be approved by the Court. It is expected that the student will spend approximately eight hours per week at the Court House.

Students report to the Supervising Judge when they attend at the Court House and receive all of their assignments from the Judge. However, when working on assignments from other judges, they discuss the matter directly with the Judge for whom the work ultimately is being done. The Supervising Judge is the students' point of contact with the Court. When the Supervising Judge is not available, interns are expected to show initiative and seek out assignments from other judges who are in the office.

The Externship Director, or another faculty member assigned to the course, will oversee the internship and liaise with the Court on matters relating to the operation of the course and the students' performance. The Supervising Judge will meet with the student interns at the beginning of each term to acquaint them with the Court and to outline their duties. Throughout the term, the Supervising Judge will monitor the students' work to ensure that they are engaged in research activities that advance their knowledge of the law and the work of the Court. In addition, the Supervising Judge will ensure that the students' workload is appropriate for the one-day a week commitment required for the clerkship. Students will be expected to keep a log of their work for review by the Supervising Judge and the Externship Director or other faculty member assigned to the course.

Student performance is based on professionalism and contributions to the work of the Court (preparation of research memoranda, etc.), **assessed by the Supervising Judge.**

#### **Selection of Students**

Applications are collected in April. Students may apply by submitting an online Judicial Internship Application Form. Required documents include cover letter setting out the student's reasons for seeking an internship and the qualities and experience the student possesses that make them suited for the position. A resume and transcript must also be provided (an unofficial transcript will suffice). Students will apply for their preferred Judicial Internship placement and have the opportunity to provide any further information that supports their application. The applications will be assessed in consultation with the Supervising Judges. Students who were unsuccessful in the Fall term are encouraged to apply again for any vacancies in the Winter term.

**LABOUR ARBITRATION**  
**Thomas Kuttner**  
**3 credits**  
TBA

**WINTER 2019**  
**LAWG-5868-1**

**LABOUR LAW**  
**Kendall McKinney**  
**3 credits**

**FALL 2019**  
**LAWG-5867-1**

Evaluation Methodology:

A 100% final, take-home, open book exam, with an option for 50% take-home open book exam AND a research paper worth 50%.

Course Description:

This course focuses on the *Wagner Act* system of labour relations as it has evolved in Canada, and as is embodied in law in Ontario by the current *Labour Relations Act 1995*. The application of this system in Canada has been significantly reshaped by Supreme Court decisions, particularly since 2010. The course will therefore start with Labour Law in both its constitutional context and its “real world” context.

[Please note, this course **does not** cover the legal regulation of non-unionized employees, which is taught in the Personal Employment Law course (common law, *Employment Standards Act* and *Human Rights Code* regulation of the employment contract). Other than a brief introduction, and as necessarily incidental, it **does not** examine the content of collective bargaining agreements and processes for their interpretation, which is taught in the Labour Arbitration course. Please also note that Labour Law is a prerequisite for the Labour Arbitration course.]

While the Judicial Review course is **not** a prerequisite for Labour Law, it is an extremely valuable companion course. The process of judicial review is necessarily incidental to understanding the labour law system; students who have taken or are taking the Judicial Review course will find that knowledge very helpful in the study of the labour law system.

The course will examine:

The nature of collective bargaining and a brief history of its emergence in Canada.

The evolving nature of unionized work in Canada within social, economic, political, and trade relationships, and a brief introduction to our system of labour law within an international labour law context.

The newly revised constitutional context of labour relations in Canada.

The acquisition, retention, and termination of collective bargaining rights in our current system.

The resolution of disputes by arbitration. This one of the key distinguishing features of the system, and is the subject of an entire other course. Labour Law will explain this aspect of the system to the extent necessary to prepare students to go on to more advanced study, and to make the rest of the system intelligible for all students.

The rights and responsibilities of the parties to collective bargaining and collective agreements, the regulation of labour and management, and the legal remedies available to one party for a breach by the other.

The statutory and constitutional regulation of strikes, lockouts, picketing, and other pressure tactics in labour disputes.

**LAW AND DEVELOPMENT**  
**Professor Paul D. Ocheje**  
**3 credits – Perspectives, Transnational, Paper course**

**WINTER 2020**  
**LAWG-5924-1**

Evaluation Methodology:

80% Research Paper

20% Class Participation

Course Description:

This course examines the role of law in the improvement of the social, political and economic conditions of the developing nations of the world. The theoretical significance/relationship of law in and to the processes which produce social change will be examined in the context of an eclectic collection of local and international development issues, such as poverty, human rights, good governance, the environment,



economic development, international aid, and so on. In so doing, the course will draw upon the relationship between law and other disciplines, such as economics, political science, sociology and anthropology. The course will also draw extensively on official reports and other publicly-available resources to explicate its main themes.

**LAW OF MIGRANT WORK**  
**Professor Vasanthi Venkatesh**  
**4 credits – Perspectives and Transnational course**

**Fall 2019**  
**LAWG-5989**

Evaluation Methodology:

25% - Final Paper  
20% - Class Participation  
40% - Clinic Reports  
15% - Seminar Memos

Course Description

Students will provide assistance to a summary advice clinic for migrant farmworkers which will be administered at various places in the Leamington Area, every 2-3 weeks during the Fall Semester. The course will have two components:

1. The Clinic where the students will support counsel in administering and providing summary advice to migrant farmworkers in the Windsor-Leamington area. Students will have the opportunity to attend the clinic, help with intake, assist counsel with casework, prepare reports and referral letters, and provide support for legal education and organising migrant farmworkers in the region. The Clinic will be held every 2-3 weeks on Sundays. Transportation assistance will be provided.

2. In-Class Seminar: On weeks with no clinic days (7-8 weeks), students will attend a seminar course which will provide academic knowledge and advocacy training in the areas of law that affect migrant farmworkers. This will include an overview of the challenges in representing migrant workers and advocating for their rights as well as the basics of immigration and refugee law, employment law, workers compensation law, and international law and policy in the context of migrant work.

**(THE) LAWYER AS CONFLICT RESOLVER**  
**Kadey Schultz**  
**3 credits – Perspectives, Paper course**

**(08-98-828-1)**  
**LAWG-5828-1**

**WINTER 2020**

**Description and overview**

This course will examine the changing role of the lawyer as an agent of conflict resolution, and in particular the move away from a traditional adversarial/positional advocacy role. It will present a new model of lawyering practice which responds to client needs and expectation in the 21<sup>st</sup> century – the “New Lawyer” – and which reflects the reality of the decline of the trial as a mode of conflict resolution.

Lawyers are increasingly finding themselves participating in processes which require new and often unfamiliar skills and strategic concepts - including mediation, collaborative family lawyering, and co-operative negotiation. The course will first examine the traditional 'dominant' notion of advocacy for lawyers, its origins and rationale, and the debates and their implications for practice that exist within this traditional framework (the lawyer as hired gun, the lawyer as wise counselor and so on).

The course will then explore the foundational principles of a model for legal advocacy as a conflict resolution role, considering case studies in a variety of fields including family law, employment law and criminal law. Questions which arise include: Can a lawyer be effective in representing a vulnerable client in mediation? Is strong advocacy and an orientation towards consensus building compatible? Is there a case to be made for a two-track profession - one that conducts litigation and the other which works collaboratively on behalf of clients? How do lawyers provide the conflict resolution services that clients want and need in the 21<sup>st</sup> century?

This discussion will be grounded in empirical research and skills-based practice exercises. Our aim to develop both practice and theory models for effective legal representation in consensus-building processes.

### **Teaching Method**

This class will be taught as an intensive workshop over three weekends. Dates will be included in a future update.

### **Attendance is important for your success in the course.**

Because the sessions are lengthy, you are encouraged to come with snacks as needed. There will be two breaks over the course of the sessions.

### **Evaluation**

15% Participation in class and skills-based exercises. Please note that class attendance is important and if you miss classes this will impact your participation grade. Your participation in class is also an opportunity for you to demonstrate that you have completed the scheduled readings and have reflected on those materials.

15% Interview with Practitioner and 3-page reflection due **Friday, March 1, 2019 at 12:00 noon** to be submitted to the General Office.

70% Research Paper, due **Friday, April 5, 2019 at 12 noon**, to be submitted to the General Office. The Final Paper will be assessed based on the following:

- Structure: ten or more pages, double spaced, 12-point font, pages numbered, edited (typos, grammar, consistency of citation approach, bibliography or index of references)
- Thesis: what is the concept or theory the student is asserting, is it their own, how is it argued and supported
- Research: has the student shown an investment in the thesis topic through the quality and quantity of the research discussed and cited; does the research go into the course materials beyond a superficial way; if the course materials are not the predominant basis of the supporting research, is the research rigorous; is there evidence of reading the first source rather than referencing first sources through secondary source materials
- Quality of Citation: are the thoughts those of the writer or thoughts of others - how is this supported and managed by the writer
- Overall Quality: is the paper well thought out, structured, intentional, well-reasoned etc.

We will discuss assessment and assignments further in our first class.

**LEARNING IN PLACE**  
**Professor Tess Sheldon**  
**3 credits –**

**FALL 2019/WINTER 2020**  
**LAWG-5932**

#### **Evaluation Methodology:**

Attendance & Participation	10%
Reflective Assignments	70%
Showcase Presentation	20%

Windsor Law's Externship Program incorporates work-integrated and skills-based learning alongside critical reflection, self-directed personal and career planning, focus on ethical and professional practice, and engagement with access to justice in theory and practice. The Learning in Place seminar - together with the Placement - makes up Windsor Law's Externship Program. The Seminar portion consists of three elements. First, students learn together in an introductory class (7 hours) that will prepare them for work in their placements. Students then meet once every two weeks for two hours over the term for a total of twelve (12) hours. The course culminates in an intensive large group meeting where students reflect upon and share their learning, discuss challenges and successes, and showcase work outcomes to their

colleagues (subject to ethical considerations). Students engage in discussions about access to justice, theories of lawyering, and the connection between law and social change with a focus on the experiences that students have at the Externship Placement.] This Seminar is designed as an opportunity for students to critically reflect upon their externship experiences, the law, the legal system, and their roles and identities as legal advocates. It requires students to integrate reading, reflection, practice, and classroom discussion about the process of lawyering and the role of the advocate in a community. Students will have the opportunity to articulate, reflect on, and synthesize their learning experiences. By the end of the Seminar, students will have developed their lawyering skills as well as their critical analysis of access to justice in practice.

**(THE) LEGAL PROFESSION**  
**Professor Noel Semple**  
**3 credits – Perspectives course**

**WINTER 2020**  
**LAWG-5939-1**

Evaluation Methodology:

70% Final exam (open book)  
15% Participation via TopHat  
15% Quizzes

Course Description:

This course is about the practice of law: as it actually is, and as it should be. The first half of the course explores lawyers' duties to clients. The second half is about lawyers' duties beyond clients, including duties to the public at large and to the law itself. Throughout the term, we will also discuss different approaches to encouraging good lawyering, such as regulation, legal ethics, and the ideal of professionalism. We will draw on speakers and stories from real law practice, as well as applicable statutes and rules, reported cases, social science and philosophy.

**The Legal Profession**  
**Professor Jasminka Kalajdzic**  
3 credits

**FALL 2019**  
**LAWG-5939-1**

Evaluation Methodology:

70% final exam (open book)  
15% quizzes  
15% class participation

Course Description

This course will introduce students to ethical and professional conduct issues that lawyers face in their everyday practice. We will critically explore the duties owed by lawyers to clients, the court, the public and other lawyers in the context of civil and criminal proceedings, government employment, solicitors' work, and representation of classes under the *Class Proceedings Act*. Classes will involve both lectures, problem-based learning and class discussion.

**(THE) LEGAL PROFESSION**  
**Professor Noel Semple**  
**3 credits – Perspectives course**

**WINTER 2020**  
**LAWG-5939-1**

Evaluation Methodology:

70% Final exam (open book)  
15% Participation via TopHat  
15% Quizzes

Course

Description:

This course is about the practice of law: as it actually is, and as it should be. The first half of the course

explores lawyers' duties to clients. The second half is about lawyers' duties beyond clients, including duties to the public at large and to the law itself. Throughout the term, we will also discuss different approaches to encouraging good lawyering, such as regulation, legal ethics, and the ideal of professionalism. We will draw on speakers and stories from real law practice, as well as applicable statutes and rules, reported cases, social science and philosophy.

**(THE) LEGAL PROFESSION**  
**M. Sandy Di Martino**  
**3 credits – Perspectives**

**WINTER 2020**  
**LAWG-5939-2**

Evaluation Methodology:  
10% Class Participation  
10% Short Written Assignment  
80% Final Exam (Open Book)

**Course Description**

This course will provide students with an introductory basis to various ethical and professional conduct issues related to the practice of law. The course will primarily focus on various practical issues including lawyers' duties to their clients, to the court, and to other lawyers. The broader ethical and professional conduct issues in the context of the legal profession will also be explored with an emphasis to encourage good lawyering. Classes will combine lectures, case studies, problem-based learning, and class discussions. The materials will include the *Rules of Professional Conduct*, relevant legislation and jurisprudence.

**(THE) LEGAL PROFESSION**  
**Peter Hrastovec**  
**3 credits - Perspectives**

**WINTER 2020**  
**LAWG-5939-3**

Evaluation Methodology:  
20% Class Participation  
80% Final Exam (Open Book)

**Course Description:**

Professional conduct and ethics are fundamental to the proper practice of law just like air, water and nourishment are fundamental to living. The primary focus will be on various practical issues including a lawyer's duties to clients, to the court, to other lawyers and their conduct in public generally. Classes will combine lectures, case studies, problem-based learning, and class discussions. The materials will include the Rules of Professional Conduct (LSUC), *Lawyer's Ethics and Professional Regulation, 3<sup>rd</sup> Edition*, by Alice Woolley, et.al., as well as relevant legislation and jurisprudence. From time to time, demonstration videos will be shown. Reasonable discussion is encouraged as class participation is an integral part of the learning process.

**MENTAL HEALTH AND THE LAW**  
**Ryan Fritsch**  
**3 credits – Perspectives**

**FALL 2019**  
**LAWG-5849-1**

Evaluation Methodology:  
30% Mock judgment of the Consent and Capacity Board  
30% Civil Mental Health Rights Advice and Advocacy Intervention Plan  
30% Criminal Mental Health Diversion Plan  
10% Class participation

**Course Description:**

**Mental Health and the Law** explores the legal construction of mental health and addictions in Ontario's civil and criminal mental health systems.

The first portion of the course focuses on civil commitment, reviewing the law of involuntary detention, consent and (in)capacity to make treatment decisions, community treatment orders, substitute decision making, the use of restraints and forced medication, the youth mental health system, and dispute resolution before the Consent and Capacity Board.

The second portion of the course examines the mental disorder provisions of the *Criminal Code*, including fitness and risk assessments, findings of "not criminally responsible", diversion to and from specialized Mental Health Courts, the operation of forensic hospitals, and proceedings before the Ontario Review Board and Court of Appeal.

Additional themes are emphasized throughout the course, including privacy law, human rights, cultural competence, and professional ethics and wellness.

The curriculum is designed so students learn and apply practical, hands-on advocacy skills that aid in identifying the issues and options that make a meaningful difference to clients. Assignments include writing a mock judgment of the Consent and Capacity Board, participating in a rights advice exercise, and developing an advocacy intervention plan for an involuntarily detained client. For the second portion of the course, students will develop a mental health diversion plan for a criminally accused client.

Each half of the course is accompanied by guest lecturers who work as advocates in the civil, criminal and youth mental health systems, and who will provide additional mentorship through two in-class Advocacy Workshop sessions.

**MUNICIPAL LAW**  
**Professor Anneke Smit**  
**3 credits**

**FALL 2019**  
**LAWG-5904-1**

**\*This class takes place in the Armouries Building on Freedom Way, near University Avenue in downtown Windsor. Please allow enough time to travel between your classes.**

Evaluation Methodology:

20% class participation  
15% midterm  
25% in class presentation  
40% Paper

Course Description

This course provides an introduction to the history, organizational structure, functions and powers of local government in Ontario. An examination of some of the legal challenges of modern municipal government, such as the amalgamation, the election and legal position of council members, municipal financing, assessment and taxation; the creation and enforcement of by-laws; the municipal licensing power and its administration; the provision of public services; municipal liability, accountability and integrity measures; the interaction of municipal and provincial government powers; public participation and advocacy in municipal decision-making.

Please note that this class will be taught on the downtown campus at the School of Creative Arts (SOCA) Building (formerly known as the Windsor Armouries). Please allow sufficient time to travel to and from the downtown campus when completing course selection and registration.

**NORTHWEST TERRITORIES CLERKSHIP PROGRAM**  
**Fall 2019 or Winter 2020**  
**Supervising Professor – Externship Director**  
**15 credits (\*does not satisfy a Paper course requirement)**

**NOT going to work for Exchange**  
**LAWG-5982-2/4/5**

JD (including MBA/JD and MSW/JD students are invited to consider spending a term with the Supreme Court of the Northwest Territories as part of their academic program. This program enables students to serve as a clerk for the Supreme Court of the Northwest Territories as a research project for credit towards

their JD. As clerks, students will be based in Yellowknife, NWT and travel occasionally to outlying regions with the Supreme Court of the NWT. The program is carried out in both the Fall and Winter semesters.

**Admission Criteria:** Law 2 and 3 students are eligible for this placement. Typically, Law 2 students are given preference for the Winter semester and Law 3 students are given preference for the Fall. Students who wish to apply for this program must have successfully completed Law I. The Supreme Court of the NWT suggests that students complete Evidence before participating in the program.

Applications are collected in April. Students may apply by submitting an online [Northwest Territories Internship Application Form](#). Required Documents include cover letter setting out the student's reasons for seeking an internship and the qualities and experience the student possesses that make them suited for the position. A resume and transcript must also be included (an unofficial transcript will suffice). Students will also provide a writing sample and any further information that supports their application. The applications will be assessed in consultation with the Supervising Judge. Students may also provide a writing sample and any further information that supports their application.

Selection for this Internship is made by the Court in consultation with the Externship Program Director. Selection is based on students' academic performance, legal research and writing skills, and particular interests and background relevant to the clerkship program. Although regular tuition applies for this Clerkship, funds have been allocated to cover some expenses incurred.

**Tuition and Financial Assistance:** Regular tuition applies for the clerkship. Funds have been allocated to cover some expenses which will be incurred (e.g. airfare, cost of housing in excess of average Windsor prices). Windsor Law gratefully acknowledges funding from the Law Foundation of Ontario for this program.

**Selection of Candidates:** Selection of the successful candidate is made by the Court in consultation with the Externship Director. Normally, preference in the winter semester is given to Law II students and in the fall semester to Law III students. Three main criteria apply:

1. General academic performance in law,
2. Legal research and writing skills, and,
3. Special interest and background relating to the clerkship program.

**Responsibilities:** As a clerk you will be responsible to the Supreme Court of the Northwest Territories. You will be expected to prepare and submit a diary of daily work as well as a monthly and a final report to the Court. Also, research undertaken for the Court including all memoranda will be submitted to the Court. The Externship Program Director will check in with the student periodically throughout the term. This reflective paper is due no later than the last day of final examinations of the relevant academic term. These documents will be sent to the Law Foundation of Ontario along with our Law Foundation of Ontario Report. A copy of the Clerk's diary should be made available to the Externship Director.

**Academic Credits** 15 credits will be divided as follows 9 credits on a pass/fail basis, 3 credits on the basis of selected research done by the student for the court, and 3 credits on a reflective paper. The following are the expectations regarding each of the portions of the grade

- The nine (9) credit pass/fail portion will be based upon the reports of the Clerk for the Courts, the memoranda and other research performed by the student. \*
- The three (3) credit portion is for selected research done by the student for the Courts and may be research included in the work completed in the 9-credit portion. The student selects the research to be graded. The Court assigns the final grade. \*
- The additional three (3) credits are assigned to a reflective paper. The reflective paper should not exceed 25 pages. Guided reflective questions will be provided to the students, and the Externship Program

\* Subject to matters of a confidential nature, copies of all memoranda and other research submitted by the student shall be subject to review by the Externship Director. The Externship Director shall have the discretion to select any or all memoranda and other research material for review and grading, and the Clerk has the right to insist on the inclusion of any memoranda or other research work, which may be in addition to those selected by the Faculty Supervisor.

**PATENT LAW**  
**Jenna Wilson**  
**3 credits – Transnational Course**

**FALL 2019**  
**LAWG-5918-1**

Evaluation Methodology:  
20% class participation  
30% short research paper  
50% take-home exam

Course Description

Patent protection is a cornerstone of our country's innovation policy, and impacts many aspects of our day-to-day lives from the price of drugs to software updates. In this course, we will cover the essentials of Canadian patent law, including infringement and remedies, validity, patentable subject matter, and the patent application process; we will also discuss alternative forms of protection for technology, know-how, and information products. You will also have the opportunity to explore how patent law responds to evolving and emerging technologies, how domestic patent policy is shaped by international trade, and the role of non-practicing patent enforcement entities (aka trolls).

While this course will emphasize Canadian law, we will look at foreign legal perspectives where appropriate.

**PERSONAL EMPLOYMENT**  
**Stephanie Savoni**  
**3 credits**

**FALL 2019**  
**LAWG-5869-1**

Evaluation Methodology:  
Mid term examination worth 40%  
Final examination worth 60%

Course Description:

This course focuses on the legal regulation of non-unionized workers in Canada, which currently represents approximately 65 - 70% of the population.

In this course, students will study legal regimes that directly affect the terms and conditions of the employment relationship, focusing particularly on the common law of employment contracts, the *Employment Standards Act*, the *Workplace Safety and Insurance Act*, and the *Human Rights Code*. Study of these regimes provokes questions that are currently in the news and the subject of popular debate.

Some of the topical questions students will examine include:

- In what circumstances can an employee be terminated?
- Do employees have any procedural rights prior to dismissal?
- Should employers be able to dismiss an employee for behaviour outside of work, and in what circumstances?
- Should employees be dismissed for their social media commentaries?
- What rights and obligations do employers and employees have when an employee claims a work-related injury or disease?

- What types of obligations do employers have regarding human rights and the duty to accommodate?
- What are the impacts of legalization of marijuana in the workplace?
- How has the law evolved regarding Post-Traumatic Stress Disorder (PTSD) and chronic mental stress in the workplace?

Students will examine these questions and more, by studying sections of the legislation noted above and relevant case law. Students will review and discuss hypothetical case studies in order to learn how to apply common law doctrine and/or regulatory rules. Students will discuss how employers and employees can access and enforce their legal rights under the various regimes studied in this course. Last, students will examine how these legal regimes co-exist in the realm of personal employment law.

**PRIVACY LAW IN CANADA**  
**Kristen Thomasen**  
**3 credits – Paper course**

**WINTER 2020**  
**LAWG-5971-65**

Evaluation Methodology:

Participation – 15%  
 Presentation – 25%  
 Paper Proposal – 10%  
 Research Paper – 50%

Course Description:

Privacy is becoming one of the central issues of our times and in consequence privacy law is developing as a significant and dynamic area of legal practice. This course will explore the different areas of privacy law and policy in Canada, exposing students to the challenges privacy law poses for individuals, professionals, employers, businesses, not-for-profit organizations, and government institutions.

The course will begin with an exploration of the meaning of privacy. It will highlight how the interpretation of privacy defines the way in which legislation addresses privacy rights in various sectors. And the course will challenge students to consider under what circumstances the public interest outweighs an individual's privacy rights, how the definition of "privacy" influences public discourse, and how our laws and regulations are impacted by, and themselves impact, technical innovation.

**PUBLIC HEALTH LAW IN CANADA**  
**Professor Tess Sheldon**  
**3 Credits –**

**FALL 2019**  
**LAWG-5986-1**

Evaluation Methodology:

A short presentation on a selected reading (20%);  
 500 word outline (10%);  
 Final paper (worth 70%) on the topic set out in the paper outline

Society has an interest in assuring the conditions in which people can be well. How can the law support this aim? Public health law is built around this question and many others.

**What are the legal powers of the state and state actors in implementing public health measures?** We begin by canvassing the fundamental principles of public health law, by reviewing various legal instruments that illustrate the state's public health powers and duties. In particular, this course draws on the twin fields of human rights law and public health.

**To what extent can the state legitimately impinge on individual rights in its efforts to promote or protect the public's health?** Those advocating for a broadened role for public health focus on improving the population's health, the effectiveness of deterrence and the importance of promoting social



justice. Critics instead point to the importance of individual liberties and self-reliance, the problem of paternalism and the slippery slope of government intervention. This course explores the application of these conflicting views to examples of public health measures.

**How does the language of law (“rights,” “duties” and “justice”) animate current debates about public health?** Selected topics in public health law illustrate the relationship between human rights and state’s duty to protect public health: fluoridation of the water supply, mandatory vaccination, responses to pandemics and communicable diseases, regulation of reproductive technologies, criminalization of HIV non-disclosure, the detainment by quarantine order to avoid the spread of infectious diseases, proposals for a “fat tax” and GMO labeling.

**What is the potential of law to improve population health and remediate health inequities?** We canvass and critically evaluate various legal approaches to advancing wellbeing. We explore the role of law in the development, implementation and frustration (through judicial challenge) of public health measures. Areas of law engaged include human rights law, criminal law, constitutional law, tort law, privacy law, and administrative law.

**PUBLIC INTERNATIONAL LAW**  
**Professor Sujith Xavier**

**FALL 2019**  
**LAWG-5857-1**

**3 Credits – Perspectives, Transnational Course/Paper Course**

Evaluation Methodology:

60%: Research Paper & Outline

20%: Presentation

20%: Participation

Course Description:

International law is an important field of legal studies. International law’s importance is exemplified by the crisis in the Middle East (especially Syria), mounting tensions between China, Russia and the West, and other disputes around the world.

Contemporary international law is a complex web of treaty-based rules, customary international law, and soft law norms. Nation states, international institutions, and other non-state actors now generate, interpret and adjudicate international law. This course will expose students to the history of international law and its contemporary features. Students will examine traditional international law using various perspectives while simultaneously interrogating embedded biases. Specific topics to be examined include: international human rights law, international criminal law and transitional justice, and domestic application of international law. This seminar will include sessions with specialist guest speakers.

**REAL ESTATE TRANSACTIONS (Transfer of Land) FALL 2019 or WINTER 2020**

**Christine Riley**

**LAWG-5845-1**

**3 credits**

Evaluation Methodology:

100% Final Examination – partial open book

Course Description:

A basic course in the law applying to the purchase, sale and mortgaging of residential real property in Ontario.

**ROBOTICS LAW & POLICY**

**Kristen Thomasen**

**3 credits Paper**

**WINTER 2020**

**LAWG-5954-1**

**Evaluation Methodology:**

20% course participation (in-class and online)  
20% in-class presentation  
10% research paper outline  
50% research paper

**Course Description:**

We are entering an age of advanced robotics, artificial intelligence and automation. In the near future, it is estimated that robots will be operating in our homes, offices, hospitals, streets, skies, courts, and law firms. The increasing automation of tasks formerly performed by humans, as well as the expansion of human capabilities through robotic technology, will challenge existing legal doctrine and social policy in novel and unexpected ways. This seminar explores some of the legal and policy implications of current and near-future robotics and artificial intelligence, including personal and service robots, drones, automated vehicles, Internet bots, and expert legal systems, with a particular focus on the access to justice issues that may be raised, or resolved, by these emerging technologies. Readings and course material will draw from multiple interdisciplinary sources, with a particular focus on legal and policy sources.

**SECURITIES REGULATION**  
**Frederick Gerra**  
**3 credits**

**WINTER 2020**  
**LAWG-5959-1**

**Evaluation Methodology:**

10% - Class Participation  
90% - Closed-Book Final Examination – Ontario rules and legislation from Blue Book permitted.

**Course Description:**

This intensive workshop-style perspective course is designed to provide students with a general introductory understanding of the legal framework and operation of Ontario securities law, with an in-class emphasis on the practical application of securities regulatory principles.

\*This course will be taught intensively with a 3-hour exam review class in April 2020. Exact dates will be announced in a registration update and may be subject to change depending on the instructors availability. Given the intensive nature of the course attendance at all sessions is required subject to the discretion of the instructors.

**SENTENCING**  
**Brian Manarin**  
**3 credits**

**(08-98-895-1)**  
**LAWG-5895-1**

**WINTER 2020**

**Evaluation Methodology:**

40% Mid-term Sentencing Report  
60% Final Examination – closed book

**Course Description:**

This course adheres to a lecture format and will generally focus on the following topics: the concept of punishment; judicial methodology and the legislative context; aggravating and mitigating factors; victim participation; sources of information; discharges, probation, fines & imprisonment; ancillary orders; sentencing for murder; and, restorative justice & Indigenous offenders.

**SPORTS LAW**  
**(Special Topics in Law)**

**(LAWG-5971)**

**FALL 2019**

**Professor Shanthi Senthé**  
**3 credits, Transnational and Paper course**

Evaluation Methodology:

Research Paper – 60%  
Individual Presentation – 30%  
Participation – 10%

Course Description:

This course examines the commercial dimension, regulation and governance of professional sports. Through a review of intersecting legal issues rooted in corporate-commercial law, contract law, intellectual property rights, employment law, corporate finance, and race and gender components, this course will be 'issue oriented'. In addition, this course will be taught from a cross-border perspective with various international components. (Pre-requisite: Business Associations)

**TORTS**  
**Kristen Thomasen**  
**3 credits**  
TBA

**FALL 2019 / WINTER 2020**  
**LAWG-5804**

**TRADEMARKS AND UNFAIR COMPETITION**  
**Professor Myra Tawfik**  
**3 credits**

**FALL 2019**  
**LAWG-5914-1**

Evaluation Methodology:

100% - Final Examination – open book

Course

The purpose of this course is to examine and assess some of the legal doctrines commonly referred to as trademarks and unfair competition law. We will study the body of Canadian jurisprudence which establishes and defines the legal doctrines by which a trader's business reputation is established and protected - both at common law and by statute. We shall attempt assessment in light of the trade mark owners' interest in the commercial value of the trade mark and goodwill, the public interest in informative, honest trading and the consumer interest in the availability of quality goods from numerous sources at lower prices.

Description:

**Please note: This is a course that is fairly conceptually complex and, as a result, benefits from student engagement and class discussion. Students will be expected to come to class prepared and to refrain from using Wi-Fi in class for non-class related activities.**

**TRUSTS**  
**James K. Ball**  
**3 credits**

**WINTER 2020**  
**LAWG-5865-1**

Evaluation Methodology:

Two, 45-minute, 20 marks each (40 marks in the aggregate), in-class open book quizzes, posing a series questions of equal value.  
Final 3-hour open book 60 mark exam posing a series questions of differing values.

Course Description:

Through instruction, readings, and working through classroom examples, the student can achieve a firm grasp of the concepts underlying the Canadian law of trusts and fiduciary obligations. The student will gain exposure to the architecture underlying formal trusts such as alter ego, testamentary, generation-skipping, health and welfare, disability, deferred compensation (DPSPs), employee stock option (ESOPs), retirement (RRSPs), pension (RPP), insurance, commercial (syndicates and consortia), construction and investment

(funds, fund-of-funds, ETFs, REITs) trusts, among others. Apart from formal trusts, the student will see how Canadian courts impose constructive trusts over property to achieve justice between parties. As regards fiduciaries, though all trustees are fiduciaries, not all fiduciaries are trustees. The course pays substantial attention to development of the general law of fiduciary obligations in Canada.

**WILLS AND SUCCESSION**

**Justin Walsh**

**3 credits**

**FALL 2019**

**LAWG-5840-1**

Evaluation Methodology:

100% - Final Examination

Course Description:

This course will provide an introductory review of the administration of estates. It will examine the law of intestate succession; and testate succession including capacity, undue influence, execution and attestation, revocation, lapse, and construction; as well as family protection including spousal rights, and support of dependants. It will consider current choice of law rules as they relate to succession matters in Ontario.