

LAW 300.004 Jurisprudence and Critical Perspectives Term 1 Term 2 Etxabe

Lecture

3 CREDITS

This course is NOT open to Exchange students.
CHANGE Aug 26: Classroom

As a law student you may feel that the jurisprudential question “what is law?” is too abstract, speculative, or obvious to merit attention. After all, aren’t you already supposed to be learning law in every class? This course will work on the assumption that asking the “law question” is neither abstract, nor speculative, nor obvious, but inescapably critical. In fact, depending on how you respond to it, even if you do so unreflectively in your daily routines, the kind of law that you will be able to learn, imagine, and practice—let alone criticize and reform—will change as well. This is the real concern that our class in jurisprudence will try to address.

As students of jurisprudence we will explore the rich amalgam of narratives and social imaginaries that enliven the world of law and make it meaningful. We will pursue the inquiry with the help of writers and thinkers that have addressed these questions directly or indirectly, engaging with relevant primary texts. We will learn from key jurisprudential schools (natural law, positivism, realism, interpretivism, CLS...), but we will also inquire into the cultural life of law, different legal traditions, the constitutive role of legal language, the nature and purpose of legal education, the role of perspective-taking, emotions, race, and sexual difference in adjudication, the development of legal consciousness, and questions of justice and injustice.

Because jurisprudence is not simply a form of abstract theorizing, but also a set of activities and practices by which we bring law to life, the course will include regular writing exercises and responses designed to activate your own critical and reflective abilities and to draw from your experience as law students, practitioners, and legal thinkers.

EVALUATION: Active engagement and participation (15%), short writing responses and activities (25%), and final paper (60%).

Assistant Professor Julen Etxabe is a full time member of the the Peter A. Allard School of Law.

LAW 304.001 Transnational Law Term 1 Term 2 Affolder

Lecture

2 CREDITS

This course is NOT open to 3rd year students, to anyone who has completed LAW 261 Transnational Law, or to Graduate, Exchange, or Visiting students.

Transnational law is of ever-increasing importance in understanding what law is both locally and globally. It helps make sense of how law actually operates in the world, all while calling into question our traditional understanding of law, authority, legitimacy and accountability.

This course provides a formal introduction to the transformation of law in a global context and the significance of both international law and foreign law for Canadian legal practitioners. The course introduces the sources of public international law and the rules governing the reception of public international law in Canada. It examines the ways in which public and private international law merge in a globalized legal landscape shaped by influential state and non-state actors. The course will also present the animating ideas behind the use of comparative law in Canadian courtrooms. Throughout our exploration of these topics we will gain an understanding of the interplay between different levels and sites of law making, and identify contemporary challenges for nation state-oriented models and doctrines of law.

Evaluation:

Evaluation will be based on a 4000 word writing assignment consisting of two essay questions (100%).

Professor Natasha Affolder is a full time member of the Peter A. Allard School of Law.

LAW 304.002**Transnational Law** Term 1 Term 2

Lazarus

Lecture

2 CREDITS

This course is NOT open to 3rd year students, to anyone who has completed LAW 261 Transnational Law, or to Graduate, Exchange, or Visiting students.

CHANGE July 4: Course Description and Evaluation Method

This course examines the concepts of transnational and international law. It introduces students to a legal attitude of looking beyond jurisdictional borders, and the practical application of these trans-jurisdictional approaches.

Students who have completed this course should have:

- Become familiar with the ideas of transnational and international law
- Acquire a critical lens to approaches to transnational and international law
- Acquire basic knowledge of transnational and international law practice
- Acquire skills in legal research in international materials and jurisdictions outside of Canada and feel comfortable exploring 'foreign' legal systems

In this course, our primary method of learning will be through reading and critical analysis of various primary and secondary legal sources, including cases, treaties, government reports, and academic commentaries.

There is no exam in this course.

Professor Liora Lazarus is a full time member of the Peter A. Allard School of Law.

LAW 304.003**Transnational Law**
 Term 1 Term 2

Stewart, J.

Lecture

2 CREDITS

This course is NOT open to 3rd year students, to anyone who has completed LAW 261 Transnational Law, or to Graduate, Exchange, or Visiting students.

This course introduces students to the legal world beyond the confines of the Canadian legal systems, and its impact on legal processes within Canada. Increasingly, an understanding of foreign sources of law is becoming essential—legally speaking, borders are increasingly porous and subject to international influences, such that no area of Canadian law is immune from transnational influence. Transnational Law is a course that provides students with a formal introduction to law in a global context, and the significance of both international law and foreign law for Canadian legal practitioners. The course thus provides an introduction to the sources of public international law and the rules governing the reception of public international law in Canada. It examines the ways in which public and private international law merge in a globalized legal landscape shaped by influential state and non-state actors. The course will also present the ideas animating the use of comparative law in Canadian courtrooms. Through our exploration of these topics we will gain an understanding of the interplay between different levels of legality, and identify how their inter-relationship is essential for Canadian lawyers in an increasingly globalized world.

LEARNING OBJECTIVES

Students taking this course will develop an understanding of three broad questions and four important elements of transnational law:

The two primary questions are:

- What are the points of interface between the Canadian legal systems and other legal systems?
- How do the Canadian legal systems sit within a global society?

The four important elements of transnational law:

- The key sources of public international law;
- The rules governing the reception of public international law in Canada;
- The integration of public and private international law and the challenges this poses for nation-state based models and doctrines of law; and
- The rationale and methods underlying the use of comparative law.

As someone whose work addresses issues that are quintessentially transnational in character, it is my hope that this course stimulates your interests in global problems and the ability of law to account for entrenched difficulties that transcend any single nation state.

PEADAGOGICAL APPROACH – TAKING LEARNING DIFFERENCES SERIOUSLY

•Assessment

A Written Assignment (100% of your final grade).

The course will be evaluated by a written assignment, which will be emailed to you through the UBC Law system on the last day of the teaching term. The paper is due no later than 10am on the last day of law exams.

The paper should be a maximum of 5,000 words (excluding footnotes and title page – no bibliography is necessary). Importantly, please use Times New Roman, 12 point, and double space your paper's lines.

The paper does not require additional research. It only requires the course materials to complete. Anything written beyond the maximum word count will be disregarded out of fairness to other students.

Please cite any relevant course materials using the latest edition of the Canadian Guide to Uniform Legal Citation ("McGill Guide").

I will mark your paper based on the following criteria: (a) knowledge of the subject; (b) coherence of the argument; (d) evidence of personal reflection not mere regurgitation, and (e) structure, style and clarity.

You should submit your paper online via Canvas. Please save your assessment as a pdf file that is named using your student number only. Again, you should upload the paper to Canvas no later than 10am on the last day of exams.

LAW 307D.001 **Women, Law and Social Change** Term 1 Term 2 Parkes

Seminar

3 CREDITS

This course examines the relationship between law and social change with a focus on historical and current struggles to make the legal system more responsive to the lived realities of women, taking into account differences among women and diverse gender identities. In Canada, the law has played an important role in the ongoing struggle for equality and social inclusion. Yet not everyone agrees that law has the potential to answer demands for fundamental change or to respond to women's diverse realities. We explore these themes and debates through a series of case studies informed by theoretical perspectives, paying particular attention to diversity among feminist perspectives. Topics include legal personhood, judicial decision-making, sexual assault, criminalization and punishment, work, parenting, sexuality, reproductive rights, Indigeneity, gendered racism, regulation and recognition of relationships, and equality rights.

Evaluation:

Evaluation is based on participation and engagement (25%) and a research paper (75%). In lieu of the research paper, with the approval of the course instructor, students may prepare a research report, memo, or other legal advocacy materials to assist counsel and/or advocacy groups on issues related to the course.

Professor Debra Parkes is a full-time faculty member of the UBC Faculty of Law. Debra Parkes is the Chair in Feminist Legal Studies at the Peter A. Allard School of Law, UBC. Before joining the Faculty at Allard Hall, Prof. Parkes was a member of the Faculty of Law, University of Manitoba for 15 years. Her scholarly work examines the challenges and possibilities of framing and adjudicating rights claims, with a particular focus on (in)equality, social and economic rights, and rights in the criminal justice, corrections, and workplace contexts. She was Editor-in-Chief of the Canadian Journal of Women and the Law from 2009-2013.

LAW 308D.001 **Feminist Legal Theory** Term 1 Term 2 Bhandar

Seminar

3 CREDITS

CHANGE July 8: Course Description

This course will focus on the central themes of violence and resistance. The first half of the course will focus on feminist engagements with different forms of violence, including domestic violence, militarism, carceral violence and ecocide amongst others. The second half of the course will focus on feminist theories and practices of resistance and liberation, including abolition feminism, self-defence, anti-colonial movements and others. The course takes an internationalist and intersectional approach to the subject matter. We will draw on a wide range of feminist and queer theories, considering how they approach the legal questions that emerge in each of the given contexts under study.

NB: If you are on exchange from a UK or European University, you must first seek the permission of Professor Bhandar before registering for this course.

Assessment:

Final Paper – 50% (due Dec.12th)

Research Poster Presentation – 30% (due mid-term)

Participation – 20% (assessed on the basis of attendance and questions posed for discussion, in oral or written form)

Associate Professor Brenna Bhandar is a full time member of the Peter A. Allard School of Law.

LAW 312D.001	<u>Topics in Philosophy of Law & Theoretical Perspectives</u>	<u>Legal Interpretation: Who Decides?</u>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Donaldson	Dresselhuis, L	Seminar 3 CREDITS

CHANGE (July 26): Instructor added

CHANGE (Aug 22): Instructor Bio

This seminar is modeled on a seminar taught for many years by Professor Kent Greenawalt at Columbia Law School. We will explore the different approaches to the interpretation of legal texts including textualism, intentionalism, purposivism, originalism, evolutionary interpretation, and pragmatism. We will discuss and analyze the foundations for, and implications of, these various approaches. We will discuss both Canadian and US approaches to legal interpretation, explore the reasons for some of the significant differences between the two, and consider what this tells us about legal interpretation in Canada. We will primarily consider statutory interpretation but will also touch on the interpretation of other important legal documents such as wills, trusts, and contracts.

The seminar will have two phases. In the first phase we will read and discuss the assigned readings each week. In the second phase, students will submit and present a draft of their papers for review and discussion in the seminar.

During phase one, students will, in consultation with the instructor, select the topic on which they wish to write their final seminar paper. The topic can be anything to do with legal interpretation and must be approved by the instructor. During phase two, in each class one or more students will submit their draft paper for review by the class. The other students will each prepare short (1-2 page) written comments and questions for the author on their draft, which we will discuss in the seminar. The students will then be expected to revise and complete their drafts taking into account the written comments and seminar discussion.

Evaluation will be based on:

In class participation and discussion (25%); Written comments on, and discussion of, other students' drafts (25%); Final paper (50%).

This seminar will challenge class participants to think critically about the proper role of the judiciary in Canadian society, and whether and how democratic theory should impact how judges, legislators, and other legal actors do their work. Students will be required to engage with viewpoints they may disagree with, and learn how to articulate their disagreements constructively and respectfully. Statutory and legal interpretation is fundamental to the practice and study of law. This class is therefore designed to be instructive and valuable for anyone interested in a career in law, whether in private or public practice, litigation or solicitor work, or in clerking or academia.

Mike Donaldson, KC (LLB, UBC (1994) LLM, Columbia (2017)) has practiced complex commercial and energy arbitration and litigation in Calgary for over 25 years, for the last several years with Lawson Lundell LLP. He has been repeatedly recognized by Chambers, Best Lawyers, Lexpert, Benchmark Litigation, and others as a leading lawyer in Commercial Litigation, Arbitration, and Appellate Advocacy. Mike has also published several articles in US and Canadian Law Journals and is the author of book chapters on damages, arbitration, and statutory interpretation. Mike completed his LLM at Columbia University in 2016-2017, where he was a James Kent Scholar and published several articles. Mike has also taught effective writing, legal drafting, and written advocacy courses to lawyers and business people in law firms, industry, government, and regulators.

Lauren Dresselhuis is an associate in the Vancouver office of Lawson Lundell LLP. She practices in the areas of commercial litigation and labour, employment and human rights. Lauren graduated from the Allard School of Law, where she received various awards including the David Roberts Prize in Legal Writing and the Guild Yule Prize in Ethics and Professionalism. She is excited to return to Allard as co-instructor for Law 312D and in her free time can be found petting dogs in her vicinity and reading legal books that no one else except her co-instructor thinks are interesting.

LAW 312D.002**Topics in Philosophy of Law & Theoretical Perspectives****Law and Literature** Term 1 Term 2

Liston

Seminar

3 CREDITS

This seminar examines the relationship between law and literature in order to address the following questions:

- How are legal institutions, norms, and processes portrayed in literature?
- How has an author's legal education affected their writing?
- How is narrative used in legal writing, particularly in judicial opinions?
- What are "legal fictions"?
- What can we learn about legal interpretation from literary interpretation?
- How are lawyers portrayed in literature?

The seminar provides an opportunity to think about the law differently by critically examining and reflecting on works of fiction. We will also engage with problems in practical legal writing by considering how judges write, the skills of legal reasoning and persuasion, and different approaches to legal interpretation.

Representative texts may include: Franz Kafka's *In The Penal Colony* as well as some of his legal briefs, Susan Glaspell's *A Jury of Her Peers*, Louise Erdrich's *The Round House*, Herman Melville's *Billy Budd*, Hilary Mantel's *Wolf Hall*, Akira Kurosawa's film *Rashomon*; Penelope Fitzgerald's *The Bookshop*, Anna Sewell's *Black Beauty*, Julian Barnes' *Arthur and George*; and, Kazuo Ishiguro's *Remains of the Day*.

Representative thinkers include: Robert Cover, Ronald Dworkin, William Eskridge, Stanley Fish, Lon Fuller, Jennifer Nedelsky, Martha Nussbaum, Richard Posner, and James Boyd White. A background in literary studies is not required. Seminar participants are expected to read the texts closely and be actively engaged in seminar discussions.

Evaluation:

15% Active weekly seminar participation

15% Act as discussion leader for one seminar class

15% 1 short assignment

55% An outline (5%) plus a 20-page (maximum) research essay devised in consultation with the instructor.

Professor Mary Liston is a full time member of the Peter A. Allard School of Law.

LAW 316C.001**International Law** Term 1 Term 2

Mickelson, K.

Lecture

3 CREDITS

This course will provide an overview of the international legal system, with a focus on its basic concepts and processes. While the course will touch on a number of different substantive areas (the law relating to the use of force, as well as aspects of international human rights law and international criminal law), and provide students with a sense of how international law has responded to the challenges that these areas have posed, the main goal is to arrive at some overarching insights into the operation of the international legal system and its future possibilities. By the end of the course, students should be able to identify international legal issues and analyze how these could be addressed within the structures and processes of the international legal system; explain and apply core international law norms; and identify and critically engage with some of the major theoretical and conceptual debates that underlie the field.

Note: LAW 304 Transnational Law is not a prerequisite for this course.

Evaluation:

Evaluation in this section is based on: a final, limited open-book examination (90% of the overall grade) and class participation (10% of the overall grade). Students have the option of writing a research essay of 2500-3000 words for 30% of the overall grade; this would reduce the examination mark to 60% of the final grade.

Professor Karin Mickelson is a full time member of the Peter A. Allard School of Law.

LAW 319D.001 **International Human Rights** Term 1 Term 2

Lazarus

*Seminar***3 CREDITS**

The aim of this course is to provide students with a rigorous, critical and practical grounding in the broad field of international (United Nations) and regional (African, ASEAN, European, Inter-American) human rights law in order to equip those exploring further practice in this field.

It will begin with an exploration of critical perspectives on human rights including challenges to the universality of human rights; critiques of the relationship between human rights, imperialism and the colonial legacy; the objection that human rights lack democratic legitimacy and narrowly circumscribe fields of political discourse; and the assertion that human rights represent a narrow political liberalism which has facilitated the global capitalist neo-liberal order. Alongside, these critiques the course will also consider threats to the human rights order posed by the rise of autocratic populism, and attacks by governments, politicians, think tanks, and organised conservative religious groups on human rights institutions and norms. Students will be invited to engage in debates around these issues, and to engage with these ideas as they move through the substantive stage of the course.

The course will then explore the institutions, norms and ideas that have given shape to the international human rights order. The primary aim of this part will be to give students a solid grounding in the substance of applicable human rights and their interpretation and enforcement. The course will outline the core interpretive principles that frame judicial and non-judicial approaches to human rights. It will examine the institutions which are tasked with the interpretation, enforcement and regulation of human rights within international and regional systems, and will give an overview of substantive rights ranging across the core areas of political and civil right rights; economic, social and cultural rights; and group rights. Finally, after consultation within the seminar group, students will apply their learning to existing human rights case studies, including (where possible) contributing to human rights claims or reports in an experiential setting

Evaluation: 20 % participation in class, 80% paper

Professor Liora Lazarus is a full time member of the Peter A. Allard School of Law.

LAW 321D.001**Law of Armed Conflict****International Humanitarian Law** Term 1 Term 2

MacKinnon

Monk, C.

Seminar

3 CREDITS

What is the law of armed conflict, otherwise known as International Humanitarian Law? When and to whom does it apply? Who does it protect?

This course will focus on these questions and others, including the rules pertaining to the means and methods of warfare, the humanitarian protections accorded to both civilians and persons hors de combat ("out of the fight"), and the enforcement mechanisms available (such as the International Criminal Court) when there are breaches of the law. The course will also examine a separate but inextricably connected body of law, referred to as jus ad bellum or "use of force" law, which governs how and when states can lawfully resort to force in their international relations.

Students will have the opportunity to think critically about the role of law in regulating the conduct of hostilities and how effective (or not) it has been at achieving its aims, and will discuss and offer their own perspectives on what the future of this body of the law should look like. On a very practical level, this course will enable students to follow current events with a clearer understanding of whether states and non-state actors are complying with their legal obligations in regards to the conduct of hostilities.

Evaluation:

Final paper: 50%

In class presentation: 25%

Class participation: 25%

Emily MacKinnon (BMus (University of Ottawa), MA (UBC), JD (UBC)) has served in the Canadian Armed Forces Reserves for 23 years, first with the Canadian Army and later in the Office of the Judge Advocate General. She deployed with the Office of the Judge Advocate General to Ukraine (2021). She has held instructor and leadership positions with the Communications recruit school in Shilo, Manitoba and with the Canadian Forces School of Communications and Electronics in Kingston, Ontario. Emily continues to practice military law on a part-time basis. She is also a partner with Osler, Hoskin, & Harcourt LLP, where she practices commercial and civil litigation. In her spare time, Emily flies planes and rides motorcycles.

Carl Monk (BA (Royal Military College of Canada), MA (Royal Roads) JD (UBC)) has served in the Royal Canadian Navy and later in the Office of the Judge Advocate General in the Canadian Armed Forces for 27 years. He deployed with the Navy to the Gulf of Oman (2002), with the United Nations Mission in Sudan (2009), and domestically with the Army to the BC wildfire response (2017). He has previously held teaching positions at the Canadian Forces Leadership and Recruit School, the Royal Military College of Canada, the Military Law Centre and is an Associate Professor at Royal Roads University. Carl continues to practice military law on a part time basis, is the CEO of Transform International Canada, and continues to work hard at improving his surfing, skiing, and parenting skills, although usually not in that order.

LAW 322.001 **International Law Problems** Term 1 Term 2

Stewart, J.

*Lecture***3 CREDITS**

COURSE DESCRIPTION

SCOPE AND OBJECTIVES OF THE COURSE

This course provides a venue and forum from an in-depth exploration of contemporary issues in the laws of armed conflict, or international humanitarian law.

The laws of armed conflict are not new. All cultures have had rules mitigating the adverse humanitarian consequences of violence, and contemporary society is no exception.

In the contemporary world, the laws of armed conflict have taken on a new public significance.

In this course, we explore the modern laws of armed conflict and their relationship with the realities of contemporary conflict.

We will hear from leading exponents of various aspects of this discipline, discuss issues between ourselves and with them, and present research at the cutting edge of the discipline.

STRUCTURE OF THE COURSE

The course will contain three components:

- (a) Lectures - for the first five weeks, I will spend the first 80 minutes of each course leading a discussion on key areas of international humanitarian law. I will suggest reading in preparation for these five sessions, and lead a debate on the topics that will be similar to the presentations you'll give towards the end of the course.
- (b) High-level Guest Speakers - for the first five weeks, the second 80 minutes of each course will involve presentations by high-profile experts, legal advisers, academics and prosecutors. This year, the presenters will include an eminent group of experts, whose names and topics are set out in the timetable below.
- (c) Presentation of Student Papers - for the last eight weeks of the course, students will present papers they have written on subjects of their choosing in international humanitarian law, and we will discuss them as a class. For more details about requirements for these papers, see below. We will finalize the time and date of your presentations by lottery during our first class together.

ASSESSMENT

This course will be assessed in the fairest manner possible, creating incentives for enthusiastic intellectual participation, sound research and creative thinking. The assessment will involve:

- (a) Class Participation (20% of your final grade).

Classes are unquestionably better didactic experiences when there is wide student participation. For this reason, 20% of your grade is based on class participation.

I will mark your class participation based on the following criteria: (a) frequency of participation (without dominating); (b) ability to facilitate dialogue; (c) coherence of the argument; (d) evidence that the participation is informed by readings; and (e) clarity.

In order for me to assign an accurate mark to your participation, I require you to record your comments each session, and to send me a summary of the date and content of your comments in all classes we have together. This summary should be sent to me by email at stewart@law.ubc.ca no later than 4pm on December 17, 2014.

LAW 325.001 **Conflict of Laws**

Term 1 Term 2 Calvert Posyniak Lecture 3 CREDITS

Cross-listed with LAW 592.001

Cases brought before a B.C. court often involve so-called "foreign" elements, that is, connections with jurisdictions other than British Columbia. This course involves a survey of the ways in which such foreign elements may lead the court to take account of foreign systems of law.

There are three areas in which such foreign elements play an important role:

1. Jurisdiction. When will a British Columbia court exercise jurisdiction in a case involving a "foreign" element?
2. Choice of Law. When will a British Columbia court receive evidence of, and subsequently apply, foreign law in a case brought before it?
3. Recognition and Enforcement of Foreign Judgments. When will the decision of a court outside British Columbia be regarded in this province as creating enforceable rights?

The areas in which choice of law will be discussed include matrimonial causes, contracts, torts, and property.

Required text: Stephen Pitel et al., *Private International Law in Common Law Canada* (Emond Montgomery, fifth edition).

Evaluation: There will be a compulsory final 3-hour open book examination worth 80% of the course grade. For the remaining 20% of the course grade, students will have a choice between either (1) participation in online discussions on Canvas; or (2) a single assignment consisting of a brief research memorandum involving a hypothetical jurisdictional dispute. If a student chooses both to participate in online discussions and to complete the memorandum assignment, the higher of the two marks will count towards the course grade

Aubin Calvert is a partner at Hunter Litigation Chambers in Vancouver. Aubin's practice is focused on administrative and constitutional law. She has appeared as counsel before administrative tribunals and all levels of court. Before joining Hunter Litigation Chambers, Aubin served as a law clerk to the Right Honourable Chief Justice Richard Wagner of the Supreme Court of Canada from 2016 to 2018. She received her J.D. in 2016 from the Peter A. Allard School of Law at the University of British Columbia and was called to the bar in 2017. Aubin holds a Ph.D. in political theory, also from the University of British Columbia. Aubin is a member of the Board of the British Columbia Law Institute and serves as the British Columbia session coordinator for the Supreme Court Advocacy Institute. She is the co-author of two chapters of the CLEBC Administrative Law Practice Manual.

Tom Posyniak is a partner at Fasken Martineau DuMoulin LLP in Vancouver. His practice focuses on commercial litigation, administrative and constitutional law, class actions, and insurance litigation. Tom has an active appellate practice and regularly appears before the British Columbia Court of Appeal. Tom has also been counsel at the Supreme Court of Canada and regularly prepares written submissions in that court. Prior to joining Fasken, Tom clerked for the Court of Appeal for British Columbia and worked at another national law firm in Vancouver. He received his J.D. in 2012 from the University of Saskatchewan, College of Law, and was called to the bar in 2014. Tom is on the executive of the Appellate Advocacy section of the Canadian Bar Association – BC Branch. He also serves as a referral counsel for Access Pro Bono's Court of Appeal Program. Tom is a co-author of the Civil Appeal Handbook published by the Continuing Legal Education Society of British Columbia and the CanLII BC Civil Litigation Manual.

LAW 332.001**Maritime Law****Maritime Law** Term 1 Term 2

Hawkins, T.

Swanson, P.

Lecture

3 CREDITS

COURSE UPDATE (Sept 5): *Cross-listed to LAW 546C.001***EXAM CONFLICT: STUDENTS REGISTERED IN 525A.001, 419C.001/519.001, or 332.001 ARE NOT ALLOWED TO BE REGISTERED IN 347B.004, AND VICE VERSA.**

Maritime Law, also called, "Admiralty Law", has been practiced in what is currently known as Canada for centuries. "Admiralty Law" pre-dates the time when the Admiral of the English fleet exercised significant powers over matters that occurred at sea. As noted by the Supreme Court of Canada "the need for predictability and uniformity [in the regulation of maritime law] was so strong that even the common law courts, ever protective of their own ways, ceded jurisdiction to specialized courts of admiralty applying a largely international law of maritime commerce". Contemporary Maritime Law is a specialized body of law with its own unique character and is broad in scope touching on many traditional areas of law such as tort, contract and property. Maritime Law encompasses the regulation of commercial and other shipping activities, but the areas and topics of interest are both national and international in scope. The conduct of relations between states and International Conventions adopted into Canadian Law figure prominently. Typically of central interest is a "Ship" or "Vessel" with Maritime Law governing the origins, rights, and obligations of those with an interest in a ship, including issues that arise through navigating, operating, insuring, and purchasing, as well as dealing with issues that arise from those that are injured or impacted by a ship's operations, such as from oil pollution occurrences. The Maritime Law course is a survey course providing a broad overview of the various topics comprising Canadian Maritime Law. Students will be introduced to the law relating to collisions, limitation of liability, carriage of passengers, tug and tow, salvage, refuge and wreck, ship-source pollution, pilotage, ship ownership, admiralty court jurisdiction, arrest, maritime liens, carriage of goods and marine insurance.

The final exam will be three-hours and open book based on short questions.

Thomas Hawkins is a founding partner of the Maritime and Insurance Law Firm of Bernard LLP in Vancouver, B.C.

He practices in the area of Maritime and Insurance Law, advising clients on matters relating to Marine Insurance, Cargo Litigation, Tug and Tow, Collision, Oil Pollution and Marine Bodily Injury. Mr. Hawkins has conducted cases in the Trial and Appellant Courts of the Federal Court of Canada, the British Columbia Supreme Court and the Supreme Court of Canada. Mr. Hawkins has held many positions in the Maritime Legal Community including as past Westcoast Vice President of the Canadian Maritime Law Association, Past Chair of the B.C. Maritime Law Section of the CBA, Executive Member of the Marine Insurance Association of B.C. and currently serves on the Owner's Committee of the Chamber of Shipping of BC. Mr. Hawkins taught Maritime Law at the UBC Faculty of Law from 1996 to 2008. He has been counsel on numerous maritime casualty cases and oil pollution occurrences. He conducted the investigation of the 2006 sinking of the "Queen of the North" and represented the families and survivors of the 2015 "Leviathan II" Tofino whale watching boat case. He is listed by "Best Lawyers in Canada" and "Who's Who Legal Canada" as a leading Canadian lawyer in Maritime Law. He has sailed across the Atlantic Ocean, Tasman Sea and the in the South Pacific.

Peter Swanson (B.A. (UBC 1984), L.L.B. (UVIC 1987)) is a senior litigation lawyer with over 30 years of experience and is a founding partner of Bernard LLP. His practice includes cases involving the enforcement of maritime liens, vessel arrest and security, carriage of goods by water, civil and regulatory liability for ship source pollution, collision, salvage, port state control, charterparty and other commercial disputes, and constitutional issues arising in a marine context.

Peter has represented clients at all levels of court in Canada, including the Provincial Court of British Columbia, the British Columbia Supreme Court, the Federal Court, the British Columbia Court of Appeal, the Federal Court of Appeal and the Supreme Court of Canada. He was lead counsel in the successful defence in R. v. MV Marathassa, 2019 BCPC 13. Peter is very active in the marine community being a past president and current director of the Vancouver Maritime Arbitrators Association, past president and a current director of the International Sailors Society Canada, a director of the Institute of Chartered Shipbrokers (Canada) and a director of the Chamber of Shipping of British Columbia. Peter is recognized by his peers as a leader in the field of maritime law being listed in The Best Lawyers in Canada, the Canadian Legal L'expert Directory, Who's Who Legal and Chambers and Partners.

LAW 334.001 Introduction to Asian Legal Systems Asian Legal Systems Term 1 Term 2 Matsui Cheng Kim Lecture 3 CREDITS

EXAM CONFLICT: STUDENTS REGISTERED IN 334.001, 345C.002, or 357C.001 ARE NOT ALLOWED TO BE REGISTERED IN 455.001, AND VICE VERSA.

This course plans to offer an introduction to the legal systems of Asia, focusing on China, Japan, and Korea. The course has two objectives. The first is to learn the basic skills of comparative law by applying the proper comparative law method to legal systems in Asia. The second is to introduce basic aspects of the legal systems of each Asian country as related to certain common themes: historical development, the structure of government, judiciary, law and economy, and international dimensions. The course is scheduled to have three components: (1) the Chinese component (Cheng), (2) the Japanese component (Matsui), and (3) the Korean component (Kim). After a general introduction, the course will be divided into three sections, in which the component countries will be compared on the basis of history and basic legal institutions in the three countries, law and economy, and international dimension. There will be a mini wrap-up session at the end of each section as well as a final wrap-up session at the end of the course.

Evaluation:

The evaluation is composed of 10% mid-term quiz, 30% final exam, and 60% final paper.

Professor Shigenori Matsui is a full time member of the Peter A. Allard School of Law.

*Jie Cheng (Ph.D. (Beijing University Law School)). Professor Cheng has taught at Tsinghua University Law School since 1999 before she joined UBC Faculty of Law, right after receiving a Ph.D. in Law from Beijing University. She has held visiting appointments at Oslo University, Sciences Po. Paris, Chinese University of Hong Kong, and Hong Kong University. In addition, she was a Senior Fulbright visiting scholar at Yale Law School during 2003-4, the Nathaniel Fensterstock Visiting Associate Professor of Law at Columbia Law School in Fall 2013, and Bates Lea Exchange Professor in Fall 2015. Professor Cheng has written many academic articles and several books in the area of constitutional law, including *Essence of Constitutionalism: Open Government Under Law*, and most recently, *Constitution as Law of Governance: An Institutional Analysis of Chinese Constitutional System*.*

Mr. John C.H. Kim is an Adjunct Professor at the Peter A. Allard School of Law and a partner at Norton Rose Fulbright Canada LLP / S.E.N.C.R.L., s.r.l. He practices corporate/commercial law with a focus on cross border M&A, inbound investments and technology sector transactions and projects, in particular those involving blockchain and cryptocurrencies.

LAW 338D.001 Japanese Law Business Law in Japan Term 1 Term 2 Matsui Seminar 3 CREDITS

This seminar is designed to introduce business law in Japan. Japan is the third largest economy in the world and its business law is very important to do business with Japanese companies. Moreover, there are many distinctive features in Japanese business law, so different from Canadian law. The seminar first outlines the general legal system and legal process, such as historical development of law, the judicial system, judges, attorneys, prosecutors, legal education system and judicial procedure. Then, it examines various fields of law related to business, including the basic constitutional foundation (structure of the government and protection of economic freedoms), basic rule of private law (contract and tort), basic issues in business law (corporation law, corporate governance, derivative suits, anti-trust regulation, security regulation, and protection of intellectual property rights), and business related issues (labour law and environmental law). <http://www.shgmatsui.com>

Evaluation: Class participation 30% and final assignment 70%.

Professor Shigenori Matsui is a full time member of the Peter A. Allard School of Law.

LAW 342D.001	<u>Topics in Comparative Law</u>	<u>The World Trade System</u>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Biukovic	Seminar	3 CREDITS

Seminar Description:

This seminar aims to provide students with a brief introduction to the main legal aspects of world trade law by examining the historic context for international trade and foreign direct investment, principles and rationale for international trade, mechanisms for trade and investment dispute resolution, and different forms of economic integration. The seminar topics are divided into three major themes: (a) the WTO law in a nutshell (focusing on the main principles and disciplines of the world trading system relevant for the emergence of free trade and investment agreements; (b) substantive content of bilateral and plurilateral preferential trade and investment agreements such as Comprehensive Trade and Economic Agreement (CETA) concluded between Canada and the European Union, Canada-United States-Mexico Agreement (CUSMA) concluded between Canada, Mexico and the United States, and Canada-China Foreign Investment Promotion and Protection Agreement (FIPPA); and (c) future challenges for the world trading system in times of rising trade protectionism in developed and developing countries.

The Objectives of the Seminar:

The goals of the seminar are threefold: to provide students with knowledge of the key international trade and investment principles and rules (including the typology of preferential trade agreements and functioning of trade and investment dispute settlement mechanisms); to facilitate students' understanding of economic, social and political implications of the world trade system and trade liberalization on regional trade and investment agreements of individual countries (such as Canada); and to enable students to critically assess thorny regulatory issues related to the linkages between trade and non-trade issues (human rights, environment, labour, etc.). Class participation and discussions are aimed at allowing students to get involved in current debates about the reform of the World Trade Organization and the future challenges for the world trading system.

Evaluation:

15% class participation, 35% class presentation, 50% essay.

Professor Ljiljana Biukovic is a full time member of the Peter A. Allard School of Law.

LAW 343D.002	<u>Topics in Public Law - Seminar</u>	<u>Crown Liability</u>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Hoogstraten Gallant, CI	Seminar	3 CREDITS

This seminar will offer a hands-on analysis of the law governing litigation by and against the government in British Columbia. Students will learn about government liability in tort and contract, the government as a fiduciary, and how to conceive of the government as a legal personality. Other topics will include constitutional torts, remedies, and a review of the Crown Proceeding Act. This seminar will be of particular interest to any student interested in litigation, public law or torts, though all students will benefit from an understanding of the role the government in our legal system. Classes will be designed to encourage participation through the use of fact patterns based on actual cases.

Evaluation: 65% for the final paper, 20% for the mid-term, and 15% for class participation.

Thea Hoogstraten (JD, UBC, 2010) has a broad litigation practice at Allen/ McMillan LLP in Vancouver. She represents government and private sector clients with a focus on municipal law, appellate advocacy, defamation and administrative law. Thea clerked at the B.C. Court of Appeal.

Clayton Gallant (JD, UBC, 2015) practices in the areas of civil litigation and administrative law at Gudmundseth Mickelson LLP, a litigation boutique in Vancouver. He represents government and private sector clients as well as professional regulatory authorities. Prior to being called to the bar, he acted as a judicial law clerk for five justices of the Supreme Court of British Columbia.

LAW 343D.003 **Topics in Public Law - Seminar** **Courts, Politics and the Judicial Function**
 Term 1 Term 2 Goldbach Seminar 3 CREDITS

This seminar surveys the multiple sites where judicial activity interacts with politics and public policy. The seminar examines changing conceptions of the judicial function and exposes students to questions about the impact of judicial activity on democracy and the rule of law. The course focuses on Common Law jurisdictions, with examples drawn mainly from Canada and the U.S. Specific topics may include: political affiliation and judicial decision-making; judicial review and the legalization of politics; the meaning and normative basis of judicial independence; the politics of judicial selection; "judicial activism" in constitutional law; judicial engagement in the executive function - public inquiries and commissions; judges in foreign affairs; the judicialization of law and development; and the judicialization of international relations. The class considers various statutes and legal decisions in their political contexts, as well as journal articles and empirical studies.

Evaluation:

Evaluation for this class consists of class participation (20%), and a research paper of approximately 5000 words (80%).

Assistant Professor Toby Goldbach is a full-time member of the Peter A. Allard School of Law.

LAW 345C.001 **Topics in Public Law - Lecture** **Freedom of Expression**
 Term 1 Term 2 Matsui *Lecture* **3 CREDITS**

EXAM CONFLICT: STUDENTS REGISTERED IN 509.005, 459C.003/508D.003, 359C.002/559D.002, or 345C.001 ARE NOT ALLOWED TO BE REGISTERED IN 463.002/576.002, AND VICE VERSA.

Should the government impose criminal punishment on WikiLeaks? Could the government prohibit Robert Pickton, convicted serial killer, to publish a book about his crimes and make money? Should the government be allowed to prohibit the Holocaust denial? Should the government be allowed to prohibit the posting of video showing animal cruelty on the Internet? Does a citizen have a right to construct a billboard protesting to the government on the sidewalk of the city street? Should a journalist be granted a privilege not to disclose news source? When could the courts exclude the public from the courtroom? To what extent should the government be allowed to regulate the television broadcasting?

This course is intended to provide the students with an opportunity to learn various questions regarding freedom of expression, especially focusing on the freedom of expression of mass media. This course is ideal for students who have learned the basic doctrines of constitutional law to apply its knowledge in specific situations involving freedom of expression.

The course will start with the examination of values of freedom of expression and general theoretical framework, especially focusing whether the mass media should be granted privileged status. The course will then examine various content-based restrictions on speech, such as ban on disclosure of national secret, ban on advocacy of illegal action, regulation of election speech, restriction of other political expression, civil and criminal liability for defamation, civil liability for invasion of privacy, regulation of offensive speech, ban on hate speech, ban on pornography, ban on child-pornography, regulation of sexually explicit expression, and regulation of commercial expression. Then, the course will examine the content-neutral restrictions on freedom of expression and restrictions on newsgathering, including protection of confidential sources. It will also examine the right of access to the government information, including right of access to the courtroom and the right of access to government-held information under the Access to Information Act. The course will also examine the regulation of broadcasting and new media, including the cable television, satellite television and the Internet. Then, the students will face the question of social responsibility of the mass media and the issue of right of access to the mass media.

Throughout the course, the students are encouraged to analyze these constitutional issues under the protection of freedom of expression of the Charter. But the course will also examine various issues presented in other countries, especially in the United Kingdom, the United States, or European countries.

[Http://www.shgmatsui.com](http://www.shgmatsui.com)

Evaluation method:

30% class participation

70% final examination or assignment

Professor Shigenori Matsui is a full time member of the Peter A. Allard School of Law.

LAW 345C.002 Topics in Public Law - Lecture Refugee Law
 Term 1 Term 2 Dauvergne *Lecture* **3 CREDITS**

***Cross-listed to 543C.002.* EXAM CONFLICT: STUDENTS REGISTERED IN 334.001, 345C.002, or 357C.001 ARE NOT ALLOWED TO BE REGISTERED IN 455.001, AND VICE VERSA.**

CHANGE July 22: Added to exam schedule

CHANGE Sept 3: Classroom

CHANGE Sept 12: Classroom

This course provides a foundation for scholarship and practice in the area of refugee law. The first part of the term will be spent considering international refugee law, with particular focus on the Convention relating to the status of refugees and jurisprudence from around the world regarding the refugee definition. The second part of the term will consider how the Convention is implemented in Canadian law, and will examine key aspects of refugee status determination in Canada. The course draws on topics in international human rights law, administrative law, and some aspects of the Canadian Charter of Rights and Freedoms.

Assessment in this course will include an exam worth 60% of the grade, and two smaller assignments worth 20% each. Assessment may be adjusted, by negotiation with students, if fewer than 20 students enrol in the course.

Professor Catherine Dauvergne is a full time member of the Peter A. Allard School of Law and holds the Canada Research Chair in Migration Law.

LAW 347B.001 Federalism
 Term 1 Term 2 Flynn *Lecture* **2 CREDITS**

This course is NOT open to Exchange students or Visiting students.

This course examines the relationship and authority of federal and provincial governments in Canada under the Constitution. We will review the core theoretical concepts and doctrines in Canadian federalism, including pith and substance, interjurisdictional immunity, and cooperative federalism. We will also explore the role of other governments, namely municipalities and First Nations. The course will equip you to identify and critique key doctrines in federalism, and to apply them to emerging legal challenges.

Evaluation:

One final exam (90%) and participation (10%).

Associate Professor Alexandra Flynn is a full time member of the Peter A. Allard School of Law.

LAW 347B.002 Federalism
 Term 1 Term 2 Bird *Lecture* **2 CREDITS**

This course is NOT open to Exchange students or Visiting students.

In this course we will study, through the lens of judicial decisions and academic scholarship, the doctrines and theories that animate Canadian federalism. The interpretation and application of the division of legislative powers between the provinces and the Parliament of Canada will be a prominent topic of consideration in this course.

Evaluation will be based on a 100% final, open-book examination.

Lecturer Professor Brian Bird is a full-time faculty member at the Peter A. Allard School of Law.

LAW 348D.001 **Comparative Constitutional Law** Term 1 Term 2

Cheng

Seminar

3 CREDITS

This seminar aims to look into the discourse of constitutionalism and constitutional institutions from a comparative perspective. The seminar encourages participants to think critically and analytically about constitutional norms and institutions, as well as the roles of various players in constitutional institutions. The seminar will cover five major areas of contemporary constitutional law: (1) theories of constitutionalism and challenges for modern democracies; (2) government institutions, horizontal and vertical division of powers, and power politics; (3) classical liberty rights and new rights against new powers; (4) social identity and social equity in divided societies; and (5) global constitutionalism and its critique.

Evaluation:

Evaluation will be based on class participation and online discussions (10%), a mid-term assignment (20%), and a final paper (70%). Students are expected to select their topics for the final paper in consultation with the instructor. The paper should be at least fifteen pages long with footnotes or bibliography (no less than 5000 words).

*Jie Cheng (Ph.D. (Beijing University Law School)). Professor Cheng has taught at Tsinghua University Law School since 1999 before she joined UBC Faculty of Law, right after receiving a Ph.D. in Law from Beijing University. She has held visiting appointments at Oslo University, Sciences Po. Paris, Chinese University of Hong Kong, and Hong Kong University. In addition, she was a Senior Fulbright visiting scholar at Yale Law School during 2003-4, the Nathaniel Fensterstock Visiting Associate Professor of Law at Columbia Law School in Fall 2013, and Bates Lea Exchange Professor in Fall 2015. Professor Cheng has written many academic articles and several books in the area of constitutional law, including *Essence of Constitutionalism: Open Government Under Law*, and most recently, *Constitution as Law of Governance: An Institutional Analysis of Chinese Constitutional System*.*

LAW 349D.001 **Topics in Constitutional Law** **Charter Litigation**
 Term 1 Term 2 Smith, L. Sigurdson Seminar 3 CREDITS

The Canadian Charter of Rights and Freedoms allows individuals and (sometimes) organizations to challenge legislation or government action in court. This seminar will examine substantive legal principles developed in the jurisprudence regarding selected provisions of the Charter including s. 1 (guarantee and limitation of rights) s. 7 (life, liberty and security of the person), s. 15 (equality), s. 3 (democratic rights) and s. 2 (freedom of religion, expression, assembly or association). It will also examine the process of Charter litigation and what such litigation can accomplish, using a case study method with visits by leading litigation lawyers. The cases examined will be ones in which legislation or government action has been challenged under the Charter. Litigation strategies will be discussed, and some of the unique legal, procedural and evidentiary considerations that arise in Charter litigation (who has standing to bring a challenge? how is an evidentiary record created? what remedies are available?) We will also spend some time on the background and context of Charter litigation.

Evaluation will be based on a substantial research paper (70%), and class participation including a few assignments throughout the term (30%).

Lynn Smith B.A. (University of Calgary), LL.B. (University of British Columbia), LL.D. (Hon.) (Simon Fraser University) was appointed to the Supreme Court of British Columbia in 1998. She served as a Justice of that Court until September 2012.

In 2005-06, Justice Smith was Executive Director of the National Judicial Institute, on secondment from the Court. She continues to serve on the faculty of the New Federally-Appointed Judges Program. She has been involved in international judicial education exchanges with China, Scotland, Ghana and Viet Nam.

Prior to her appointment as a judge, she practised law, specializing in civil litigation, at Shrum Liddle and Heberton (now McCarthy Tetrault). She taught law at the University of British Columbia 1981-97 in areas including Constitutional Law, Evidence, Civil Litigation, and Real Property. She was Dean of the U.B.C. Law Faculty 1991-97. She has published books and articles in the fields of Charter equality rights, civil litigation and evidence, human rights, and women's equality. She is a past Chair of the Law Foundation of British Columbia, the Board of B.C. Women's Hospital, and the Women's Legal Education and Action Fund. She currently serves on the Boards of Music in the Morning and of the Health Arts Society.

Jon Sigurdson, B.A. (U.B.C.) LL.B. (U.B.C.) was appointed to the Supreme Court of British Columbia in 1994. He served as a Justice of that Court until his retirement in November, 2017.

He articulated at Bull Housser and Tupper (now Norton Rose) and after working there for a year, practised with Fraser Kelleher Sigurdson Watts and Gudmundseth before rejoining Bull Housser and Tupper in 1981. He had a commercial/civil litigation practice and after 20 years as a lawyer was appointed to the Supreme Court of British Columbia. He was on the Court for 23 years before retiring. He is the former President of the UBC Law Alumni Association and was the co-chair of the New Federally Appointed Judges Program offered by the National Judicial Institute and the Canadian Institute for the Administration of Justice. Presently he is a contributing editor for the Advocate, the B.C. lawyers' magazine, is a part time radio announcer on Crossroads, a blues program, and enjoys writing and taking care of his grandchildren who are ardent Montreal Canadiens fans as is he.

LAW 351A.002 **Topics in Human Rights****Advancing Children's Rights and Youth Welfare** Term 1 Term 2 Reichenberg

1 CREDITS

This intensive seminar meets Tues & Thurs, Feb 25, Feb 27, Mar 4, Mar 6 in Allard 115 and Thurs, Mar 6, 12:30PM-2:00PM, Rm TBA. Course conflicts are allowed for this seminar, but you must contact (studentaffairs@allard.ubc.ca) to register you in this seminar in that case. Students may be penalized a participation or attendance grade for missing an intensive class or a class that conflicts with the intensive class
CHANGE Aug 27: Class dates

The course is designed to provide a comprehensive understanding of children's rights and youth welfare, with a particular focus on addressing the needs of youth at risk legal and social systems. Through a combination of lectures, case studies, and interactive discussions, students will explore key concepts, challenges, and strategies related to promoting and protecting the rights of children and adolescents, especially those navigating care systems and facing social vulnerabilities. This course aims to equip law students with the knowledge, skills, and critical perspectives necessary to advocate for the rights and well-being of children and youth at-risk, particularly those facing adversity and systemic barriers. By investigative the intersections of law, policy, social work, and activism, students will gain understanding of the complexities surrounding children's rights and youth welfare.

Evaluation method: 80% Research paper + 20% Class participation.

Graded Honours/Pass/Fail

Dr. Shiran Reichenberg is the Executive Director of the Clinical Legal Education Center and a Clinical Teacher of the 'Youth at-risk rights' legal clinic in the Faculty of Law, Hebrew University, Jerusalem, Israel. The clinic promotes children's rights by personal advocacy, education and policy change. Her main research subjects are youth at risk rights, children's rights and welfare, the rights to participation of youth at risk in care proceedings, access to justice for youth at risk, intersectionality theories, young girls at risk, etc. Her doctoral dissertation subject is "The Right to Participation and Care Proceedings in Youth Court", supervised by Prof. Michael Karayyani, Faculty of Law, the Hebrew University and Prof. Dafna Hacker from Tel-Aviv University. Shiran graduated L.L.B and L.L.M from the Faculty of Law, the Hebrew University, Jerusalem, Israel, and received prestigious 'Leonard Sainer Chevening Scholarship' (2007-2008) for L.L.M studies at UCL. She wrote her dissertation on the subject: "What is the Optimal Modal for Child Representation in Civil Proceedings?", supervised by Prof. Michael Freeman. In her dissertation, she developed a comparative holistic model for child representation in care and supervision proceedings.

LAW 352.001 **Aboriginal Peoples and Canadian Law** Term 1 Term 2 Hilland

Lecture

3 CREDITS

This course builds on the module on Aboriginal and treaty rights in Constitutional Law, focusing on some issues covered in that course in more detail and looking at topics not usually covered in the constitutional law context (such as Indigenous law, the United Nations Declaration on the Rights of Indigenous Peoples, gender discrimination under the Indian Act, matters of child and family welfare, and problems plaguing the criminal justice system).

Evaluation: presentation (20%) and research paper (80%)

Assistant Professor Andrea Hilland is a full-time member of Peter A. Allard School of Law.

LAW 353D.001 **Aboriginal & Treaty Rights** Term 1 Term 2

Franks, S

*Seminar***3 CREDITS**

This course focuses on key cases on Aboriginal rights. We will examine the case histories of three cases (as examples, Sparrow, Pamajewon, and the C-92 reference) from their surrounding context, through trial to the Supreme Court of Canada. We will review a variety of material, including news, video, transcripts, facta, affidavits, judgments, and commentary. Throughout the course, we will reflect on the choices of the parties, officers, counsel and judges in the context of the litigation, opening up an opportunity to discuss the ethics and practice of Aboriginal law, and the impact of these choices on law and society(ies).

As these cases sit within a related jurisprudence, students will be expected to draw from their existing knowledge from the first year course on Aboriginal and treaty rights. Students will also be introduced to archival and critical methods in legal history, and how to prepare a scholarly writing for publication.

The evaluation method includes three graded components, which are scaffolded to guide you to the final paper: (1) a 250 word draft abstract (10%) (2) a 1000 word research proposal (30%); (3) and a 3000-4000 word final paper (60%). With permission, students may elect a 100% final paper.

Scott Franks is a full time member of the Peter A. Allard School of Law

LAW 356.001 **First Nations & Economic
Development** Term 1 Term 2

Hanna

Lecture

3 CREDITS

The economies of Indigenous Nations are considered to be one of the fastest growing sectors of business in Canada, resulting in a growing area of law. Economic development by Indigenous Nations is considered one of the means towards self-sufficiency. Recent legal developments aimed at economic reconciliation, accommodation and regulatory improvement will assist Indigenous people in managing and prospering from their lands and resources. The objective of this course is to provide students with a practical grounding in the various legal and developmental issues that arise when Indigenous Nations engage in economic development initiatives. With a view to opportunities, barriers and recent developments, the topics canvassed will include: legal framework for community economic development, economic accommodation of Indigenous rights, implementation of UNDRIP, negotiations, impact benefit agreements, corporate structures, reserve land development, Indian Act issues, financing, and taxation. Case studies from the cannabis, mining, pipeline and hydro sectors will be reviewed.

Evaluation:

Evaluation will be by presentation (20%) and paper (80%).

Darwin Hanna is a founding partner of Callison & Hanna www.chlaw.ca and is one of six Indigenous lawyers with the firm. This year the firm celebrated 25 years of service to Indigenous Nations.

He has worked for Indigenous Nations throughout British Columbia and the Northwest Territories on a wide array of legal matters with a focus on reconciliation, land claims, specific claims, community governance and economic development, and employment law. He is a member of the Law Societies of British Columbia and the Northwest Territories. He was lead counsel for various precedent setting Specific Claims, including Siska Indian Band v. HMTQ, 2018 SCTC 2, Akisq'nuk First Nation v. Her Majesty the Queen in Right of Canada 2020 and Siska Indian Band v HMTQ, 2021 SCTC 2.

Since 2001, he has been an Adjunct Professor at the Allard School of Law at UBC and has taught First Nations and Economic Development. He is the author of Legal Issues on Indigenous Economic Development published by LexisNexis. He is a member of the working group of officials to explore how UNDRIP will be implemented in the NWT.

He was the recipient of the 2014 Premier's Award (GNWT) for Collaboration on the Wildlife Act Working Group which developed the new Wildlife Act. And, Callison & Hanna were the inaugural recipients of the Special Contribution Award of the Aboriginal Lawyers Forum, Canadian Bar Association, for recognition of the firm's contribution to addressing the various issues facing Aboriginal people in the law in 2013. Callison & Hanna was the recipient of the Aboriginal Business Award, BC Achievement Foundation in 2016.

He is director with the piye?wi?x kt Language Foundation Society. He is a member of the Nlaka'pmux Nation from the community of Lytton.

LAW 357C.001 **Topics in First Nations Law - Lecture** **First Nation Taxation, Assimilation and Reconciliation**

Term 1 Term 2 **Faille** **Lecture** **3 CREDITS**

EXAM CONFLICT: STUDENTS REGISTERED IN 334.001, 345C.002, or 357C.001 ARE NOT ALLOWED TO BE REGISTERED IN 455.001, AND VICE VERSA.

WARNING: As has been said about the music of Wagner, this course is (probably) better than it sounds... Through it, the student will gain an in-depth practical and theoretical understanding of the law of First Nation taxation and tax immunity, but one that is firmly grounded in the broader historico-legal context of the Crown-Indigenous relationship, and the intersection between taxation, inherent Aboriginal rights and Treaty rights. Beginning with Indigenous forms of taxation, the course will then explore how the approach to First Nation taxation by Canada (and the courts) has tracked the evolution of broader Crown policies and objectives in regard to Indigenous peoples, from mutual autonomy, to assimilation and enfranchisement, and ultimately to reconciliation. Through that lens, the course will examine First Nation tax immunity and exemption for individuals and entities, in relation to various forms of taxation. The course will then shift to an examination of the exercise of taxation jurisdiction by Indigenous governments as an instrument of self-government, and its role in the Crown-Indigenous fiscal relationship.

No background in tax law (or Aboriginal law) is required for this course. Although certain sections of the Income Tax Act (ITA) will be relevant to the course, you can (mercifully) learn them in isolation from the remainder of that Act. While most readings will be of case law, the course will examine relevant aspects of the Indian Act, the ITA as well as historical and modern treaties, and academic commentary.

Each week will feature a lecture and discussion of readings. In addition, a number of guest lecturers immersed in First Nation taxation issues and experts in the field will be featured, including leading First Nation business and political leaders.

Evaluation: 100% final exam or paper (student option).

Max Faille is a partner in the Vancouver office of Cochrane Saxberg LLP, the largest Indigenous-led law firm in Canada, where he practices in Indigenous law and constitutional litigation. Max's clients principally consist of Indigenous governments, businesses and organizations across Canada, as well as private and public sector interests working with Indigenous communities. In addition to legal representation in the courts and in negotiations, Max regularly provides advice on matters of Aboriginal and treaty rights, First Nation taxation, self-government, and Indigenous governance and economic development.

Max was named Benchmark Canada's Aboriginal Law Litigator of the Year for 2016, and is regularly recognized as a leading lawyer in the field of Aboriginal Law by Chambers Canada, Lexpert, Legal 500 and Best Lawyers in Canada. He represented the Assembly of First Nations in the seminal Bastien and Dube cases in the Supreme Court of Canada that breathed new life into the First Nation tax immunity. He previously served on the Board of the Canadian Council for Aboriginal Business, and on the Taxpayers Ombudsman's Advisory Board. In December 2020, Max received the Northwest Territories Premier's Award for Indigenous Partnership.

LAW 358D.002 **Topics in First Nations Law - Seminar** ***Indigenous Law and Climate Change***
 Term 1 Term 2 Clifford Seminar 3 CREDITS

The topic and relevance of Indigenous law continues to gain attention, still we often remain unclear about what the revitalization of Indigenous law entails, and vague regarding the context and goals of that revitalization. Similarly, it is as clear as ever that climate change stands as the most pressing and important issue facing all of us (human and more-than-human), yet there is far less unanimity in terms of understanding and responding to these challenges. This course will begin with the premise that these two seemingly intractable issues are not disparate. In this class we will explore the premise that both our theory and methodology of Indigenous law, and our diagnosis and approaches to climate change, can, and should be, intricately entwined and mutually reflective. Throughout the class we will draw upon works in political ecology, Indigenous law, and Indigenous studies. We will bring a critical lens to the 'Anthropocene', colonialism, and Indigenous law revitalization, both in Canada and elsewhere. In doing so, our discussions will circle around Indigenous knowledge and perspectives (particularly my own W̱SÁNEĆ tradition), capitalism and sovereignty, the binary between nature/society, and the agency and/or rights of the more-than-human world. This course will be in a seminar format, however, given its connections with Indigenous law, we will also bring in elements of Indigenous pedagogy and experiential learning where and when possible.

Evaluation Methods:

Attendance and Participation (20%)

-Attendance and preparedness is key to successful seminar courses, and to the process of learning from one another. Participating in short and informal personal introductions and reflections, circle discussions or debriefs, and the like, will foster group cohesiveness, honour Indigenous protocols, and aide in mutual learning and respect throughout the course.

Student Led Presentations or Discussions (30%)

-As mentioned in the course description, this class will touch on a number of themes and topics relating to Indigenous law and climate change. In small groups, students will select a topic within the course syllabus to present or facilitate discussion on during the class in which that topic is covered. Approaches to this presentation may vary. For example, students may lead a more traditional seminar course on the topic, introduce a contemporary case study and discussion relating to the topic, or have the class attend a place or participate in an event that exemplifies the issues at play. Students should feel free to be creative in this exercise of embodied learning and engagement.

Final Paper or Project (50%)

-A final academic paper directed to the instructor (20-25 pages) or the optional choice to undertake an Indigenous law or climate action project along with a written reflection on the project (10-15 pages).
 -The content of the paper is your choosing, so long as you engage with the content and general themes of the course. The paper may be written narrowly on a particular issue or contemporary event, a broader examination or critical reflection on climate change and Indigenous law, it could focus on a particular aspect of Indigenous law that struck you, or be a self-reflection of your own learning and experience. I invite creativity and please feel free to write and express yourself in a way you find most powerful and appropriate for your topic.
 -Similarly, the option to undertake an Indigenous law or climate action project is also open to your choosing, although the written reflection should connect the project back to your learning and the themes of the course in concrete ways.

Robert Clifford is a full time member of the Peter A. Allard School of Law.

LAW 358D.003 **Topics in First Nations Law - Seminar** ***Historical and Contemporary Issues***

Term 1 Term 2 Mclvor Gunn, K. Seminar 3 CREDITS

Students in this seminar will acquire an understanding of the legal history, critical contemporary issues and possible future direction of Aboriginal law in Canada. Topics will include: European legal doctrines during the early years of colonization, Treaties, Aboriginal title, the oppression of Indigenous governance and legal systems, Indigenous resistance, the constitutionalization of Aboriginal rights, the Supreme Courts of Lamer and McLachlin, the relationship between Aboriginal and Indigenous law, and the role of law in contemporary social movements.

An important objective of this course is to critically reflect on the social, political and economic forces that have and continue to influence the development of Aboriginal law in Canada. You are encouraged to enter fully into this process of critical reflection with the aim of generating a respectful conversation about the underlying forces behind the historical and future development of Aboriginal law.

Readings will be a combination of legal and historical sources.

Evaluation will consist of class participation (25%), class presentations (25%) and a final paper (50%).

Dr. Bruce Mclvor is a partner at First Peoples Law LLP. His work includes both litigation and negotiation on behalf of Indigenous Peoples across Canada. Bruce is recognized nationally and internationally as a leading practitioner of Aboriginal law in Canada. His collection of essays entitled Standoff: Why Reconciliation Fails Indigenous People and How to Fix It was published in the fall of 2021 by Harbour Publishing. Bruce is a member of the Manitoba Métis Federation.

Kate Gunn is a partner at First Peoples Law LLP. Kate holds an LLM from the University of British Columbia, where her research focused on the interpretation of treaties between Indigenous Peoples and the Crown. She is also a founding member of the Justice and Corporate Accountability Project, a legal clinic which provides advocacy and support to communities affected by transnational corporate activities and resource extraction.

LAW 359C.001 **Family Law**

Term 1 Term 2 Tremblay Lecture 4 CREDITS

Cross-listed with LAW 559D.001.
CHANGE Aug 26: Classroom

This course introduces students to the regulation of families in Canada. The Divorce Act, Family Law Act, Adoption Act, Civil Code of Québec, Children's Law Reform Act and other applicable legislation will be studied, in addition to relevant Canadian case law. We critically assess what is a family in law, why are certain relationships considered 'familial' and not others, and what is the impact of being considered a family in the eyes of the law. Topics covered include but are not limited to: parentage and other arrangements (co-parenting and multi-parenting); cohabitation; marriage; property division; support; parenting responsibilities and parenting time; dispute resolution. The course is critical, historical and comparative in nature. It is about theoretical underpinnings for intimate regulation. If you want something highly technical/practical, or if you are not interested in comparative law, I recommend taking Family Law with someone else.

Evaluation:

- Take-home exam: 100%, 10 am - 4 pm on the date specified on the Exam Schedule.

Professor Régine Tremblay is a full time member of the UBC Faculty of Law.

LAW 359C.002 **Family Law** Term 1 Term 2

Aloni

Lecture

4 CREDITS

Cross-listed with LAW 559D.002.**EXAM CONFLICT: STUDENTS REGISTERED IN 509.005, 459C.003/508D.003, 359C.002/559D.002, or 345C.001 ARE NOT ALLOWED TO BE REGISTERED IN 463.002/576.002, AND VICE VERSA.**

This course offers an introduction to the fundamental doctrines and theories governing the legal regulation of families in Canada and abroad, with a particular emphasis on British Columbia. From critical, historical, comparative, and practical perspectives, students will explore the legal regulation of intimate adult relationships and the parent-child relationship. The course studies underlying principles and examines how family structures and values have evolved during the late 20th and early 21st centuries, as well as the challenges the law faces in response to these changes. Topics covered include parentage determination, multiparenting, adoption, parenting arrangements after separation or divorce, cohabitation, marriage, other adult relationships, property division, support, custody, and alternative dispute resolution.

Evaluation: 100% Final Exam

*Associate Professor Erez Aloni is a full time member of the Peter A. Allard School of Law.***LAW 360.001** **Children & the Law** Term 1 Term 2

Samnani

Seminar

CREDITS

Historically, the rights of children have been examined through the rights and obligations of caregivers and the State. In this course, we will utilize a nuanced anti-racist, decolonized, queer and trans-inclusive frameworks to examine the shifting landscape of criminal, child protection, family, and other areas of the law which are either moving to provide more autonomy to children or to disenfranchise them from their rights altogether.

The course will look at the social, historical, political, normative, and legal contexts of the laws, policies and practices that affect children.

The course will rely heavily on student involvement in every class. Reading the material is mandatory. The course will be assessed on one 15-page paper (50%), a presentation based on your paper (25%), questions submitted prior to one class to facilitate a discussion led by the student (15%), and class participation (10%).

*Salima Samnani***LAW 363D.001** **Racism & Law** Term 1 Term 2

Kaushal

Seminar

3 CREDITS

This course will examine the multivalent relationship between race and law. It aims to provide students with theoretical and critical frameworks for thinking about this relationship, as well as specific legal sites for further study and application. We will begin by examining race as a social construct, placing it in socio-legal context. In the early part of the course, we will work on theoretical approaches to this relationship, including liberal legal theory, critical race theory, and post-colonial theory. We will also examine some of the key concepts that continue to animate race in the legal context, including slavery, segregation, and immigration. The course will then shift to the particular roles that law has played in constructing and adjudicating race. Focusing on Canadian examples whenever possible, we will study the following legal contexts: race and equality/anti-discrimination law; race and international law; race and property law; race, policing, and criminal justice; race and the judiciary; race, culture, and religion; and Indigenous peoples, race, and reconciliation. The assembled course materials will consist of case law and secondary sources.

The course will be taught as a seminar with a mix of lectures, student presentations, and class discussion. Evaluation will consist of a seminar presentation and an individual paper.

Assistant Professor Asha Kaushal is a full-time member of the Peter A. Allard School of Law.

LAW 367.001 **Reproduction & Law** Term 1 Term 2 Tremblay

Lecture 3 CREDITS

EXAM CONFLICT: STUDENTS REGISTERED IN 568.001 or 367.001 ARE NOT ALLOWED TO BE REGISTERED IN 438.002/538.002, AND VICE VERSA.

What is reproduction? How is reproduction regulated? What is the state's role in promoting or discouraging certain reproductive or sexual behavior? What is the state's role in balancing rights individuals' rights and interests when it comes to reproduction? This course investigates the many meanings of reproduction and its regulation in Canada and beyond. Special attention is devoted to analyzing how certain groups have been disproportionately affected by state policies. Topics covered include but are not limited to: fertility/infertility; assisted reproduction; surrogacy; gamete and embryo donation; eugenics; voluntary interruption of pregnancy. Critical, historical and comparative perspectives.

Prerequisites:

There is no strict prerequisite for taking this course. However, some knowledge of family law is desirable.

Evaluation

- Attendance and participation: 10%
- Take-home exam: 90%, 10 am - 2 pm on the date specified on the Exam Schedule.

Professor Régine Tremblay is a full time member of the UBC Faculty of Law.

LAW 368.001 **Sexuality & Law** Term 1 Term 2 Aloni

Seminar 3 CREDITS

The seminar examines the legal and social constructions that enable the legal regulation of human sexuality and gender. Gender and sexuality are governed by a broad range of laws, norms, and economic structures rather than by a single, independent body of laws. Thus, understanding how law has contended with sexuality and gender involves the study of the intersection of various seemingly disparate fields of law, such as contracts, tax, property, health, administrative, criminal, employment, and constitutional. In recognition of this complexity, this seminar takes a fundamentally interdisciplinary approach and examines major topics in the intersection of law, gender, and sexuality from domestic, international, and comparative perspectives.

The seminar will explore both established and important cutting-edge issues in the field. Topics we may cover include sex and sexual orientation-based discrimination in the workplace, nonreproductive sexuality, trans identity and politics, religious liberty versus LGBTQ equality, potential legal recognition of multiple partners and of nonconjugal relationships, and regulation of sex work. The seminar will also examine the deeper issues and theoretical questions these topics raise, such as when, why, and how nations began to regulate sex, the perception of sex, gender, and sexual orientation as binary categories, modern and postmodern theories of gender and sexuality, arguments about the state's interests in regulating relationships, and debates about economic inequality and its connection to gender and sexuality. Additional topics may be added depending on recent legal developments and students' interest.

Evaluation:

- 15% for class participation
- 20% for a book review chosen from a list provided by the instructor
- 65% for one term paper on a topic approved by the instructor

Associate Professor Erez Aloni is a full time member of the Peter A. Allard School of Law.

LAW 372C.001 **Administrative Law** Term 1 Term 2

Liston

Lecture

4 CREDITS

Cross-listed with LAW 509.001. This course is NOT open to Exchange students.
CHANGE Aug 26: Evaluation method and exam format

Administrative law is deeply implicated in our everyday lives. It is also key to the study of other areas of law such as immigration and refugee, human rights, environmental protection, labour relations, municipal governance, natural resources, social benefits, health and safety, professional self-governance, and licensing. As an advanced public law course, administrative law focuses on how courts are used to access government benefits and goods or to challenge abuses of public power. As part of the common law, administrative law permits judges to review the procedures and decisions of a variety of government decision-makers (e.g., agencies, arbitrators, boards, commissions, Ministers, municipalities, and tribunals) to ensure compliance with the rule of law. Two major themes structure this course: the legal requirements of the rule of law and the appropriate role of the courts given their strengths and limits.

Content covered includes:

- administrative procedures and the right to be heard such as the right of individuals to participate in decisions affecting them;
- the right to an independent, impartial and unbiased decision-maker;
- the standards of review used by courts to examine the merits of administrative decisions on the grounds of statutory misinterpretation, factual error, or because a decision-maker exercised discretion improperly or unreasonably;
- the principle of proportionality in administrative law;
- Aboriginal administrative law;
- policies, regulations, and soft law;
- common law and statutory remedies;
- principles of statutory interpretation;
- British Columbia's Administrative Tribunals Act; and,
- recent administrative law reform in British Columbia.

Evaluation will be based on a short written assignment worth 30% and a final examination worth 70%.

Professor Mary Liston is a full time member of the Peter A. Allard School of Law.

LAW 372C.002 **Administrative Law** Term 1 Term 2

Stacey

Lecture

4 CREDITS

Cross-listed with LAW 509.002. This course is NOT open to Exchange students.

Virtually every facet of modern life is affected in some way by the administrative state from labour relations to immigration to professional governance to environmental protection. These laws are administered primarily by administrative agencies, not courts. This course provides an introduction to the rules, principles and policy considerations that shape the powers of these administrative decision-makers. Major topics will include administrative law remedies, procedural fairness, bias and independence, and substantive judicial review of administrative decision-making. The course aims to look beyond the standard administrative law preoccupation with judicial review, to include the study of administrative agencies themselves. We will devote special attention to administrative law issues in British Columbia such as the Administrative Tribunals Act and Aboriginal administrative law.

This course is designed around students' active engagement with the course materials. Class time will be spent working through problems and discussion questions that apply the course material.

Evaluation:

Limited open-book 3-hour final examination (70%); take-home midterm exam (20%); class participation (10%).

Associate Professor Jocelyn Stacey is a full time member of the UBC Faculty of Law.

LAW 372C.003 **Administrative Law** Term 1 Term 2

Russo

Lecture

4 CREDITS

Registration restricted to JD students. This course is NOT open to Exchange students.

Administrative law is the body of law in Canada that governs the resolution of disputes involving statutorily empowered decision-makers. It governs decisions made by administrative tribunals, government boards, regulatory agencies and other decisions by other public entities or individuals that make rules that affect all of society. It is individuals' most common contact point with the legal system in Canada.

The study of administrative law helps to comprehend other legal disputes in several areas including immigration and refugees, labour relations, Indigenous governance, environmental and energy regulation, and many other areas that concern the exercise of public authority. Administrative law within Canada's constitutional structure permits courts to review the procedures and decisions of a variety of statutorily empowered decision-makers to ensure compliance with the rule of law. The content reviewed in this course includes the need to ensure fairness of administrative procedures such individuals' rights to participate in governmental decisions affecting them in front of an independent, impartial, and unbiased decision-maker. The course will also review current standards of judicial review, and remedies in administrative law. It includes a review of administrative law as it relates to access to justice issues and includes an examination of administrative law principles and issues relating specifically to Indigenous peoples.

Evaluation Method:

Participation (Case/Topic Briefs): -5% deducted from course grade for Incomplete

10% In-Class Bi-Weekly Quizzes

85% Final Exam

*Lecturer Robert Russo is a full time member of the Peter A. Allard School of Law.***LAW 372C.004** **Administrative Law** Term 1 Term 2

Ford

Lecture

4 CREDITS

Cross-listed with LAW 509.004. This course is NOT open to Exchange students.

Administrative law is woven deeply into our daily lives. Although they are less visible than courts or legislatures in the popular imagination, administrative bodies are actually the ones that develop and administer many of the rules that regulate us. Like Constitutional Law, Administrative Law is foundational. It sets the framework of rules according to which other, subject-specific areas of regulation – immigration and refugee law, environmental law, labour law, aspects of economic regulation – function. Admin Law also forces us to struggle with vexing questions, such as how to strike an appropriate balance between priorities such as regulatory effectiveness, context sensitivity, and legality; or where to draw the conceptual line between political (democratic), administrative (expertise-based), and judicial (law-based) authority. These questions go to the core of what it means to try to regulate a modern, heterogeneous, complex society based on the rule of law.

The Administrative Law course builds on the first year Public Law course. It surveys the rules, principles, legal framework, and policy considerations that shape the powers of these administrative decision-makers and standard-setters. Major topics will include administrative law remedies, procedural fairness, the relationship between administrative law and the Charter, Aboriginal administrative law and Indigenous administrative law, the BC Administrative Tribunals Act, and the crucial question of when courts may review administrative decision-making. The course will look, where possible, beyond the traditional administrative law preoccupation with judicial review, to examine how administrative agency themselves function.

Evaluation will be based on:

- Consistent, prepared, productive class participation through a variety of media including voice, chat, and in-class quizzes (20%)

- A final exam during the examination period (80%)

Professor Cristie Ford is a full time member of the Peter A. Allard School of Law.

LAW 374.001 **Municipal Law** Term 1 Term 2

Manhas

Lecture

3 CREDITS

Municipal Law is an administrative law course set in the context of the powers of local governments. Local governments enact laws regulating a wide range of activities. They also operate a wide range of services and, like private corporations, employ people and own substantial assets. The legislative, administrative and quasi-judicial powers of local governments will be examined. This includes the powers and limitations of municipal councils and regional boards, the duties and responsibilities of elected and appointed local government officials and the control the courts exercise over local governments. Major topics include local government organization, grounds for judicial review, conflicts of interest, the regulating and licensing of businesses, proprietary and contractual powers and relationships, tort and the public body and the considerable authority local governments have over subdivision of land, land use and planning.

Evaluation:

Evaluation will be by examination.

Sukhbir Manhas (LL.B. (UBC 1996)) articulated with Young, Anderson. After being called to the bar in May 1997, Mr. Manhas practiced with the firm as an associate lawyer until January 2005, when he joined the firm's partnership. Mr. Manhas' law practice involves advising clients on general local government law issues as well as representing them in civil and quasi-criminal proceedings before arbitrators, administrative tribunals, and the courts of this province and the nation. Mr. Manhas is currently a member of the Municipal Law, Civil Litigation and Construction Law subsections of the B.C. Branch of the Canadian Bar Association and frequently speaks at seminars and courses on local government and civil litigation issues put on by the Continuing Legal Education Society, the Local Government Management Association, and the Justice Institute of British Columbia.

LAW 377.001 **Immigration Law** Term 1 Term 2

Kaushal

Lecture

3 CREDITS

Cross-listed with LAW 577.001.

Immigration law determines who gets into Canada and on what terms. This course will examine the framework for entry, residence, and citizenship established by the Immigration and Refugee Protection Act. Students will learn the criteria for the various immigration classes. Topics will include: family immigration, skilled workers, international students, temporary foreign workers, provincial nominee programs, criminal and medical inadmissibility, and removals (including detention and deportation). We will also examine the intersection between immigration law and other fields of law such as constitutional law. This course focuses primarily on the Immigration and Refugee Protection Act and its regulations and case law, but attention will be paid throughout to the historical, philosophical, and normative aspects of immigration law. Students will be asked to think critically about how immigration law treats different classes of people.

Law 378C covers refugee law. The two courses complement each other and students interested in research or practice in this field are advised to take both courses.

Evaluation:

Students may choose either: (a) a 100% final exam or (b) a 30% case comment and a 70% final exam.

Assistant Professor Asha Kaushal is a full-time member of the Peter A. Allard School of Law.

LAW 378D.001**Refugee Law****Crimmigration** Term 1 Term 2

Arbel

Seminar

3 CREDITS

SEMINAR CANCELLED.***Cross-listed with LAW 578C.001.***

Description: The criminalization of mobility has fast become a key tool for border management and securitization in Canadian law. This seminar provides an introduction to issues that lie at intersection of Canadian criminal law and immigration law, often referred to as “crimmigration”. Broadly speaking, the course will analyze how criminal justice thinking and methods inform the regulation of human mobility across borders. The seminar will cover topics such as: how Canadian law controls and governs the crossing of borders, immigration detention, deportation, criminal admissibility, the production and policing of “illegality”, and the increasing use of technology and surveillance as tools of border control. It will also explore connections between immigration control and colonialism, as well as race, gender, and other subject positions. The seminar will focus primarily on Canadian law, but will do so through a comparative lens that also engages developments in other jurisdictions. The readings will include both doctrinal and theoretical material.

Evaluation: The seminar will be taught through a combination of lecture, class discussion, class exercises, and guest presentations. Evaluation will be based on class attendance and participation (10%), three short reaction papers reflecting on assigned readings (30%), and a final assignment (60%). Students will be asked to select their own topics for the final assignment in consultation with the instructor.

There is no overlap in content between this course and Immigration Law (Kaushal) or Topics in Public Law – Refugee Law (Dauvergne).

Efrat Arbel is a full time member of the UBC Faculty of Law.

LAW 379B.001**Externship****Business Law Clinic**

Term 1 Term 2 Gratton Backus Alsbergas, J *Experiential* 4 CREDITS

Registration by permission only. This clinic fulfills the Experiential Learning requirement.

The Business Law Clinic, or Law 379B.001/Law380A.001 is a clinical program comprised of 6 credits. 4 credits are based on the practical clinic component and 2 credits are based on the academic component. The practical component is evaluated on a pass/fail basis. The academic component is graded and is comprised of reflective journal presentations, participation in seminar discussions, work completed in clinic, cooperation with fellow students, and a written assignment.

379B.001

Students will learn how to provide business-oriented legal advice to small business owners, entrepreneurs, non-profit organizations, and individuals meeting certain criteria. Students will practice law firm management, professional ethics, professional responsibility, client intake and file management under the supervision of practicing lawyers. Students will have direct hands-on experience, under clinical supervision, to interview clients, conduct commercial and corporate law files, and give advice. Students will research, draft documents, and report back to their client at follow-up appointments.

Evaluation:

Students will be evaluated on their attendance, the progression of their skills, and the quality of their work product, on a pass/fail basis. Students must complete each part of their assigned file work and must earn a passing grade on each part of their assigned file work in order to pass Law 379B.001.

Pre-requisite: LAW 459 Business Organizations

Co-requisite: LAW 380A.001 Externship Reflection: Business Law Clinic Reflection

Tyson Gratton is a senior associate at DLA Piper (Canada) LLP. Tyson has a business law practice which is focused on advising video game, virtual and augmented reality, information technology, and ecommerce businesses. In his video game practice, Tyson regularly advises clients at all seats of the table including independent developers, specialized service providers, AAA studios, publishers, and global distribution platforms. Tyson works alongside companies from across Canada, the United States, and abroad who are creators, developers, integrators, innovators, distributors, and service providers. As a former television executive, Tyson knows what it takes to bring a diverse team of creatives, trades, and professionals together to bring a product to market. Tyson regularly writes and speaks on a number of legal issues facing the video game industry including at TwitchCon, the Video Game Bar Association, DigiBC, CLE-BE, and the Canadian Bar Association. Tyson is committed to pro-bono and community service initiatives and has spoken at various entertainment community organizations such as Damage Labs, The Fashion Zone at Ryerson University, and Sisters in Crime. Tyson is also the co-founder of DLA Piper's Black and Indigenous Business Law Clinic which provides pro-bono business advice to qualifying Black and Indigenous owned businesses in Canada. Tyson received both his Bachelor of Arts and Juris Doctor from the University of British Columbia where he now teaches at the Centre for Business Law at the Peter A. Allard School of Law as an adjunct professor. Lastly, as an avid curler, Tyson is great with a broom and never hesitates to hurry hard.

Gavyn Backus is an Associate at DLA Piper's Vancouver office. He is a corporate law generalist and a trusted advisor in the areas of commercial law, corporate governance, securities law, corporate finance, and mergers and acquisitions. He advises companies at all stages of their lifecycle in a range of industries, including information technology, fintech, biotech, ecommerce, entertainment, and emerging markets. He frequently advises clients on a variety of corporate commercial matters, including purchase and sale transactions, business combinations, corporate finance, licences and services agreements, and the negotiation of other complex strategic relationships.

Outside of the legal profession, Gavyn has worked as a strategic advisor to startups. He has experience in marketing, community engagement, and project management for various non-for-profit organizations, and is currently on the Board of Directors of The Beaumont Studios in Vancouver. He also has a background in science. Using his diverse experience, Gavyn applies a methodical approach to provide clients with practical legal advice.

John Alsbergas has practiced as a member of McMillan LLP's Capital Markets and M&A Group since being called to the bar of British Columbia in 2019. John maintains a broad securities law and corporate practice, advising on a wide range of matters including venture financings, public and private securities offerings, mergers and acquisitions, capital markets transactions and general startup, corporate and securities law matters. John acts for private and public companies, along with founders, agents and underwriters, with an emphasis on the technology and natural resource sectors. John obtained his J.D. from the University of Western Ontario in 2018, where he was a member of the Dean's Honour List and received the David L. Johnston Prize in Securities Regulation. Prior to law school, John received a B.A. from Wilfrid Laurier

University, where he graduated as the Gold Medalist for the faculty of Human & Social Sciences. Outside of work, John enjoys trail running and “competing” in races throughout British Columbia. In addition to John’s love of sports, he enjoys going to concerts and exploring Vancouver’s microbreweries.

LAW 379B.002	Externship	<u>Business Law Clinic</u>			
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Gratton	Backus	Alsbergas, J	Experiential 4 CREDITS

Registration by permission only. This clinic fulfills the Experiential Learning requirement.

The Business Law Clinic, or Law 379B.002/Law380A.002 is a clinical program comprised of 6 credits. 4 credits are based on the practical clinic component and 2 credits are based on the academic component. The practical component is evaluated on a pass/fail basis. The academic component is graded and is comprised of reflective journal presentations, participation in seminar discussions, work completed in clinic, cooperation with fellow students, and a written assignment.

379B.002

Students will learn how to provide business oriented legal advice to small business owners, entrepreneurs, non-profit organizations, and individuals meeting certain criteria. Students will practice law firm management, professional ethics, professional responsibility, client intake and file management under the supervision of practicing lawyers. Students will have direct hands-on experience, under clinical supervision, to interview clients, conduct commercial law files, and give advice. Students will research, draft documents, and report back to their client at follow-up appointments.

Evaluation:

Students will be evaluated on their attendance, the progression of their skills and the quality of their work product, on a pass/fail basis. Students must complete each part of their assigned file work and must earn a passing grade on each part of their assigned file work in order to pass Law 379B.002.

Pre-requisite: LAW 459 Business Organizations

Co-requisite: LAW 380A.002 Externship Reflection: Business Law Clinic Reflection

Tyson Gratton is a senior associate at DLA Piper (Canada) LLP. Tyson has a business law practice which is focused on advising video game, virtual and augmented reality, information technology, and ecommerce businesses. In his video game practice, Tyson regularly advises clients at all seats of the table including independent developers, specialized service providers, AAA studios, publishers, and global distribution platforms. Tyson works alongside companies from across Canada, the United States, and abroad who are creators, developers, integrators, innovators, distributors, and service providers. As a former television executive, Tyson knows what it takes to bring a diverse team of creatives, trades, and professionals together to bring a product to market. Tyson regularly writes and speaks on a number of legal issues facing the video game industry including at TwitchCon, the Video Game Bar Association, DigiBC, CLE-BE, and the Canadian Bar Association. Tyson is committed to pro-bono and community service initiatives and has spoken at various entertainment community organizations such as Damage Labs, The Fashion Zone at Ryerson University, and Sisters in Crime. Tyson is also the co-founder of DLA Piper's Black and Indigenous Business Law Clinic which provides pro-bono business advice to qualifying Black and Indigenous owned businesses in Canada. Tyson received both his Bachelor of Arts and Juris Doctor from the University of British Columbia where he now teaches at the Centre for Business Law at the Peter A. Allard School of Law as an adjunct professor. Lastly, as an avid curler, Tyson is great with a broom and never hesitates to hurry hard.

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Outside of the legal profession, Gavyn has worked as a strategic advisor to startups. He has experience in marketing, community engagement, and project management for various non-for-profit organizations, and is currently on the Board of Directors of The Beaumont Studios in Vancouver. He also has a background in science. Using his diverse experience, Gavyn applies a methodical approach to provide clients with practical legal advice.

John Alsbergas has practiced as a member of McMillan LLP's Capital Markets and M&A Group since being called to the bar of British Columbia in 2019. John maintains a broad securities law and corporate practice, advising on a wide range of matters including venture financings, public and private securities offerings, mergers and acquisitions, capital markets transactions and general startup, corporate and securities law matters. John acts for private and public companies, along with founders, agents and underwriters, with an emphasis on the technology and natural resource sectors. John obtained his J.D. from the University of Western Ontario in 2018, where he was a member of the Dean's Honour List and received the David L. Johnston Prize in Securities Regulation. Prior to law school, John received a B.A. from Wilfrid Laurier

University, where he graduated as the Gold Medalist for the faculty of Human & Social Sciences. Outside of work, John enjoys trail running and “competing” in races throughout British Columbia. In addition to John’s love of sports, he enjoys going to concerts and exploring Vancouver’s microbreweries.

LAW 379D.003**Externship****Judicial Externship** Term 1 Term 2

Martz

Experiential 11 CREDITS

Registration by permission only. Restricted to 3rd Year students only. Externships at Provincial Court of British Columbia. This clinic fulfills the Experiential Learning requirement.

Students will conduct legal research for judges, will attend trials and other judicial processes in Criminal, Civil and Family divisions of the Provincial Court of B.C., and will perform legal drafting tasks requested by judges. Students may participate in additional projects as approved by the Office of the Chief Judge and the Faculty Supervisor. Students may be placed in one registry or in a rotation of registries to ensure they receive opportunities to work in all areas of the Provincial Court practice.

Evaluation:
Pass/Fail.

Pre-requisites for application:

- Students must be in third year.
- LAW 476 Evidence is required.

The following courses are highly recommended: LAW 400 Advanced Criminal Procedure, LAW 359 Family Law, and LAW 469 Civil Procedure.

Lisa Martz has practised as a litigation lawyer for more than 25 years. She is now a full-time Lecturer at the Peter A. Allard School of Law.

LAW 379D.004**Externship****Judicial Externship** Term 1 Term 2

Martz

Experiential 11 CREDITS

Registration by permission only. Restricted to 3rd Year students only. Externships at Provincial Court of British Columbia. This clinic fulfills the Experiential Learning requirement.

Students will conduct legal research for judges, will attend trials and other judicial processes in Criminal, Civil and Family divisions of the Provincial Court of B.C., and will perform legal drafting tasks requested by judges. Students may participate in additional projects as approved by the Office of the Chief Judge and the Faculty Supervisor. Students may be placed in one registry or in a rotation of registries to ensure they receive opportunities to work in all areas of the Provincial Court practice.

Evaluation:
Pass/Fail.

Pre-requisites for application:

- Students must be in third year.
- LAW 476 Evidence is required.

The following courses are highly recommended: LAW 400 Advanced Criminal Procedure, LAW 359 Family Law, and LAW 469 Civil Procedure.

Lisa Martz has practised as a litigation lawyer for more than 25 years. She is now a full-time Lecturer at the Peter A. Allard School of Law.

LAW 379E.006**Externship****Corporate Counsel Externship** Term 1 Term 2

Amlani

*Experiential***5 CREDITS**

Registration by permission only. This course fulfills the Experiential Learning requirement. Fall Term Placement: Sept 3-Dec 6, 2024 (excluding Mid-Term Break: Nov 12-13)

The Corporate Counsel Externship is a clinical program within the Centre for Business Law that places students within legal departments at leading private and public sector organizations.

The Externship is comprised of 7 credits in total, with 5 credits allocated to this Clinical Component (Law 379E) and 2 credits allocated to the companion Reflection Component (Law 380A).

For this Clinical Component, each student joins an in-house legal team for one term, working 16 hours per week in a supervised environment to help deliver practical and actionable legal advice to stakeholders. Students obtain direct hands-on experience of how legal concepts learned in the classroom apply in a business setting, and undertake a variety of legal tasks depending on business needs, such as contract drafting and review, research, policy development, and improving processes. At the same time, students also observe and develop critical skills that complement the practice of law, such as building relationships with stakeholders, operating in a professional environment, assessing risks, managing workload, and professional ethics / responsibility. Each student is paired with a supervising lawyer who will help manage workflow and act as a coach / mentor to the student for the duration of the placement.

Students are evaluated on a pass/fail basis, based on (a) an evaluation by the student's supervising lawyer who will assess several core competencies (e.g., quality of work, work ethic, professionalism, dependability, communication skills, etc.), (b) a key research project to be undertaken during the placement and also evaluated by the student's supervising lawyer, and (c) bi-weekly reflective journals.

Pre-requisite: LAW 459 Business Organizations

Co-requisite: LAW 380A Externship Reflection: Corporate Counsel Externship Reflection

Karim Amlani holds the position of Senior Director, Legal at Hootsuite. He loves being an in-house lawyer and is excited to help students get a glimpse into life as an in-house lawyer through the Externship.

At Hootsuite, Karim leads a team supporting the corporate, product and procurement functions. In his eight years at Hootsuite, he has closed M&A/financing transactions, negotiated business critical agreements with social networks, developed company-wide processes and considered the use of artificial intelligence technologies. Before joining Hootsuite, Karim was a lawyer in the securities and information technology groups at Blake, Cassels & Graydon LLP. He also sits on the Dean's Advisory Committee for the Centre for Business Law at the University of British Columbia, and frequently contributes to industry activities within the in-house legal community.

LAW 379E.007**Externship****Corporate Counsel Externship** Term 1 Term 2

Amlani

*Experiential***5 CREDITS**

Registration by permission only. This course fulfills the Experiential Learning requirement. Spring Term Placement: Jan 6-Apr 8, 2025 (excluding Reading Week: Feb 18-21)

The Corporate Counsel Externship is a clinical program within the Centre for Business Law that places students within legal departments at leading private and public sector organizations.

The Externship is comprised of 7 credits in total, with 5 credits allocated to this Clinical Component (Law 379E) and 2 credits allocated to the companion Reflection Component (Law 380A).

For this Clinical Component, each student joins an in-house legal team for one term, working 16 hours per week in a supervised environment to help deliver practical and actionable legal advice to stakeholders. Students obtain direct hands-on experience of how legal concepts learned in the classroom apply in a business setting, and undertake a variety of legal tasks depending on business needs, such as contract drafting and review, research, policy development, and improving processes. At the same time, students also observe and develop critical skills that complement the practice of law, such as building relationships with stakeholders, operating in a professional environment, assessing risks, managing workload, and professional ethics / responsibility. Each student is paired with a supervising lawyer who will help manage workflow and act as a coach / mentor to the student for the duration of the placement.

Students are evaluated on a pass/fail basis, based on (a) an evaluation by the student's supervising lawyer who will assess several core competencies (e.g., quality of work, work ethic, professionalism, dependability, communication skills, etc.), (b) a key research project to be undertaken during the placement and also evaluated by the student's supervising lawyer, and (c) bi-weekly reflective journals.

Pre-requisite: LAW 459 Business Organizations

Co-requisite: LAW 380A Externship Reflection: Corporate Counsel Externship Reflection

Karim Amlani holds the position of Senior Director, Legal at Hootsuite. He loves being an in-house lawyer and is excited to help students get a glimpse into life as an in-house lawyer through the Externship.

At Hootsuite, Karim leads a team supporting the corporate, product and procurement functions. In his eight years at Hootsuite, he has closed M&A/financing transactions, negotiated business critical agreements with social networks, developed company-wide processes and considered the use of artificial intelligence technologies. Before joining Hootsuite, Karim was a lawyer in the securities and information technology groups at Blake, Cassels & Graydon LLP. He also sits on the Dean's Advisory Committee for the Centre for Business Law at the University of British Columbia, and frequently contributes to industry activities within the in-house legal community.

LAW 380A.001	Externship Reflection	<u>Business Law Clinic - Reflection</u>				
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	Gratton	Backus	Alsbergas, J	Workshop	2 CREDITS	

Registration by permission only.

The Business Law Clinic, or Law 379B.001/Law380A.001 is a clinical program comprised of 6 credits. 4 credits are based on the practical clinic component and 2 credits are based on the academic component. The practical component is evaluated on a pass/fail basis. The academic component is graded and is comprised of reflective journal presentations, participation in seminar discussions, work completed in clinic, cooperation with fellow students, and a written assignment.

380A.001

Students will develop their substantive knowledge of business law in a two hour seminar setting. Topics will include giving preliminary advice to small business start-ups, incorporating companies and not-for-profit societies, and drafting and advising on a variety of commercial contracts (partnership agreements, shareholders agreements, non-competition agreements, leases and other types of contracts), as well as law firm management, professional ethics, professional responsibility, client intake, and file management.

Evaluation:

Students will be graded on a reflective journal, class participation in weekly seminar discussions, work completed in clinic, cooperation with fellow students, and one written assignment based on a commercial fact-pattern.

Pre-requisite: LAW 459 Business Organizations

Co-requisite: LAW 379 Externship: Business Law Clinic

Tyson Gratton is a senior associate at DLA Piper (Canada) LLP. Tyson has a business law practice which is focused on advising video game, virtual and augmented reality, information technology, and ecommerce businesses. In his video game practice, Tyson regularly advises clients at all seats of the table including independent developers, specialized service providers, AAA studios, publishers, and global distribution platforms. Tyson works alongside companies from across Canada, the United States, and abroad who are creators, developers, integrators, innovators, distributors, and service providers. As a former television executive, Tyson knows what it takes to bring a diverse team of creatives, trades, and professionals together to bring a product to market. Tyson regularly writes and speaks on a number of legal issues facing the video game industry including at TwitchCon, the Video Game Bar Association, DigiBC, CLE-BE, and the Canadian Bar Association. Tyson is committed to pro-bono and community service initiatives and has spoken at various entertainment community organizations such as Damage Labs, The Fashion Zone at Ryerson University, and Sisters in Crime. Tyson is also the co-founder of DLA Piper's Black and Indigenous Business Law Clinic which provides pro-bono business advice to qualifying Black and Indigenous owned businesses in Canada. Tyson received both his Bachelor of Arts and Juris Doctor from the University of British Columbia where he now teaches at the Centre for Business Law at the Peter A. Allard School of Law as an adjunct professor. Lastly, as an avid curler, Tyson is great with a broom and never hesitates to hurry hard.

Gavyn Backus is an Associate at DLA Piper's Vancouver office. He is a corporate law generalist and a trusted advisor in the areas of commercial law, corporate governance, securities law, corporate finance, and mergers and acquisitions. He advises companies at all stages of their lifecycle in a range of industries, including information technology, fintech, biotech, ecommerce, entertainment, and emerging markets. He frequently advises clients on a variety of corporate commercial matters, including purchase and sale transactions, business combinations, corporate finance, licences and services agreements, and the negotiation of other complex strategic relationships.

Outside of the legal profession, Gavyn has worked as a strategic advisor to startups. He has experience in marketing, community engagement, and project management for various non-for-profit organizations, and is currently on the Board of Directors of The Beaumont Studios in Vancouver. He also has a background in science. Using his diverse experience, Gavyn applies a methodical approach to provide clients with practical legal advice.

John Alsbergas has practiced as a member of McMillan LLP's Capital Markets and M&A Group since being called to the bar of British Columbia in 2019. John maintains a broad securities law and corporate practice, advising on a wide range of matters including venture financings, public and private securities offerings, mergers and acquisitions, capital markets transactions and general startup, corporate and securities law matters. John acts for private and public companies, along with founders, agents and underwriters, with an emphasis on the technology and natural resource sectors. John obtained his J.D. from the University of Western Ontario in 2018, where he was a member of the Dean's Honour List and received the David L. Johnston Prize in Securities Regulation. Prior to law school, John received a B.A. from Wilfrid Laurier University, where he graduated as the Gold Medalist for the faculty of Human & Social Sciences. Outside of work, John

enjoys trail running and “competing” in races throughout British Columbia. In addition to John’s love of sports, he enjoys going to concerts and exploring Vancouver’s microbreweries.

LAW 380A.002	Externship Reflection	<u>Business Law Clinic - Reflection</u>				
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Gratton	Backus	Alsbergas, J	Workshop	2 CREDITS

Registration by permission only.

The Business Law Clinic, or Law 379B.002/Law380A.002 is a clinical program comprised of 6 credits. 4 credits are based on the practical clinic component and 2 credits are based on the academic component. The practical component is evaluated on a pass/fail basis. The academic component is graded and is comprised of reflective journal presentations, participation in seminar discussions, work completed in clinic, cooperation with fellow students, and a written assignment.

380A.002

Students will develop their substantive knowledge of business law in a two hour seminar setting. Topics will include giving preliminary advice to small business start-ups, incorporating companies and not-for-profit societies, drafting and advising on a variety of commercial contracts (partnership agreements, shareholders agreements, non-competition agreements, leases and other types of contracts) as well as law firm management, professional ethics, professional responsibility, client intake and file management.

Evaluation:

Students will be graded on a reflective journal, class participation in weekly seminar discussions, work completed in clinic, cooperation with fellow students, and one written assignment based on a commercial fact-pattern.

Pre-requisite: LAW 459 Business Organizations

Co-requisite: LAW 379 Externship: Business Law Clinic

Tyson Gratton is a senior associate at DLA Piper (Canada) LLP. Tyson has a business law practice which is focused on advising video game, virtual and augmented reality, information technology, and ecommerce businesses. In his video game practice, Tyson regularly advises clients at all seats of the table including independent developers, specialized service providers, AAA studios, publishers, and global distribution platforms. Tyson works alongside companies from across Canada, the United States, and abroad who are creators, developers, integrators, innovators, distributors, and service providers. As a former television executive, Tyson knows what it takes to bring a diverse team of creatives, trades, and professionals together to bring a product to market. Tyson regularly writes and speaks on a number of legal issues facing the video game industry including at TwitchCon, the Video Game Bar Association, DigiBC, CLE-BE, and the Canadian Bar Association. Tyson is committed to pro-bono and community service initiatives and has spoken at various entertainment community organizations such as Damage Labs, The Fashion Zone at Ryerson University, and Sisters in Crime. Tyson is also the co-founder of DLA Piper's Black and Indigenous Business Law Clinic which provides pro-bono business advice to qualifying Black and Indigenous owned businesses in Canada. Tyson received both his Bachelor of Arts and Juris Doctor from the University of British Columbia where he now teaches at the Centre for Business Law at the Peter A. Allard School of Law as an adjunct professor. Lastly, as an avid curler, Tyson is great with a broom and never hesitates to hurry hard.

Gavyn Backus is an Associate at DLA Piper's Vancouver office. He is a corporate law generalist and a trusted advisor in the areas of commercial law, corporate governance, securities law, corporate finance, and mergers and acquisitions. He advises companies at all stages of their lifecycle in a range of industries, including information technology, fintech, biotech, ecommerce, entertainment, and emerging markets. He frequently advises clients on a variety of corporate commercial matters, including purchase and sale transactions, business combinations, corporate finance, licences and services agreements, and the negotiation of other complex strategic relationships.

Outside of the legal profession, Gavyn has worked as a strategic advisor to startups. He has experience in marketing, community engagement, and project management for various non-for-profit organizations, and is currently on the Board of Directors of The Beaumont Studios in Vancouver. He also has a background in science. Using his diverse experience, Gavyn applies a methodical approach to provide clients with practical legal advice.

John Alsbergas has practiced as a member of McMillan LLP's Capital Markets and M&A Group since being called to the bar of British Columbia in 2019. John maintains a broad securities law and corporate practice, advising on a wide range of matters including venture financings, public and private securities offerings, mergers and acquisitions, capital markets transactions and general startup, corporate and securities law matters. John acts for private and public companies, along with founders, agents and underwriters, with an emphasis on the technology and natural resource sectors. John obtained his J.D. from the University of Western Ontario in 2018, where he was a member of the Dean's Honour List and received the David L. Johnston Prize in Securities Regulation. Prior to law school, John received a B.A. from Wilfrid Laurier University, where he graduated as the Gold Medalist for the faculty of Human & Social Sciences. Outside of work, John

enjoys trail running and “competing” in races throughout British Columbia. In addition to John’s love of sports, he enjoys going to concerts and exploring Vancouver’s microbreweries.

LAW 380A.003	<u>Externship Reflection</u>	<u>Corporate Counsel Externship - Reflection</u>
<input checked="" type="checkbox"/> Term 1	<input type="checkbox"/> Term 2	Amlani
		Workshop
		2 CREDITS

Registration by permission only. Class will meet on the following dates for the Fall Term: Sept 7, 8, 14, and Nov 23, 2024 (9:00AM-5:00PM each day)

The Corporate Counsel Externship is a clinical program within the Centre for Business Law that places students within legal departments at leading private and public sector organizations.

The Externship is comprised of 7 credits in total, with 2 credits allocated to this Reflection Component (Law 380A) and 5 credits allocated to the companion Clinical Component (Law 379E).

For this Reflection Component, students attend lectures, complete required readings and undertake exercises that focus specifically on in-house practice and professional development. The Reflection Component is designed to enhance experiential learning gained through the Clinical Component and ensure a significant academic component to students' learning. Topics include, among others, the role of in-house counsel, professional responsibilities and ethics, effective business communications, negotiations, financial literacy, contracts, M&A, and other substantive subject areas. At the end of the term, students will present on their experiences and reflect on the impact that the externship has had on their professional development.

Students will be graded on assignments (20%), class participation (30%) and their final presentation (50%).

Pre-requisite: LAW 459 Business Organizations

Co-requisite: LAW 379E Externship: Corporate Counsel Externship

Karim Amlani holds the position of Senior Director, Legal at Hootsuite. He loves being an in-house lawyer and is excited to help students get a glimpse into life as an in-house lawyer through the Externship.

At Hootsuite, Karim leads a team supporting the corporate, product and procurement functions. In his eight years at Hootsuite, he has closed M&A/financing transactions, negotiated business critical agreements with social networks, developed company-wide processes and considered the use of artificial intelligence technologies. Before joining Hootsuite, Karim was a lawyer in the securities and information technology groups at Blake, Cassels & Graydon LLP. He also sits on the Dean's Advisory Committee for the Centre for Business Law at the University of British Columbia, and frequently contributes to industry activities within the in-house legal community.

LAW 380A.004 Externship Reflection Corporate Counsel Externship - Reflection
 Term 1 Term 2 Amlani Workshop 2 CREDITS

Registration by permission only. Class will meet on the following dates for the Spring Term: Jan 11, 12, 18, and Mar 29, 2025 (9:00-5:00PM each day)

The Corporate Counsel Externship is a clinical program within the Centre for Business Law that places students within legal departments at leading private and public sector organizations.

The Externship is comprised of 7 credits in total, with 2 credits allocated to this Reflection Component (Law 380A) and 5 credits allocated to the companion Clinical Component (Law 379E).

For this Reflection Component, students attend lectures, complete required readings and undertake exercises that focus specifically on in-house practice and professional development. The Reflection Component is designed to enhance experiential learning gained through the Clinical Component and ensure a significant academic component to students' learning. Topics include, among others, the role of in-house counsel, professional responsibilities and ethics, effective business communications, negotiations, financial literacy, contracts, M&A, and other substantive subject areas. At the end of the term, students will present on their experiences and reflect on the impact that the externship has had on their professional development.

Students will be graded on assignments (20%), class participation (30%) and their final presentation (50%).

Pre-requisite: LAW 459 Business Organizations

Co-requisite: LAW 379E Externship: Corporate Counsel Externship

Karim Amlani holds the position of Senior Director, Legal at Hootsuite. He loves being an in-house lawyer and is excited to help students get a glimpse into life as an in-house lawyer through the Externship.

At Hootsuite, Karim leads a team supporting the corporate, product and procurement functions. In his eight years at Hootsuite, he has closed M&A/financing transactions, negotiated business critical agreements with social networks, developed company-wide processes and considered the use of artificial intelligence technologies. Before joining Hootsuite, Karim was a lawyer in the securities and information technology groups at Blake, Cassels & Graydon LLP. He also sits on the Dean's Advisory Committee for the Centre for Business Law at the University of British Columbia, and frequently contributes to industry activities within the in-house legal community.

LAW 380C.006 Externship Reflection Judicial Externship
 Term 1 Term 2 Martz Workshop 4 CREDITS

Registration by permission only. Restricted to 3rd Year students only.

LAW 380 is designed to promote reflective practice, to enhance learning gained through the experiential learning of LAW 379 Externship, and to ensure a significant academic component to students' learning. The course will focus on specific topics relevant to the externship placements of students in any given term, but will normally include most of: the role(s) of the lawyer; professional responsibility; legal ethics; representation of disempowered members of society; legal culture; culture and conflict; as well as topics arising from the externship placements (e.g. the role of courts and the judiciary, and specific case-driven considerations arising from externships). All externship students meet weekly for three hours. Additional assignments will be completed outside of class.

Lisa Martz has practised as a litigation lawyer for more than 25 years. She is now a full-time Lecturer at the Peter A. Allard School of Law.

LAW 380C.007**Externship Reflection****Judicial Externship** Term 1 Term 2

Martz

Workshop

4 CREDITS

Registration by permission only. Restricted to 3rd Year students only.

LAW 380 is designed to promote reflective practice, to enhance learning gained through the experiential learning of LAW 379 Externship, and to ensure a significant academic component to students' learning. The course will focus on specific topics relevant to the externship placements of students in any given term, but will normally include most of: the role(s) of the lawyer; professional responsibility; legal ethics; representation of disempowered members of society; legal culture; culture and conflict; as well as topics arising from the externship placements (e.g. the role of courts and the judiciary, and specific case-driven considerations arising from externships). All externship students meet weekly for three hours. Additional assignments will be completed outside of class.

Lisa Martz has practised as a litigation lawyer for more than 25 years. She is now a full-time Lecturer at the Peter A. Allard School of Law.

LAW 382.001**Health Law** Term 1 Term 2

Fedio, D

James, K

Lecture

3 CREDITS

CHANGE (Sept 16): Evaluation Method

This course will provide students with a greater understanding of law and policy issues related to health care. The class will cover the regulation of health care (professionals and institutions), current challenges impacting health care delivery, and critiques of the system. We will spotlight key health care interventions across the life course, from prenatal to post-mortem, touching on topics such as consent by minors, access to abortion, and medically assisted death. Students will be supported to analyze how the health care system intersects with legal rights and obligations at both a societal and individual level, with particular attention to the unique barriers faced by different marginalized populations, including Indigenous people, people with disabilities, 2SLGBTQ+ people, women, and newcomers to Canada.

Evaluation will be based on attendance and participation (10%), in-class presentation (20%), and a final written assignment (70%)

Deanna Fedio is currently a Legal Counsel at Vancouver Coastal Health Authority, where she has practiced since her call to the bar. Her practice includes advising on public health, professional regulation, adult guardianship, human rights, occupational health and safety, employment, health care consent, privacy, and providing representation before administrative tribunals and courts. She was one of the main advisors to public health and clinical leadership during the pandemic. Deanna regularly volunteers on international human rights projects relating to Indigenous and women's rights in the mining sector and is an executive member of the CBA Health Law section.

Krista James is a lawyer, writer, feminist, and community organizer. She is currently Policy Director and Senior Legal Counsel for Vancouver Coastal Health. She was a Staff Lawyer with the BC Law Institute for 15 years, including 11 years in the position of National Director of the Canadian Centre for Elder Law. Krista was called to the BC bar in 1998 after articling with the Legal Services Society of BC (now Legal Aid BC). She has practiced labour and human rights law, and written and presented extensively on health law topics. Over the years Krista has worked with various legal non-profits as staff, volunteer, and board member, including both more traditional lawyer positions and gigs as advocate and victim assistance worker. You can find Krista on LinkedIn: <https://www.linkedin.com/in/krista-james-27431840/>.

LAW 386D.001 **Sustainable Development Law**

Term 1 Term 2 Carlson Clogg Seminar 3 CREDITS

CHANGE (JULY 11): INSTRUCTOR CHANGE
CHANGE (JULY 16): COURSE DESCRIPTION ADDED

Where do we locate law in the quest for sustainability? How is it both a driver of unsustainable practices and a critical tool in transforming how we live? In this interactive seminar, we explore how the concepts of sustainability and sustainable development have shifted over time and how they relate to law and the role of lawyers. The seminar format provides an ideal opportunity to engage critically with key legal concepts, documents and texts, allowing us to deepen our negotiation, speaking, writing, and legal drafting skills. In the process, we will develop a knowledge of legal responses to sustainability conflicts across a broad range of areas of legal practice spanning revitalization of Indigenous law, business and transactional law, land use planning, project finance, and strategic litigation.

Topics we will address include legal responses to climate change and biodiversity destruction, the use of legal principles in both litigation and regulation, engagement with legal concepts of sustainability by actors within and beyond the state, and the intersection of scientific and legal knowledge. We will look at novel ways of structuring deals and legal mechanisms to advance sustainable legal practices. This seminar will be of interest to anyone keen to explore how lawyers can bring about and support transformational change.

Evaluation:

Evaluation will be based on active participation and leadership in class exercises, simulations, and seminar discussions (30%) and a research paper (70%)

Deborah Carlson is Staff Lawyer at West Coast Environmental Law and has been responsible for the Green Communities Program since 2010. Prior to joining West Coast worked as part of the climate change team at the David Suzuki Foundation and as a litigator in Vancouver.

Jessica Clogg is the Executive Director & Senior Counsel at West Coast Environmental Law where she has worked as environmental and Indigenous rights lawyer for the past 25 years.

LAW 387B.001 **Environmental Law**

Term 1 Term 2 Stacey Lecture 3 CREDITS

Cross-listed with LAW 587C.001.

Environmental issues challenge our understanding of law in many ways. Environmental issues are complex scientifically and politically, and temporally and geographically. They require a close examination of the potential and limits of core areas of legal doctrine (e.g. tort law and public law) and how these doctrines need to be stretched or adapted to account for the complexity of environmental problems. Students will learn about the contested purposes and principles of environmental law, contested jurisdiction over the environment (Indigenous authority and Canadian constitutional law), how the environment is governed by the Canadian state (e.g. environmental assessment law, endangered species protection, plastics regulation), and the role of the courts. The course is designed both for students seeking a concise introduction to the subject-matter as part of a well-rounded legal education, as well as for students seeking to specialize in this growing and substantial area of law, for which Environmental Law 387 provides foundation for further studies.

Note that this course follows a “flipped classroom” model and is structured around problem-based learning that requires active participation during class time.

It is strongly recommended that students take Federalism and Administrative Law prior to this course. Students who have not taken these courses should reach out to Professor Stacey for background readings prior to starting the course.

Evaluation: Class engagement (20%), a midterm assignment (20%) and a final project (60%).

Associate Professor Jocelyn Stacey is a full time member of the UBC Faculty of Law.

LAW 391D.001**Topics in Environmental Law****Climate Litigation** Term 1 Term 2

Ho, A

Seminar

3 CREDITS

Using climate litigation as the focus, this seminar provides students with opportunities to develop competencies to be effective legal advocates before the courts and other regulatory bodies. Consistent with international trend, increasingly environmental defenders in Canada are using the court system to hold governments and other actors accountable for their contributions to climate change. Aspiring lawyers who wish to practice in this field need not only a solid understanding of the substantive legal theories underpinning climate litigation, but also develop competencies in litigation strategy, evidence, and procedure. Using real examples of climate cases, students will learn about aspects of the law that are engaged in these cases, and work both independently and in collaboration with classmates to prepare for and complete various exercises that emulate different stages of litigation. These exercises include working with expert evidence, drafting a factum, and delivering oral argument in a moot in relation to those climate cases.

Evaluation:

Exercises: 40%

Research and writing assignment: 55%

Participation: 5%

Anthony Ho practices at Ad Astra Law Corporation, a solo-practice firm that founded in July 2024 where he focusses on environmental, natural resources, and administrative law.

He has experience in environmental assessments, regulatory hearings, judicial reviews, and civil trials and has appeared before the Federal Court and Federal Court of Appeal, the BC Supreme Court, and various tribunals including the National Energy Board and BC Environmental Appeal Board.

He received his J.D. from the University of Victoria in 2014 and was called to the British Columbia bar in 2015. After his call, he was a staff lawyer at the UVic Environmental Law Centre before practising as an associate at Tollefson Law for 7 years, where he remains of counsel.

From 2016 to 2024, he was also the Program Coordinator at the Pacific Centre for Environmental Law and Litigation (CELL). In that capacity, he helped deliver CELL's educational program, which trains law students in litigation practice skills through exposure to real-life pieces of public interest environmental litigation.

Aside from his J.D., Anthony also holds a Master of Public Administration (UVic '14), a B.Sc. in environmental sciences (UBC '10), and a B.A. in political science (UBC '10). He is currently pursuing a Ph.D. in Law and Society at UVic

LAW 392.001 **Natural Resources Law**

Term 1 Term 2 Hickling, J *Lecture* **3 CREDITS**

Natural resources are the foundation of our economy, our society, our politics, and our past and our future. How a society governs the use of natural resources determines whether or not (and for how long) that society will be prosperous, innovative, fair and just, and free. Natural resources are also key drivers in peace and conflict, between jurisdictions in our federal system and at the international level.

This fast-paced introductory course will compare the constitutional, regulatory, and policy frameworks that govern natural resource sectors in British Columbia – energy, forestry, mining, water, and wildlife – with a view to preparing students for entry into legal practice. In addition, students will be invited to consider developing policies and emerging issues on topics such as investment and finance, royalty and tax structures, climate and biodiversity, and indigenous rights.

Some important questions about the deep structure and function of law may also be explored: Is law a system of rules and sanctions, or is it a social process that supports decision-making? How is law informed by values and how does it respond to changing priorities? How are concepts like pluralism, distributive justice, and intergenerational equity reflected in law?

Evaluation: Evaluation will be based on a final exam (100%), with an option for a short research paper (15%).

James Hickling, M.Sc., LL.B., B.C.L. has practiced natural resources law in British Columbia for twenty years. He was a UBC Law gold medalist, clerked at the Supreme Court of Canada, held a Commonwealth Scholarship at Balliol College, Oxford, and the WM Tapp Studentship in Law at Gonville & Caius College, Cambridge. He has led negotiations on significant natural resource issues and published articles on energy law, environmental law, and indigenous rights in leading academic journals.

LAW 393D.001 **Green Rights & Warrior Lawyers**

Term 1 Term 2 Wood, S. *Seminar* **3 CREDITS**

Around the world, citizens and lawyers are using law to vindicate the human right to live in a healthy environment and the rights of nature to exist and flourish. In this seminar, students explore the theory and practice of environmental human rights, rights of nature and public interest lawyering through real world case studies of environmental lawyers and defenders on the front lines of struggles to protect people, species and ecosystems in Canada and beyond. The seminar uses a variety of learning materials including documentary films, video interviews, live guest appearances, biographies, news media, case law, legislation, government documents, non-governmental reports and academic literature. Students facilitate class discussion on a specific date and topic, write a blog post on a real "Warrior Lawyer" and complete a research project applying lessons from the theory and practice of environmental rights to a current environmental law issue.

Evaluation:

Facilitation of class discussion: 10%

Blog post: 25%

Research paper or project: 65%

Professor Stepan Wood is a full time member of the Peter A. Allard School of Law. He is the Canada Research Chair in Law, Society and Sustainability and Director of the Centre for Law and the Environment.

LAW 394.001**Mining Law** Term 1 Term 2

Collie

Monk

Lecture

3 CREDITS

This course is intended to serve as a general introduction to Canadian mining law, with a focus on British Columbia. It will cover "black letter" areas of the law such as mineral tenure systems, as well as related commercial law matters which most lawyers practising in the area would likely encounter, such as typical forms of commercial agreements, and issues which arise in mining finance (particularly in a public markets context). Specific areas to be covered include: ownership and acquisition of mineral interests; types of mineral interests including mineral claims and leases; major agreements in exploration and mining (e.g., confidentiality agreements, option and joint venture agreements, royalty agreements); permitting of a mine in British Columbia; financing of mining ventures and related securities law considerations (e.g., standards of disclosure for mineral projects).

Evaluation:

Final exam

Don Collie (B.A. (University of Calgary), LL.B. (University of Toronto), M.A. (University of Toronto)) is Counsel at DLA Piper (Canada) LLP, in the Vancouver office. He was called to the Ontario Bar in 1992 and the British Columbia Bar in 1993. He practices in the areas of securities law, corporate finance, mergers & acquisitions, mining and related general corporate and commercial transactions. His mining-related experience includes financing of mining ventures and companies, drafting and negotiating mining joint venture and option agreements, royalty agreements, acquisitions and dispositions of mining properties and companies, advising on mineral tenure, and advising on disclosure requirements for mineral projects.

Alan Monk (B.B.A. (Simon Fraser University), MBA (UBC), LL.B. (University of Alberta)) is Counsel at DLA Piper (Canada) LLP in Vancouver. He was called to the Alberta Bar in 1998 and the British Columbia Bar in 1999. Alan practices in the areas of securities law, mergers & acquisitions, mining and related general corporate and commercial matters. Alan's securities practice involves public and private financings of mineral exploration companies and advising on continuous disclosure, corporate governance and general regulatory compliance for public companies. His mining practice includes the negotiation and preparation of a variety of commercial agreements, including option and joint venture agreements, royalty agreements, and confidentiality agreements as well as mineral title matters.

LAW 395.001 **Forest Law** Term 1 Term 2

Garton

Lecture

3 CREDITS

Forests have long been a cornerstone of British Columbia's natural environment and economy. Government has created a complex regulatory regime seeking to balance competing interests in the forest, including those of industrial & recreational users, public interest groups, government and Indigenous Nations. The interface between these different visions of forest resource management and the impacts of climate change upon BC's forests have produced some of the most challenging questions that BC lawyers and policy-makers have had to address in recent decades, and public interest in the outcome is high. Initially this course will examine the current statutory regime that regulates activities in BC forests, as well as the legal nature of the forest tenures or entitlements that the BC government may grant to the private sector, First Nations, and other groups. We will then address a number of more specific topics, including the current policy debate and announcements for forest tenure and logging reform, the nature and effect of Indigenous rights to forest lands and resources, wildfire suppression and liability, a comparative survey of forest policy in selected other jurisdictions, the financial interest of the Province in BC's forests and enforcement of that interest, the role of professional reliance in forest management, the compliance and enforcement regime for BC forest laws, the key commercial issues a lawyer would encounter in practicing forest law and the planning framework that the BC government uses to weigh competing wildlife, heritage, biodiversity, environmental and industrial interests. Guest speakers may be included to provide different expertise or perspectives on some of the public policy issues that will arise.

Evaluation: 100% final exam

Billy Garton (B.Sc.F. (U. of T. 1983), LL.B. (U. of T. 1989)) is a Vancouver lawyer with over 25 years of experience advising clients on forestry law topics, primarily focused on the commercial, first nations and environmental aspects of forestry law. He previously lead the forestry law practice at Bull, Housser & Tupper LLP (now Norton Rose Fulbright LLP) where his clients included large and small timber tenure holders, first nation governments, logging contractors, lenders to the forest sector and industry associations. He recently retired as General Counsel to Seaspan ULC, a large BC-based shipbuilder and marine services provider. Prior to attending law school Billy worked in the BC coastal forest industry as well as in Alberta and Ontario.

LAW 400.001 **Advanced Criminal Procedure** Term 1 Term 2

Harris, N.

Lecture

3 CREDITS

This course is NOT open to Exchange students

Practice and procedure in criminal matters will be canvassed in this course, from the laying of a charge through to appeals. Topics covered will include powers of arrest and search, the requirements of a valid charge, bail, rulings, severance, disclosure, jury trials and indictable appeals. The application of the Canadian Charter of Rights and Freedoms to the criminal process will also be discussed.

Instruction will be by lecture and use of an unannotated criminal code and case book.

Evaluation:

Students will be evaluated on the basis of a two-and-a-half-hour final examination.

Nikos Harris is a full-time member of the Peter A. Allard School of Law.

LAW 401D.001 **Penal Policy** Term 1 Term 2 Parkes

Seminar

3 CREDITS

Cross-listed to LAW 560D.001

This seminar is designed to give students an understanding of that part of the criminal justice system about which most lawyers know the least - the prison. We will investigate the historical evolution of the prison and critically examine the central role that punishment (particularly through incarceration) plays in Canadian criminal law and society. We will consider the evolution of constitutional and other legal principles and case law governing incarceration, with particular attention to prisoners' rights, oversight and accountability of imprisonment, and avenues for advocacy. Topics include provincial and federal prison law and systems, conditions of confinement, security classification, solitary confinement, parole and other forms of release, and attention to the ways that people experience incarceration differentially depending on race, gender, disability, and sexual orientation or gender identity. The seminar will include visits to local prisons to meet with prisoners and opportunities to hear from lawyers who do prison law.

Evaluation:

Evaluation is based on participation and engagement (25%) and a research paper (75%).

Professor Debra Parkes is a full-time faculty member of the UBC Faculty of Law. Debra Parkes is the Chair in Feminist Legal Studies at the Peter A. Allard School of Law, UBC. Before joining the Faculty at Allard Hall, Prof. Parkes was a member of the Faculty of Law, University of Manitoba for 15 years. Her scholarly work examines the challenges and possibilities of framing and adjudicating rights claims, with a particular focus on (in)equality, social and economic rights, and rights in the criminal justice, corrections, and workplace contexts. She was Editor-in-Chief of the Canadian Journal of Women and the Law from 2009-2013.

LAW 402D.001 **The Law of Sexual Offences** Term 1 Term 2 Benedet

Seminar

3 CREDITS

This seminar will explore current issues in the criminal law of sexual offences. Topics to be covered may include causes and effects of sexual assault; the definition of "consent"; disability; intoxication; age of consent; fraudulent non-disclosure of HIV+ status; racism; sexual history evidence; third party records; sex offender registration and community notification and sentencing. The seminar examines the historical evolution of the criminal law of rape/sexual assault; comparative approaches in other countries and various critical perspectives on the topic.

Evaluation:

Students will be evaluated by a series of short reflection based on questions in the readings (20%); attendance/participation (5%); as well as a research paper on a topic selected in consultation with the instructor (75%).

Prerequisites:

While there are no prerequisites for this seminar, students will find it helpful to have taken or be concurrently enrolled in Evidence.

Professor Janine Benedet is a full time member of the Peter A. Allard School of Law.

LAW 403.001 Principles of Sentencing Term 1 Term 2

Grant

Lecture

3 CREDITS

This course does NOT fulfill the seminar requirement.

Online course. This course does NOT fulfill the seminar requirement.

Given that most people accused of crime plead guilty, sentencing is one of the most important stages of the criminal justice trial process and yet we spend very little time studying the rules and processes that apply to sentencing. This course aims to fill that gap and to provide students with a strong background in the theory and practice of sentencing. We will examine the now codified principles of sentencing, the types of sentences available to a sentencing judge, and the methodology judges use to decide an appropriate sentence. We will also cover a number of pressing issues in sentencing policy such as the over-incarceration of Indigenous persons, the constitutionality of mandatory minimum sentences, dangerous offender designations and long-term supervision orders, and the plea negotiation process. Students will also have the opportunity to participate in a speaking to sentence exercise before a current or retired judge.

This course is an online course that is structured around weekly modules of course content which students will be required to read. Each module has short mandatory quizzes to test the student's knowledge and more complex problems that we will solve as a group in writing through weekly online discussions. Students will be required to lead the discussion 1-2 times throughout the term. There will be a few in-person class meetings (with a Zoom option) which students are expected to attend as well as the speaking to sentence exercise. All of these dates will be made available in the course syllabus and at the initial class.

This class is best suited for students who are comfortable engaging with their classmates in writing and are interested in exploring the law and policy issues around sentencing. While this is an online course, students will be required to meet certain timelines each week. A foundational course in criminal law is strongly recommended. Students will need a Criminal Code for the final exam.

Evaluation:

Evaluation will be as follows with the approximate grade breakdown indicated:

Quizzes: 5%

Class Participation 20%

Speaking to Sentence Exercise 15%

Online Plea Negotiation Exercise 10%

A final open book examination 50%

Enrolment is limited to 20 students.

Professor Isabel Grant is a full-time member of the Peter A. Allard School of Law.

LAW 404.001 The Law of Homicide The Law of Homicide on the Web
 Term 1 Term 2 Grant *Lecture* 3 CREDITS

Web-based course. This course does NOT fulfill the seminar requirement.

EXAM CONFLICT: STUDENTS REGISTERED IN 347B.003, 469.003/590.003, 422.002/570C.002, or 404.001 ARE NOT ALLOWED TO BE REGISTERED IN 437.001/537.001 or 300.002, AND VICE VERSA.

Online course. This course does NOT fulfill the seminar requirement.

This course will cover the law and policy surrounding culpable homicide offences in Canada: murder, manslaughter and infanticide. We will also examine the elements of each offence, defences, party liability and sentencing. Certain thematic topics such as intimate partner homicide and corporate homicide are also included. The course is primarily web-based but there will be an initial in-person organizational meeting, two in-person substantive classes and an in-person final review class that students are expected to attend (a Zoom option will be available). The schedule for these sessions will be made available to students in the course syllabus and at the initial class.

Each week, students will be expected to have read a block of material and to participate in writing in the discussion of hypothetical fact scenarios and policy-based questions based on the week's readings. Each student will be expected to lead the class discussion twice throughout the term. There will also be a number of quizzes to test your grasp of the material. These requirements will be discussed at the first class. This class is best suited for students who are comfortable engaging with their classmates in writing and are interested in exploring the policy issues around some of Canada's most serious crimes. While this is an online course, students will be required to meet certain timelines each week. A foundational course in criminal law is strongly recommended.

Evaluation:

Evaluation will be as follows with the approximate grade breakdown indicated:

1. A midterm take-home test (25%);
2. Written online participation (25%), and
3. A final open book examination (50%).

Enrolment is limited to 20 students.

Professor Isabel Grant is a full-time member of the Peter A. Allard School of Law.

LAW 405C.001 Topics in Criminal Law Legal Rights Under the Charter
 Term 1 Term 2 Song Vojvodic Lecture 3 CREDITS

The practice of criminal law has become increasingly complex since the advent of the Charter. Navigating the tension between state power and individual liberty is essential to criminal litigation. This course will focus on an in-depth review of the principles and frameworks that underlie the legal rights enshrined in the Charter (Sections 7 through 14). Students will be exposed to theoretical concepts and practical applications of the Charter in the criminal law context. Topics will include the police power to detain or arrest, the right to retain and instruct counsel, the law of search and seizure, the right to reasonable bail, the role of disclosure to make full answer and defence, the right to a fair trial, and the right not to be subjected to any cruel and unusual punishment.

Evaluation:

Class attention (15%)

Final open-book examination (85%)

Daniel J. Song, KC, is a criminal defence lawyer practicing in British Columbia and Alberta. He received both his B.A. in English Literature and his J.D. ('06) from UBC. He has conducted complex criminal trials involving homicides, criminal organizations, and conspiracies. He is also experienced appellate counsel, having argued notable Charter cases at the Supreme Court of Canada. He has frequently presented and lectured on Charter litigation in criminal cases for lawyers, police officers, and judges. He is an advocacy advisor for the Supreme Court Advocacy Institute, a board member for the B.C. Civil Liberties Association, and a supervising lawyer for the UBC Innocence Project.

Marko Vojvodic is a Crown prosecutor practicing within the Organized and Major Crime Unit of the BC Prosecution Service. He received his B.Sc. in Computing Science from the University of Alberta and his LL.B. ('06) from UBC. Marko's practice focuses primarily on complex prosecutions involving homicides and conspiracies within the context of criminal organizations, which frequently encompass extensive Charter challenges to admissibility of evidence. Marko has also appeared before the Court of Appeal of British Columbia on several conviction appeals.

LAW 406D.001 Topics in Criminal Justice Artificial Intelligence
 Term 1 Term 2 Perrin Seminar 3 CREDITS

Artificial intelligence (AI) has the potential to fundamentally change and reshape our society. It is imperative for lawyers, judges, and scholars to understand and engage with how AI is affecting, and will potentially impact, the legal profession in years to come. This seminar will explore the intersection, implications, and impacts of the growing use of AI within the criminal legal system.

We will delve into the regulatory, legal, ethical, and societal implications of AI in various facets of the criminal legal system, including: criminality and victimization, policing, access to justice, lawyering, adjudication, trials, and corrections. Topics may include predictive policing algorithms, risk assessment tools for sentencing, facial recognition technology, and AI-driven evidence analysis. We will also explore a range of critical perspectives on AI and its risks, and examine the emerging jurisprudence, practice directions, rules, and guidelines on the use of AI.

Evaluation is based on participation (15%); case study (15%); research paper proposal (10%); research paper presentation (20%); and final research paper (40%).

This course is being developed in collaboration with Gemini and ChatGPT.

Associate Professor Benjamin Perrin is a full time member of the Peter A. Allard School of Law.

LAW 406D.002 **Topics in Criminal Justice** **Forensic Science and Criminal Law**
 Term 1 Term 2 Fowler Tolliday Seminar 3 CREDITS

This seminar course has as its objective providing second and third-year law students with a broad overview of the role of forensic science in the criminal justice system. The course will familiarize students with a number of forensic science disciplines, and explore the fundamental scientific principles that underlie forensic evidence. Basic principles related to admissibility of expert evidence and procedural aspects of such evidence will also be covered.

The course will be taught in a seminar style that will encourage student participation and engagement. Students will participate in an advocacy exercise aimed at providing students with hands-on experience with procedural steps associated with forensic evidence. Students will make submissions regarding admissibility of expert opinion evidence based on mock expert reports and/or mock transcripts of the testimony of an expert witness on a voir dire. A research paper will be a required, related to a topic that involves forensic science and law and has been approved by the instructors.

Evaluation: Participation (20%), Advocacy exercises (20%). Research paper (60%)

Richard Fowler K.C. (B.Sc (University of Birmingham U.K. 1989), LL.B. (McGill – 1994) has been in private practice as defence counsel since 1995. Has appeared in all levels of Court in BC, Alberta and Yukon as well as the SCC. He has been defence counsel in excess of 75 murder trials or appeals. Most recently he was part of the team that worked to exonerate Mr. Yebes.

Alix Tolliday (University of Victoria B.A., 2008, J.D., 2013) has practiced both civil litigation and criminal defence at Ritchie Sandford McGowan in Vancouver since her call to the bar. She has appeared at all levels of court in British Columbia as well as at the Supreme Court of Canada.

LAW 407C.001 **Taxation**
 Term 1 Term 2 Duff Lecture 4 CREDITS

Cross-listed with LAW 506.001.

The income tax is the largest single source of government revenue in Canada and an important instrument both for the expression of societal values and for the delivery of social and economic policies. This course examines the basic structure of the income tax through a careful reading of the Income Tax Act and relevant judicial and administrative interpretations. Initial lectures are devoted to the purposes of taxation, the role of the income tax, key structural features of the income tax (tax rates, tax base, accounting period, tax unit, and tax credits), the interpretation of tax statutes, and judicial and statutory responses to tax avoidance. The remainder of the course examines the various categories of income or loss identified in the Income Tax Act (income or loss from an office or employment, income or loss from a business or property, taxable capital gains and allowable capital losses, and income from other sources), and rules regarding the attribution of income.

Required Materials:

1. David G. Duff, Benjamin Alarie, Geoff Loomer and Lisa Philipps, Canadian Income Tax Law, 6th ed. (Toronto: LexisNexis, 2018).
2. Income Tax Act, latest edition

Evaluation: 100% final exam.

Professor David G. Duff is a full time member of the Peter A. Allard School of Law.

LAW 407C.002**Taxation** Term 1 Term 2 Cui

Lecture

4 CREDITS

Cross-listed with LAW 506.002.

This introductory course examines the basic structure of the income tax as applied to Canadian individuals through a careful reading of the Income Tax Act and relevant judicial and administrative interpretations. The income tax is the largest single source of government revenue in Canada and an important instrument both for the expression of societal values and for the delivery of social and economic policies. Exploring the income tax is thus a natural way to expose oneself to tax law in general. Along the way, students will also gain an initial exposure to other important taxes, especially payroll and consumption taxes, that play vital roles in Canada's public finance system.

Three aspects of the course deserve emphasis. First, students will be put in touch directly with the tax law through the TaxnetPro database. The textbook used for the course—one that is most frequently cited by Canadian courts in tax decisions—is available for free through the database, and links to cases, administrative material, and extensive professional commentaries are directly embedded in the text. Legal research, therefore, is part of the course, not something that one separately learns (e.g. in moots and clinics). Second, reading the textbook and assigned cases will be important: class sessions are for discussion and solving practice problems, not for the instructor to repeat what students could have read in the textbook.

Third, perhaps more so than some other areas of substantive law, the study of tax law emphasizes reasoning and understanding, rather than memorization. While we will analyze a significant amount of case law for teaching purposes, an important goal is to guide students to come to terms with "income tax logic". Tax logic combines intuitive economics and accounting principles, but is distinct from both tax policy analysis and accounting. It forms an indispensable framework for predicting market responses to both statutory rules and jurisprudence in the income tax area. The course's emphasis on conceptual understanding will be implemented through encouraging active classroom discussion. In addition, students will be asked to form groups and work on practice problems in class throughout the term.

Prior courses in business law are definitely not required for the course. However, students may occasionally find it helpful to search online (e.g., Wikipedia) for commercial terms such as "stock options," "present value," or "compound interest." Math skills at the 8th grade level (e.g., arithmetic and basic algebra) generally suffice for understanding the material in the course.

Evaluation:

- Students will have the option of having 100% of their grade determined by the final exam.
- Alternatively, students may choose to have the final exam count towards only 75% of their final grade, with the remaining 25% broken down as follows: (1) 7.5% for leading the discussion of a case selected by the instructor; (2) 7.5% for leading (jointly with a few other students) the discussion of a practice problem; and (3) 10% for active participation in the classroom. A student who gets a higher grade in the final exam than for participation will automatically be graded on the final exam only (i.e., participation cannot result in you getting a lower grade.)
- Whichever of the above two options a student takes, they are eligible for up to 4% bonus points for sharing their tax learning outside the classroom, e.g., sharing news relevant tax news, engaging in discussion on online forum, etc.
- The best performing students are eligible for nomination to the Thorsteinssons course prize.

Professor Wei Cui is a full time member of the Peter A. School of Law.

LAW 408.001 **Taxation of Corporations & Shareholders** Term 1 Term 2 Duff

Lecture

3 CREDITS

***Cross-listed with LAW 562.001 Taxation of Corporations & Shareholders.*
CHANGE July 22: Classroom**

Corporations constitute the most significant form of business organization in Canada and other developed countries, accounting for roughly 20 percent of federal and provincial income tax. This course examines the taxation of corporations and shareholders in Canada, beginning with a general overview of the legal character of corporations and the structure of corporate taxes in Canada, then turning to a detailed examination of statutory rules and judicial decisions governing the taxation of income received by public and private corporations and the taxation of shareholders on share dispositions, corporate distributions, shareholder benefits and loans, indirect payments, attributed income and the tax on split income (TOSI).

Evaluation: 100% final take-home, 9:00 a.m. - 4:30 p.m., to be distributed on the date specified by the Exam Schedule.

Required Materials:

1. David G. Duff and Geoff Loomer, *Taxation of Business Organizations in Canada*, 2d ed. (Toronto: LexisNexis, 2019), chapters 5-11
2. Thorsteinsson's *Income Tax Act* (most recent edition)

Pre-requisite: Law 407 or Law 561 Fundamental Concepts in Tax Law

Professor David G. Duff is a full time member of the Peter A. Allard School of Law.

LAW 410.001 **International Taxation** Term 1 Term 2 Duff

Lecture

3 CREDITS

***Cross-listed with LAW 565.001 International Taxation.**

The increased globalization of economic activity over the past few decades has made the international dimension of tax law and policy increasingly important. This course examines tax rules governing the taxation of non-residents carrying on income-earning activities in Canada (inbound rules) as well as tax rules governing the taxation of Canadian residents earning income in other countries (outbound rules).

Introductory classes examine the basic structure of the international tax regime, the sources of international tax law (statutory rules, bilateral tax treaties, and judicial decisions), the interpretation of tax treaties, jurisdiction to tax, tax treaty shopping and transfer pricing. Subsequent classes consider statutory rules, treaty provisions and judicial decisions governing the taxation of Canadian source income earned by non-residents, and the taxation of foreign-source income earned by Canadian residents.

Required Materials:

1. David G. Duff, *International Tax Law in Canada* (LexisNexis, forthcoming 2022)
2. *Income Tax Act*, latest edition

Evaluation: final take-home exam (100%), 9:00 a.m. - 4:30 p.m., to be distributed on the date specified by the Exam Schedule.

Pre-requisite: Law 407 Taxation or Law 561 Fundamental Concepts in Tax Law

Professor David G. Duff is a full time member of the Peter A. Allard School of Law.

LAW 412.001 Taxation of Trusts and Estates Term 1 Term 2

Marples, K

Lecture

3 CREDITS

Cross-listed with LAW 564.001 Taxation of Trusts and Estates.
CHANGE (JUNE 18):Classroom Change

Trusts are widely used in tax and estate planning as a tool for the organization of wealth and the management of assets. An understanding of the tax rules applicable to trusts and estates is essential for anyone working in this in-demand area of law. Students will develop the critical thinking skills required to understand the scope of planning options and to be creative in designing flexible tax effective trusts and estate plans to meet clients' needs.

Evaluation: 100% open-book final exam

Kate Marples is a partner at KPMG Law LLP in Vancouver with over 17 years of experience advising clients on tax, trust and estate planning issues. She is a frequent speaker and writer and is a contributing author for the estate and trust taxation chapters of the Continuing Legal Education publication of the BC Probate and Estate Administration Manual.

LAW 413D.001 Tax Administration and Dispute Resolution Tax Dispute Resolution and Litigation Term 1 Term 2

Kroft

Seminar

3 CREDITS

Cross-listed with LAW 567.001
CHANGE July 22: Classroom.

This seminar will deal with the resolution of tax controversy in Canada. It will explore key practical issues arising in the operation of a tax advisory and litigation practice. The relevant provisions in the Income Tax Act will be the focus of discussion. The seminar will assist in refining analytical, organizational and judgment skills necessary for serving tax clients, solving tax problems and developing strategies for achieving successful tax outcomes at all stages of the tax disputes process (from audit to appeal).

This seminar will also consider issues unique to daily tax practice including questions of document creation and retention, information disclosure, access and privilege, and administrative dispute resolution processes. Participants will learn about tax practice, audit, objection and appeal issues and will apply them to a case study at the end of term.

Students must have a copy of the most recent edition of the Canadian Income Tax Act and a copy of the course materials prepared by the instructor.

Evaluation:

Students will be evaluated on the basis of : a) a 25 page research paper (30 pages for LLM students)-80% , b) oral presentation of the research paper and class participation-20%

Ed Kroft, K.C. (J.D. (Osgoode Hall 1978), LL.M. (UBC 1980), CPA (Hons)) is a partner with Bennett Jones LLP and is the leader of that firm's Tax Controversy and Litigation Group. Ed has taught courses in tax law, tax policy and tax litigation as an adjunct professor in the Faculty of Law for over 30 years. Ed's practice is exclusively dedicated to handling federal and provincial tax disputes, including those related to transfer pricing. He appears before all levels of court, including Supreme Court of Canada, and has published extensively on taxation issues. Ed is a former member of the editorial board of the Canadian Tax Journal and sat for 20 years on the Rules Committee of the Tax Court of Canada. He is a recipient of the Award for Excellence in Income Tax Practice and Education from the Canadian Institute of Chartered Accountants , the Queen Elizabeth II Diamond Jubilee Medal and the Adam Albright Award for Excellence in teaching at the Faculty of Law.

LAW 414.001 Taxation of Corporate Reorganizations Term 1 Term 2

Duff

Lecture

3 CREDITS

Cross-listed with LAW 550.001.

Corporations constitute the most significant form of business organization in Canada and other developed countries, accounting for roughly 20 percent of federal and provincial income tax revenues in Canada. This course examines builds upon concepts examined in Law 408/562 (Taxation of Corporations and Shareholders), examining statutory provisions and judicial decisions governing transfers of property to a corporation, reorganizations of capital, amalgamations and windups, and divisive reorganizations.

Evaluation: Tax Practice Exercises (in-term): 60%; Final Take-home Exam: 40%, 9:00 a.m. - 4:30 p.m., to be distributed on the date specified by the Exam Schedule.

Required Materials:

1. David G. Duff and Geoff Loomer, Taxation of Business Organizations in Canada, 2d ed. (Toronto: LexisNexis, 2019), chapters 12-15
2. Thorsteinsson's Income Tax Act, latest edition

Pre-requisite: Law 408 or Law 562

Professor David G. Duff is a full time member of the Peter A. Allard School of Law.

LAW 416.001 Labour Law Term 1 Term 2

Kiamanesh, S

Lecture

3 CREDITS

This course will review the legal framework governing unionized workplaces in Canada, with a focus on British Columbia. This course canvasses leading principles, cases, and issues that arise in the context of labour organizing, collective bargaining, the administration of the collective agreement, and grievances and labour arbitration.

Evaluation method: 100% limited open-book examination

Shirin Kiamanesh practices labour, human rights, administrative, and privacy law at Koskie Glavin Gordon in Vancouver. She represents unions and workers in labour arbitrations, before provincial and federal labour boards and human rights tribunals, and before all levels of court. Shirin holds a J.D. from UBC.

LAW 419C.001 Individual Employment Law

Term 1 Term 2 McLean, P. Mitha *Lecture* 3 CREDITS

Cross-listed to LAW 519.001.

EXAM CONFLICT: STUDENTS REGISTERED IN 525A.001, 419C.001/519.001, or 332.001 ARE NOT ALLOWED TO BE REGISTERED IN 347B.004, AND VICE VERSA.

This is an introductory course designed to familiarize students with legal concepts surrounding the employment relationship. The course will cover the basics of employment contract formation, the rights and obligations of employees and employers, wrongful and constructive dismissal, restrictive covenants, and the contrast between the unionized and non-unionized work environments. We will review legislation relevant to these areas, including the B.C. Employment Standards Act and the Canada Labour Code. This course will also explore the relationship and interaction between employment law and other areas of law, including human rights and privacy law. Accordingly, the B.C. Human Rights Code and both federal and provincial privacy legislation will also be reviewed.

The course will consist of lectures and extensive discussion of employment-related issues.

Evaluation: Student evaluation will be based on a final examination (85%) and class participation (15%).

Paul McLean (B.A. (St.F.X. University 1992), LL.B. (UNB 1995)). A partner with Mathews Dinsdale Clark LLP, Paul specializes in workplace law issues for employers and senior executives. He has significant experience in wrongful dismissal litigation, injunctions, CCAA proceedings, occupational health and safety, workplace class actions and executive compensation, including retention and incentive plans. He regularly appears before courts, administrative tribunals and commercial arbitrators in British Columbia and Alberta.

Naz Mitha, KC is recognized as one of the leading counsel in British Columbia in the areas of labour and employment law and commercial litigation. Naz handles a wide range of workplace matters, including in the areas of employment, labour, human rights and administrative law. Naz's clients include public and private sector employers and senior employees. He also maintains a general commercial litigation practice, frequently acting in shareholder and partnership disputes. Naz has conducted hearings before all levels of court in Canada, including the Supreme Court of British Columbia, the British Columbia Court of Appeal, the Federal Court of Canada, and the Supreme Court of Canada. In addition, he regularly appears before various tribunals such as commercial and labour arbitration boards, the BC Labour Relations Board, the BC Employment Standards Tribunal, the BC Human Rights Tribunal, and the Canadian Human Rights Tribunal. In addition to his counsel work, Naz conducts workplace investigations into complex matters, including with respect to allegations of serious employee misconduct, financial improprieties and bullying and harassment. Naz also acts as a mediator in workplace disputes and commercial matters. Naz is a sought-after speaker and presenter and is an Adjunct Professor teaching Employment Law at the Peter A. Allard School of Law, University of British Columbia. Prior to co-founding Mitha Law Group, Naz was a partner at Western Canada's largest employer-side workplace law firm.

LAW 420D.001 Topics in Intellectual Property - Seminar Intellectual Property & Human Rights

Term 1 Term 2 Reynolds, G. *Seminar* 3 CREDITS

This seminar focuses on the intersection of intellectual property and human rights. It will cover the expansion of intellectual property protection; the development of human rights; specific intersections of intellectual property and human rights such as copyright and freedom of expression, patents and the right to health, and patents and the right to food; the issue of whether intellectual property is itself a human right; and the relationship between intellectual property and human rights.

Co-requisite: Intellectual Property Law

Evaluation:

Major paper (70%)

In-class presentation (10%)

Class participation (20%)

Assistant Professor Graham Reynolds is a full time member of the Peter A. Allard School of Law.

LAW 422.001 **Intellectual Property** Term 1 Term 2 Festinger

Lecture

3 CREDITS

Cross-listed with LAW 570C.001.

This course provides students with an introduction to the legal regimes governing the protection of intellectual property. The course will cover the following specific areas of intellectual property law: copyright, trademarks, and patents. In addition, students will be introduced to the common law actions of passing off and breach of confidence, international intellectual property law, and industrial design.

The website for Intellectual Property Law can be found at <https://iplaw.allard.ubc.ca/>

Evaluation method: 70% final exam, 30% short project or presentation, as well as participation.

Jon Festinger, K.C. is a Vancouver, British Columbia based counsel and educator.

As an Adjunct Professor, Jon Festinger has taught a wide variety of courses relating to intellectual property law, communications, media & video game law, as well as corporate law over more than 30 years at the Allard School of Law. As well Jon is Faculty in Residence at the UBC Emerging Media Lab. He has also taught at various times at the Sauder School of Business, UBC Graduate School of Journalism, the Thompson Rivers University Faculty of Law, the University of Victoria Faculty of Law, and the School of Law, Queen Mary University of London. He is the author of the first edition of Video Game Law published by LexisNexis in 2005, and co-author of the second edition published in 2012, and was a founding editor and on the Editorial Board of the Interactive Entertainment Law Journal (Edward Elgar Publishing). He was Guest Editor of the Volume 46, Number 3 of the UBC Law Review "Digital Media, Video Games, and the Law" (2013). As well, Jon authored "Mapping the Electronic Highway: A Survey of Domestic and International Law Issues" 1995, Volume 29, University of British Columbia Law Review. Jon is Of Counsel at Chandler Fogden Lyman; a Trustee of the BC Sports Hall of Fame; and Past Chair and a Director of viaSports B.C.

LAW 422.002 **Intellectual Property** Term 1 Term 2 Festinger

Lecture

3 CREDITS

Cross-listed with LAW 570C.002.

EXAM CONFLICT: STUDENTS REGISTERED IN 347B.003, 469.003/590.003, 422.002/570C.002, or 404.001 ARE NOT ALLOWED TO BE REGISTERED IN 437.001/537.001 or 300.002, AND VICE VERSA.

This course provides students with an introduction to the legal regimes governing the protection of intellectual property. The course will cover the following specific areas of intellectual property law: copyright, trademarks, and patents. In addition, students will be introduced to the common law actions of passing off and breach of confidence, international intellectual property law, and industrial design.

The website for Intellectual Property Law can be found at <https://iplaw.allard.ubc.ca/>

Evaluation method: 70% final exam, 30% short project or presentation, as well as participation.

Jon Festinger, K.C. is a Vancouver, British Columbia based counsel and educator.

As an Adjunct Professor, Jon Festinger has taught a wide variety of courses relating to intellectual property law, communications, media & video game law, as well as corporate law over more than 30 years at the Allard School of Law. As well Jon is Faculty in Residence at the UBC Emerging Media Lab. He has also taught at various times at the Sauder School of Business, UBC Graduate School of Journalism, the Thompson Rivers University Faculty of Law, the University of Victoria Faculty of Law, and the School of Law, Queen Mary University of London. He is the author of the first edition of Video Game Law published by LexisNexis in 2005, and co-author of the second edition published in 2012, and was a founding editor and on the Editorial Board of the Interactive Entertainment Law Journal (Edward Elgar Publishing). He was Guest Editor of the Volume 46, Number 3 of the UBC Law Review "Digital Media, Video Games, and the Law" (2013). As well, Jon authored "Mapping the Electronic Highway: A Survey of Domestic and International Law Issues" 1995, Volume 29, University of British Columbia Law Review. Jon is Of Counsel at Chandler Fogden Lyman; a Trustee of the BC Sports Hall of Fame; and Past Chair and a Director of viaSports B.C.

LAW 423C.001**Topics in Intellectual Property -
Lecture****Video Game Law** Term 1 Term 2

Festinger

Lecture

3 CREDITS

Cross-listed to LAW 523C.001

Video games create virtual worlds that players physically interact with. In so doing video games upset the traditional media apple cart. The gamer becomes the controller of a responsive virtual world, rather than simply a passive "receiver" of images and sound.

North American video game revenues routinely surpass both domestic film box office receipts and music sales. The video game industry continues to grow faster than almost any other economic segment, most recently fueled through the rapid expansion of mobile gaming as well as the intense interest in the "Battle Royale" survival game genre. In this environment, Vancouver remains one of the largest and most sophisticated centers of video game production in the world.

The creation, dissemination and enjoyment of interactive entertainment is governed by a multi-dimensional grid of international and domestic laws relating to intellectual property, communications, contracts, torts, privacy, obscenity, antitrust and freedom of expression. The myriad legal issues currently manifest in digital media often originated in games. Video gaming has presaged the now rapid rise of real-time social media communities. By building additional levels for their favorite products gamers have for decades been engaged in crowd sourcing, user-generated content and remixing source materials. Games also consistently lead technological, interactive and creative advancements of the digital age.

Threatening intellectual property orthodoxies has, quite literally, always been part of the game. It can easily be suggested that the legal and ethical issues in all media spaces may be best and most critically explored and understood through the lens of video games. It follows that the processes of creating and playing games constitute a useful proving ground for legal constructs applying to all media and mediums. That all of this occurs with a core demographic that includes very large numbers of children considerably complicates the resulting analysis.

The goal of this course is to continue scholarship in the area. It also forms part of a cluster of courses both at UBC Law School related to the media, entertainment and communications industries.

The pedagogic concept of the course is to map and design learning territories to be explored by the students and provide as many tools as possible for that exploration. Accordingly there are multimedia components of the course including a website containing a complete and interactive syllabus, past lectures, discussion forums and resource materials (<http://videogame.law.ubc.ca/>).

Optional Materials:

Festinger, Metcalfe & Ripley, Video Game Law (2nd edition, LexisNexis).

Evaluation:

Attendance and participation: 40%

Term Paper of 18-20 pages (5,000 words): 60%

Jon Festinger, K.C. is a Vancouver, British Columbia based counsel and educator.

As an Adjunct Professor, Jon Festinger has taught a wide variety of courses relating to intellectual property law, communications, media & video game law, as well as corporate law over more than 30 years at the Allard School of Law. As well Jon is Faculty in Residence at the UBC Emerging Media Lab. He has also taught at various times at the Sauder School of Business, UBC Graduate School of Journalism, the Thompson Rivers University Faculty of Law, the University of Victoria Faculty of Law, and the School of Law, Queen Mary University of London. He is the author of the first edition of Video Game Law published by LexisNexis in 2005, and co-author of the second edition published in 2012, and was a founding editor and on the Editorial Board of the Interactive Entertainment Law Journal (Edward Elgar Publishing). He was Guest Editor of the Volume 46, Number 3 of the UBC Law Review "Digital Media, Video Games, and the Law" (2013). As well, Jon authored "Mapping the Electronic Highway: A Survey of Domestic and International Law Issues" 1995, Volume 29, University of British Columbia Law Review. Jon is Of Counsel at Chandler Fogden Lyman; a Trustee of the BC Sports Hall of Fame; and Past Chair and a Director of viaSports B.C.

LAW 423C.002	<u>Topics in Intellectual Property - Lecture</u>	<u>Copyright Law and Social Media</u>
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Meredith, R Festinger
		Lecture
		3 CREDITS

Cross-listed to LAW 523C.002

This course examines legal and normative issues spawned by the interactions between traditional copyright law and emergent forms of social media, both domestically and internationally. "Social media" encompasses digital entertainment in the forms of social networking platforms, streaming services, and interactive entertainment. This course will be a deep dive into how these media are changed by copyright law and are in turn redefining the legal parameters and character of copyright law.

Issues explored will include:

- The history of copyright law and its purposes. How has social media affected our understanding of copyright over time?
- The impacts of generative Artificial Intelligence tools. Is content created by AI copyrighted? Does generative AI infringe copyright by using original works as training material?
- The "Law of YouTube" (and other digital platforms). How are copyright disputes dealt with by social media platforms that rely on user generated content? How does the Copyright Act (Canada), Digital Millennium Copyright Act (U.S.), and their international equivalents impact how copyright is administered in the real world?
- Music and copyright in the digital age, including issues of sampling and remixing.
- Pros and cons of personal data being considered copyright material to reinforce privacy.
- The inclusion of non-circumvention rules in copyright laws and whether they are effective, appropriate, and fair.
- Ongoing collisions between copyright laws and freedom of expression in a social media context.
- "Users Rights" in Canada as a model for the world.

The method of evaluation for this course will be comprised of a 5000-word term paper (50%), a group presentation on a relevant topic (30%), and course participation (20%).

Rowan Meredith is a lawyer called to the bar in British Columbia and California. She has a JD in Entertainment, Media and Intellectual Property Law from UCLA (2018) and an LLM in Media Law from Queen Mary, University of London (2019). In her legal practice, she has regularly advised clients on copyright issues involving social media platforms.

Jon Festinger, K.C. is a Vancouver, British Columbia based counsel and educator.

As an Adjunct Professor, Jon Festinger has taught a wide variety of courses relating to intellectual property law, communications, media & video game law, as well as corporate law over more than 30 years at the Allard School of Law. As well Jon is Faculty in Residence at the UBC Emerging Media Lab. He has also taught at various times at the Sauder School of Business, UBC Graduate School of Journalism, the Thompson Rivers University Faculty of Law, the University of Victoria Faculty of Law, and the School of Law, Queen Mary University of London. He is the author of the first edition of Video Game Law published by LexisNexis in 2005, and co-author of the second edition published in 2012, and was a founding editor and on the Editorial Board of the Interactive Entertainment Law Journal (Edward Elgar Publishing). He was Guest Editor of the Volume 46, Number 3 of the UBC Law Review "Digital Media, Video Games, and the Law" (2013). As well, Jon authored "Mapping the Electronic Highway: A Survey of Domestic and International Law Issues" 1995, Volume 29, University of British Columbia Law Review. Jon is Of Counsel at Chandler Fogden Lyman; a Trustee of the BC Sports Hall of Fame; and Past Chair and a Director of viaSports B.C.

LAW 425D.001 Cyberspace Law Term 1 Term 2

Matsui

*Seminar***3 CREDITS*****Cross-listed with LAW 572.001***

This seminar is designed to focus on the legal issues arising from the development of cyberspace. The development of the cyberspace has presented many new legal issues. This seminar focuses on public law issues among them. The specific issues covered include the internet governance and the role of law, jurisdictional issues, ISP liability, freedom of expression in the cyberspace, defamation, invasion of privacy, obscenity, child pornography, indecent speech, hate speech, copyright, domain name, personal data protection, and cyberdemocracy. In order to address these issues, we need a new perspective and new doctrine. By taking this seminar, the student will be able to understand various legal issues and learn the basic knowledge and skills to address these issues. If the students are interested in legal questions arising from the development of the e-commerce, take LAW447.001 Topics in Commercial Law: e-commerce.
<http://www.shgmatsui.com>

Pre-requisites:

There is no pre-requisite course for taking this seminar. It would be wonderful if the student already has a basic understanding of Canadian Constitutional Law, especially freedom of expression, but the student can learn the basic principles of Canadian Constitutional Law for the cyberspace by taking this seminar.

Evaluation:

Class participation 30% and final assignment 70%.

Professor Shigenori Matsui is a full time member of the Peter A. Allard School of Law.

LAW 426A.001**Topics in Law & Technology****AI and Fundamental Rights**
 Term 1 Term 2

Huq

Seminar

1 CREDITS

This intensive seminar meets Tues & Thurs, Oct 1, 3, 8, 10 in Room 115 and Thurs, Oct 10, 12:30PM-2:00PM, Rm 122. Course conflicts are allowed for this seminar, but you must contact (studentaffairs@allard.ubc.ca) to register you in this seminar in that case. Students may be penalized a participation or attendance grade for missing an intensive class or a class that conflicts with the intensive class.

CHANGE June 28: Class Dates

This intensive seminar explores the way in which different bodies of law are grappling with how to regulate artificial intelligence (“AI”), in particular in respect to its impact upon core constitutional rights and values. For our purposes, AI means the range of actually existing computational instruments for making predictions and identifying correlations from large pools of data. The course will center around a series of case studies (e.g., facial recognition, content moderation, etc.) and evaluate how different bodies of law (e.g., from the U.S., Canada, and Europe) handle that problem. It further examines emerging bodies of AI-specific law, including the European Union’s AI Act, Canada’s Artificial Intelligence and Data Act, and new measures in Colorado (and potentially California).

Evaluation methods:
20% Class participation
80% Research paper

Graded: Honors/Pass/Fail

Aziz Z. Huq is a scholar of U.S. and comparative constitutional law at the University of Chicago. He has worked on topics ranging from democratic backsliding to regulating AI. His award-winning scholarly work is published in several books and leading law reviews, social science, and political science journals. He has also written for the Washington Post, the New York Times, Dissent, The Nation, and many other non-specialist publications. In 2015, he received the Graduating Students Award for Teaching Excellence. He has an active pro bono practice. He is now on the board of the American Constitution Society, the New Press, and the ACLU of Illinois. Before joining the Law School, he worked as counsel and then director of the Brennan Center’s Liberty and National Security Project, Senior Consultant Analyst for the International Crisis Group, and as a law clerk for Judge Robert D. Sack of the US Court of Appeals for the Second Circuit, and also for Justice Ruth Bader Ginsburg of the Supreme Court of the United States.

Aziz Huq is the Frank and Bernice J. Professor at the University of Chicago Law School and associate professor in the sociology department. Before teaching, he represented civil liberties claimants with the Brennan Center for Justice, and worked for the International Crisis Group in Afghanistan, Nepal, Pakistan, and Sri Lanka. His books include How to Save a Constitutional Democracy (2018, with Tom Ginsburg), The Collapse of Constitutional Remedies (2021), and The Rule of Law: A Very Short Introduction (forthcoming 2024). His work on AI and constitutionalism has been published in the Harvard Law Review, Daedalus, and several other scholarly venues.

LAW 429.001 **Rise Women's Legal Centre - Clinic**
 Term 1 Term 2 Cameron, E Law, V
Experiential 11 CREDITS

Registration by permission only. This clinic fulfills the Experiential Learning requirement.
CHANGE (Aug 2): Instructor added

The Rise Women's Legal Centre externship is a full term course comprised of 15 credits, 11 based on a practical clinical component and 4 based on an academic component, both of which are required for the externship. The externship is open to upper year law students. The externship takes place at Rise Women's Legal Centre, an independent, community legal centre. The externship emphasizes the circumstances of self-identified women and gender diverse people and their experiences within the justice system with a particular focus on family violence.

This program is open to a maximum of six law students each term. Law students must be in their second or third year of law school. Through the clinic component, students will gain practical experience in managing client files and representing their clients in negotiations or court. The externship is focused on family law though students may also have the opportunity to take cases in other areas of law affecting their clients. The clinic component is based on a pass/fail evaluation of significant practice achievements during the term. The academic component of the externship is a graded course comprised of weekly seminars, journaling, preparation of a research memorandum and blog post.

Elizabeth ('El') Cameron (they/them) completed their B.A. at McGill University, their M.Sc. in Social Studies of Gender at Lund University in Sweden, and their J.D. at the University of British Columbia. Since their call to the bar, El has practiced exclusively in family law. Alongside colleagues, El has published or presented on a variety of family law topics and has taught the family law course at the University of British Columbia as an adjunct professor. El works to create a supportive and engaging learning environment within Rise's Student Legal Clinic program and to increase the availability of family law services in British Columbia that are informed, accessible, and responsive to each client's unique circumstances.

Vicky Law (she/her) joined Rise in 2017 where she conceptualised and implemented the Virtual Legal Clinic. Vicky was the supervising lawyer for the Virtual Legal Clinic before becoming Rise's executive director. Vicky has worked in the fields of immigration law and family law for women experiencing intimate partner violence. In her career as a legal advocate and a lawyer, she has supported many women and families in navigating their immigration status in Canada and the complexity of the family law system. Vicky obtained her Juris Doctor (Honours) from the University of Saskatchewan and has built a legal career in BC where she passionately advocates for women's rights.

LAW 429.002 **Rise Women's Legal Centre - Clinic**

Term 1 Term 2 Cameron, E Law, V *Experiential* 11 CREDITS

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CHANGE (Aug 2): Instructor added

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LAW 430.001 **Advanced Legal Research**

Term 1 Term 2 Bachmann *Workshop* 3 CREDITS

This workshop does NOT fulfill the 3 credit seminar requirement. This course is NOT open to Exchange students. Registration priority to third year students. Remaining seats open to second year students.
CHANGE July 3: Registration restriction.

This skills-based course offers third year students advanced instruction in legal research, writing, and analysis, building on skills acquired in LAW 281 (Legal Research and Writing). This course focuses on Canadian legal research, but will also touch on researching international law and US law. Topics covered include legal research using traditional primary and secondary sources, legal research using non-traditional secondary sources, research in other disciplines, critical reflection in research, critical thinking, analysis, argumentation, and legal writing. Students will develop these skills through lectures, in-class discussions and exercises, homework assignments, a short first assignment in which students choose a topic for their final assignment, and a final assignment.

Evaluation:

Homework and participation - 10% (each component is pass/fail)

First assignment - 3% (pass/fail)

Final assignment - 100% (subject to reductions based on homework and participation and first assignment assessment outcomes)

J. Bachmann is the Instruction Librarian at UBC Law Library. Prior to his MLIS degree, he received a BA, MA, and PhD in philosophy and taught philosophy at the University of Alberta and MacEwan University. He also has a BA in criminal justice, a JD, and an LLM with a focus in international human rights law.

LAW 430.002 Advanced Legal Research Term 1 Term 2

Bachmann

Workshop

3 CREDITS

This workshop does NOT fulfill the 3 credit seminar requirement. This course is NOT open to Exchange students. Registration priority to third year students. Remaining seats open to second year students.
CHANGE July 3: Registration restriction.

This skills-based course offers third year students advanced instruction in legal research, writing, and analysis, building on skills acquired in LAW 281 (Legal Research and Writing). This course focuses on Canadian legal research, but will also touch on researching international law and US law. Topics covered include legal research using traditional primary and secondary sources, legal research using non-traditional secondary sources, research in other disciplines, critical reflection in research, critical thinking, analysis, argumentation, and legal writing. Students will develop these skills through lectures, in-class discussions and exercises, homework assignments, a short first assignment in which students choose a topic for their final assignment, and a final assignment.

Evaluation:

Homework and participation - 10% (each component is pass/fail)

First assignment - 3% (pass/fail)

Final assignment - 100% (subject to reductions based on homework and participation and first assignment assessment outcomes)

J. Bachmann is the Instruction Librarian at UBC Law Library. Prior to his MLIS degree, he received a BA, MA, and PhD in philosophy and taught philosophy at the University of Alberta and MacEwan University. He also has a BA in criminal justice, a JD, and an LLM with a focus in international human rights law.

LAW 430.003 Advanced Legal Research Term 1 Term 2

LeDuc

Workshop

3 CREDITS

This workshop does NOT fulfill the 3 credit seminar requirement. This course is NOT open to Exchange students. Registration priority to third year students. Remaining seats open to second year students.
CHANGE July 3: Registration restriction.

This skills-based course offers upper year students advanced instruction in legal research, writing, and analysis. The course focuses on Canadian legal research. It is specifically tailored towards research for legal practice. The objective of the course is to provide students with the practical research and writing skills needed for articling and their first few years as lawyers. Students will develop their research and analytical skills through lectures, group discussions, exercises, and two written assignments.

Evaluation:

Weekly attendance, preparation, and participation are mandatory. Each student will be evaluated on two written assignments (100%).

Emilie LeDuc (B.A., LL.B., MLIS) is a research lawyer at Harper Grey LLP. She graduated from Allard Hall in 2008 and practiced general litigation at a top-rated boutique for almost nine years prior to becoming a dedicated research lawyer. Emilie has drafted memoranda, opinions, pleadings, mediation briefs, arguments, leave applications, and factums on complex and high-profile cases.

LAW 431D.002 **Rise Women's Legal Ctr-Sem:Justice**
Issues for Families in Legal System

Term 1 Term 2 Cameron, E Law, V Seminar 4 CREDITS

***Registration by permission only.**

CHANGE (Aug 2): Instructor added

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This program is open to a maximum of six law students each term. Law students must be in their second or third year of law school. Through the clinic component, students will gain practical experience in managing client files and representing their clients in negotiations or court. The externship is focused on family law though students may also have the opportunity to take cases in other areas of law affecting their clients. The clinic component is based on a pass/fail evaluation of significant practice achievements during the term. The academic component of the externship is a graded course comprised of weekly seminars, journaling, preparation of a research memorandum and blog post.

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LAW 433C.001	<u>Topics in Tort Law - Lecture</u>	<u>Personal Injury Law</u>	
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Kovacs	Martin, T
			Lecture
			3 CREDITS

The statistics for personal injury and trauma in Canada are daunting: most individuals will suffer a significant personal injury during their lifetime, injury is the leading cause of death for children and young adults, and injury is the dominant cause of disability for Canadians.

Personal injury litigation continues to be prevalent and accounts for nearly 25% of all civil pleadings filed in the British Columbia Supreme Court. With the number of motor vehicle actions slowly diminishing with the introduction of no-fault by ICBC, other types of personal injury civil actions are on the rise, including for medical malpractice, occupier's liability, and historical sexual abuse. Personal injury is more than motor vehicle accident injury claims: it is the pursuit of justice for a vulnerable litigant of any kind who is injured or traumatized through the fault of another person or corporation.

This course examines the structure of personal injury claims and is focused on personal injury advocacy. The first half of the course is devoted to an overview of personal injury claims, the different legislative regimes governing personal injury claims in Canada, the key elements of personal injury claims and the various categories of damages for personal injury claims (non-pecuniary damages, wage loss, future loss of earnings capacity, special damages, future cost of care, and punitive damages).

The second half of the course focuses on case studies. Specifically, you will have an opportunity to meet real clients and walk through a real case from client intake to post-judgment. We will dedicate a class to each topic area, including motor vehicle, occupier's liability, medical malpractice, and sexual abuse claims.

Course Objectives: The course is designed to give students a thorough understanding of personal injury claims, to engage students in reading the relevant case law and drafting legal arguments to advance the interests of their client, and to develop the advocacy skills required in personal injury claims.

By the end of the course, students should understand:

- The relevant statutes and key judicial decisions governing personal injury claims in British Columbia and in other Canadian jurisdictions.
- The structure of a personal injury claim including the various heads of damage, the anatomy of a personal injury claim, and defences to a personal injury claim.
- The advocacy skills required to pursue a personal injury claim.
- The strong sense of purpose, meaning, and fulfilment that can be achieved in this area of practice.

Required Reading Materials: The following readings are required for LAW 433C.001 Topics in Tort Law: Personal Injury Advocacy.

- Case law distributed electronically.
- Select excerpts and paper distributed electronically

Evaluation: The course evaluation is comprised of two factors that are meant to ensure substantive knowledge, written advocacy and oral advocacy in personal injury claims.

- Final Exam (75%)
- Class Participation (25%): students will attend class, participate in class discussion, and email "weekly reflections" commenting on the lecture.

*Sandy Kovacs (LL.B. (Alberta 2004)) is senior counsel at Kazlaw Trial Lawyers in Vancouver, British Columbia. She is a Past President of both the Vancouver Bar Association and the Lawyers' Inn Society. Before joining the plaintiffs' personal injury bar in October 2016, she worked to defend personal injury and wrongful death claims in motor vehicle, aviation, medical malpractice, sexual assault, and occupiers' liability matters. Since joining the plaintiff's bar, she has achieved the largest on record trial awards for plaintiffs in motor vehicle collision claims (\$9.1M in *Uy v. Dhillon*, 2020 BCSC 1302) and in sexual abuse claims (\$2.338M in *H.N. v. Victoria School District*, 2024 BCSC 128).*

Tanya Martin

LAW 434.001 Medical Negligence Law

Term 1 Term 2 McGivern, L Raab *Lecture* 3 CREDITS

This class is an introduction to professional negligence law specifically as it relates to physicians, other health care professionals and hospitals. The focus of the class will be on developing an understanding of the components of a medical malpractice action including the doctor-patient relationship, consent, standard of care and causation. We will also explore practical issues that arise in medical malpractice actions including the nature and function of expert witnesses, the use of documentation and difficulties of proof.

The objective of this course is to expose participants to the foundation of medical legal issues in the civil context. By the end of the course, participants will be in a position to identify legal issues pertaining to physicians, other health care professionals and hospitals.

A case list and course outline will be provided on the first day of class. An optional information source is *Legal Liability of Doctors and Hospitals in Canada*, Robertson & Picard (5th ed 2017).

Class instruction will be lectures based on the cases and course outline. Accordingly, it is expected that all class members will have read the cases and attend at class prepared to participate in discussion.

Evaluation:

The course grade will be determined on the basis of a 100% final examination.

Lindsay McGivern represents plaintiffs in medical negligence and birth injury litigation. She is a lawyer at Pacific Medical Law, a unique firm that practices solely in the field of medical malpractice. Since joining Pacific Medical Law, the primary focus of Lindsay's practice has been representing infants who were injured at birth or within the first month of life.

Lindsay articulated at a civil litigation defense firm before moving to Pacific Medical Law. Working on both sides of civil litigation has allowed her to have a broader perspective and given her a better understanding of the different approaches taken by plaintiff's and defense counsel.

Lindsay received her Bachelor of Science degree from the University of British Columbia and her Juris Doctor degree from the Schulich School of Law at Dalhousie University. Lindsay also serves as a member of the CBABC Health Law section Executive.

Susanne Raab (B.A. (U. Western Ontario), LL.B. (U. Victoria)) is a lawyer at Pacific Medical Law. Susanne's practice focuses on representing individuals who have suffered injuries as a result of medical malpractice, with a focus on birth injuries and catastrophic brain and spinal cord injuries. Prior to joining Pacific Medical Law, Susanne spent much of her legal career representing physicians in complex medical malpractice actions. Susanne has appeared before the Provincial Court, Supreme Court and Court of Appeal of British Columbia, as well as the Supreme Court of Canada. She has been selected for inclusion by her peers in Best Lawyers in Canada in the area of Medical Negligence and is recognized as a leading practitioner in the Canadian Lexpert Directory in medical malpractice. Susanne is also a Fellow of the Litigation Counsel of America, an honorary trial lawyer society whose membership is limited to less than one-half of one percent of North American lawyers, judges and scholars. Susanne also serves on the Executive of the Board of the Trial Lawyers Association of British Columbia.

Susanne has appeared before the Provincial Court, Supreme Court and Court of Appeal of British Columbia, as well as the Supreme Court of Canada. Susanne also serves on the Board of Governors of the Trial Lawyers Association of British Columbia.

Susanne is actively involved in advocating for individuals living with disabilities, and serves as the President of the Board of Directors as well as Chair of the Advisory Committee of the Cerebral Palsy Association of British Columbia.

LAW 435D.001	<u>Topics in Tort Law - Seminar</u>	<u>Mass Torts and Class Actions</u>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Hermanson	Sharon, A	<i>Seminar</i> 3 CREDITS

This course explores how Canadian legal systems have attempted to resolve civil disputes arising from mass wrongs. Such wrongs are often typified by asymmetries of organization, power and access and by a troublesome tendency to traverse political and geographic boundaries. These characteristics make mass wrongs difficult to resolve by traditional means, namely through individual lawsuits, but ideally suited to class actions.

The course the ways in which Canadian legal systems have developed procedures for addressing mass wrongs through class actions, which have become increasingly popular in areas as diverse as environmental law, consumer products and services, Charter rights, aboriginal claims, privacy and data breach claims, employment and securities regulation. Class actions have generated an area of great interest to scholars and practitioners on both the plaintiff and defence sides and have become one of the most common ways for addressing systemic wrongs in Canadian society.

The aim of this course is to develop a basic understanding of class proceedings in Canada, including the key differences in the enabling statutes across the provinces and the various strategies employed by plaintiffs and defendants to advance their respective positions. From a more practical perspective, the course will instruct students on the various strategic and tactical issues that arise in the selection, prosecution, defence and settlement of class actions, from the point of view of both plaintiffs and defence. The Course also aims to critically examine class proceedings and the extent to which they have fulfilled their goals of addressing systemic and collective wrongs by advancing access to justice, achieving behavior modification, and enhancing judicial economy in cases of mass wrongs.

Materials:

The course is taught primarily from the review of assigned case law and scholarly publications, which must be read in advance of each class. In addition, various supplementary materials and methods are used, including review of filings in the CBA National Class Action Database, practical exercises using "real" class action materials, and guest lectures by other class action practitioners and professionals. Although there is no required textbook for this Course, additional recommended readings may be assigned to supplement the assigned reading materials, including various portions of Ward Branch, *Class Actions in Canada* (loose-leaf) (Canada Law Book, 2nd edition, 2019); J. Walker, H. Michael Rosenberg, Jasmina Kalajdzic and others: *Class Actions in Canada: Cases, Notes and Materials*, 3rd edition (2023, Emond Montgomery Publications, Toronto, Canada); and Alison Warner, Paul Perell, Jasminka Kalajdzic, Warren Winkler, *The Law of Class Actions in Canada* (2014, Carswell).

Prerequisites:

There are no specific prerequisites, but students may find they get more out of the seminar and are able to contribute more to it if they have background or courses in one or more of the following areas: civil procedure, remedies, conflicts, constitutional law, and professional responsibility.

Evaluation

55% Essay Term Paper (approximately 5,000 words.)

25% Oral Presentation

20% Participation

Chelsea Hermanson is a lawyer with CFM Lawyers LLP. She previously worked as legal counsel for the British Columbia Ministry of Attorney General. Chelsea practices primarily in class actions, working on cases involving price fixing, product liability, and institutional abuse.

Avichay Sharon is a partner with Branch MacMaster LLP. Avichay has a broad civil litigation practice acting on behalf of both plaintiffs and defendants, with particular focus in class actions, constitutional law and Charter litigation, administrative law and insurance defence. Avichay has worked on class actions involving Charter claims, price fixing and consumer protection laws, privacy rights, and environmental wrongs.

LAW 437.001 Commercial Transactions Term 1 Term 2 MacDougall, B.*Lecture***3 CREDITS*****Cross-listed with LAW 537.001.*****EXAM CONFLICT: STUDENTS REGISTERED IN 347B.003, 469.003/590.003, 422.002/570C.002, or 404.001 ARE NOT ALLOWED TO BE REGISTERED IN 437.001/537.001 or 300.002, AND VICE VERSA.****CHANGE Sept 6: Classroom**

This course is designed to permit examination of many of the important features of sale of goods law and practice at the consumer and manufacturer-supplier levels. The course will deal predominantly with the interpretation and application of the Sale of Goods Act and certain related legislation.

Course materials:

Will be announced by the instructor.

Evaluation:

100% Final Exam

Professor Bruce MacDougall is a full time member of the Peter A. Allard School of Law.

LAW 438.001 Secured Transactions Term 1 Term 2 MacDougall, B.*Lecture***3 CREDITS*****Cross-listed with LAW 538.001.***

This course is designed to familiarize the student with techniques of taking security in personal property at the consumer level and at the business level. The important features of the Personal Property Security Act will be examined.

Evaluation:

100% Final Exam

Professor Bruce MacDougall is a full time member of the Peter A. Allard School of Law.

LAW 440.001**Insurance Law** Term 1 Term 2

Bank

Gubeli

Lecture

3 CREDITS

Cross-listed with LAW 540.001

Insurance companies are intimately involved in the prosecution or defense of many tort actions and, increasingly, in commercial actions as well. Insurance is a necessary component of commercial risk planning and individual business and tax planning. Consequently, a basic knowledge of insurance is indispensable to the modern lawyer.

The first part of this course will examine basic principles of insurance law, and in particular problems in the interpretation of property, liability and accidental death policies. Topics will include basic concepts such as risk, indemnity, subrogation and insurable interest; the structure of liability and property policies; methods of interpreting policy provisions; the concept of "accident"; the role of proximate cause in determining coverage; misrepresentation and fraud; and the duty to defend actions against an insured. Selected topics in the law of life insurance will also be discussed.

The second part of the course will be concerned with the application of insurance law to specific areas of legal practice, including automobile insurance, construction insurance, life and disability insurance and professional liability insurance. The automobile insurance section will include an overview of the regimes of liability and no-fault insurance set out in the Insurance (Vehicle) Act and Regulation and issues impacting the coverage available under each regime.

Materials:

Students will be provided with cases and materials specially selected by the lecturers.

Evaluation:

Evaluation is based on an open-book final examination.

Jordan Bank (B.A. Economics (SFU 2007), LL.B. (UBC 2011)) is a partner with the Vancouver firm of Guild Yule LLP. His practice is broad. He has defended clients in personal injury actions, medical malpractice claims, property loss claims, human rights complaints, contract disputes, class action lawsuits and professional negligence claims. He also regularly acts as counsel in insurance coverage disputes and often provides insurance coverage advice.

Aaron Gubeli, B.B.A., B.A. Political Studies, J.D., is an associate with the Vancouver firm of Guild Yule LLP. He maintains a broad litigation practice with an emphasis on the defence of professional negligence and product liability claims, the prosecution of subrogated claims, and advising and acting for insurers with respect to coverage. Aaron also regularly defends businesses and municipalities in property damage and personal injury claims.

LAW 444.001**Insolvency Law** Term 1 Term 2

Sabzevari, A.

Lecture

3 CREDITS

This course gives a general introduction to Canadian insolvency law, with a specific focus on the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act. We will examine the different players - debtors, creditors, trustees/monitors, and the Office of the Superintendent of Bankruptcy – and their roles, duties, and remedies. We will examine how the financial and emotional pressures of trustees' work shape their decision making process. We will deeply review tax driven bankruptcies and Crown claims. This course is designed with an overall emphasis on current caselaw, active learning, and a litigator's perspective, with open and free-flowing class discussions about the cases and the law.

Required texts: (1) Bankruptcy and Insolvency Law in Canada: Cases, Materials and Problems (free eBook available at UBC Library website) and (2) Trustees at Work - Financial Pressures, Emotional Labour, and Canadian Bankruptcy Law (free eBook available at UBC Library website).

Evaluation: 70% of the course mark is a paper of 2500-3000 words (on an insolvency related subject selected by the student and approved by the instructor); 20% is an oral presentation (on an insolvency case of the student's choice and approved by the instructor); and 10% for class participation.

Aminollah Sabzevari, BSC (Honours), JD, LL.M., is an experienced litigator with the Department of Justice Canada. He specializes in bankruptcy and insolvency, creditors' remedies, tax, administrative, and immigration law, as well as the law regarding vexatious litigants. He clerked with the Provincial Court of Alberta. Aminollah is a former member of the Law Society of Alberta and a current member of the Law Society of British Columbia. He is a mentor for law students via the Canadian Bar Association and the Federation of Asian Canadian Lawyers.

LAW 447C.001**Topics in Commercial Law****e-Commerce** Term 1 Term 2

Matsui

Lecture

3 CREDITS

This course is a new course designed to learn about the various legal issues rising from the development of the e-commerce. The course will start the examination of the general characteristics of e-commerce and the framework of e-commerce law with the background knowledge on computer technology and information network (pre-reading). It will then examine the various legal issues for starting up e-commerce: registration of a company, opening website and/or offering products or service on the platforms, such as online shopping mall, including the legal issues on domain name, management of website and restrictions on offered products or services. Then, the course will turn attention to contractual issues, including application of contract law to e-commerce and the validity of e-signature as well as legal issues on payment. This part also examines the consumer protection measures for on-line customers. The next part will examine the legal issues on on-line advertisement, including un-solicited e-mail and regulation on on-line advertisement. The course will then examine the legal liability for breach of contract and for torts. This part also explores the liability of intermediary and the dispute-resolution mechanism. The course will move on to examination of privacy and data protection. This part will start from the examination of personal information protection legal scheme and then discuss some of the legal issues on protection of personal information for e-commerce and the legal system to secure the network. The final part will cover emergent issues, involving the issues in the sharing economy and cryptocurrency.

This course is an experimental course to define the e-commerce law and provide sufficient legal knowledge for students who want to learn about on-going and emerging legal issues in e-commerce.

[Http://www.shgmatsui.com](http://www.shgmatsui.com)

Pre-requisites

There is no pre-requisite for taking this course.

If the students are more interested in the freedom of expression issues in the cyberspace, take LAW425D.001 Cyberspace Law, which focus on freedom of expression and public law issues in the cyberspace. Off course, students can take both courses at the same time as well.

Textbook: Andrew Murray, Information Technology Law (Oxford 2019)

Other textbooks which might be useful for the students (not mandatory)

James Grimmelmann, Internet Law: Cases and Problems (7th ed. Semaphore Press 2017)

Ian J. Lloyd, Information Technology Law (Oxford 2017)

Evaluation:

Class participation 30% and final paper 70%.

Professor Shigenori Matsui is a full time member of the Peter A. Allard School of Law.

LAW 451.001**Trusts** Term 1 Term 2

Hofri

Lecture

3 CREDITS

Cross-listed with LAW 551.001.

The course deals with Canadian principles and rules that regulate and enable management of social and business affairs through express, resulting and constructive trusts. The course aims to provide grounding in trust law by setting out its doctrinal foundations through the perspectives of history, policy, practice, case-precedent and statute. It reviews how various types of trusts are constituted and terminated. It covers the roles of the settlor, trustee and beneficiary and considers the major rights and obligations that characterize the relationships between them. Emphasis is placed on the trustee's rights and obligations in the proper administration of trusts. It also reviews selected remedies available to beneficiaries in circumstances of breach or interference with their rights.

Required:

•Mark R Gillen, *The Law of Trusts: A Contextual Approach* (4th edition, Emond Montgomery, 2021).

Suggested Reading:

•D. Waters, Mark Gillen & Lionel Smith, *Waters' Law of Trusts in Canada*, 5rd edition (2021)
•Albert Oosterhoff, Robert Chambers & Mitchell McInnes, *Oosterhoff on Trusts: Text, Commentary and Materials*, 9th edition (2019)

Evaluation: 75% final exam; 10% assignment; 15% in-class participation

Associate Professor Adam Hofri-Winogradow is a full-time member of the Peter A. Allard School of Law. He specializes in trusts law, fiduciary law, corporate law, estates (succession & wills) law, "elder law", pensions, insurance, general private law, and relevant issues of tax and family law. Following his doctoral studies at Oxford University, Adam published comparative research on the reform and transformation of trust law and trust practice in dozens of countries worldwide, using a large array of empirical research methods: quantitative, qualitative and historical. A winner of two academic prizes, Adam was a visiting professor at Georgetown Law Center, at Western Ontario University, at the Center for Transnational Legal Studies, London, and at the University of Virginia School of Law, and was Martin Flynn Global Law Professor at the University of Connecticut School of Law. He has taught the basic trust law course under the laws of England, Canada and Israel, as well as a wide-ranging class in comparative and offshore trust law and practice. Adam has published work in journals including the Oxford Journal of Legal Studies, the Modern Law Review, the Iowa Law Review, Law and History Review, Law and Social Inquiry, the University of Toronto Law Journal, the Journal of Private International Law, Hastings Law Journal, Ohio State Law Journal, U.C. Davis Law Review and Trust Law International. He regularly speaks at conferences around the world, including the annual meeting of the American Law and Economics Association, symposia funded by the American College of Trusts and Estates Counsel, and the biannual Trusts and Wealth Management conferences at Singapore Management University.

LAW 451.002 Trusts Term 1 Term 2 Pavlich

Lecture

3 CREDITS

Cross-listed with LAW 551.002.

The course deals with Canadian principles and rules that regulate and enable management of social and business affairs through express, resulting and constructive trusts. The course aims to provide grounding in trust law by setting out its doctrinal foundations through the perspectives of history, policy, practice, case-precedent and statute. It reviews how various types of trusts are constituted and terminated. It covers the roles of the settlor, trustee and beneficiary and considers the major rights and obligations that characterize the relationships between them. Emphasis is placed on the trustee's rights and obligations in the proper administration of trusts. It also reviews selected remedies available to beneficiaries in circumstances of breach or interference with their rights.

Required:

D. Pavlich: *Trusts in Common-Law Canada* (3rd edition).

Suggested:

Waters, Gillen and Smith: *Waters' Law of Trusts in Canada* (5th edition)

Evaluation:

100% Final Examination

Professor Dennis Pavlich is a full time member of the Peter A. Allard School of Law and is a former Vice President, External and Legal Affairs of UBC.

LAW 452.001**Succession**

Term 1 Term 2 Dosanjh Kim, C. Lecture 3 CREDITS

Cross-listed with LAW 574.001.

This course serves as the essential foundation for the practice of wills and estates, including basic estate planning and probate practice.

The course will provide an overview of various topics including:

1. the statutory rules of intestate succession;
2. the formalities of execution, modification and revocation of wills;
3. the requirements of testamentary capacity;
4. basic principles and procedures of probate and estate administration;
5. the interpretation of wills;
6. will contests relating to allegations of lack of capacity and undue influence;
7. the statutory limits to testamentary freedom under legislation such as British Columbia's wills variation legislation;
8. substitutes for wills such as joint accounts and options available to limit the exposure of an estate to probate fees;
9. aboriginal succession;
10. planning for incapacity, including powers of attorney and representation agreements for financial management and health care decision-making; and
11. a high level overview of the principles of taxation on death and family law principles relevant in estate planning.

While British Columbia law will be considered in depth, important differences in the laws of some other Canadian jurisdictions will also be reviewed. As well, the professional obligations of the lawyer will be considered throughout the course.

Evaluation:

There will be a compulsory final examination.

Simi Dosanjh, BA (UBC 2006), JD (University of Calgary 2009), TEP was called to the Bar in British Columbia in 2010. Ms. Dosanjh is a Will & Estate Consultant with RBC Family Office Services in Vancouver, British Columbia. She works with individuals and business owner-managers to assist them in developing succession plans that accommodate their unique needs and advises on all aspects of estate and incapacity planning, including wills, trusts, powers of attorney, representation agreements and other means of providing for beneficiaries while minimizing taxes on death. Ms. Dosanjh has completed the CPA Canada In-Depth Tax Course and previously worked as an associate in the Vancouver tax groups of two full-service law firms. She is a full member of the Society of Trust and Estate Practitioners (STEP) and holds the Trust and Estate Practitioner (TEP) designation.

Catherine Kim, BA (UBC 2007), JD (UBC 2012), was called to the Bar in British Columbia in 2013. Ms. Kim is a lawyer with Boughton Law and specializes in estates and trust planning, as well as estate administration. She focuses on personal estate and business succession planning and advises on matters such as: wealth preservation, probate minimization and incapacity planning. Ms. Kim's background in tax also equips her to navigate various income tax and regional real estate tax issues relevant to estates and trusts. Ms. Kim completed the CPA Canada In-Depth Tax Course in 2019 and is recognized in the list of "Best Lawyers in Canada", as voted by other experts in her field. She is a regular presenter with the Pacific Business & Law Institute and at conferences for lawyers, accountants and financial advisors.

LAW 455.001 Real Estate Transactions

Term 1 Term 2 Umbach Yeung Magre Lecture 3 CREDITS

EXAM CONFLICT: STUDENTS REGISTERED IN 334.001, 345C.002, or 357C.001 ARE NOT ALLOWED TO BE REGISTERED IN 455.001, AND VICE VERSA.

This course deals with the law relating to vendors and purchasers of real estate, and the substantive law of mortgages, and considers the remedies available to vendors, purchasers, mortgagers and mortgagees, as well as the role and duties of real estate agents.

Evaluation:
100% final exam.

Greg Umbach (B.A. (University of Waterloo 1992), LL.B. (UBC 1995)) practises with the Vancouver office of Blake Cassels & Graydon LLP in the area of commercial real estate, financial services and business law. He has been involved in transactions involving buying, selling, leasing, financing and development of commercial real estate specifically relating to shopping centres, hotels, apartment buildings, office buildings and industrial properties. He has also been involved with all aspects of the subdivision and municipal approval process relating to the development of land. Mr. Umbach has written on subjects relating to builders' liens, title insurance, real estate fraud and natural resource title issues that have been published in print and on the internet.

Paul Yeung (B.A. (UBC), LL.B. (UBC)) practices with Tenure Law, a boutique law firm practicing solely in the area of commercial leasing, and is a consultant with the commercial real estate group of Stikeman Elliott LLP. Prior to forming Tenure Law, Paul served as a law clerk to the British Columbia Supreme Court and practiced with the commercial real estate groups of Blake Cassels & Graydon LLP and Stikeman Elliott LLP. Paul is also a principal of the Yeung Group of companies which focus on investing in and managing commercial properties in Vancouver. Paul is a contributing author for the Continuing Legal Education publications of Commercial Leasing - Annotated Precedents and the Real Estate Practice Manual.

Tony Magre (B.A. (First Class, With Distinction, Simon Fraser University 2013), J.D. (University of Toronto 2017)) practices with the Vancouver office of Blake, Cassels & Graydon LLP. His work encompasses a full range of commercial real estate transactions, including purchasing, selling, developing, financing and leasing of office, retail, industrial and multi-family properties. He also has experience acting on various construction related matters, including major infrastructure and public-private partnership projects across the Canadian market. Tony advises a wide variety of clients, including retailers, property managers and developers, major Canadian pension funds and their advisors, life insurance companies, institutional lenders and investors, and renewable energy companies. Tony has authored and co-authored publications for the Professional Legal Training Course (PLTC) and the Continuing Legal Education Society of British Columbia and was recognized in The Best Lawyers in Canada 2024: Ones to Watch (Real Estate Law).

LAW 455.002 Real Estate Transactions

Term 1 Term 2 Tolensky, P. Wilson, E. *Lecture* **3 CREDITS**

This course reviews the statutory and common law relevant to residential and commercial real estate transactions, including the marketing, purchase, sale, financing and leasing of real estate, and includes topics related to:

- (a) general principals of law that govern real estate agents;
- (b) general principals of law that apply to a real property contract and the resulting transaction;
- (c) the operation of the land title system in British Columbia;
- (d) basic legal principles related to mortgages and the financing process, including mortgage enforcement;
- (e) basic legal principles related to commercial leases, and special considerations for real estate transactions involving leased property;
- (f) collapsing deals, including remedies for defaulting vendors and purchasers both before and after closing; and
- (g) legal issues to be considered and the role of the lawyer in completing real estate transactions.

Evaluation: 100% final exam.

Peter Tolensky (B.A. (University of Western Ontario 1996), LL.B. (UBC 1999) chairs Lawson Lundell LLP's Real Estate Group. His clients include pension funds, asset managers, developers and other private entities to whom he provides advice on a variety of real estate and corporate structuring matters for all types of projects and transactions. Peter also leads Lawson Lundell's commercial leasing team and negotiates a high volume of retail, office and industrial leases for landlords and tenants.

Edward Wilson (B.A. (Simon Fraser University 1979), LL.B (UBC 1982) practices with Lawson Lundell LLP in the real estate and municipal law fields with a specialty in real estate development. Ed has assisted in such projects as: redevelopment of industrial sites to permit multi-family residential uses; heritage designation and density bonusing arrangements; rezoning and redevelopment of shopping centres; development of office and industrial parks; development of numerous condominium projects; development and marketing of strata title hotels; restructuring of strata corporation bylaws; purchase of abandoned mining towns; development of mine sites; subdivision of pulp mills and saw mills; assisting municipalities on the redevelopment of downtown urban centres; and commercial lease negotiations for a wide variety of tenants and landlords. Ed has been involved in large land assemblies, subdivisions, bare land strata plans, air space parcels, real estate acquisitions, financings, sales, and structuring forms of ownership and transactions. Ed's expertise also includes advising clients on the development of standard form documentation in the real estate, strata management and mortgage broker fields and advising professional practicing in those fields.

LAW 456C.001 Topics in Corporate Law - Lecture Financial Accounting in Legal Practice

Term 1 Term 2 Jawanda *Lecture* **3 CREDITS**

The purpose of this course is to provide law students with the skills to understand basic financial accounting principles, to read financial statements, and to apply accounting concepts in some of the legal contexts in which they arise. The course will cover basic accounting concepts and issues, basic financial concepts, key concepts in business and asset valuation and their impact on law, valuation and accounting in various areas of law (e.g., corporate and securities law, family law, income tax, commercial real estate), and lawyers' professional relationships to financial experts and accountants. It will also cover some related topics such as risk management, financial disclosure obligations and financing arrangements in M&A. Please note this course is designed as an introductory course for students without degrees or significant experience in accounting and finance.

Evaluation: 80% exam, 10% participation and 10% for an in-class presentation.

Pavan Jawanda is a Partner based in the Vancouver office of McCarthy Tétrault LLP and is the Co-Head of its National Tech M&A Group. His practice focuses on advising public and private companies and private equity firms on domestic and international mergers and acquisitions, capital markets, corporate finance, venture capital and other corporate and commercial transactions. Prior to joining McCarthy, Pavan practiced at Davis Polk & Wardwell LLP in New York and Hong Kong. He is also a Certified Public Accountant and presents and lectures frequently in the areas of accounting and finance for lawyers.

LAW 456C.002	<u>Topics in Corporate Law - Lecture</u>	<u>Advising Public Companies</u>		
<input type="checkbox"/> Term 1	<input checked="" type="checkbox"/> Term 2	Talaifar	Gill, G	Lecture 3 CREDITS

CHANGE September 13: Course added.

The course is designed to build upon concepts learned in LAW 459 Business Organizations, with a specific emphasis on advanced corporate and securities laws arising in the context of being an advisor to a publicly traded company. Topics covered will include: (i) corporate governance; (ii) capital raising; (iii) change of control transactions, including hostile takeover bids, contested shareholders' meetings and proxy contests; (iv) directors' duties in mergers & acquisitions; (v) executive compensation; and (vi) continuous disclosure obligations.

Prerequisite:

LAW 459 Business Organizations prerequisite is WAIVED for this course.

Evaluation:

Evaluation will be 100% final exam.

Rod Talaifar is a partner at Sangra Moller LLP. Rod's practice is focused on securities, corporate finance, mergers & acquisitions, mining and corporate/commercial law. Rod has acted for companies listed on various stock exchanges internationally, including the New York Stock Exchange, Toronto Stock Exchange, TSX Venture Exchange, NASDAQ and Frankfurt Stock Exchange. Rod has advised clients in connection with mergers & acquisitions, hostile takeover bids and proxy contests, initial public offerings various, mining ventures, debt and equity financings, corporate governance, internal investigations and public company disclosure and compliance.

Gary S. Gill is a partner of Sangra Moller LLP. Gary's practice focuses on securities, corporate finance and commercial law. Gary has advised clients on a variety of transactions, including initial public offerings, reverse take-overs, mergers and acquisitions, statutory business combinations, reorganizations, complex commercial arrangements, joint ventures, acquisitions and dispositions and private and public equity and debt financings. Gary has been involved in significant domestic, cross-border and international transactions and has experience with clients listed on the Toronto Stock Exchange, CBOE Canada, TSX Venture Exchange, CSE, NASDAQ and NYSE. Gary has been called upon to assist clients on contested matters, including negotiated and hostile proxy contests and takeover bids, as well as complex governance issues, regulatory compliance, insider trading and continuous disclosure. Gary regularly provides advice to boards on fiduciary responsibilities and governance best practices.

LAW 459C.001	<u>Business Organizations</u>			
<input checked="" type="checkbox"/> Term 1	<input type="checkbox"/> Term 2	Hutchison		Lecture 4 CREDITS

Cross-listed with LAW 508D.001. This course is NOT open to Exchange students.

CHANGE Aug 26: Classroom

This course provides an overview of the primary legal means of organizing businesses, including sole proprietorships, partnerships, and--most importantly--corporations. The course will focus on Canadian corporate law, but other jurisdictions (particularly the state of Delaware) will also be addressed. The central topics of this course include: (1) the history of corporate law; (2) the differences between corporations, partnerships, and other organizational forms; (3) jurisdictional/organizational choice and forming a business organization; (4) investment securities and corporate finance; (5) directors' duties and corporate governance; (6) control transactions; and (7) shareholder rights and remedies. Special emphasis will be placed on the legal and business considerations central to serving as a corporate solicitor.

Required textbook: Poonam Puri et al, Cases, Materials and Notes on Partnerships and Canadian Business Corporations, 6th ed (Toronto: Carswell, 2016).

Evaluation:

Final examination (three hours, open book) - 95%

Class participation - 5%

Assistant Professor Camden Hutchison is a full time member of the Peter A. Allard School of Law.

LAW 459C.002 Business Organizations Term 1 Term 2

Festinger

Lecture

4 CREDITS

Cross-listed with LAW 508D.002. This course is NOT open to Exchange students.

This course provides an introduction to the law of partnerships and corporations in British Columbia. Although reference will be made to laws in other jurisdictions, the emphasis will be on the Canada Business Corporations Act, the B.C. Business Corporations Act, the Partnership Act and the surrounding common law. The course explains the nature of the corporation and its formation and management. The powers and duties of directors are discussed in detail and the rights of shareholders are examined. There will be minimal coverage of securities law.

Required Materials:

1. Ziegel, Daniels, et al., Partnerships and Business Corporations (4th ed.)
2. Business Corporations Act S.B.C. 2002, c. 57
3. Canada Business Corporations Act, R.S.C. 1985, c. C-44
3. Partnership Act, R.S.B.C. 1996, c. 348

Evaluation:

There will be a 2-1/2 hour open-book final examination

Jon Festinger, K.C. is a Vancouver, British Columbia based counsel and educator.

As an Adjunct Professor, Jon Festinger has taught a wide variety of courses relating to intellectual property law, communications, media & video game law, as well as corporate law over more than 30 years at the Allard School of Law. As well Jon is Faculty in Residence at the UBC Emerging Media Lab. He has also taught at various times at the Sauder School of Business, UBC Graduate School of Journalism, the Thompson Rivers University Faculty of Law, the University of Victoria Faculty of Law, and the School of Law, Queen Mary University of London. He is the author of the first edition of Video Game Law published by LexisNexis in 2005, and co-author of the second edition published in 2012, and was a founding editor and on the Editorial Board of the Interactive Entertainment Law Journal (Edward Elgar Publishing). He was Guest Editor of the Volume 46, Number 3 of the UBC Law Review "Digital Media, Video Games, and the Law" (2013). As well, Jon authored "Mapping the Electronic Highway: A Survey of Domestic and International Law Issues" 1995, Volume 29, University of British Columbia Law Review. Jon is Of Counsel at Chandler Fogden Lyman; a Trustee of the BC Sports Hall of Fame; and Past Chair and a Director of viaSports B.C.

LAW 459C.003 Business Organizations Term 1 Term 2 Liao

Lecture

4 CREDITS

Cross-listed with LAW 508D.003. This course is NOT open to Exchange students.**EXAM CONFLICT: STUDENTS REGISTERED IN 509.005, 459C.003/508D.003, 359C.002/559D.002, or 345C.001 ARE NOT ALLOWED TO BE REGISTERED IN 463.002/576.002, AND VICE VERSA.**

This course is an introduction to the law of partnerships and corporations. Although reference will be made to laws in other jurisdictions, the emphasis will be on the Canada Business Corporations Act, BC Business Corporations Act, BC Partnership Act, and the surrounding common law. The course explains the nature of the corporation, organizational choice and formation, capitalization, powers and duties of directors and officers, and rights and remedies of certain stakeholders. Topical issues covered include business and human rights, climate change, First Nations business structures, social finance and responsible investment, and the business of law. Students will learn about the legal and business issues lawyers must keep in mind when representing various corporate actors. Contract drafting and negotiation will also be addressed.

Required Materials:

1. Yalden, et al., *Business Organizations: Practice, Theory, and Emerging Challenges* (2nd ed., 2017) 2. *Business Corporations Act* S.B.C. 2002, c. 57 3. *Canada Business Corporations Act*, R.S.C. 1985, c. C-44 4. *Partnership Act*, R.S.B.C. 1996, c. 348

Evaluation:

There will be a 3 hour open-book final examination.

Carol Liao is a full time member of the Peter A. Allard School of Law and the UBC Sauder Distinguished Scholar of the Peter P. Dhillon Centre for Business Ethics at the Sauder School of Business.

LAW 460.001**Advanced Corporate Law****Shareholder Litigation**

Term 1 Term 2 Crabtree Payne, J *Experiential* 3 CREDITS

This workshop fulfills the Experiential Learning Requirement. It does NOT fulfill the 3 credit seminar requirement. This workshop is NOT open to Exchange and Visiting students.

This course will cover advanced legal issues that arise in shareholder dispute litigation and provide students with opportunities to develop practical litigation skills essential to litigating shareholder disputes. Sessions will involve a mix of instruction on substantive and procedural topics, guest lectures by practicing litigators, and exercises designed to mimic real shareholder dispute litigation. The final exercises will require students to argue part of a mock shareholder dispute petition hearing.

Evaluation:

Students will be graded based on the following scheme:

Exercise 1: Pleadings drafting 25%
 Exercise 2: Evidence drafting 25%
 Exercise 3: Mock chambers application 10%
 Exercise 4: Mock petition hearing 30%
 Class participation 10%

Andrew Crabtree is founder and principal at Crabtree Law. He has more than a decade of experience resolving disputes for corporations and individuals through negotiated settlements, tribunal hearings, arbitration and litigation. He primarily focuses on shareholder and partnership disputes. Before launching his own firm, Andrew practised for several years with Blakes and Cooper Litigation (before it merged with McEwan Partners). After attending UVic Law School, Andrew clerked for five justices of the British Columbia Supreme Court.

Joel V. Payne is an appeals and civil litigation lawyer practicing in Vancouver, British Columbia. His mission is to deliver smart, strategic advocacy using the best modern tools to get the job done. Before he was called to the bar, Joel served a law clerk at the Court of Appeal for British Columbia.

LAW 461.001**Corporate Transactions**

Term 1 Term 2 Hutchison *Lecture* 3 CREDITS

This course focuses on the law and practice of complex corporate transactions, including debt and equity financings, amalgamations, acquisitions, divestitures, and corporate restructurings. Special emphasis is placed on the analytical, drafting, and negotiation skills central to serving as a transactional attorney. Notwithstanding this practical focus, we will also address various legal, economic, and even political theories that can help us understand how corporate transactions are structured and executed.

Prerequisite: LAW 459 Business Organizations

Required textbook: Christopher C Nicholls, *Mergers, Acquisitions and Other Changes of Corporate Control*, 3rd ed (Toronto: Irwin Law, 2020).

Evaluation:

Final examination (three hours, open book) - 95%
 Class participation - 5%

Assistant Professor Camden Hutchison is a full time member of the Peter A. Allard School of Law.

LAW 462.001T1 **Close Corporations** **Corporations: From Beginning to End**

Term 1 Term 2 Florio Cantwell Workshop 2 CREDITS

All year. Meets alternate weeks. Total credit value for this workshop is 3 (2 in term 1 and 1 in term 2). (See 462.001T2)

This workshop focuses on the practical aspects of advising private and public corporations. It is “hands on” and strives to teach students what it is like to be a corporate solicitor. The course follows the life cycle of a corporation from incorporation through dissolution. Topics covered include the incorporation and organization of companies under the British Columbia Business Corporations Act and the Canada Business Corporations Act, maintenance of corporate records, capital structure and share rights and restrictions, shareholders agreements, corporate governance, franchising, licensing, the purchase and sale of a business, debt and equity financing, initial public offerings of securities, shareholder meetings, proxy fights, takeover bids, corporate reorganizations, going private transactions, bankruptcy, winding-up and dissolution. Guest lecturers will include practitioners in the areas of licensing and insolvency.

Prerequisite:

LAW 459 Business Organizations is a prerequisite.

Evaluation:

Students will be expected to participate in class discussion, and to analyse a fact situation for each class, providing a two-to-three page written analysis for that fact situation (together, this participation accounts for 45% of total grade). Students will also complete a negotiation exercise in the first term (25% of total grade) and a memorandum of law on an assigned corporate law problem in the second term (30% of total grade).

Cassandra Florio (B.A., First Class Honours in Economics (McGill University 2006), J.D. (University of Toronto 2010)) is Senior Solicitor and Counsel in the Commercial Group of the Office of the General Counsel at British Columbia Hydro and Power Authority. Cassandra began her practice in New York at Paul, Weiss, Rifkind, Wharton & Garrison LLP, and prior to joining BC Hydro was Counsel in the Corporate Commercial Group of Borden Ladner Gervais LLP, dealing primarily with private company mergers and acquisitions, as well as general corporate and commercial matters. Cassandra has been a recurring guest lecturer with the Professional Legal Training Course since 2016, and was recognized in the 2022 -2024 editions of Best Lawyers: Ones to Watch in Canada for corporate law.

James Cantwell (BCom (University of British Columbia 2010), J.D. (University of Alberta 2017)) is a senior associate in the Corporate and Capital Markets group of Borden Ladner Gervais LLP, dealing primarily with public company transactions, including mergers and acquisitions, equity financing and initial public offerings, as well as corporate governance and regulatory compliance matters. James has practiced at Borden Ladner Gervais LLP since articling in 2017. Prior to attending law school, James worked in helicopter leasing at a global aviation company.

LAW 462.001T2 **Close Corporations** **Corporations: From Beginning to End**

Term 1 Term 2 Florio Cantwell Workshop 1 CREDITS

All year. Meets alternate weeks. Total credit value for this workshop is 3 (2 in term 1 and 1 in term 2). (See 462.001T2)

See above description.

Cassandra Florio (B.A., First Class Honours in Economics (McGill University 2006), J.D. (University of Toronto 2010)) is Senior Solicitor and Counsel in the Commercial Group of the Office of the General Counsel at British Columbia Hydro and Power Authority. Cassandra began her practice in New York at Paul, Weiss, Rifkind, Wharton & Garrison LLP, and prior to joining BC Hydro was Counsel in the Corporate Commercial Group of Borden Ladner Gervais LLP, dealing primarily with private company mergers and acquisitions, as well as general corporate and commercial matters. Cassandra has been a recurring guest lecturer with the Professional Legal Training Course since 2016, and was recognized in the 2022 -2024 editions of Best Lawyers: Ones to Watch in Canada for corporate law.

James Cantwell (BCom (University of British Columbia 2010), J.D. (University of Alberta 2017)) is a senior associate in the Corporate and Capital Markets group of Borden Ladner Gervais LLP, dealing primarily with public company transactions, including mergers and acquisitions, equity financing and initial public offerings, as well as corporate governance and regulatory compliance matters. James has practiced at Borden Ladner Gervais LLP since articling in 2017. Prior to attending law school, James worked in helicopter leasing at a global aviation company.

LAW 463.001 **Securities Regulation** Term 1 Term 2 Peihani

Lecture

3 CREDITS

Cross-listed with LAW 576.001.

This is a specialized corporate law course focusing on the regulation of capital markets in Canada, with a particular focus on the British Columbia context. The main objective of the course is to provide students with a broad understanding of the legal and regulatory framework governing the issuance and trade of securities. This includes public offerings, continuous disclosure obligations, insider trading, takeover bids, as well as public and private enforcement mechanisms for violations of securities laws. In addition to examining the existing regulatory framework, the course will also touch upon recent debates in securities regulation. More specifically, we will explore regulatory reforms following the financial crisis, ongoing efforts to establish a cooperative capital markets regulator, and improving the oversight of systemic risk in Canadian capital markets.

Evaluation will be by way of a 100% final examination.

Assistant Professor Maziar Peihani is a full-time member of the Peter A. Allard School of Law.

LAW 463.002 **Securities Regulation** Term 1 Term 2 Ford

Lecture

3 CREDITS

Cross-listed with LAW 576.002.

EXAM CONFLICT: STUDENTS REGISTERED IN 509.005, 459C.003/508D.003, 359C.002/559D.002, or 345C.001 ARE NOT ALLOWED TO BE REGISTERED IN 463.002/576.002, AND VICE VERSA.

This is a specialized corporate law course. A key objective is to provide students with a broad understanding of the legal framework governing the issue and trade of securities in British Columbia and in Canada generally. Topics will include prospectus and continuous disclosure requirements for public companies, oversight of registrants, the exempt market, insider trading, takeover bids, and liability (civil, criminal, and regulatory.) The course also devotes considerable attention to policy issues surrounding securities regulation, with a view to understanding the current state of flux in Canadian regulation, including recent challenges arising from crypto assets, decentralized finance, and globalization. We will examine the philosophies underlying securities regulation, competing approaches in regulatory design, and the relationship between securities regulation and corporate governance.

Evaluation:

Assessment will be based on a 2.5 hour open-book examination (80%), and in-class participation (20%).

Prerequisite:

It is recommended that students take LAW 459 (formerly Law 230) Business Organizations prior to LAW 463 Securities Regulation.

Professor Cristie Ford is a full time member of the Peter A. Allard School of Law.

LAW 464.001**Competition Policy****Canadian Competition Law** Term 1 Term 2

Tougas

Wright

Lecture

3 CREDITS

This is a survey course covering the main areas of competition law in Canada, including merger review, criminal conspiracies (cartels) and anticompetitive agreements and arrangements (civil), abuse of dominance (monopolies) and civilly reviewable unilateral conduct, misleading advertising and deceptive marketing, as well as convergence with other areas of law, including foreign investment, intellectual property and regulated industries. The course will address key economic concepts important to determining whether and to what extent the Competition Act may apply to a range of business activities. The course draws on developments in international jurisprudence and policies to assist in the analysis of Canada's competition law regime. While key Canadian case law, policy developments and economic theory will be canvassed, the course also includes a review of practical approaches to advising and representing commercial and business law clients in respect of merger transactions, criminal and civil investigations and litigation. The course will be taught by François Tougas (McMillan LLP).

Prerequisites:

This course combines aspects of Canadian constitutional, administrative and business law. While an economics background is not necessary, students should have an understanding of Canadian law.

Evaluation:

There will be one broadly based final exam, which may cover any of the topics from the course (worth 100%). The final exam will be open book. The final exam will consist of questions involving multiple choices, short answers, true/false, and more traditional law school fact pattern analyses.

François Tougas, LL.B. (UBC 1988) practises with McMillan LLP where he has been a partner since 1996. His practice is devoted to competition/antitrust law and the competitive aspects of rail carrier-shipper relations.

Kevin Wright (B.A. Econ, Honours, Gold Medal (University of Western Ontario), J.D., Honours, (University of Toronto)) is a partner of DLA Piper (Canada) LLP in Vancouver and Chair of the firm's Competition & Antitrust Law Practice Group. His competition law practice runs the gamut from defending criminal cartel investigations, representing clients in private litigation (including class action defence), advising on mergers, developing compliance programs and counseling clients on distribution practices. He has advised individuals, private and public companies, trade associations and government bodies and has appeared before the Competition Tribunal, the Supreme Court of Canada and other courts.

LAW 466.001 Business Law Capstone

Term 1 Term 2 Kakoske Lim Lecture 3 CREDITS

***Registration by permission only. ***

The course is designed to build upon concepts learned in Business Organizations, with a specific emphasis on advanced corporate, securities and tax laws. Students will be grouped into teams whereby they will provide strategic advice to a publicly traded company in the context of a simulated M&A transaction. Topics covered will include confidentiality agreements, LOIs, capital raising, mergers & acquisitions, joint ventures, tax considerations, defensive tactics, investment protection, corporate social responsibility, and stock exchange requirements. Students will have an opportunity to meet and work directly with industry executives and hear first-hand how strategies are developed and transactions are structured in the complex world of public M&A.

Prerequisite: LAW 407 Taxation, LAW 459 Business Organizations, LAW 463 Securities Regulation, and 6 credits of other courses from the Concentration are prerequisites.

Evaluation Method:

- 10% Class Participation
- 20% First Client Interview (Assignment #1)
- 10% Second Client Interview (Assignment #2)
- 20% Client Presentation (Assignment #3)
- 40% Client Reporting Memorandum and Letter of Intent (Assignment #4)

Lisa Kakoske has a broad business law practice which includes acting for all manner of clients including underwriters/agents, public companies, private companies and firms registered as exempt market dealers, investment fund managers and portfolio managers. Lisa acts for firms seeking registration as exempt market dealers, investment fund managers and portfolio managers as well as advising clients on the regulatory requirements relating to registration matters under National Instrument 31-101 and other similar requirements. She is also involved in evolving areas of law including securities and registration matters relating to cryptocurrency and carbon credit trading and platforms. Additionally, Lisa has experience in fund formation, including representing clients in the creation of fund-of-funds and various types of private equity and venture capital funds. Lisa acts for underwriters and agents for public and private capital raising through prospectus offerings and private placements as well as attends to general corporate and securities law matters for both public and private companies. Lisa obtained her Juris Doctor from the University of British Columbia in 2012 and her Bachelor of Arts from the University of British Columbia in 2009.

Kwang Lim's business law practice includes corporate finance and M&A. He focuses on offering practical and strategic advice and facilitating opportunities for domestic and international clients, including entrepreneurs, start-ups, scale-ups, public companies, and broker-dealers across various industry sectors. Kwang also advises on securities law compliance and corporate governance issues. Kwang obtained his Master of Laws at University of California, Los Angeles (UCLA) with a specialization in business law. Kwang was named a Lexpert Rising Star for 2018, as one of Canada's leading lawyers under 40, and was named a Leading Lawyer to Watch – Corporate Finance & Securities by the Canadian Legal Lexpert Directory.

LAW 467D.001 **Topics in Corporate Law - Seminar** **White Collar Crime**
 Term 1 Term 2 Narwal Seminar 3 CREDITS

This course examines common types of commercial and financial crime – colloquially, known as “white collar crime” – including forms of high yield investment fraud, corporate fraud, market manipulation, and trust account misappropriation. The process of investigating, prosecuting and defending these crimes will be examined, alongside the challenges posed by overlapping regulatory, administrative and civil proceedings. Special emphasis will be placed on the application of the Charter of Rights and Freedoms to various stages of the proceedings. Administrative disclosure initiatives and compliance programs designed to avoid or reduce the risk of prosecution will also be considered.

Students can expect to develop an understanding of the exercise of prosecutorial discretion, applicable Criminal Code offences, sentencing for those offences, the distinction between individual and corporate criminal liability, other federal legislation such as the Corruption of Foreign Public Officials Act and the criminal enforcement provisions of the Income Tax Act as well as provincial regulatory schemes, primarily the BC Securities Act.

Evaluation: This course will be evaluated based on class participation (20%) and a research paper (80%)

Joven Narwal, KC [B.A. (UBC), LL.B. (UBC), LL.M (Columbia University)] is the founder of Narwal Litigation LLP, a firm devoted to complex and serious cases where liberty and reputation are at stake, primarily in areas such as criminal litigation, securities litigation and professional discipline.

LAW 468.001 **Ethics and Professionalism**
 Term 1 Term 2 Martz Lecture 3 CREDITS

Cross-listed with LAW 588.001. This course is NOT open to Exchange or Visiting students.

Ethical rules and principles are a fundamental part of the practice of law but how to go about applying them is a complex question inevitably involving the exercise of judgement and the consideration of one's own personal values. In this course, we will examine the requirements of the Code of Professional Conduct for British Columbia and case law that establishes guidelines for ethical legal conduct, but also bring a critical eye to conventional ideas about how lawyers should operate with the goal of helping you begin to develop your own sense of how you want to conduct yourself as a lawyer. We will also consider the role of the Law Society of BC and some of the many challenges faced by the legal profession, and how both the Law Society and individual lawyers can respond to them.

The course will include lectures, class discussion, group presentations/facilitations, and guest lectures by practicing lawyers about how they handle real-life ethical issues.

Evaluation: participation in class discussions, including through a small group project (15%), a take-home essay (15%), and a 3-hour open book final examination (70%).

Lisa Martz has practised as a litigation lawyer for more than 25 years. She is now a full-time Lecturer at the Peter A. Allard School of Law.

LAW 468.002 **Ethics and Professionalism**

Term 1 Term 2 Affolder *Lecture* 3 CREDITS

Cross-listed with LAW 588.002. This course is NOT open to Exchange or Visiting students.

Ethical issues are fascinating, complex, challenging, and permeate all aspects of the practice of law. This course extends beyond learning the rules of professional ethics to engage with the very tricky real-life problems that are part of practicing law. Many lawyers feel poorly equipped to handle the kinds of ethical issues that actually emerge in practice. They find that these issues are only partially covered by existing doctrines of confidentiality and formal rules on conflicts of interest. We address that reality in this course by seeking to understand the ethically perilous terrain that you are likely to face in your career and by creating ways to better appreciate the strengths and limits of your own instinctual approaches to handling conflict and difficult conversations.

This course is designed to force you to think critically about the legal profession as a self-governing entity but also to reflect upon your own personality and influences and how you might design a good life for yourself inside and outside law. This interactive course combines lectures, simulations, negotiation exercises, debates, case studies, and guest lectures.

Evaluation:

The course will be evaluated by means of a 4-hour, take-home final examination (80%) to be distributed at 9:00am and due at 1:00pm on a date listed in the exam schedule, and a reflection exercise (20%). Although there is no separate class participation mark given the class size, the course is highly interactive. Participation is expected, and will be necessary, to fully answer the questions on the final exam and to complete the reflection exercise.

Graduate Students registered in this course at the 500 level will also submit a case comment.

Professor Natasha Affolder is a full time member of the Peter A. Allard School of Law.

LAW 468.004 **Ethics and Professionalism**

Term 1 Term 2 Goldbach *Lecture* 3 CREDITS

Cross-listed to LAW 588.004. This course is NOT open to Exchange or Visiting students.

CHANGE Sept 3: Classroom

In this course, students will consider the ethical obligations of lawyers in Canada, with a focus on the legal obligations for lawyers in B.C. Topics covered include role morality, the duties of the advocate, the duty of competence, conflicts of interest, and conduct unbecoming and civility. Students will also be introduced to the model of self-governance of lawyers, current challenges facing the legal profession such as access to justice and, as well, oversight and regulation of the judiciary. The course will be taught in both a lecture format and through smaller group discussions and presentations.

Evaluation:

Evaluation for this class will consist of class participation (15%) and an in-person exam (85%).

Assistant Professor Toby Goldbach is a full-time member of the Peter A. Allard School of Law.

LAW 468.005 **Ethics and Professionalism**

Term 1 Term 2 Hilland *Lecture* 3 CREDITS

Cross-listed to LAW 588.005. This course is NOT open to Exchange or Visiting students.

This course will examine ethics and professionalism from an Indigenous perspective. We will learn about Indigenous legal ethics and critically analyze the relevant legislation, regulations, rules of professional conduct, applicable caselaw, and general principles of ethics and professionalism that apply to the practice of law British Columbia.

Evaluation: 3 hour open-book examination (100%)

Assistant Professor Andrea Hilland is a full-time member of Peter A. Allard School of Law.

LAW 468.008 **Ethics and Professionalism**

Term 1 Term 2 Morris Westell Lecture 3 CREDITS

Cross-listed with LAW 588.008. This course is NOT open to Exchange or Visiting students.
CHANGE (July 8): Course added

This course will examine ethics and professionalism through the lens of the Canons of Legal Ethics and the proposition that a lawyer is a minister of justice, an officer of the courts, a client's advocate and a member of an ancient, honourable and learned profession.

Evaluation:

Course evaluation will be by 80% final open-book examination and 20% paper assignment.

Joel A. Morris (B.A., Hons. (Queen's University 2007), LL.B. (UBC 2010)) is a Partner in Harper Grey's Health Law, Commercial Litigation, Professional Regulation, and Insurance Law practice groups. Mr. Morris' practice focuses on professional liability; commercial litigation, including multi-party cases and class actions; and administrative law. He has represented clients at all levels of court in British Columbia and before various administrative tribunals. Mr. Morris acts as pro bono counsel in civil and administrative law matters. He serves as Harper Grey's LSLAP (Law Students' Legal Advice Program) coordinator and volunteers as a supervising lawyer with LSLAP. Prior to joining Harper Grey, Mr. Morris clerked at the British Columbia Supreme Court.

LAW 469.001 **Civil Procedure**

Term 1 Term 2 Byma Phillips, C Lecture 3 CREDITS

Cross-listed with LAW 590.001

We will study the Conduct of civil actions in the B.C. Supreme Court. Students will become acquainted with the Supreme Court Civil Rules and the common law governing procedure.

Various procedural problems will be examined from two points of view:

- (a) that of the practitioner who must understand the workings of the Rules and consider strategic and ethical issues in order to conduct a case effectively; and
- (b) that of the student of the law who should question the assumptions underlying procedural rules and postulate strategic solutions.

The emphasis will be the pre-trial stages of proceedings. Memorizing the Rules will not be necessary, but an understanding of the basic structure of a civil lawsuit and a recognition of procedural problems and related strategic and ethical issues will be expected.

Required Materials:

Casebook: Civil Litigation, updated August 2024, available electronically on Canvas

Evaluation:

Exam worth 95% and written assignments 5%

Daniel Byma (B.Comm. (University of Calgary), J.D. (University of Manitoba)) is a partner in the Litigation and Dispute Resolution Department of Fasken Martineau DuMoulin LLP in Vancouver. His litigation practice focuses on commercial disputes as well as constitutional and public law matters, with experience in real estate cases, breach of trust and fiduciary duty claims, contract cases, oppression claims, shareholder disputes, fraud claims, division of powers, and Charter cases. Prior to joining Fasken Martineau DuMoulin he served as a law clerk to Mr. Justice Wagner of the Supreme Court of Canada.

Cindy Phillips (B.A., Honours (University of British Columbia), J.D. (University of British Columbia)), is a lawyer in the Litigation and Dispute Resolution Department of Fasken Martineau DuMoulin LLP in Vancouver. Her practice focuses on commercial disputes, including shareholder disputes and claims in breach of contract and tort, fraud claims, and personal injury appeals. Cindy also has experience with class actions and regulatory prosecutions. Prior to teaching Civil Procedure, Cindy was involved with running the Allan McEachern Course in Advanced Trial Advocacy, Law 472.

LAW 469.002 Civil Procedure

Term 1 Term 2 Clavier Kressock Lecture 3 CREDITS

***Cross-listed with LAW 590.002.**

This course has the following objectives:

1. Introduce the fundamentals of civil procedure and familiarize students with the progress of a civil action.
2. Provide a theoretical framework for the rules of procedure and identify the values and policies on which the rules are based.
3. Place these rules in a practical context to encourage future practitioners to wield them in a responsible, strategic, ethical, and cost-effective manner.

Required Materials:

1. Mark Fancourt-Smith and Gavin Cameron, Law 469 Civil Litigation Casebook, 2022 edition.
2. Janet Walker, et al. The Civil Litigation Process: Cases and Materials, 9th ed. (Toronto: Emond Montgomery Publications Ltd., 2022).
3. Supreme Court Civil Rules: Any of these sources:
 - Bouck, Dillon, and Turriff, British Columbia Annual Practice 2018 (Canada Law Book Inc.) (the "White Book");
 - Seckel & MacInnis, Supreme Court Rules Annotated 2018 (Carswell) (the "Black Book"); or
 - Online: http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/168_2009_01

Evaluation:

The evaluation method in this course will be by a 90% open-book final examination set during the Faculty examination period. The remaining 10% will be based on the two short and simple pass-fail assignments: a short pleadings drafting exercise and a short 1-page report of an independent visit to Supreme Court Civil Chambers. Additional marks may be given for class participation, at the discretion of the instructors.

Eric B. Clavier is a partner at Fasken in Vancouver, practising as a trust, estates and charities litigator. Following 12 years as a barrister at the Pretoria Bar in the Republic of South African, Eric was called to the Bar of British Columbia in 2014, where he appears regularly before the Supreme Court of British Columbia and the BC Court of Appeal.

Paul Kressock is a partner with Lawson Lundell LLP in Vancouver, and is a member of the firm's Commercial Litigation Group. Paul has a Bachelor of Commerce (Honours) degree from the University of Manitoba, and a Juris Doctor from the Peter A. Allard School of Law at UBC. He was called to the Bar of British Columbia in 2015 and appears regularly before the Supreme Court of British Columbia and the BC Court of Appeal. Paul is also an Instructor in the Paralegal Program at the School of Legal Studies at Capilano University.

LAW 469.003**Civil Procedure** Term 1 Term 2

Goulden

McCalla

Lecture

3 CREDITS

Cross-listed with LAW 590.003.**EXAM CONFLICT: STUDENTS REGISTERED IN 347B.003, 469.003/590.003, 422.002/570C.002, or 404.001 ARE NOT ALLOWED TO BE REGISTERED IN 437.001/537.001 or 300.002, AND VICE VERSA.**

We will study the conduct of civil proceedings in the B.C. Supreme Court. Students will become acquainted with the Supreme Court Rules of Court and the common law governing those civil proceedings. Our focus will be on understanding the workings of the Rules, and considering strategic and ethical issues in order to conduct a civil action effectively. The emphasis will be upon the pre-trial stages of actions, although the conduct of trials and other proceedings (primarily from a procedural perspective) will also be reviewed. Memorizing the Rules and procedure will not be necessary, but an understanding of the basic structure of a civil lawsuit, including the recognition of procedural problems and the tools available to deal with those problems will be expected.

Required Materials:

1. Dillon and Li-Reilly, British Columbia Annual Practice, current or last year's edition are both acceptable.
2. Supplementary materials referenced in class.

Evaluation:

100% Final examination.

James Goulden K.C. (B.Comm. (University of Calgary 1989), LL.B. (UBC 1992)) is a partner in the dispute resolution and litigation department with Norton Rose Fulbright Canada LLP (formerly known in Vancouver as Bull Housser LLP). His practice is focused in the areas of commercial, real estate, administrative, securities, and government disputes and litigation. Mr. Goulden has conducted a broad range of matters before all levels of court in British Columbia, the Federal Court of Canada and various administrative tribunals. He has been an adjunct professor at the Allard School of Law at UBC for over 20 years. Mr. Goulden is also the co-author of the book "Procedural Strategies for Litigators in British Columbia".

Sarah McCalla (she/her) (B.Sc. (University of Alberta 2006), B.Ed. (UBC 2007), J.D. (UBC 2014)) is a partner in the dispute resolution and litigation department with Norton Rose Fulbright Canada LLP. Her practice is focused on commercial and administrative litigation, regional and local governance matters, expropriation proceedings, forestry issues, real estate disputes, and society-related litigation. She clerked at the Supreme Court of British Columbia and has appeared before all levels of court in British Columbia, as well as the Ontario Superior Court of Justice.

LAW 470.001T1 The Innocence Project Term 1 Term 2

Levy

*Experiential***3 CREDITS**

Registration by Permission Only. (See LAW 470.001T2 and LAW 471D.001.) This clinic fulfills the Experiential Learning requirement. This clinic meets in the Brock Commons North Boardroom (BRCN 1045)

The UBC Innocence Project is a clinical program in which students work with lawyers to review claims of wrongful conviction. Students review court transcripts, legal files, and police investigative files. Casework also includes legal and factual research, drafting of correspondence, memoranda and submissions, investigation of potential new forensic and witness evidence. Project students participate in the Preventing Wrongful Convictions academic seminar, regular office hours, and weekly group meetings with a variety of guest speakers. Each student works with a practicing criminal lawyer for added guidance and supervision. Inquiries about the program should be sent to the program Director, Tamara Levy, QC at: tlevy@allard.ubc.ca.

Pre-requisite or Co-requisite: LAW 476 Evidence (first term)

Co-requisite: LAW 471.001 Preventing Wrongful Convictions (first term)

Recommended: Forensic Science Seminar (first term)

Evaluation:

Legal writing 25%

Participation 10%

Investigation and Initiative (persistence, diligence, direction required) 35% Professionalism (organization, timeliness, punctuality, dealings with others on file) 30%

This clinic meets in the Brock Commons North Boardroom.

Tamara Levy, QC (B.A. (University of Western Ontario, 1993), LL.B. (Osgode Hall, 1996)) was called to the bar in 1998. She articulated and practiced with the firm of Peck and Tammen (now Peck & Co.) before working as Crown Counsel for three years. Since leaving the Crown she has practiced criminal law in Vancouver as a sole practitioner and as Director of the UBC Law Innocence Project. She has taught at U.B.C. as an adjunct professor since 2004.

LAW 470.001T2 The Innocence Project Term 1 Term 2

Levy

*Experiential***3 CREDITS**

Registration by Permission Only. (See LAW 470.001T1 and LAW 471D.001.) This clinic fulfills the Experiential Learning requirement. This clinic meets in the Brock Commons North Boardroom.

See above description.

Tamara Levy, QC (B.A. (University of Western Ontario, 1993), LL.B. (Osgode Hall, 1996)) was called to the bar in 1998. She articulated and practiced with the firm of Peck and Tammen (now Peck & Co.) before working as Crown Counsel for three years. Since leaving the Crown she has practiced criminal law in Vancouver as a sole practitioner and as Director of the UBC Law Innocence Project. She has taught at U.B.C. as an adjunct professor since 2004.

LAW 471D.001 **Preventing Wrongful Convictions**

Term 1 Term 2 Shah Paisana Seminar 3 CREDITS

This course is required for Students in LAW 470.001 Innocence Project.

This seminar is designed to explore the phenomenon of wrongful convictions. The broad focus will be the legal rules and principles designed to prevent wrongful convictions, including the evolution of those rules and principles. More specific areas to be covered will include notable wrongful convictions in the Canadian context, eyewitness (mis)identification, the Crown's disclosure obligations, expert evidence, false confessions, and unsavoury witnesses, amongst others. Emphasis will be placed on the high standard required for successful appeals and applications in this area of the law. The instructors will relate the topics to the actual practice of criminal law. Guest speakers, drawn from justice system participants, will provide additional perspectives.

Co-requisite:

This course is required for students in the Innocence Project.

Evaluation: Evaluation will be based upon a research paper (80%) and class participation (20%)

Mila Shah (B.A. (UBC), J.D. (Uvic)) is Crown Counsel with the B.C. Prosecution Service, specializing in criminal appeals in the B.C. Court of Appeal and the Supreme Court of Canada. Before joining the Crown, Ms. Shah practiced as a criminal defence lawyer with Peck and Company Barristers and was a supervising lawyer with the UBC Innocence Project. She is a former clerk to the previous Chief Justice Beverley McLachlin and she is currently the Vice-Chair of the Appellate Advocacy Section of the Canadian Bar Association, B.C. Branch.

Tony Paisana (B.A. Honours (UBC), J.D. (UBC)) is a partner at Peck and Company Barristers. He has represented clients at all levels of court including the Supreme Court of Canada. He is currently the Chair of the Law Reform Committee for the National Criminal Justice Section of the Canadian Bar Association. He is a founding member of the Criminal Defence Advocacy Society, as well as a supervising lawyer with the UBC Innocence Project.

LAW 472.001 **The Allan McEachern Course in Trial Advocacy**

Term 1 Term 2 McEwan Booker Cohen, T *Experiential* 3 CREDITS

Priority registration to third-year students. Remaining seats open to second-year students. This workshop fulfills the Experiential Learning requirement. This workshop will meet at the Vancouver Law Courts Inn (800 Smithe Street, Vancouver, BC, V6Z 2E1) This workshop is NOT open to Exchange students.

This course, supervised by Kenneth McEwan, Q.C. and Michelle Booker will be given by leading members of the judiciary and litigation bar in lectures and student practice sessions. The course is designed to expose up to 40 students to all aspects of litigation practice (civil and criminal), mainly at the trial level.

The course will cover all aspects of trial advocacy including lectures and discussion groups about the adversarial system and ethics. However, the real focus of the course is on developing student's advocacy skills in the various aspects of civil and criminal litigation including trial strategy, trial preparation, opening statements, examination and cross examination of witnesses, expert opinion evidence, closing submissions and appellate practice. Participation in simulations will be required. There are 9 student practice sessions throughout the course on the various topics covered, culminating in mock civil and criminal trials presided over by judges of the Supreme Court and Provincial Court. Thorough knowledge of the applicable materials and diligent preparation for each session is strongly encouraged.

The course is conducted at the Vancouver Law Courts – 800 Smithe St., Vancouver, B.C.

Prerequisites:

LAW 476 Evidence and LAW 469 Civil Procedure are recommended prerequisites or co-prerequisites.

Evaluation:

The course is Pass/Fail, Each student will be evaluated by session leaders.

Ken McEwan, Q.C. is senior trial, appellate and arbitration counsel, with a practice focusing on complex commercial, securities and competition matters, including class actions. He has also acts as an arbitrator and mediator of commercial disputes. Mr. McEwan was appointed Queen's Counsel by the Attorney General of British Columbia in 2004. He is immediate past President of the International Society of Barristers, a Fellow of the American College of Trial Lawyers and a Fellow of the International Academy of Trial Lawyers. He has been appointed by the Law Society of British Columbia to the Committee on Relations with the Judiciary and served on the Attorney General's Rules Revision Committee for approximately 15 years, until April 2016. Mr. McEwan is author of the fourth edition of Sopinka on the Trial of an Action, and is co-author of Commercial Arbitration in Canada: A Guide to Domestic and International Arbitrations. He a frequent lecturer for The Advocates Society and Continuing Legal Education on topics related to litigation and arbitration. He also chairs a panel of the British Columbia Inns of Court project which was established to foster professionalism among young lawyers.

Michelle Booker is Crown Counsel with Criminal Appeals and Special Prosecutions (CASP) in Vancouver, B.C.. Following graduation from law school, Ms. Booker clerked for the Supreme Court of British Columbia. After her call to the bar, Ms. Booker practiced as a commercial litigator with Fasken Martineau. In 2009, Ms. Booker joined B.C. Prosecution Services where she spent the next 10 years prosecuting serious crime and appearing at all levels of court. In 2018, Ms. Booker joined the Prosecution Support Unit within CASP. She now provides complex litigation and resource support in the areas of firearms, sexual offences, Charter and constitutional issues. Michelle is a frequent presenter at legal conferences, seminars and workshops. She is a faculty member with the National Criminal Law Program, Federation of Law Societies of Canada, a Supreme Court Advocacy Institute practice advisor and a Fellow of the American College of Trial Lawyers. Michelle also sits on the Board of Courthouse Libraries B.C..

Tracey M. Cohen KC, FCI Arb is a leading trial and arbitration counsel for complex commercial and corporate disputes. She is also defence counsel in some of the most high-profile technology, competition and privacy class actions. She is Co-Chair of Fasken's Vancouver Commercial Litigation Group and is the Chair of the Firm's Arbitration Practice Group. Tracey was recently recognized as one of Canada's top 50 litigators and has repeatedly been recognized as one of Canada's top female litigators. She was appointed as King's Counsel in 2015 and is a fellow of the American College of Trial Lawyers, International Society of Barristers and International Association of Defense Counsel. She received her FCI Arb designation in 2024.

LAW 473.001 **Appellate Advocacy**

Term 1 Term 2 Holloway Olmstead Workshop 3 CREDITS

This workshop is designed to acquaint students with the core elements of appellate practice: the standard of review on appeal; determining grounds for appeal; framing the issues to be argued on appeal; developing arguments in the factum or memorandum of argument and presentation of oral argument. Students will work on actual appeal and judicial review cases which will be heard in the Supreme Court of B.C., the Federal Court (trial division), the B.C. Court of Appeal, the Federal Court of Appeal and the Supreme Court of Canada.

Evaluation Method:

1. A legal opinion on the merit of an appeal (10 marks)
2. An application for release pending appeal, or for an extension of time to appeal, or for introduction of fresh evidence on appeal (15 marks)
3. An Appellant's Statement on a Sentence Appeal (25 Marks)
4. A Factum in a conviction appeal or a Memorandum in a Judicial Review of an immigration decision (50 marks)
5. 3 oral presentations; (1) An application for bail, or for extension of time to appeal, or to introduce fresh evidence; (2) An Appeal of Sentence; (3) A conviction appeal or a judicial review in an Immigration case. (Must be completed in order to pass the course)

Rod Holloway is a lifetime Vancouverite. Born in St Paul's Hospital in 1946, he was raised and schooled in North Vancouver and then attended UBC where he graduated in law in 1972. Following articles with Guild Yule and Co he became the Legal Aid Society's first staff lawyer. He currently works as the Society's managing lawyer in its Appeals Section. During his career he has taught in the UBC Law Faculty's clinical law program, presided as a member of the Refugee Division of the Immigration and Refugee Board and initiated the Appellate Advocacy course which he continues to teach at UBC. His practice experience is wide ranging and includes administrative, criminal, family, immigration, prison and mental health law. He has appeared in trials and appeals at all court and tribunal levels, including the Supreme Court of Canada. Outside of work, he enjoys ski and cycle touring, and rugby. He coached Canada's national rugby team from 1990-96 and took them to two World Cups; in France in 1991, and South Africa in 1995.

Erica Olmstead is a Partner with Edelmann & Co. Law Offices, where she practices immigration, refugee, and criminal law. Her main area of focus is the intersection between these areas. She has extensive experience resolving particularly complex inadmissibility and refugee cases for persons who face legal hurdles in seeking to obtain or keep their status in Canada. She also acts on complex criminal files where there is an immigration nexus or an appealable issue. Erica regularly appears before all divisions of the Immigration and Refugee Board, the Federal Court, the BC Supreme Court, the BC Court of Appeal and the Federal Court of Appeal. She has appeared in a number of cases before the Supreme Court of Canada. Erica also works with Legal Aid BC as a case review lawyer with the Appeals Department, where she began working as a student in 2010.

LAW 474.L02 Trial Advocacy LAB
 Term 1 Term 2 Rhodes Discussion CREDITS

***Advocacy Practice Simulation Lab to accompany lecture component 474.001.**

Brian Rhodes is a partner at Dolden Wallace Folick LLP in Vancouver. He has appeared as counsel at all levels of court in British Columbia and Alberta, as well as the Ontario Superior Court. Brian's practice has a particular emphasis on construction law, professional liability and product liability. Brian holds a Bachelor of Arts degree from the University of British Columbia and a Bachelor of Laws from Dalhousie University. In 2010 Brian completed the Program of Instruction for Lawyers – Mediation Workshop at Harvard University.

LAW 474.L03 Trial Advocacy LAB
 Term 1 Term 2 Jetté Discussion CREDITS

***Advocacy Practice Simulation Lab to accompany lecture component 474.001.**

The Honourable Judge Mark Jetté had a criminal defense practice in Vancouver from 1991 to 2017. He earned a bachelor of arts degree at Simon Fraser University with majors in political science and history before attending at the University of Victoria Law School. After graduating law school in 1990 he joined the law firm Oliver and Company where he completed his articles. He was called to the bar in British Columbia in 1991 and continued as an associate lawyer with Oliver and Company.

Together with Ian Donaldson, Q.C. he established the law firm Donaldson Jetté in August 1999. He joined James Sutherland and formed the law firm Sutherland Jetté in January 2010. He has developed an extensive and varied criminal law and extradition practice, and has defended accused persons at all levels of court in British Columbia. He also prosecuted cases after being appointed as a special prosecutor, and acted as commission counsel for the Office of the Police Complaints Commission. He has written for and lectured at numerous CLE, CBA and TLABC seminars and at the British Columbia Institute of Technology on topics in criminal law. He participated as faculty at a National Judicial Institute Conference on domestic violence cases in the criminal and family courts and was appointed to the Provincial Court Bench in November 2017.

LAW 474.L04 Trial Advocacy LAB
 Term 1 Term 2 Duncan Discussion CREDITS

***Advocacy Practice Simulation Lab to accompany lecture component 474.001.**

*Emmet Duncan B.A. (Hons) 1994 (UBC)
 LL.B 1997 (McGill)
 LL.M 1998 (UBC)*

*Davis & Company (now DLA Piper), articles and practice, 1998-2002
 Crown Counsel 2002-2008
 Private practice (mostly criminal defence) 2008-2021
 Appointed to the Provincial Court January 11, 2021*

LAW 476C.001 Evidence Term 1 Term 2

Cunliffe

Lecture

4 CREDITS

Cross-listed with LAW 507.001. This course is NOT open to Exchange students.

This course provides an introduction to the principles and application of the law of evidence in Canada. Evidence is the system by which the admission of proof at a trial is regulated. The course begins with an introduction to the basic principle of relevance and the sources of evidence law. For much of the term, we consider the rules which exclude certain evidence, and the exceptions to those rules. Adopting a principles-based approach which is in accordance with Supreme Court of Canada jurisprudence, the course will consider both criminal and civil trials, with a significant emphasis on working with particular facts and problems. The course will consider how well particular rules further the purposes for which they were developed by the courts and legislatures, and how well the rules work in practice.

Evaluation:

Final examination (50%), research paper (40%), midterm evaluation (10%)

Professor Emma Cunliffe is a full time member of the Peter A. Allard School of Law.

LAW 476C.002 Evidence Term 1 Term 2

Harris, N.

Lecture

4 CREDITS

Cross-listed with LAW 507.002. This course is NOT open to Exchange students.**CHANGE Aug 27: Classroom**

This course is a survey of the system by which the admission of proof at a trial is regulated. After a brief introduction to the law of evidence and to the basic requirement of relevancy, the course involves a critical analysis of the exclusionary rules which prohibit, with many exceptions, proof by means of character, opinion and hearsay. As well, the courts and legislatures have evolved certain rules governing the use of the different sources of proof such as the oral testimony of witnesses, tangible objects (called real evidence) and documents. Students will be asked to consider how well these various rules further the purposes for which they were developed by the courts and legislatures and how the rules work in practice.

Evaluation:

100% final examination.

Since the course is a prerequisite for Trial Advocacy, students who intend to take that course are recommended to take Evidence in their second year, although students may take both subjects concurrently.

Nikos Harris is a full-time member of the Peter A. Allard School of Law.

LAW 477.001 **Negotiation & Dispute Resolution**

Term 1 Term 2

LeBaron

Experiential

3 CREDITS

This workshop fulfills the Experiential Learning requirement. This class DOES NOT fulfill the seminar requirement. This course is NOT open to Exchange or Visiting students.

CHANGE July 22: Classroom

This course will focus on processes outside litigation from negotiation to other dispute-engagement avenues. With a focus on lawyers as problem-solvers, we will connect theory to practice, examining ways to maximize effectiveness in policy and practice work. We will explore work on creativity, problem-solving, dialogue, negotiation, risk and risk assessment, representative negotiation, change management, intercultural communication, leadership and conflict prevention/transformation. Participants will learn through case studies and experiential activities designed to deepen their repertoires of practical skills grounded in relevant theories and concepts. Upon completing the class, participants will have expanded their capacities for effective legal representation and applying their skills in diverse other roles in public and private settings.

Evaluation is P/F, and requires the following work:

Class presentation and engagement activity

Written reflection on course learnings (4-6 pages) Field reflection/case analysis (4-6 pages)

Michelle LeBaron is a full time member of the Peter A. Allard School of Law and is the Director of the Dispute Resolution Program.

LAW 478.001 **Foundations of Dispute Resolution**

Term 1 Term 2

Martz

Experiential

3 CREDITS

This course fulfills the Experiential Learning requirement. This class is NOT open to Exchange or Visiting students.

This course introduces students to the legal, practical, and policy issues in out of court dispute resolution, with the goal of helping to prepare future lawyers for the practice of dispute resolution within the profession. The course exposes students to the broad spectrum of dispute resolution processes and covers a range of topics, including: theoretical models for analyzing and responding to conflict; conflict escalation and de-escalation; mediation and negotiation theories and strategies; mandatory mediation and court-connected ADR; arbitration; some Indigenous approaches to the resolution of disputes; and critical perspectives on private dispute resolution processes. This course satisfies Allard's experiential learning component and as such, students will be expected to actively participate in simulated mediations and negotiations.

Evaluation:

Evaluation for this class consists of participation in negotiation and mediation simulations (30%), a small group project (15%), class participation (15%), and a practice-oriented research paper or analysis of 3000-4000 words (40%).

Lisa Martz has practised as a litigation lawyer for more than 25 years. She is now a full-time Lecturer at the Peter A. Allard School of Law.

LAW 481D.001**Topics in Litigation, Dispute
Resolution & Administration of Justice****Resilient Lawyering in a Time of Change** Term 1 Term 2

LeBaron

Seminar

3 CREDITS

CHANGE Sept 17: Classroom

As unprecedented changes occur in the legal profession, law graduates are challenged to respond to rapid developments. Legal practice is changing rapidly in response to trends in technology, globalization and pressure to reduce the cost of legal services. Increasingly limited access to justice impinges on notions of fairness and equality. High stress is exacerbated as the market for legal graduates grows more competitive and business structures shift. In addition to these contextual changes, lawyers' roles are changing as well. They are expected to be expert negotiators and creative problem solvers as well as zealous advocates, roles that require quite different skills and value orientations. Participants in this seminar will explore these trends, reading current books and articles on the future of legal work and learning from scholars and practicing experts. We will also draw on the literatures on resilience and wellbeing to explore how law graduates can pursue a greater quality of life and personal satisfaction in ways that extend to their clients, families and communities.

Evaluation:

Reflective portfolio. 75%

Each class member is expected assemble a reflective portfolio containing the following:

- Reflections on readings, discussions and relevant issues, with at least once-weekly entries;
- Summary and commentary on at least one feature film, novel or nonfiction piece of writing relevant to the course themes;
- A 2-page reflection on a process of personal change based on goals set in class;
- A 1-page reflection on the role of partner support in relation to a personal change process;
- Personal vision statement for navigating legal futures;
- Evidence of consistent creative engagement with course topics, class readings and experiential activities using modes other than traditional academic writing, making connections to your planned practice context or other contexts outside of class. Examples of modes include:
 - ophotography
 - opoetry, journaling or narrative writing
 - ocollage
 - ofilm
 - ochoreography
 - oplay list or other musical reflection
 - opainting, sketching, drawing
 - oweaving, needlework or other hand-made product
 - oother mode not specified above.

The goal of this component is to synthesize course content via a mode other than scholarly writing. Artifacts not in electronic form may be photographed and sent electronically. A short (1 page) description may accompany creative pieces if modes are nonverbal.

Class participation; one class presentation; regular exchanges with a partner about a personal change project. 25%

Michelle LeBaron is a full time member of the Peter A. Allard School of Law and is the Director of the Dispute Resolution Program.

LAW 488.001**Clinical Term****Indigenous Community Legal Clinic** Term 1 Term 2

Samnani

*Experiential 11 CREDITS****Registration by permission only. This clinic fulfills the Experiential Learning requirement.***

The Indigenous Community Legal Clinic, Peter A. Allard School of Law (ICLC) program – Law 488/489 – is a full-term course comprised of 15 credits, 11 based on the practical component (pass/fail) and 4 based on the academic component of the program (graded).

Students commit to one full term, which they spend primarily at the ICLC's location on Alexander Street in the downtown eastside of Vancouver. Students cannot take other courses during the term, except in special circumstances with permission.

Enrollment is currently limited to 10 students per term. Students at the ICLC are temporarily articulated under the Rules of the Law Society of British Columbia. There is a weekly lecture on Thursday mornings from 9:30 am – 12:30 pm held at Allard Hall.

The practical component of the clinical term is based on pass/fail evaluation of significant practice achievements during the term. Students are expected to manage client files and the aim for the practical component of the course is to learn how to conduct client intakes and interviews, practice client management, conduct various court appearances, and negotiate and work with Crown and other lawyers in a variety of settings, among other practical components. Students are expected to conduct themselves professionally at all times.

The clinical learning environment is unique in many ways, and the pedagogy is designed to integrate experiential learning of the practice of law in a legal clinic setting with learning to apply ideas and theory about decolonization and Indigenizing law to that practice. The ICLC program is designed to explore how the legal system functions in relation to Indigenous people. It provides experiential learning to law students while providing the underserved Indigenous community with access to justice through the provision of pro-bono legal services.

As an experiential learning experience, the ICLC program facilitates students' development and understanding about their experiences through a 4-stage process: experience, reflection, theory, and application. Students complete weekly journals where they reflect on their experiences as these relate to theory they learn in the seminar component of the program, which is vital to thinking about the application of what they are learning through practice.

A period of immersion is vital to interrupting normalized learning processes and provide students a foundation in legal practice and experiential learning methodology. Through the ICLC Orientation students are slowly introduced to "learning by doing." Engagement with legal practice and procedure through the Orientation disrupts students' entrenched patterns of learning and invites them to actively participate in their educational experience. Additionally, in the clinical setting students are given the opportunity to role-play court appearances, client interviews, and direct/cross examinations of witnesses before doing this work in court. This immersion period helps prepare student clinicians for their file work and interactions with clients, lawyers, judges, and the legal community.

For a detailed description of the academic component of the course see Law 489: Clinical term: Paper.

NOTE: A student who receives credit for LAW 490 or LAW 491 cannot receive credit for this course.

Evaluation Method:
Pass/Fail.

Salima Samnani

LAW 488.002**Clinical Term****Indigenous Community Legal Clinic** Term 1 Term 2

Samnani

*Experiential 11 CREDITS****Registration by permission only. This clinic fulfills the Experiential Learning requirement.***

The Indigenous Community Legal Clinic, Peter A. Allard School of Law (ICLC) program – Law 488/489 – is a full-term course comprised of 15 credits, 11 based on the practical component (pass/fail) and 4 based on the academic component of the program (graded).

Students commit to one full term, which they spend primarily at the ICLC's location on Alexander Street in the downtown eastside of Vancouver. Students cannot take other courses during the term, except in special circumstances with permission.

Enrollment is currently limited to 10 students per term. Students at the ICLC are temporarily articulated under the Rules of the Law Society of British Columbia. There is a weekly lecture on Thursday mornings from 9:30 am – 12:30 pm held at Allard Hall.

The practical component of the clinical term is based on pass/fail evaluation of significant practice achievements during the term. Students are expected to manage client files and the aim for the practical component of the course is to learn how to conduct client intakes and interviews, practice client management, conduct various court appearances, and negotiate and work with Crown and other lawyers in a variety of settings, among other practical components. Students are expected to conduct themselves professionally at all times.

The clinical learning environment is unique in many ways, and the pedagogy is designed to integrate experiential learning of the practice of law in a legal clinic setting with learning to apply ideas and theory about decolonization and Indigenizing law to that practice. The ICLC program is designed to explore how the legal system functions in relation to Indigenous people. It provides experiential learning to law students while providing the underserved Indigenous community with access to justice through the provision of pro-bono legal services.

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A period of immersion is vital to interrupting normalized learning processes and provide students a foundation in legal practice and experiential learning methodology. Through the ICLC Orientation students are slowly introduced to "learning by doing." Engagement with legal practice and procedure through the Orientation disrupts students' entrenched patterns of learning and invites them to actively participate in their educational experience. Additionally, in the clinical setting students are given the opportunity to role-play court appearances, client interviews, and direct/cross examinations of witnesses before doing this work in court. This immersion period helps prepare student clinicians for their file work and interactions with clients, lawyers, judges, and the legal community.

For a detailed description of the academic component of the course see Law 489: Clinical term: Paper.

NOTE: A student who receives credit for LAW 490 or LAW 491 cannot receive credit for this course.

Evaluation Method:
Pass/Fail.

Salima Samnani

LAW 489.001**Clinical Term: Paper****Indigenous Community Legal Clinic**
 Term 1 Term 2

Buffalo, J

Lecture

4 CREDITS

Registration by permission only. This course does NOT fulfill the 3 credit seminar requirement.

This course is the graded component of LAW 488, above.

Evaluation Method:

- 10% Participation
- 10% Facilitation of a Class Discussion
- 30% Weekly Reflective Journals
- 10% Final Reflective Journal
- 40% Research Paper

Description:

The seminar will provide a space for students to reflect on their experiences working at the ICLC and the issues that this work brings up. Further, it will facilitate discussions which relate the legal issues they encounter at the clinic to the broader context impacting Indigenous Nations in Canada, engaging with scholarship from critical Indigenous theorists. Examples of themes we will explore in this course include: access to justice, advocacy, antiracism, agency, argument, authority, cultural competency, cross-cultural understanding, decolonization, evidence, experience, Indigenous legal traditions, Indigenous legal theory, Indigenous feminisms, Indigenous methodologies, language, reconciliation representation, resistance, self-determination, sovereignty and trauma-informed practice.

This course seeks to advance students understanding in the following areas:

1. Understanding the diversity of Indigenous legal orders in Canada, the methodologies that critical Indigenous theorists have developed to study them, and how Indigenous legal orders contain rich normative and legal tools to address contemporary problems faced by Indigenous Nations;
2. Understanding the history of colonization in Canada and how Canadian law acted to dispossesses Indigenous Nations of their lands, knowledge systems, sovereignty, and jurisdiction;
3. Understanding the ongoing impacts of Canadian law, legislation, policy, and the justice system on Indigenous Nations, thinking critically of ways they perpetuate an imbalance of power between the state and Indigenous Nations and recognizing their daily impact on Indigenous individuals;
4. Building the skills and capacities law students and legal professionals need to address how colonialism continues to impact Indigenous peoples negatively, as well as the skills to participate in the resurgence of Indigenous law as Indigenous lawyers and allies; and
5. Developing the skills in cultural competency, Indigenous trauma-informed practice, and critical self-reflection that are necessary for working with Indigenous Nations and individuals in their encounters with the Canadian justice system.

Jessica Buffalo Jessica is from Samson Cree Nation/Nipisikohpahk, and her Cree/nehiyawak name is Maskwa Iskwêw, meaning Bear Woman. Before law school, she completed a Bachelor of Arts degree at Simon Fraser University, majoring in political science. Jessica obtained her JD from Peter A. Allard School of Law at UBC in 2016 and was called to the Alberta Bar in 2017 after completing her articles at Calgary Legal Guidance.

Following her articling term, Jessica served as the temporary Homeless Outreach Lawyer at Calgary Legal Guidance until the end of 2017. She then entered private practice, specializing in criminal defence, family law, and civil litigation. During this time, Jessica played a pivotal role in establishing the Calgary Indigenous Court and contributed to the development of the Edmonton Indigenous Court through judicial education initiatives.

In 2019, Jessica joined Legal Aid Alberta as their dedicated Indigenous Duty Counsel, representing clients in the Calgary Indigenous Court, Siksika Adult and Youth Criminal Court, and Tsuu'tina Adult and Youth Criminal Court. She also appeared regularly in first appearance Court, bail Court, domestic violence Court, and various circuit Court locations.

In 2022, Jessica moved to the Law Society of Alberta as the first Indigenous Initiatives Counsel. In this role, she leads initiatives aimed at advancing Reconciliation, particularly focusing on ensuring Call to Action 27 is adhered to. Jessica has been actively involved in numerous committees and boards in Alberta, including the Access to Justice Committee through the Court of Justice of Alberta, the Wiyasôw Iskwêw - Restorative Justice Committee, the Alberta Court's Gladue Report Committee, and the Reconciliation Discernment Circle.

Jessica has also been a guest lecturer at both the University of Calgary School of Law and the University of Alberta's Law

School. Throughout her career, she has presented at many conferences, panels, and webinars on building competencies in working with Indigenous peoples within the justice system. Additionally, Jessica has developed intercultural competency courses for Legal Aid Alberta and the Law Society of Alberta.

LAW 489.002**Clinical Term: Paper****Indigenous Community Legal Clinic** Term 1 Term 2

Buffalo, J

Lecture

4 CREDITS

Registration by permission only. This course does NOT fulfill the 3 credit seminar requirement.

This course is the graded component of LAW 488, above.

Evaluation Method:

10% Participation
 10% Facilitation of a Class Discussion
 30% Weekly Reflective Journals
 10% Final Reflective Journal
 40% Research Paper

Description:

The seminar will provide a space for students to reflect on their experiences working at the ICLC and the issues that this work brings up. Further, it will facilitate discussions which relate the legal issues they encounter at the clinic to the broader context impacting Indigenous Nations in Canada, engaging with scholarship from critical Indigenous theorists. Examples of themes we will explore in this course include: access to justice, advocacy, antiracism, agency, argument, authority, cultural competency, cross-cultural understanding, decolonization, evidence, experience, Indigenous legal traditions, Indigenous legal theory, Indigenous feminisms, Indigenous methodologies, language, reconciliation representation, resistance, self-determination, sovereignty and trauma-informed practice.

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3. Understanding the ongoing impacts of Canadian law, legislation, policy, and the justice system on Indigenous Nations, thinking critically of ways they perpetuate an imbalance of power between the state and Indigenous Nations and recognizing their daily impact on Indigenous individuals;
4. Building the skills and capacities law students and legal professionals need to address how colonialism continues to impact Indigenous peoples negatively, as well as the skills to participate in the resurgence of Indigenous law as Indigenous lawyers and allies; and
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Following her articling term, Jessica served as the temporary Homeless Outreach Lawyer at Calgary Legal Guidance until the end of 2017. She then entered private practice, specializing in criminal defence, family law, and civil litigation. During this time, Jessica played a pivotal role in establishing the Calgary Indigenous Court and contributed to the development of the Edmonton Indigenous Court through judicial education initiatives.

In 2019, Jessica joined Legal Aid Alberta as their dedicated Indigenous Duty Counsel, representing clients in the Calgary Indigenous Court, Siksika Adult and Youth Criminal Court, and Tsuu'tina Adult and Youth Criminal Court. She also appeared regularly in first appearance Court, bail Court, domestic violence Court, and various circuit Court locations.

In 2022, Jessica moved to the Law Society of Alberta as the first Indigenous Initiatives Counsel. In this role, she leads initiatives aimed at advancing Reconciliation, particularly focusing on ensuring Call to Action 27 is adhered to. Jessica has been actively involved in numerous committees and boards in Alberta, including the Access to Justice Committee through the Court of Justice of Alberta, the Wiyasôw Iskwêw - Restorative Justice Committee, the Alberta Court's Gladue Report Committee, and the Reconciliation Discernment Circle.

Jessica has also been a guest lecturer at both the University of Calgary School of Law and the University of Alberta's Law

School. Throughout her career, she has presented at many conferences, panels, and webinars on building competencies in working with Indigenous peoples within the justice system. Additionally, Jessica has developed intercultural competency courses for Legal Aid Alberta and the Law Society of Alberta.

LAW 490.001**Clinical Criminal Law** Term 1 Term 2

Adams, N.

*Experiential***6 CREDITS**

***Registration by permission only. This clinic fulfills the Experiential Learning requirement. This class will meet Downtown (222 Main Street, Vancouver, BC, V6A 2S8)**

The UBC Criminal Clinic has operated for 50 years. It runs in Winter Session, Term 2 with a maximum of 16 JD students and provides students with the opportunity to learn criminal procedure, appear in court, and handle files, under the close supervision of experienced lawyers. Students are each assigned to a principal and paired with another student to work on their files collaboratively. Up to four students work with Crown counsel (two at Vancouver Provincial Court, two at Surrey Provincial Court), while most work with defence counsel. Students are asked to indicate in their application any preference for Crown or defence work, and confirm their ability to arrange personal transportation to and from all courthouses in the lower mainland.

Court appearances occur weekly at dates, times and locations arranged between the principal and their student. On a busy week, up to 2 days may be needed to review files, meet with the principal and the client, discuss matters with opposing counsel, and prepare for court proceedings. Students are also encouraged to watch court proceedings at all levels of court whenever possible.

Seminars are held at 5 pm each Wednesday at 222 Main Street. They are led by the clinic director Judge Nancy Adams, supervising lawyers and guest judges. In person attendance is mandatory for students. The cases that were handled by the students that week set the agenda for wide ranging discussions about the criminal justice system.

An orientation will be held in early September (usually on a Wednesday at 5 pm) to discuss students' applications to the Law Society of BC for temporary articles required for participation in this clinic.

Pre-requisites:

All of LAW 476 Evidence and LAW 400 Advanced Criminal Procedure.

Evaluation:

This is a Pass/Fail course.

After receiving her LLB from Queen's University at Kingston in 1985, Judge Adams worked at Harper, Grey, Easton as associate counsel for several years. Eager to pursue her interest in criminal law, she joined the Vancouver Crown Counsel in 1989, and then moved to private practice in 2006. After more than 30 years of trial work, almost exclusively in criminal law, Judge Adams was appointed to the BC Provincial Court in March 2017 and now sits regularly at 222 Main Street. A supervising lawyer in the clinic at the time of her appointment to the bench, she became clinic director when Judge Joseph Galati stepped down in 2022 after more than 18 years of leadership.

Judge Adams enjoys working with the many senior counsel who are dedicated to the clinic and with the students who bring energy and fresh perspectives to the seminars.

LAW 500.001**Current Legal Problems****LL.M. Seminar** Term 1 Term 2

Lazarus

Seminar

4 CREDITS

Enrolment restricted to LL.M. students only.

This seminar introduces students to the central conceptual, theoretical and interdisciplinary approaches to the study of law as well as to current trends in legal scholarship. Overall, it aims to provide participants with the tools to ask informed questions, and correspondingly, to generate informed answers. Through exposure to a wide variety of available approaches to legal research, the seminar aims to inform participants' choices of appropriate theoretical lenses for addressing their research questions clearly and usefully. This seminar also aims to give students the skills to access a wide range of legal theories meaningfully, and to make informed judgments about how, or whether, to apply these theories to their thesis and their future work. In addition, this seminar introduces students to practical skills of how to prepare, organize, and write a thesis. Through participating in this seminar, participants will begin the transition from being consumers of knowledge to being producers of knowledge.

The seminar requires and depends on participation from every one. Attending class prepared means completing readings, preparing questions arising from the readings and engaging with others in discussion. As in the practice of law or other law-related careers, participants have responsibility as members of this learning community to do advance work, show leadership and engage with others in constructive and collaborative ways. Each class member will also be required to lead discussion and a class activity at least once during the term.

Evaluation is as follows:

For the first half of the class (September through mid-October):

Class participation, seminar facilitation: 15%

Reflection on current legal issues and creative component: 15%

Written assignment and presentation: 20%

For the second half of the class (Mid-October through early December)

Class participation, seminar facilitation 25%

Written assignment 25%

Professor Liora Lazarus is a full time member of the Peter A. Allard School of Law.

LAW 506.001**Taxation** Term 1 Term 2

Duff

Lecture

4 CREDITS

Cross-listed with LAW 407C.001 Taxation.

The income tax is the largest single source of government revenue in Canada and an important instrument both for the expression of societal values and for the delivery of social and economic policies. This course examines the basic structure of the income tax through a careful reading of the Income Tax Act and relevant judicial and administrative interpretations. Initial lectures are devoted to the purposes of taxation, the role of the income tax, key structural features of the income tax (tax rates, tax base, accounting period, tax unit, and tax credits), the interpretation of tax statutes, and judicial and statutory responses to tax avoidance. The remainder of the course examines the various categories of income or loss identified in the Income Tax Act (income or loss from an office or employment, income or loss from a business or property, taxable capital gains and allowable capital losses, and income from other sources), and rules regarding the attribution of income.

Required Materials:

1. David G. Duff, Benjamin Alarie, Geoff Loomer and Lisa Philipps, Canadian Income Tax Law, 6th ed. (Toronto: LexisNexis, 2018).
2. Income Tax Act, latest edition

Evaluation: Final exam (100%)

Professor David G. Duff is a full time member of the Peter A. Allard School of Law.

LAW 506.002**Taxation** Term 1 Term 2 Cui

Lecture

4 CREDITS

Cross-listed with LAW 407.002 Taxation.

This introductory course examines the basic structure of the income tax as applied to Canadian individuals through a careful reading of the Income Tax Act and relevant judicial and administrative interpretations. The income tax is the largest single source of government revenue in Canada and an important instrument both for the expression of societal values and for the delivery of social and economic policies. Exploring the income tax is thus a natural way to expose oneself to tax law in general. Along the way, students will also gain an initial exposure to other important taxes, especially payroll and consumption taxes, that play vital roles in Canada's public finance system.

Three aspects of the course deserve emphasis. First, students will be put in touch directly with the tax law through the TaxnetPro database. The textbook used for the course—one that is most frequently cited by Canadian courts in tax decisions—is available for free through the database, and links to cases, administrative material, and extensive professional commentaries are directly embedded in the text. Legal research, therefore, is part of the course, not something that one separately learns (e.g. in moots and clinics). Second, reading the textbook and assigned cases will be important: class sessions are for discussion and solving practice problems, not for the instructor to repeat what students could have read in the textbook.

Third, perhaps more so than some other areas of substantive law, the study of tax law emphasizes reasoning and understanding, rather than memorization. While we will analyze a significant amount of case law for teaching purposes, an important goal is to guide students to come to terms with "income tax logic". Tax logic combines intuitive economics and accounting principles, but is distinct from both tax policy analysis and accounting. It forms an indispensable framework for predicting market responses to both statutory rules and jurisprudence in the income tax area. The course's emphasis on conceptual understanding will be implemented through encouraging active classroom discussion. In addition, students will be asked to form groups and work on practice problems in class throughout the term.

Prior courses in business law are definitely not required for the course. However, students may occasionally find it helpful to search online (e.g., Wikipedia) for commercial terms such as "stock options," "present value," or "compound interest." Math skills at the 8th grade level (e.g., arithmetic and basic algebra) generally suffice for understanding the material in the course.

Evaluation:

- Students will have the option of having 100% of their grade determined by the final exam.
- Alternatively, students may choose to have the final exam count towards only 75% of their final grade, with the remaining 25% broken down as follows: (1) 7.5% for leading the discussion of a case selected by the instructor; (2) 7.5% for leading (jointly with a few other students) the discussion of a practice problem; and (3) 10% for active participation in the classroom. A student who gets a higher grade in the final exam than for participation will automatically be graded on the final exam only (i.e., participation cannot result in you getting a lower grade.)
- Whichever of the above two options a student takes, they are eligible for up to 4% bonus points for sharing their tax learning outside the classroom, e.g., sharing news relevant tax news, engaging in discussion on online forum, etc.
- The best performing students are eligible for nomination to the Thorsteinssons course prize.

Professor Wei Cui is a full time member of the Peter A. School of Law.

LAW 507.001 **Evidence** Term 1 Term 2

Cunliffe

Lecture

4 CREDITS

Cross-listed with LAW 476C.001

This course provides an introduction to the principles and application of the law of evidence in Canada. Evidence is the system by which the admission of proof at a trial is regulated. The course begins with an introduction to the basic principle of relevance and the sources of evidence law. For much of the term, we consider the rules which exclude certain evidence, and the exceptions to those rules. Adopting a principles-based approach which is in accordance with Supreme Court of Canada jurisprudence, the course will consider both criminal and civil trials, with a significant emphasis on working with particular facts and problems. The course will consider how well particular rules further the purposes for which they were developed by the courts and legislatures, and how well the rules work in practice.

Evaluation:

Final examination (50%), research paper (40%), midterm evaluation (10%)

Professor Emma Cunliffe is a full time member of the Peter A. Allard School of Law.

LAW 507.002 **Evidence** Term 1 Term 2

Harris, N.

Lecture

4 CREDITS

Cross-listed with LAW 476.002.**CHANGE Aug 27: Classroom**

This course is a survey of the system by which the admission of proof at a trial is regulated. After a brief introduction to the law of evidence and to the basic requirement of relevancy, the course involves a critical analysis of the exclusionary rules which prohibit, with many exceptions, proof by means of character, opinion and hearsay. As well, the courts and legislatures have evolved certain rules governing the use of the different sources of proof such as the oral testimony of witnesses, tangible objects (called real evidence) and documents. Students will be asked to consider how well these various rules further the purposes for which they were developed by the courts and legislatures and how the rules work in practice.

Evaluation:

100% final examination.

Since the course is a prerequisite for Trial Advocacy, students who intend to take that course are recommended to take Evidence in their second year, although students may take both subjects concurrently.

Nikos Harris is a full-time member of the Peter A. Allard School of Law.

LAW 508D.001 **Business Organizations** Term 1 Term 2 Hutchison

Lecture

4 CREDITS

Cross-listed with LAW 459C.001.**CHANGE Aug 26: Classroom**

This course provides an overview of the primary legal means of organizing businesses, including sole proprietorships, partnerships, and--most importantly--corporations. The course will focus on Canadian corporate law, but other jurisdictions (particularly the state of Delaware) will also be addressed. The central topics of this course include: (1) the history of corporate law; (2) the differences between corporations, partnerships, and other organizational forms; (3) jurisdictional/organizational choice and forming a business organization; (4) investment securities and corporate finance; (5) directors' duties and corporate governance; (6) control transactions; and (7) shareholder rights and remedies. Special emphasis will be placed on the legal and business considerations central to serving as a corporate solicitor.

Required textbook: Poonam Puri et al, Cases, Materials and Notes on Partnerships and Canadian Business Corporations, 6th ed (Toronto: Carswell, 2016).

Evaluation:

Final examination (three hours, open book) - 95%

Class participation - 5%

Assistant Professor Camden Hutchison is a full time member of the Peter A. Allard School of Law.

LAW 508D.002 **Business Organizations** Term 1 Term 2 Festinger

Lecture

4 CREDITS

Cross-listed to LAW 459C.002

Jon Festinger, K.C. is a Vancouver, British Columbia based counsel and educator.

As an Adjunct Professor, Jon Festinger has taught a wide variety of courses relating to intellectual property law, communications, media & video game law, as well as corporate law over more than 30 years at the Allard School of Law. As well Jon is Faculty in Residence at the UBC Emerging Media Lab. He has also taught at various times at the Sauder School of Business, UBC Graduate School of Journalism, the Thompson Rivers University Faculty of Law, the University of Victoria Faculty of Law, and the School of Law, Queen Mary University of London. He is the author of the first edition of Video Game Law published by LexisNexis in 2005, and co-author of the second edition published in 2012, and was a founding editor and on the Editorial Board of the Interactive Entertainment Law Journal (Edward Elgar Publishing). He was Guest Editor of the Volume 46, Number 3 of the UBC Law Review "Digital Media, Video Games, and the Law" (2013). As well, Jon authored "Mapping the Electronic Highway: A Survey of Domestic and International Law Issues" 1995, Volume 29, University of British Columbia Law Review. Jon is Of Counsel at Chandler Fogden Lyman; a Trustee of the BC Sports Hall of Fame; and Past Chair and a Director of viaSports B.C.

LAW 508D.003 **Business Organizations** Term 1 Term 2 Liao

Lecture 4 CREDITS

Cross-listed with LAW 459C.003.**EXAM CONFLICT: STUDENTS REGISTERED IN 509.005, 459C.003/508D.003, 359C.002/559D.002, or 345C.001 ARE NOT ALLOWED TO BE REGISTERED IN 463.002/576.002, AND VICE VERSA.**

This course is an introduction to the law of partnerships and corporations. Although reference will be made to laws in other jurisdictions, the emphasis will be on the Canada Business Corporations Act, BC Business Corporations Act, BC Partnership Act, and the surrounding common law. The course explains the nature of the corporation, organizational choice and formation, capitalization, powers and duties of directors and officers, and rights and remedies of certain stakeholders. Topical issues covered include business and human rights, climate change, First Nations business structures, social finance and responsible investment, and the business of law. Students will learn about the legal and business issues lawyers must keep in mind when representing various corporate actors. Contract drafting and negotiation will also be addressed.

Required Materials:

1. Yalden, et al., Business Organizations: Practice, Theory, and Emerging Challenges (2nd ed., 2017) 2. Business Corporations Act S.B.C. 2002, c. 57 3. Canada Business Corporations Act, R.S.C. 1985, c. C-44 4. Partnership Act, R.S.B.C. 1996, c. 348

Evaluation:

There will be a 3 hour open-book final examination.

Carol Liao is a full time member of the Peter A. Allard School of Law and the UBC Sauder Distinguished Scholar of the Peter P. Dhillon Centre for Business Ethics at the Sauder School of Business.

LAW 508D.004 **Business Organizations** Term 1 Term 2 Sidhu, S

Lecture 4 CREDITS

This course is restricted to LLML students.

This course provides an overview of the law of business organizations. Topics covered will include (1) the history of corporate law, (2) the nature of the corporate form, (3) organizational choice and forming a corporation, (4) investment securities and corporate finance, (5) directors' duties and corporate governance, (6) control transactions, and (7) shareholder rights and remedies. Special emphasis will be placed on the legal and business considerations necessary to serve as a corporate lawyer.

Evaluation: Final examination (three hours, open book) - 95% Class participation - 5%

Sarah Sidhu is a practicing corporate commercial solicitor and governance consultant and was called to the Bar in British Columbia in 2007. She holds a Bachelor of Arts from Simon Fraser University and a Bachelor of Laws from the University of Manitoba. She recently obtained her ICD.D designation through the Institute of Corporate Directors/ Beedie School of Business and her CIC.C designation following studies at the Rotman School of Management/CCCA.

Sarah is a member of the Board of Directors of the FJL Housing Society, H.R. Macmillan Space Centre and Arts Umbrella. She has previously served on the Vancouver Foundation and United Way Boards and chaired the Governance Committees at both organizations.

LAW 509.001 **Administrative Law** Term 1 Term 2

Liston

Lecture

4 CREDITS

Cross-listed with LAW 372C.001.**CHANGE Aug 26: Evaluation method and exam format**

Administrative law is deeply implicated in our everyday lives. It is also key to the study of other areas of law such as immigration and refugee, human rights, environmental protection, labour relations, municipal governance, natural resources, social benefits, health and safety, professional self-governance, and licensing. As an advanced public law course, administrative law focuses on how courts are used to access government benefits and goods or to challenge abuses of public power. As part of the common law, administrative law permits judges to review the procedures and decisions of a variety of government decision-makers (e.g., agencies, arbitrators, boards, commissions, Ministers, municipalities, and tribunals) to ensure compliance with the rule of law. Two major themes structure this course: the legal requirements of the rule of law and the appropriate role of the courts given their strengths and limits.

Content covered includes:

- administrative procedures and the right to be heard such as the right of individuals to participate in decisions affecting them;
- the right to an independent, impartial and unbiased decision-maker;
- the standards of review used by courts to examine the merits of administrative decisions on the grounds of statutory misinterpretation, factual error, or because a decision-maker exercised discretion improperly or unreasonably;
- the principle of proportionality in administrative law;
- Aboriginal administrative law;
- policies, regulations, and soft law;
- common law and statutory remedies;
- principles of statutory interpretation;
- British Columbia's Administrative Tribunals Act; and,
- recent administrative law reform in British Columbia.

Evaluation will be based on a short written assignment worth 30% and a final examination worth 70%.

*Professor Mary Liston is a full time member of the Peter A. Allard School of Law.***LAW 509.002** **Administrative Law** Term 1 Term 2

Stacey

Lecture

4 CREDITS

Cross-listed with LAW 372C.002.

Virtually every facet of modern life is affected in some way by the administrative state from labour relations to immigration to professional governance to environmental protection. These laws are administered primarily by administrative agencies, not courts. This course provides an introduction to the rules, principles and policy considerations that shape the powers of these administrative decision-makers. Major topics will include administrative law remedies, procedural fairness, bias and independence, and substantive judicial review of administrative decision-making. The course aims to look beyond the standard administrative law preoccupation with judicial review, to include the study of administrative agencies themselves. We will devote special attention to administrative law issues in British Columbia such as the Administrative Tribunals Act and Aboriginal administrative law.

This course is designed around students' active engagement with the course materials. Class time will be spent working through problems and discussion questions that apply the course material.

Evaluation:

Limited open-book 3-hour final examination (70%); take-home midterm exam (20%); class participation (10%).

Associate Professor Jocelyn Stacey is a full time member of the UBC Faculty of Law.

LAW 509.004 Administrative Law Term 1 Term 2 Ford

Lecture

4 CREDITS

Cross-listed with LAW 372C.004.

Administrative law is woven deeply into our daily lives. Although they are less visible than courts or legislatures in the popular imagination, administrative bodies are actually the ones that develop and administer many of the rules that regulate us. Like Constitutional Law, Administrative Law is foundational. It sets the framework of rules according to which other, subject-specific areas of regulation – immigration and refugee law, environmental law, labour law, aspects of economic regulation – function. Admin Law also forces us to struggle with vexing questions, such as how to strike an appropriate balance between priorities such as regulatory effectiveness, context sensitivity, and legality; or where to draw the conceptual line between political (democratic), administrative (expertise-based), and judicial (law-based) authority. These questions go to the core of what it means to try to regulate a modern, heterogeneous, complex society based on the rule of law.

The Administrative Law course builds on the first year Public Law course. It surveys the rules, principles, legal framework, and policy considerations that shape the powers of these administrative decision-makers and standard-setters. Major topics will include administrative law remedies, procedural fairness, the relationship between administrative law and the Charter, Aboriginal administrative law and Indigenous administrative law, the BC Administrative Tribunals Act, and the crucial question of when courts may review administrative decision-making. The course will look, where possible, beyond the traditional administrative law preoccupation with judicial review, to examine how administrative agency themselves function.

Evaluation will be based on:

- Consistent, prepared, productive class participation through a variety of media including voice, chat, and in-class quizzes (20%)
- A final exam during the examination period (80%)

Professor Cristie Ford is a full time member of the Peter A. Allard School of Law.

LAW 509.005 **Administrative Law** Term 1 Term 2 Russo

Lecture 4 CREDITS

Registration restricted to LLMCL students.**EXAM CONFLICT: STUDENTS REGISTERED IN 509.005, 459C.003/508D.003, 359C.002/559D.002, or 345C.001 ARE NOT ALLOWED TO BE REGISTERED IN 463.002/576.002, AND VICE VERSA.**

Administrative law is the body of law in Canada that governs the resolution of disputes involving statutorily empowered decision-makers. It governs decisions made by administrative tribunals, government boards, regulatory agencies and other decisions by other public entities or individuals that make rules that affect all of society. It is individuals' most common contact point with the legal system in Canada.

The study of administrative law helps to comprehend other legal disputes in several areas including immigration and refugees, labour relations, Indigenous governance, environmental and energy regulation, and many other areas that concern the exercise of public authority. Administrative law within Canada's constitutional structure permits courts to review the procedures and decisions of a variety of statutorily empowered decision-makers to ensure compliance with the rule of law. The content reviewed in this course includes the need to ensure fairness of administrative procedures such individuals' rights to participate in governmental decisions affecting them in front of an independent, impartial, and unbiased decision-maker. The course will also review current standards of judicial review, and remedies in administrative law. It includes a review of administrative law as it relates to access to justice issues and includes an examination of administrative law principles and issues relating specifically to Indigenous peoples.

Evaluation Method:

Participation (Case/Topic Briefs): -5% deducted from course grade for Incomplete

10% In-Class Bi-Weekly Quizzes

85% Final Exam

*Lecturer Robert Russo is a full time member of the Peter A. Allard School of Law.***LAW 511D.001** **International Criminal Law** Term 1 Term 2 Stewart, J.

Seminar 3 CREDITS

This seminar fulfills the J.D. Seminar requirement. J.D. students ARE allowed to register for this seminar.**CHANGE Sept 3: Classroom**

This seminar course covers the law and practice of international criminal law, primarily as it has been developed by international criminal courts and tribunals, but also through its application in national courts throughout the world over the past century. The class will arm you with a sophisticated understanding of the field, which alas, seems more and more germane in the modern world.

Substantive topics may include: the elements of war crimes, crimes against humanity and genocide; modes of liability (including joint criminal enterprise and command/superior criminal responsibility); and circumstances excluding criminal liability. The development of the institutions of international criminal law will be explored, including the division of labour between national versus international prosecutions for serious international crimes.

The course is taught through a "flipped classroom" format, involving a series of preparatory videos I have prepared that students watch ahead of class. Class-time is compulsory and receptive to students' interest. It involves exploration of case studies, question and answer sessions, guest speakers and much more. I have taught the class this way for three years and I am very excited about the method.

Evaluation:

Final research paper: 100%

Associate Professor James Stewart is a full time member of the Peter A. Allard School of Law.

LAW 519.001 Individual Employment Law

Term 1 Term 2 McLean, P. Mitha *Lecture* 3 CREDITS

Cross-listed with LAW 419C.001.

EXAM CONFLICT: STUDENTS REGISTERED IN 525A.001, 419C.001/519.001, or 332.001 ARE NOT ALLOWED TO BE REGISTERED IN 347B.004, AND VICE VERSA.

This is an introductory course designed to familiarize students with legal concepts surrounding the employment relationship. The course will cover the basics of employment contract formation, the rights and obligations of employees and employers, wrongful and constructive dismissal, restrictive covenants, and the contrast between the unionized and non-unionized work environments. We will review legislation relevant to these areas, including the B.C. Employment Standards Act and the Canada Labour Code. This course will also explore the relationship and interaction between employment law and other areas of law, including human rights and privacy law. Accordingly, the B.C. Human Rights Code and both federal and provincial privacy legislation will also be reviewed.

The course will consist of lectures and extensive discussion of employment-related issues.

Evaluation: Student evaluation will be based on a final examination (85%) and class participation (15%).

Paul McLean (B.A. (St.F.X. University 1992), LL.B. (UNB 1995)). A partner with Mathews Dinsdale Clark LLP, Paul specializes in workplace law issues for employers and senior executives. He has significant experience in wrongful dismissal litigation, injunctions, CCAA proceedings, occupational health and safety, workplace class actions and executive compensation, including retention and incentive plans. He regularly appears before courts, administrative tribunals and commercial arbitrators in British Columbia and Alberta.

Naz Mitha, KC is recognized as one of the leading counsel in British Columbia in the areas of labour and employment law and commercial litigation. Naz handles a wide range of workplace matters, including in the areas of employment, labour, human rights and administrative law. Naz's clients include public and private sector employers and senior employees. He also maintains a general commercial litigation practice, frequently acting in shareholder and partnership disputes. Naz has conducted hearings before all levels of court in Canada, including the Supreme Court of British Columbia, the British Columbia Court of Appeal, the Federal Court of Canada, and the Supreme Court of Canada. In addition, he regularly appears before various tribunals such as commercial and labour arbitration boards, the BC Labour Relations Board, the BC Employment Standards Tribunal, the BC Human Rights Tribunal, and the Canadian Human Rights Tribunal. In addition to his counsel work, Naz conducts workplace investigations into complex matters, including with respect to allegations of serious employee misconduct, financial improprieties and bullying and harassment. Naz also acts as a mediator in workplace disputes and commercial matters. Naz is a sought-after speaker and presenter and is an Adjunct Professor teaching Employment Law at the Peter A. Allard School of Law, University of British Columbia. Prior to co-founding Mitha Law Group, Naz was a partner at Western Canada's largest employer-side workplace law firm.

LAW 523C.001**Topics in Intellectual Property -
Lecture****Video Game Law** Term 1 Term 2

Festinger

Lecture

3 CREDITS

Cross-listed to LAW 423C.001

Video games create virtual worlds that players physically interact with. In so doing video games upset the traditional media apple cart. The gamer becomes the controller of a responsive virtual world, rather than simply a passive "receiver" of images and sound.

North American video game revenues routinely surpass both domestic film box office receipts and music sales. The video game industry continues to grow faster than almost any other economic segment, most recently fueled through the rapid expansion of mobile gaming as well as the intense interest in the "Battle Royale" survival game genre. In this environment, Vancouver remains one of the largest and most sophisticated centers of video game production in the world.

The creation, dissemination and enjoyment of interactive entertainment is governed by a multi-dimensional grid of international and domestic laws relating to intellectual property, communications, contracts, torts, privacy, obscenity, antitrust and freedom of expression. The myriad legal issues currently manifest in digital media often originated in games. Video gaming has presaged the now rapid rise of real-time social media communities. By building additional levels for their favorite products gamers have for decades been engaged in crowd sourcing, user-generated content and remixing source materials. Games also consistently lead technological, interactive and creative advancements of the digital age.

Threatening intellectual property orthodoxies has, quite literally, always been part of the game. It can easily be suggested that the legal and ethical issues in all media spaces may be best and most critically explored and understood through the lens of video games. It follows that the processes of creating and playing games constitute a useful proving ground for legal constructs applying to all media and mediums. That all of this occurs with a core demographic that includes very large numbers of children considerably complicates the resulting analysis.

The goal of this course is to continue scholarship in the area. It also forms part of a cluster of courses both at UBC Law School related to the media, entertainment and communications industries.

The pedagogic concept of the course is to map and design learning territories to be explored by the students and provide as many tools as possible for that exploration. Accordingly there are multimedia components of the course including a website containing a complete and interactive syllabus, past lectures, discussion forums and resource materials (<http://videogame.law.ubc.ca/>).

Optional Materials:

Festinger, Metcalfe & Ripley, Video Game Law (2nd edition, LexisNexis).

Evaluation:

Attendance and participation: 40%

Term Paper of 18-20 pages (5,000 words): 60%

Jon Festinger, K.C. is a Vancouver, British Columbia based counsel and educator.

As an Adjunct Professor, Jon Festinger has taught a wide variety of courses relating to intellectual property law, communications, media & video game law, as well as corporate law over more than 30 years at the Allard School of Law. As well Jon is Faculty in Residence at the UBC Emerging Media Lab. He has also taught at various times at the Sauder School of Business, UBC Graduate School of Journalism, the Thompson Rivers University Faculty of Law, the University of Victoria Faculty of Law, and the School of Law, Queen Mary University of London. He is the author of the first edition of Video Game Law published by LexisNexis in 2005, and co-author of the second edition published in 2012, and was a founding editor and on the Editorial Board of the Interactive Entertainment Law Journal (Edward Elgar Publishing). He was Guest Editor of the Volume 46, Number 3 of the UBC Law Review "Digital Media, Video Games, and the Law" (2013). As well, Jon authored "Mapping the Electronic Highway: A Survey of Domestic and International Law Issues" 1995, Volume 29, University of British Columbia Law Review. Jon is Of Counsel at Chandler Fogden Lyman; a Trustee of the BC Sports Hall of Fame; and Past Chair and a Director of viaSports B.C.

LAW 523C.002	Topics in Intellectual Property - Lecture	Copyright Law and Social Media
<input type="checkbox"/> Term 1 <input checked="" type="checkbox"/> Term 2	Meredith, R Festinger	Lecture 3 CREDITS

Cross-listed to LAW 423C.002

This course examines legal and normative issues spawned by the interactions between traditional copyright law and emergent forms of social media, both domestically and internationally. "Social media" encompasses digital entertainment in the forms of social networking platforms, streaming services, and interactive entertainment. This course will be a deep dive into how these media are changed by copyright law and are in turn redefining the legal parameters and character of copyright law.

Issues explored will include:

- The history of copyright law and its purposes. How has social media affected our understanding of copyright over time?
- The impacts of generative Artificial Intelligence tools. Is content created by AI copyrighted? Does generative AI infringe copyright by using original works as training material?
- The "Law of YouTube" (and other digital platforms). How are copyright disputes dealt with by social media platforms that rely on user generated content? How does the Copyright Act (Canada), Digital Millennium Copyright Act (U.S.), and their international equivalents impact how copyright is administered in the real world?
- Music and copyright in the digital age, including issues of sampling and remixing.
- Pros and cons of personal data being considered copyright material to reinforce privacy.
- The inclusion of non-circumvention rules in copyright laws and whether they are effective, appropriate, and fair.
- Ongoing collisions between copyright laws and freedom of expression in a social media context.
- "Users Rights" in Canada as a model for the world.

The method of evaluation for this course will be comprised of a 5000-word term paper (50%), a group presentation on a relevant topic (30%), and course participation (20%).

Rowan Meredith is a lawyer called to the bar in British Columbia and California. She has a JD in Entertainment, Media and Intellectual Property Law from UCLA (2018) and an LLM in Media Law from Queen Mary, University of London (2019). In her legal practice, she has regularly advised clients on copyright issues involving social media platforms.

Jon Festinger, K.C. is a Vancouver, British Columbia based counsel and educator.

As an Adjunct Professor, Jon Festinger has taught a wide variety of courses relating to intellectual property law, communications, media & video game law, as well as corporate law over more than 30 years at the Allard School of Law. As well Jon is Faculty in Residence at the UBC Emerging Media Lab. He has also taught at various times at the Sauder School of Business, UBC Graduate School of Journalism, the Thompson Rivers University Faculty of Law, the University of Victoria Faculty of Law, and the School of Law, Queen Mary University of London. He is the author of the first edition of Video Game Law published by LexisNexis in 2005, and co-author of the second edition published in 2012, and was a founding editor and on the Editorial Board of the Interactive Entertainment Law Journal (Edward Elgar Publishing). He was Guest Editor of the Volume 46, Number 3 of the UBC Law Review "Digital Media, Video Games, and the Law" (2013). As well, Jon authored "Mapping the Electronic Highway: A Survey of Domestic and International Law Issues" 1995, Volume 29, University of British Columbia Law Review. Jon is Of Counsel at Chandler Fogden Lyman; a Trustee of the BC Sports Hall of Fame; and Past Chair and a Director of viaSports B.C.

LAW 524D.001 Methodologies in Law and Policy

Term 1 Term 2 Perrin Seminar 4 CREDITS

Enrolment restricted to LL.M., LL.M.CL. and Ph.D. students only.

This seminar aims to develop students' capacity to select and defend an appropriate methodology for a research proposal that explores an aspect of law, policy or legal regulation. In particular, students will understand when it may be useful to go beyond traditional "library based" legal research, compare the strengths and limitations of a variety of methodologies, and learn how to identify appropriate methodologies based on the desired outcomes of the research project.

Evaluation will be based on participation (20%), a critical literature analysis (20%), research proposal outline (10%), and final research proposal (50%).

Associate Professor Benjamin Perrin is a full time member of the Peter A. Allard School of Law.

LAW 525A.001 Canadian Criminal Law and

Term 1 Term 2 Mann, P. Lecture 5 CREDITS

This course is open to LL.MCL students only.

EXAM CONFLICT: STUDENTS REGISTERED IN 525A.001, 419C.001/519.001, or 332.001 ARE NOT ALLOWED TO BE REGISTERED IN 347B.004, AND VICE VERSA.

Criminal Law and Procedure 525 will focus on the practical application of criminal law and aims to be a foundation for practicing criminal law in B.C. The course will examine the role of counsel, how a prosecution unfolds, and the core legislation and common law relevant to each stage. Students will learn to identify the elements of a criminal offence and common defences, and burdens and presumptions relevant to their application. Students will also explore how courts apply the Canadian Charter of Rights and Freedoms to strike down law, exclude evidence, or provide for other remedies.

Course evaluation is based on:

- Mid-term exam: 35% of final grade
- Participation: 5% of final grade
- Final Exam (TBA): 60% of final grade

Text: Roach, Berger, Cunliffe, and Kiyani, Criminal Law and Procedure: Cases and Materials (12th ed., 2020).

Perbeen Mann is a practicing lawyer and Senior Crown Counsel. She is a member of the National Security & Organized Crime Prosecutions Team with Public Prosecution Service of Canada (PPSC), specializing in drug offences and organized crime related prosecutions. Perbeen is the recipient of three Public Prosecution Service of Canada Team Achievement Merit Awards, the most recent award being received in 2020. As a member of the PPSC-DOJ Articling Committee, Perbeen is also involved in the recruitment, supervision and hiring of Articling Students. Perbeen has extensive volunteer and non-profit board experience. She has been involved in representing the labour interests of federal lawyers and developing diversity policies in the federal service. She currently volunteers with the Canadian Bar Association in promoting Indigenous Justice Advocacy. Perbeen is a law graduate of the University of Alberta and an alumni of University of Victoria, having received Bachelor of Arts (with distinction) and Master of Arts degrees.

LAW 530.001 **Advanced Legal Research & Writing**

Term 1 Term 2 Tsiakos *Workshop* **4 CREDITS**

Enrolment priority to LLMCL students, then open to LLM and PhD students.

This course provides advanced instruction for graduate students in legal research and writing. It focuses on Canadian legal research, but also covers research in other common law jurisdictions and in international legal forums. Instruction in writing focuses on common forms of writing in legal practice and, to a lesser extent, for legal academics.

Evaluation:

Completion of a take-home research and writing assignment worth 100% of the final grade. In addition, students will complete a mid-term research and writing assignment that will be evaluated on a pass/fail basis. Any student who fails the mid-term assignment will be downgraded 2 numeric grade points (e.g., from 79 to 77) in their final course grade.

George Tsiakos (B.A., LL.B., LL.M., M.L.I.S., (UBC)) is the Head of the UBC Law Library and is a member of the Law Society of BC.

LAW 537.001 **Commercial Transactions**

Term 1 Term 2 MacDougall, B. *Lecture* **3 CREDITS**

Cross-listed with LAW 437.001.

EXAM CONFLICT: STUDENTS REGISTERED IN 347B.003, 469.003/590.003, 422.002/570C.002, or 404.001 ARE NOT ALLOWED TO BE REGISTERED IN 437.001/537.001 or 300.002, AND VICE VERSA.

CHANGE Sept 6: Classroom

This course is designed to permit examination of many of the important features of sale of goods law and practice at the consumer and manufacturer-supplier levels. The course will deal predominantly with the interpretation and application of the Sale of Goods Act and certain related legislation.

Course materials:

Will be announced by the instructor.

Evaluation:

85% Final Exam and there will be an essay topic distributed at the end the third-last scheduled class and due at the beginning of the second-last scheduled class, worth 15% and being a maximum of 2500 words.

Professor Bruce MacDougall is a full time member of the Peter A. Allard School of Law.

LAW 538.001 **Secured Transactions**

Term 1 Term 2 MacDougall, B. *Lecture* **3 CREDITS**

Cross-listed with LAW 438.001.

This course is designed to familiarize the student with techniques of taking security in personal property at the consumer level and at the business level. The important features of the Personal Property Security Act will be examined.

Evaluation:

85% Final Exam and there will be an essay topic distributed at the end the third-last scheduled class and due at the beginning of the second-last scheduled class, worth 15% and being a maximum of 2500 words.

Professor Bruce MacDougall is a full time member of the Peter A. Allard School of Law.

LAW 538.002 Secured Transactions Term 1 Term 2

Uteck

Lecture

3 CREDITS

Cross-listed with LAW 438.002.**EXAM CONFLICT: STUDENTS REGISTERED IN 568.001 or 367.001 ARE NOT ALLOWED TO BE REGISTERED IN 438.002/538.002, AND VICE VERSA.****CHANGE Aug 26: Classroom**

This course is designed to provide students with an understanding of the rules, principles and policies underlying personal property security law. It will examine the important features of the Personal Property Security Act. Topics will include: the nature and function of security, the scope of the Act, the form and validity of security agreements, securing interests in personal property, the function of registration, third party disputes – the general and specific priority rules, enforcement of security interests, and conflict of laws issues. An emphasis in this course is the resolution of priority disputes between secured parties and a variety of competing claims. The course will also provide an overview of the Bank Act security device and a brief introduction to the bankruptcy process.

Evaluation:

2.5 hour modified closed book 100% final examination.

Anne Uteck (B.A (Saint Mary's University), LL.B (University of New Brunswick), LL.M (Dalhousie University), LL.D (University of Ottawa)). Prior to joining the faculty at the Peter A. Allard School of Law in 2016, Dr. Uteck practiced law for several years in Nova Scotia before commencing her teaching career. For over 20 years, she has taught extensively in the first year law program, in the areas of corporate/commercial law and privacy law. Dr. Uteck's research interests build on her doctoral work examining issues raised by networked technologies.

LAW 540.001 Insurance Law

Term 1 Term 2 Bank Gubeli *Lecture* 3 CREDITS

Cross-listed with LAW 440.001.

Insurance companies are intimately involved in the prosecution or defense of many tort actions and, increasingly, in commercial actions as well. Insurance is a necessary component of commercial risk planning and individual business and tax planning. Consequently, a basic knowledge of insurance is indispensable to the modern lawyer.

The first part of this course will examine basic principles of insurance law, and in particular problems in the interpretation of property, liability and accidental death policies. Topics will include basic concepts such as risk, indemnity, subrogation and insurable interest; the structure of liability and property policies; methods of interpreting policy provisions; the concept of "accident"; the role of proximate cause in determining coverage; misrepresentation and fraud; and the duty to defend actions against an insured. Selected topics in the law of life insurance will also be discussed.

The second part of the course will be concerned with automobile insurance, including in particular the regimes of liability and no-fault insurance set out in the Insurance (Vehicle) Act and Regulation. Topics will include the scope of coverage under owner's and driver's certificates; breaches and forfeiture; uninsured and underinsured motorist claims; unidentified motorist claims; limitation periods; and third-party rights.

Materials:

Students will be provided with cases and materials specially selected by the lecturers.

Evaluation:

Evaluation is based on an open-book final examination.

Jordan Bank (B.A. Economics (SFU 2007), LL.B. (UBC 2011)) is a partner with the Vancouver firm of Guild Yule LLP. His practice is broad. He has defended clients in personal injury actions, medical malpractice claims, property loss claims, human rights complaints, contract disputes, class action lawsuits and professional negligence claims. He also regularly acts as counsel in insurance coverage disputes and often provides insurance coverage advice.

Aaron Gubeli, B.B.A., B.A. Political Studies, J.D., is an associate with the Vancouver firm of Guild Yule LLP. He maintains a broad litigation practice with an emphasis on the defence of professional negligence and product liability claims, the prosecution of subrogated claims, and advising and acting for insurers with respect to coverage. Aaron also regularly defends businesses and municipalities in property damage and personal injury claims.

LAW 543C.002 Topics in Public Law Refugee Law

Term 1 Term 2 Dauvergne *Lecture* 3 CREDITS

***Cross-listed with LAW 345C.002.* EXAM CONFLICT: STUDENTS REGISTERED IN 334.001, 345C.002, or 357C.001 ARE NOT ALLOWED TO BE REGISTERED IN 455.001, AND VICE VERSA.**

CHANGE July 22: Added to exam schedule.

CHANGE Sept 3: Classroom

CHANGE Sept 12: Classroom

This course provides a foundation for scholarship and practice in the area of refugee law. The first part of the term will be spent considering international refugee law, with particular focus on the Convention relating to the status of refugees and jurisprudence from around the world regarding the refugee definition. The second part of the term will consider how the Convention is implemented in Canadian law, and will examine key aspects of refugee status determination in Canada. The course draws on topics in international human rights law, administrative law, and some aspects of the Canadian Charter of Rights and Freedoms.

Assessment in this course will include an exam worth 60% of the grade, and two smaller assignments worth 20% each. Assessment may be adjusted, by negotiation with students, if fewer than 20 students enrol in the course.

Professor Catherine Dauvergne is a full time member of the Peter A. Allard School of Law and holds the Canada Research Chair in Migration Law.

LAW 545C.001 Topics in Taxation - Seminar*International Taxation: New Historical,
Theoretical & Policy Perspectives* Term 1 Term 2 Cui

Seminar

3 CREDITS

JD students are allowed to register in this course.

The landscape of international taxation has recently undergone tremendous upheaval. While the Organization of Economic Cooperation and Development's "Two Pillar proposal" dominates global media and tax professionals' attention, movements towards a new tax body at the United Nations offer very different narratives about what nations can and should cooperate to achieve in the international tax sphere. Are we really living through a once-in-a-lifetime (or even once-in-a-century) change? If so, why are changes in the international tax sphere so infrequent, and what determine when changes occur? When countries debate about international taxation at the OECD and UN, are they talking about very different things? What place is there for discussions of global distributive justice, or of confronting climate change, in international tax discussions?

This course offers a scholarly perspective on the above questions, and aims to show that lawyers can greatly benefit by going beyond client alerts and politicians' soundbites and learning what empirical, theoretical and historical scholarship says about international tax cooperation. Empirically, how good is the evidence for the existence of international tax competition? Do we have good measures of the extent of multinational profit shifting? Theoretically, do we expect countries to act altruistically or mainly in their self-interest in entering into international agreements? How much do they stand to gain or lose, say, under the global minimum tax? Historically, is it really true that countries convened at the League of Nations and endorsed an international tax paradigm in the 1920s, and became sufficiently discontent with the paradigm only 100 years later? What do we make of some striking analogies between the tax work at the League of Nations and United Nations in the 1930s and 1940s and the activities at the OECD and UN today?

In more technical terms, this seminar offers a selective introduction to the latest scholarly literatures on tax competition (for real investment, for profit, and for corporate HQs), tax havens, tax treaties, tax evasion, and global cooperation through international organizations. The material is entirely different from the primarily doctrinal content of a basic international tax course (Law 410/565). For students who already gained exposure to international tax law (e.g., tax treaties and the OECD's Two Pillar Solution), this course surveys insightful scholarly perspectives that are nonetheless rarely recognized in popular discourse. This will help them not only to "put all the pieces together" but also to articulate their own interpretations and predictions of current and future developments.

Law 410/565 is not a pre- or co-requisite for the course (though the material may resonate more if a student has taken or is concurrently taking such a course.) For students new to the subject of international taxation (but who might have interest in international trade or finance, or international law and international organizations in general), the course will offer an introduction to the fundamental features of the international tax regime without going into legal details.

Students will be assessed on class participation (based on reading identified in advance) and either 3 short writing assignments or 1 term paper. The class participation component will be worth about 1/3 of the total grade while the writing component the other 2/3.

Professor Wei Cui is a full time member of the Peter A. School of Law.

LAW 546C.001 **Topics in Common Law Theory & Practice: Private & Commercial Law - Lec** **Maritime Law**

Term 1 Term 2 Hawkins, T. Swanson, P. Lecture 3 CREDITS

COURSE UPDATE (Sept 5): *Cross-listed to LAW 332.001*

EXAM CONFLICT: STUDENTS REGISTERED IN 525A.001, 419C.001/519.001, or 332.001 ARE NOT ALLOWED TO BE REGISTERED IN 347B.004, AND VICE VERSA.

Thomas Hawkins is a founding partner of the Maritime and Insurance Law Firm of Bernard LLP in Vancouver, B.C. He practices in the area of Maritime and Insurance Law, advising clients on matters relating to Marine Insurance, Cargo Litigation, Tug and Tow, Collision, Oil Pollution and Marine Bodily Injury. Mr. Hawkins has conducted cases in the Trial and Appellant Courts of the Federal Court of Canada, the British Columbia Supreme Court and the Supreme Court of Canada. Mr. Hawkins has held many positions in the Maritime Legal Community including as past Westcoast Vice President of the Canadian Maritime Law Association, Past Chair of the B.C. Maritime Law Section of the CBA, Executive Member of the Marine Insurance Association of B.C. and currently serves on the Owner's Committee of the Chamber of Shipping of BC. Mr. Hawkins taught Maritime Law at the UBC Faculty of Law from 1996 to 2008. He has been counsel on numerous maritime casualty cases and oil pollution occurrences. He conducted the investigation of the 2006 sinking of the "Queen of the North" and represented the families and survivors of the 2015 "Leviathan II" Tofino whale watching boat case. He is listed by "Best Lawyers in Canada" and "Who's Who Legal Canada" as a leading Canadian lawyer in Maritime Law. He has sailed across the Atlantic Ocean, Tasman Sea and the in the South Pacific.

Peter Swanson (B.A. (UBC 1984), L.L.B. (UVIC 1987)) is a senior litigation lawyer with over 30 years of experience and is a founding partner of Bernard LLP. His practice includes cases involving the enforcement of maritime liens, vessel arrest and security, carriage of goods by water, civil and regulatory liability for ship source pollution, collision, salvage, port state control, charterparty and other commercial disputes, and constitutional issues arising in a marine context.

Peter has represented clients at all levels of court in Canada, including the Provincial Court of British Columbia, the British Columbia Supreme Court, the Federal Court, the British Columbia Court of Appeal, the Federal Court of Appeal and the Supreme Court of Canada. He was lead counsel in the successful defence in R. v. MV Marathassa, 2019 BCPC 13. Peter is very active in the marine community being a past president and current director of the Vancouver Maritime Arbitrators Association, past president and a current director of the International Sailors Society Canada, a director of the Institute of Chartered Shipbrokers (Canada) and a director of the Chamber of Shipping of British Columbia. Peter is recognized by his peers as a leader in the field of maritime law being listed in The Best Lawyers in Canada, the Canadian Legal L'expert Directory, Who's Who Legal and Chambers and Partners.

LAW 550.001 Taxation of Corporate
Reorganizations Term 1 Term 2

Duff

*Lecture***3 CREDITS*****Cross-listed with LAW 414.001.***

Corporations constitute the most significant form of business organization in Canada and other developed countries, accounting for roughly 20 percent of federal and provincial income tax revenues in Canada. This course examines builds upon concepts examined in Law 408/562 (Taxation of Corporations and Shareholders), examining statutory provisions and judicial decisions governing transfers of property to a corporation, reorganizations of capital, amalgamations and windups, and divisive reorganizations.

Evaluation: Tax Practice Exercises (in-term): 60%; Final Take-home Exam: 40%, 9:00 a.m. - 4:30 p.m., to be distributed on the date specified by the Exam Schedule.

Required Materials:

1. David G. Duff and Geoff Loomer, *Taxation of Business Organizations in Canada*, 2d ed. (Toronto: LexisNexis, 2019), chapters 12-15
2. Thorsteinsson's *Income Tax Act*, latest edition

Pre-requisite: Law 408 or Law 562

Professor David G. Duff is a full time member of the Peter A. Allard School of Law.

LAW 551.001**Trusts** Term 1 Term 2

Hofri

Lecture

3 CREDITS

Cross-listed with LAW 451.001.

The course deals with Canadian principles and rules that regulate and enable management of social and business affairs through express, resulting and constructive trusts. The course aims to provide grounding in trust law by setting out its doctrinal foundations through the perspectives of history, policy, practice, case-precedent and statute. It reviews how various types of trusts are constituted and terminated. It covers the roles of the settlor, trustee and beneficiary and considers the major rights and obligations that characterize the relationships between them. Emphasis is placed on the trustee's rights and obligations in the proper administration of trusts. It also reviews selected remedies available to beneficiaries in circumstances of breach or interference with their rights.

Required:

•Mark R Gillen, *The Law of Trusts: A Contextual Approach* (4th edition, Emond Montgomery, 2021).

Suggested Reading:

•D. Waters, Mark Gillen & Lionel Smith, *Waters' Law of Trusts in Canada*, 5rd edition (2021)
•Albert Oosterhoff, Robert Chambers & Mitchell McInnes, *Oosterhoff on Trusts: Text, Commentary and Materials*, 9th edition (2019)

Evaluation: 70% final exam; 10% assignment; 15% in-class participation; 5% case note

Associate Professor Adam Hofri-Winogradow is a full-time member of the Peter A. Allard School of Law. He specializes in trusts law, fiduciary law, corporate law, estates (succession & wills) law, "elder law", pensions, insurance, general private law, and relevant issues of tax and family law. Following his doctoral studies at Oxford University, Adam published comparative research on the reform and transformation of trust law and trust practice in dozens of countries worldwide, using a large array of empirical research methods: quantitative, qualitative and historical. A winner of two academic prizes, Adam was a visiting professor at Georgetown Law Center, at Western Ontario University, at the Center for Transnational Legal Studies, London, and at the University of Virginia School of Law, and was Martin Flynn Global Law Professor at the University of Connecticut School of Law. He has taught the basic trust law course under the laws of England, Canada and Israel, as well as a wide-ranging class in comparative and offshore trust law and practice. Adam has published work in journals including the Oxford Journal of Legal Studies, the Modern Law Review, the Iowa Law Review, Law and History Review, Law and Social Inquiry, the University of Toronto Law Journal, the Journal of Private International Law, Hastings Law Journal, Ohio State Law Journal, U.C. Davis Law Review and Trust Law International. He regularly speaks at conferences around the world, including the annual meeting of the American Law and Economics Association, symposia funded by the American College of Trusts and Estates Counsel, and the biannual Trusts and Wealth Management conferences at Singapore Management University.

LAW 551.002 **Trusts** Term 1 Term 2 Pavlich

Lecture

3 CREDITS

Cross-listed with LAW 451.002.

The course deals with Canadian principles and rules that regulate and enable management of social and business affairs through express, resulting and constructive trusts. The course aims to provide grounding in trust law by setting out its doctrinal foundations through the perspectives of history, policy, practice, case-precedent and statute. It reviews how various types of trusts are constituted and terminated. It covers the roles of the settlor, trustee and beneficiary and considers the major rights and obligations that characterize the relationships between them. Emphasis is placed on the trustee's rights and obligations in the proper administration of trusts. It also reviews selected remedies available to beneficiaries in circumstances of breach or interference with their rights.

Required:

D. Pavlich: Trusts in Common-Law Canada (3rd edition).

Suggested:

Waters, Gillen and Smith: Waters' Law of Trusts in Canada (5th edition)

Evaluation:

100% Final Examination

Professor Dennis Pavlich is a full time member of the Peter A. Allard School of Law and is a former Vice President, External and Legal Affairs of UBC.

LAW 559D.001 **Family Law** Term 1 Term 2 Tremblay

Lecture

4 CREDITS

Cross-listed with LAW 359C.001.**CHANGE Aug 26: Classroom**

This course introduces students to the regulation of families in Canada. The Divorce Act, Family Law Act, Adoption Act, Civil Code of Québec, Children's Law Reform Act and other applicable legislation will be studied, in addition to relevant Canadian case law. We critically assess what is a family in law, why are certain relationships considered 'familial' and not others, and what is the impact of being considered a family in the eyes of the law. Topics covered include but are not limited to: parentage and other arrangements (co-parenting and multi-parenting); cohabitation; marriage; property division; support; parenting responsibilities and parenting time; dispute resolution. The course is critical, historical and comparative in nature. It is about theoretical underpinnings for intimate regulation. If you want something highly technical/practical, or if you are not interested in comparative law, I recommend taking Family Law with someone else.

Evaluation:

- Take-home exam: 100%, 10 am - 4 pm on the date specified on the Exam Schedule.

Professor Régine Tremblay is a full time member of the UBC Faculty of Law.

LAW 559D.002 Family Law Term 1 Term 2

Aloni

Lecture

4 CREDITS

Cross-listed with LAW 359C.002.**EXAM CONFLICT: STUDENTS REGISTERED IN 509.005, 459C.003/508D.003, 359C.002/559D.002, or 345C.001 ARE NOT ALLOWED TO BE REGISTERED IN 463.002/576.002, AND VICE VERSA.**

This course offers an introduction to the fundamental doctrines and theories governing the legal regulation of families in Canada and abroad, with a particular emphasis on British Columbia. From critical, historical, comparative, and practical perspectives, students will explore the legal regulation of intimate adult relationships and the parent-child relationship. The course studies underlying principles and examines how family structures and values have evolved during the late 20th and early 21st centuries, as well as the challenges the law faces in response to these changes. Topics covered include parentage determination, multiparenting, adoption, parenting arrangements after separation or divorce, cohabitation, marriage, other adult relationships, property division, support, custody, and alternative dispute resolution.

Evaluation: 100% Final Exam

*Associate Professor Erez Aloni is a full time member of the Peter A. Allard School of Law.***LAW 560D.001** Seminar in Topics in Common Law
Theory and Practice Term 1 Term 2

Parkes

Seminar

3 CREDITS

Cross-listed to LAW 401D.001

This seminar is designed to give students an understanding of that part of the criminal justice system about which most lawyers know the least - the prison. We will investigate the historical evolution of the prison and critically examine the central role that punishment (particularly through incarceration) plays in Canadian criminal law and society. We will consider the evolution of constitutional and other legal principles and case law governing incarceration, with particular attention to prisoners' rights, oversight and accountability of imprisonment, and avenues for advocacy. Topics include provincial and federal prison law and systems, conditions of confinement, security classification, solitary confinement, parole and other forms of release, and attention to the ways that people experience incarceration differentially depending on race, gender, disability, and sexual orientation or gender identity. The seminar will include visits to local prisons to meet with prisoners and opportunities to hear from lawyers who do prison law.

Evaluation:

Evaluation is based on participation and engagement (25%) and a research paper (75%).

Professor Debra Parkes is a full-time faculty member of the UBC Faculty of Law. Debra Parkes is the Chair in Feminist Legal Studies at the Peter A. Allard School of Law, UBC. Before joining the Faculty at Allard Hall, Prof. Parkes was a member of the Faculty of Law, University of Manitoba for 15 years. Her scholarly work examines the challenges and possibilities of framing and adjudicating rights claims, with a particular focus on (in)equality, social and economic rights, and rights in the criminal justice, corrections, and workplace contexts. She was Editor-in-Chief of the Canadian Journal of Women and the Law from 2009-2013.

LAW 562.001 **Taxation of Corporations & Shareholders** Term 1 Term 2 Duff

Lecture

3 CREDITS

***Cross-listed with LAW 408.001 Taxation of Corporations & Shareholders.*
CHANGE July 22: Classroom**

Corporations constitute the most significant form of business organization in Canada and other developed countries, accounting for roughly 20 percent of federal and provincial income tax revenue. This course examines the taxation of corporations and shareholders in Canada, beginning with a general overview of the legal character of corporations and the structure of corporate taxes in Canada, then turning to a detailed examination of statutory rules and judicial decisions governing the taxation of income received by public and private corporations and the taxation of shareholders on share dispositions, corporate distributions, shareholder benefits and loans, indirect payments, attributed income and the tax on split income (TOSI).

Required Materials:

1. David G. Duff and Geoff Loomer, *Taxation of Business Organization in Canada*, 2nd ed., (Toronto: LexisNexis, 2019), chapters 5-11.
2. Thorsteinsson's *Income Tax Act* (most recent edition)

Evaluation: 100% final take-home, 9:00 a.m. - 4:30 p.m. to be distributed on the date specified by the Exam Schedule.

Pre-requisite: Law 407 (Taxation) or Law 561 (Fundamental Concepts in Tax Law)

*Professor David G. Duff is a full time member of the Peter A. Allard School of Law.***LAW 564.001** **Taxation of Trusts and Estates** Term 1 Term 2 Marples, K

Lecture

3 CREDITS

***Cross-listed with LAW 412.001 Taxation of Trusts and Estates.*
CHANGE (JUNE 18): Classroom Change**

Trusts are widely used in tax and estate planning as a tool for the organization of wealth and the management of assets. An understanding of the tax rules applicable to trusts and estates is essential for anyone working in this in-demand area of law. Students will develop the critical thinking skills required to understand the scope of planning options and to be creative in designing flexible tax effective trusts and estate plans to meet clients' needs.

Evaluation: 100% open-book final exam

Kate Marples is a partner at KPMG Law LLP in Vancouver with over 17 years of experience advising clients on tax, trust and estate planning issues. She is a frequent speaker and writer and is a contributing author for the estate and trust taxation chapters of the Continuing Legal Education publication of the BC Probate and Estate Administration Manual.

LAW 565.001 International Taxation Term 1 Term 2 Duff*Lecture***3 CREDITS*****Cross-listed with LAW 410.001 International Taxation***

The increased globalization of economic activity over the past few decades has made the international dimension of tax law and policy increasingly important. This course examines tax rules governing the taxation of non-residents carrying on income-earning activities in Canada (inbound rules) as well as tax rules governing the taxation of Canadian residents earning income in other countries (outbound rules).

Introductory classes examine the basic structure of the international tax regime, the sources of international tax law (statutory rules, bilateral tax treaties, and judicial decisions), the interpretation of tax treaties, jurisdiction to tax, tax treaty shopping and transfer pricing. Subsequent classes consider statutory rules, treaty provisions and judicial decisions governing the taxation of Canadian source income earned by non-residents, and the taxation of foreign-source income earned by Canadian residents.

Required Materials:

1. David G. Duff, *International Tax Law in Canada* (LexisNexis, forthcoming 2022)
2. *Income Tax Act*, latest edition

Evaluation: final take-home exam (100%), 9:00 a.m. - 4:30 p.m., to be distributed on the date specified by the Exam

Schedule.

Pre-requisite: Law 407 Taxation or Law 561 Fundamental Concepts in Tax Law

Professor David G. Duff is a full time member of the Peter A. Allard School of Law.

LAW 567.001	<u>Tax Administration and Dispute Resolution</u>	<u>Tax Dispute Resolution and Litigation</u>		
<input checked="" type="checkbox"/> Term 1 <input type="checkbox"/> Term 2	Kroft		Seminar	3 CREDITS

Cross-listed with LAW 413D.001.
CHANGE July 22: Classroom.

This seminar will deal with the resolution of tax controversy in Canada. It will explore key practical issues arising in the operation of a tax advisory and litigation practice. The relevant provisions in the Income Tax Act will be the focus of discussion. The seminar will assist in refining analytical, organizational and judgment skills necessary for serving tax clients, solving tax problems and developing strategies for achieving successful tax outcomes at all stages of the tax disputes process (from audit to appeal).

This seminar will also consider issues unique to daily tax practice including questions of document creation and retention, information disclosure, access and privilege, and administrative dispute resolution processes. Participants will learn about tax practice, audit, objection and appeal issues and will apply them to a case study at the end of term.

Students must have a copy of the most recent edition of the Canadian Income Tax Act and a copy of the course materials prepared by the instructor.

Evaluation:

Students will be evaluated on the basis of : a) a 25 page research paper (30 pages for LLM students)-80% , b) oral presentation of the research paper and class participation-20%

Ed Kroft, K.C. (J.D. (Osgoode Hall 1978), LL.M. (UBC 1980), CPA (Hons)) is a partner with Bennett Jones LLP and is the leader of that firm's Tax Controversy and Litigation Group. Ed has taught courses in tax law, tax policy and tax litigation as an adjunct professor in the Faculty of Law for over 30 years. Ed's practice is exclusively dedicated to handling federal and provincial tax disputes, including those related to transfer pricing. He appears before all levels of court, including Supreme Court of Canada, and has published extensively on taxation issues. Ed is a former member of the editorial board of the Canadian Tax Journal and sat for 20 years on the Rules Committee of the Tax Court of Canada. He is a recipient of the Award for Excellence in Income Tax Practice and Education from the Canadian Institute of Chartered Accountants , the Queen Elizabeth II Diamond Jubilee Medal and the Adam Albright Award for Excellence in teaching at the Faculty of Law.

LAW 568C.001 Topics in Taxation - Lecture Topics in Canadian Sales Tax
 Term 1 Term 2 Proulx Xilinas Lecture 3 CREDITS

JD students ARE allowed to register for this course. Exchange students are NOT allowed to be registered in this course.

EXAM CONFLICT: STUDENTS REGISTERED IN 568.001 or 367.001 ARE NOT ALLOWED TO BE REGISTERED IN 438.002/538.002, AND VICE VERSA.

This course examines the fundamentals of Canada's GST/HST. The course begins with a history of the implementation of the GST/HST and QST in Canada, and with an exploration of the economics, policy underpinnings and common elements value-added taxes (nexus issues, characterization, place-of-supply, input tax credits, self-assessment). It then explores the specifics of the Canadian regime through a detailed examination of the rules relevant to specific sectors and types of transactions. The remainder of the course examines constitutional issues specific to the GST/HST and QST, as well as some of the private law difficulties with the application of these taxes. Finally, we will go over some of the challenges posed by the sharing economy and e-commerce to the application and collection of value-added taxes.

Evaluation:

The evaluation for the course will be through participation (20%) and a final take-home exam (80%) to be distributed on a date to be listed on the Exam Schedule and due by 5 p.m. on a date to be listed on the Exam Schedule.

Simon Proulx is a partner at KPMG Law in Toronto and is one of Canada's leading indirect tax advisors, with 20 years of tax experience, mostly in financial services and e-commerce. He advises some of the world's largest insurers and banks on the Canadian GST/HST/QST impact of complex cross-border transactions, including derivatives, reinsurance, securitizations and underwriting. He also helps e-commerce clients (include some of the world's largest travel and transportation intermediaries) with their Canadian indirect tax compliance. Simon headed the HST policy group at the Ontario Ministry of Finance during Ontario's (and British Columbia's) sales tax harmonization. He worked closely with the federal Department of Finance on technical aspects of Ontario's transition to the HST. Simon also spent several years with the tax group of one of Canada's leading law firms, where he assisted Schedule II and Schedule III banks with the Canadian income taxation of intra-group derivatives. Simon also sits on CPA Canada's Commodity Tax Committee and on the GST Leaders' Forum.

Katherine Xilinas is a partner at KPMG Law LLP in Vancouver with over 18 years of experience advising clients in various industries on all aspects of domestic and cross-border commodity tax and trade law, including planning, compliance and disputes. Katherine regularly represents clients before the taxing authorities, the federal and provincial Courts and the Canadian International Trade Tribunal in the context of commodity tax and customs voluntary disclosures, audits, objections and appeals. She is a frequent speaker and writer, a member of the GST Leaders Forum, and a co-author of Carswell's Canadian Customs Law. She is a practicing member of the law societies of British Columbia and Ontario.

LAW 569C.001**Topics in International Taxation****Transfer Pricing** Term 1 Term 2

Noble

Lecture

3 CREDITS

JD students ARE allowed to register for this course. Exchange students are NOT allowed to be registered in this course.

Transfer pricing has been consistently identified as the number one tax risk for tax directors of multinational enterprises for nearly a decade. This comes as no surprise as more than 50 percent of global commerce is now conducted between related parties. This course will provide an overview of the history and current practice of transfer pricing. The course will take a practical approach to the subject which will result in relevant skills in relation to this complex field of international tax. Theoretical concepts will be illustrated by real life examples and case studies. The intention is to provide insights into the multidisciplinary nature of transfer pricing wherein fields of law, economics, accounting and business management are combined to analyse complex transactions occurring in a vast array of industries on a global scale. Specific attention will be provided to each of the four phases of the life cycle of transfer pricing, namely: (i) regulatory, (ii) planning, (iii) compliance and contemporaneous documentation, and (iv) dispute resolution. Emphasis will be placed on the OECD Transfer Pricing Guidelines for Multinational Enterprises as well as the Canadian legislation, jurisprudence, regulations and administrative practices. Current topics such as the recent Base Erosion and Profit Shifting (BEPS) initiative by the OECD will also be discussed."

Evaluation: One final take-home exam worth 100%. Students be provided with the take-home exam on a date to be listed on the Exam Schedule, and it will be due on a date to be listed on the Exam Schedule. Suggestion completion time: two working days/16 hrs.

Greg Noble (J.D. (University of Saskatchewan)) is admitted to the Bar in Saskatchewan as well as in England and Wales. Mr. Noble is the Western Canadian Transfer Pricing Leader for Ernst & Young LLP. Mr. Noble is based in Vancouver and held the position of Canadian National Transfer Pricing Leader from 2007-2010 as well as BC Tax Leader from 2011-2018. Greg has been practicing in the area of transfer pricing since 1997 and has been involved in transfer pricing documentation studies, risk review assessments, planning and benchmarking studies, as well as dispute resolution assignments. Mr. Noble is a frequent speaker at events sponsored by organizations such as the Canadian Tax Foundation, Tax Executive Institute and various external organizations. He has also lectured at the university level, including the University of British Columbia, Simon Fraser University and Temple Law School. He has published extensively on the topic of transfer pricing in textbooks and journals such as the Canadian Tax Journal and International Tax Review. He also frequently discusses transfer pricing matters in the media, in publications such as The Globe and Mail and The National Post, as well as on national and local television.

LAW 570C.001 **Intellectual Property** Term 1 Term 2 Festinger

Lecture

3 CREDITS

Cross-listed with LAW 422.001.

This course provides students with an introduction to the legal regimes governing the protection of intellectual property. The course will cover the following specific areas of intellectual property law: copyright, trademarks, and patents. In addition, students will be introduced to the common law actions of passing off and breach of confidence, international intellectual property law, and industrial design.

The website for Intellectual Property Law can be found at <https://iplaw.allard.ubc.ca/>

Evaluation method: 70% final exam, 30% short project or presentation, as well as participation.

Jon Festinger, K.C. is a Vancouver, British Columbia based counsel and educator.

As an Adjunct Professor, Jon Festinger has taught a wide variety of courses relating to intellectual property law, communications, media & video game law, as well as corporate law over more than 30 years at the Allard School of Law. As well Jon is Faculty in Residence at the UBC Emerging Media Lab. He has also taught at various times at the Sauder School of Business, UBC Graduate School of Journalism, the Thompson Rivers University Faculty of Law, the University of Victoria Faculty of Law, and the School of Law, Queen Mary University of London. He is the author of the first edition of Video Game Law published by LexisNexis in 2005, and co-author of the second edition published in 2012, and was a founding editor and on the Editorial Board of the Interactive Entertainment Law Journal (Edward Elgar Publishing). He was Guest Editor of the Volume 46, Number 3 of the UBC Law Review "Digital Media, Video Games, and the Law" (2013). As well, Jon authored "Mapping the Electronic Highway: A Survey of Domestic and International Law Issues" 1995, Volume 29, University of British Columbia Law Review. Jon is Of Counsel at Chandler Fogden Lyman; a Trustee of the BC Sports Hall of Fame; and Past Chair and a Director of viaSports B.C.

LAW 570C.002 **Intellectual Property** Term 1 Term 2 Festinger

Lecture

3 CREDITS

Cross-listed with LAW 422.002.

EXAM CONFLICT: STUDENTS REGISTERED IN 347B.003, 469.003/590.003, 422.002/570C.002, or 404.001 ARE NOT ALLOWED TO BE REGISTERED IN 437.001/537.001 or 300.002, AND VICE VERSA.

This course provides students with an introduction to the legal regimes governing the protection of intellectual property. The course will cover the following specific areas of intellectual property law: copyright, trademarks, and patents. In addition, students will be introduced to the common law actions of passing off and breach of confidence, international intellectual property law, and industrial design.

The website for Intellectual Property Law can be found at <https://iplaw.allard.ubc.ca/>

Evaluation method: 70% final exam, 30% short project or presentation, as well as participation.

Jon Festinger, K.C. is a Vancouver, British Columbia based counsel and educator.

As an Adjunct Professor, Jon Festinger has taught a wide variety of courses relating to intellectual property law, communications, media & video game law, as well as corporate law over more than 30 years at the Allard School of Law. As well Jon is Faculty in Residence at the UBC Emerging Media Lab. He has also taught at various times at the Sauder School of Business, UBC Graduate School of Journalism, the Thompson Rivers University Faculty of Law, the University of Victoria Faculty of Law, and the School of Law, Queen Mary University of London. He is the author of the first edition of Video Game Law published by LexisNexis in 2005, and co-author of the second edition published in 2012, and was a founding editor and on the Editorial Board of the Interactive Entertainment Law Journal (Edward Elgar Publishing). He was Guest Editor of the Volume 46, Number 3 of the UBC Law Review "Digital Media, Video Games, and the Law" (2013). As well, Jon authored "Mapping the Electronic Highway: A Survey of Domestic and International Law Issues" 1995, Volume 29, University of British Columbia Law Review. Jon is Of Counsel at Chandler Fogden Lyman; a Trustee of the BC Sports Hall of Fame; and Past Chair and a Director of viaSports B.C.

LAW 572.001**Cyberspace Law** Term 1 Term 2

Matsui

Seminar

3 CREDITS

Cross-listed with LAW 425D.001

This seminar is designed to focus on the legal issues arising from the development of cyberspace. The development of the cyberspace has presented many new legal issues. This seminar focuses on public law issues among them. The specific issues covered include the internet governance and the role of law, jurisdictional issues, ISP liability, freedom of expression on the Internet, defamation, invasion of privacy, obscenity, child pornography, indecent speech, hate speech, copyright, personal data protection, and cyberdemocracy. In order to address these issues, we need a new perspective and new doctrine. By taking this seminar, the student will be able to understand various legal issues and learn the basic knowledge and skills to address these issues.

Pre-requisites:

There is no pre-requisite course for taking this seminar. It would be wonderful if the student already has a basic understanding of Canadian Constitutional Law, but the student can learn the basic principles of Canadian Constitutional Law on the Internet by taking this seminar.

Evaluation:

Class participation 30% and final assignment 70%.

Regular attendance in the class is mandatory. Each student is required to attend the class after reading assigned materials and is encouraged to participate in the class discussions. I will particularly welcome active student participation in the class discussions.

With respect to final assignment, the student can pick any topic he/she may find interesting in relation to cyberspace law. The student can choose the topic covered in the seminar or choose other topics he/she may find interesting so long as the topic is concerned with cyberspace. The guideline for a paper is about 15 pages, including footnote or bibliography. The student needs to submit the paper by the deadline, the final day of examination, 4 pm. The paper will be evaluated based on the topic choice, organizing skill, research skill, and writing skill. I will be happy to give the student any advice on the possible topic and the possible resources to compare.

Syllabus:

<http://faculty.law.ubc.ca/matsui/text/English04.htm>

Professor Shigenori Matsui is a full time member of the Peter A. Allard School of Law.

LAW 574.001**Succession**

Term 1 Term 2 Dosanjh Kim, C. Lecture 3 CREDITS

Cross-listed with LAW 452.001.

This course serves as the essential foundation for the practice of wills and estates, including basic estate planning and probate practice.

The course will provide an overview of various topics including:

1. the statutory rules of intestate succession;
2. the formalities of execution, modification and revocation of wills;
3. the requirements of testamentary capacity;
4. basic principles and procedures of probate and estate administration;
5. the interpretation of wills;
6. will contests relating to allegations of lack of capacity and undue influence;
7. the statutory limits to testamentary freedom under legislation such as British Columbia's wills variation legislation;
8. substitutes for wills such as joint accounts and options available to limit the exposure of an estate to probate fees;
9. aboriginal succession;
10. planning for incapacity, including powers of attorney and representation agreements for financial management and health care decision-making; and
11. a high level overview of the principles of taxation on death and family law principles relevant in estate planning.

While British Columbia law will be considered in depth, important differences in the laws of some other Canadian jurisdictions will also be reviewed. As well, the professional obligations of the lawyer will be considered throughout the course.

Evaluation:

There will be a compulsory final examination.

Simi Dosanjh, BA (UBC 2006), JD (University of Calgary 2009), TEP was called to the Bar in British Columbia in 2010. Ms. Dosanjh is a Will & Estate Consultant with RBC Family Office Services in Vancouver, British Columbia. She works with individuals and business owner-managers to assist them in developing succession plans that accommodate their unique needs and advises on all aspects of estate and incapacity planning, including wills, trusts, powers of attorney, representation agreements and other means of providing for beneficiaries while minimizing taxes on death. Ms. Dosanjh has completed the CPA Canada In-Depth Tax Course and previously worked as an associate in the Vancouver tax groups of two full-service law firms. She is a full member of the Society of Trust and Estate Practitioners (STEP) and holds the Trust and Estate Practitioner (TEP) designation.

Catherine Kim, BA (UBC 2007), JD (UBC 2012), was called to the Bar in British Columbia in 2013. Ms. Kim is a lawyer with Boughton Law and specializes in estates and trust planning, as well as estate administration. She focuses on personal estate and business succession planning and advises on matters such as: wealth preservation, probate minimization and incapacity planning. Ms. Kim's background in tax also equips her to navigate various income tax and regional real estate tax issues relevant to estates and trusts. Ms. Kim completed the CPA Canada In-Depth Tax Course in 2019 and is recognized in the list of "Best Lawyers in Canada", as voted by other experts in her field. She is a regular presenter with the Pacific Business & Law Institute and at conferences for lawyers, accountants and financial advisors.

LAW 576.001 **Securities Regulation** Term 1 Term 2 Peihani

Lecture

3 CREDITS

Cross-listed with LAW 463.001.

This is a specialized corporate law course focusing on the regulation of capital markets in Canada, with a particular focus on the British Columbia context. The main objective of the course is to provide students with a broad understanding of the legal and regulatory framework governing the issuance and trade of securities. This includes public offerings, continuous disclosure obligations, insider trading, takeover bids, as well as public and private enforcement mechanisms for violations of securities laws. In addition to examining the existing regulatory framework, the course will also touch upon recent debates in securities regulation. More specifically, we will explore regulatory reforms following the financial crisis, ongoing efforts to establish a cooperative capital markets regulator, and improving the oversight of systemic risk in Canadian capital markets.

Evaluation:

100% final exam

Assistant Professor Maziar Peihani is a full-time member of the Peter A. Allard School of Law.

LAW 576.002 **Securities Regulation** Term 1 Term 2 Ford

Lecture

3 CREDITS

Cross-listed with LAW 463.002.

EXAM CONFLICT: STUDENTS REGISTERED IN 509.005, 459C.003/508D.003, 359C.002/559D.002, or 345C.001 ARE NOT ALLOWED TO BE REGISTERED IN 463.002/576.002, AND VICE VERSA.

This is a specialized corporate law course. A key objective is to provide students with a broad understanding of the legal framework governing the issue and trade of securities in British Columbia and in Canada generally. Topics will include prospectus and continuous disclosure requirements for public companies, oversight of registrants, the exempt market, insider trading, takeover bids, and liability (civil, criminal, and regulatory.) The course also devotes considerable attention to policy issues surrounding securities regulation, with a view to understanding the current state of flux in Canadian regulation, including recent challenges arising from crypto assets, decentralized finance, and globalization. We will examine the philosophies underlying securities regulation, competing approaches in regulatory design, and the relationship between securities regulation and corporate governance.

Evaluation:

Assessment will be based on a 2.5 hour open-book examination (80%), and in-class participation (20%).

Prerequisite:

It is recommended that students take LAW 459 (formerly Law 230) Business Organizations prior to LAW 463 Securities Regulation.

Professor Cristie Ford is a full time member of the Peter A. Allard School of Law.

LAW 587C.001 **Environmental Law** Term 1 Term 2

Stacey

Lecture

3 CREDITS

Cross-listed with LAW 387B.001.

Environmental issues challenge our understanding of law in many ways. Environmental issues are complex scientifically and politically, and temporally and geographically. They require a close examination of the potential and limits of core areas of legal doctrine (e.g. tort law and public law) and how these doctrines need to be stretched or adapted to account for the complexity of environmental problems. Students will learn about the contested purposes and principles of environmental law, contested jurisdiction over the environment (Indigenous authority and Canadian constitutional law), how the environment is governed by the Canadian state (e.g. environmental assessment law, endangered species protection, plastics regulation), and the role of the courts. The course is designed both for students seeking a concise introduction to the subject-matter as part of a well-rounded legal education, as well as for students seeking to specialize in this growing and substantial area of law, for which Environmental Law 387 provides foundation for further studies.

Note that this course follows a “flipped classroom” model and is structured around problem-based learning that requires active participation during class time.

It is strongly recommended that students take Federalism and Administrative Law prior to this course. Students who have not taken these courses should reach out to Professor Stacey for background readings prior to starting the course.

Evaluation: Class engagement (20%), a midterm assignment (20%) and a final project (60%).

Associate Professor Jocelyn Stacey is a full time member of the UBC Faculty of Law.

LAW 588.001 **Ethics & Professionalism** Term 1 Term 2

Martz

Lecture

3 CREDITS

Cross-listed with LAW 468.001

Ethical rules and principles are a fundamental part of the practice of law but how to go about applying them is a complex question inevitably involving the exercise of judgement and the consideration of one's own personal values. In this course, we will examine the requirements of the Code of Professional Conduct for British Columbia and case law that establishes guidelines for ethical legal conduct, but also bring a critical eye to conventional ideas about how lawyers should operate with the goal of helping you begin to develop your own sense of how you want to conduct yourself as a lawyer. We will also consider the role of the Law Society of BC and some of the many challenges faced by the legal profession, and how both the Law Society and individual lawyers can respond to them.

The course will include lectures, class discussion, group presentations/facilitations, and guest lectures by practicing lawyers about how they handle real-life ethical issues.

Evaluation: participation in class discussions, including through a small group project (15%), a take-home essay (15%), and a 3-hour open book final examination (70%).

Lisa Martz has practised as a litigation lawyer for more than 25 years. She is now a full-time Lecturer at the Peter A. Allard School of Law.

LAW 588.002 Ethics & Professionalism

Term 1 Term 2 Affolder *Lecture* 3 CREDITS

Cross-listed with LAW 468.002.

Ethical issues are fascinating, complex, challenging, and permeate all aspects of the practice of law. This course extends beyond learning the rules of professional ethics to engage with the very tricky real-life problems that are part of practicing law. Many lawyers feel poorly equipped to handle the kinds of ethical issues that actually emerge in practice. They find that these issues are only partially covered by existing doctrines of confidentiality and formal rules on conflicts of interest. We address that reality in this course by seeking to understand the ethically perilous terrain that you are likely to face in your career and by creating ways to better appreciate the strengths and limits of your own instinctual approaches to handling conflict and difficult conversations.

This course is designed to force you to think critically about the legal profession as a self-governing entity but also to reflect upon your own personality and influences and how you might design a good life for yourself inside and outside law. This interactive course combines lectures, simulations, negotiation exercises, debates, case studies, and guest lectures.

Evaluation:

The course will be evaluated by means of a 4-hour, take-home final examination (80%) to be distributed at 9:00am and due at 1:00pm on a date listed in the exam schedule, and a reflection exercise (20%). Although there is no separate class participation mark given the class size, the course is highly interactive. Participation is expected, and will be necessary, to fully answer the questions on the final exam and to complete the reflection exercise.

Graduate Students registered in this course at the 500 level will also submit a case comment.

Professor Natasha Affolder is a full time member of the Peter A. Allard School of Law.

LAW 588.004 Ethics & Professionalism

Term 1 Term 2 Goldbach *Lecture* 3 CREDITS

Cross-listed with LAW 468.004.**CHANGE Sept 3: Classroom**

In this course, students will consider the ethical obligations of lawyers in Canada, with a focus on the legal obligations for lawyers in B.C. Topics covered include role morality, the duties of the advocate, the duty of competence, conflicts of interest, and conduct unbecoming and civility. Students will also be introduced to the model of self-governance of lawyers, current challenges facing the legal profession such as access to justice and, as well, oversight and regulation of the judiciary. The course will be taught in both a lecture format and through smaller group discussions and presentations.

Evaluation:

Evaluation for this class will consist of class participation (15%) and an in-person exam (85%).

Assistant Professor Toby Goldbach is a full-time member of the Peter A. Allard School of Law.

LAW 588.005 Ethics & Professionalism

Term 1 Term 2 Hilland *Lecture* 3 CREDITS

Cross-listed to LAW 468.005

This course will examine ethics and professionalism from an Indigenous perspective. We will learn about Indigenous legal ethics and critically analyze the relevant legislation, regulations, rules of professional conduct, applicable caselaw, and general principles of ethics and professionalism that apply to the practice of law British Columbia.

Evaluation: 3 hour open-book examination (100%)

Assistant Professor Andrea Hilland is a full-time member of Peter A. Allard School of Law.

LAW 590.001**Civil Procedure** Term 1 Term 2

Byma

Phillips, C

Lecture

3 CREDITS

Cross-listed with LAW 469.001

We will study the Conduct of civil actions in the B.C. Supreme Court. Students will become acquainted with the Supreme Court Civil Rules and the common law governing procedure.

Various procedural problems will be examined from two points of view:

- (a) that of the practitioner who must understand the workings of the Rules and consider strategic and ethical issues in order to conduct a case effectively; and
- (b) that of the student of the law who should question the assumptions underlying procedural rules and postulate strategic solutions.

The emphasis will be the pre-trial stages of proceedings. Memorizing the Rules will not be necessary, but an understanding of the basic structure of a civil lawsuit and a recognition of procedural problems and related strategic and ethical issues will be expected.

Required Materials:

Casebook: Civil Litigation, updated August 2024, available electronically on Canvas

Evaluation:

Exam worth 95% and written assignments 5%

Daniel Byma (B.Comm. (University of Calgary), J.D. (University of Manitoba)) is a partner in the Litigation and Dispute Resolution Department of Fasken Martineau DuMoulin LLP in Vancouver. His litigation practice focuses on commercial disputes as well as constitutional and public law matters, with experience in real estate cases, breach of trust and fiduciary duty claims, contract cases, oppression claims, shareholder disputes, fraud claims, division of powers, and Charter cases. Prior to joining Fasken Martineau DuMoulin he served as a law clerk to Mr. Justice Wagner of the Supreme Court of Canada.

Cindy Phillips (B.A., Honours (University of British Columbia), J.D. (University of British Columbia)), is a lawyer in the Litigation and Dispute Resolution Department of Fasken Martineau DuMoulin LLP in Vancouver. Her practice focuses on commercial disputes, including shareholder disputes and claims in breach of contract and tort, fraud claims, and personal injury appeals. Cindy also has experience with class actions and regulatory prosecutions. Prior to teaching Civil Procedure, Cindy was involved with running the Allan McEachern Course in Advanced Trial Advocacy, Law 472.

LAW 590.002 Civil Procedure

Term 1 Term 2 Clavier Kressock Lecture 3 CREDITS

Cross-listed with LAW 469.002.

This course has the following objectives:

1. Introduce the fundamentals of civil procedure and familiarize students with the progress of a civil action.
2. Provide a theoretical framework for the rules of procedure and identify the values and policies on which the rules are based.
3. Place these rules in a practical context to encourage future practitioners to wield them in a responsible, strategic, ethical, and cost-effective manner.

Required Materials:

1. Mark Fancourt-Smith and Gavin Cameron, Law 469 Civil Litigation Casebook, 2022 edition.
2. Janet Walker, et al. The Civil Litigation Process: Cases and Materials, 9th ed. (Toronto: Emond Montgomery Publications Ltd., 2022).
3. Supreme Court Civil Rules: Any of these sources:
 - Bouck, Dillon, and Turriff, British Columbia Annual Practice 2018 (Canada Law Book Inc.) (the "White Book");
 - Seckel & MacInnis, Supreme Court Rules Annotated 2018 (Carswell) (the "Black Book"); or
 - Online: http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/168_2009_01

Evaluation:

The evaluation method in this course will be by a 90% open-book final examination set during the Faculty examination period. The remaining 10% will be based on the two short and simple pass-fail assignments: a short pleadings drafting exercise and a short 1-page report of an independent visit to Supreme Court Civil Chambers (subject to COVID restrictions, an alternative assignment may be used). Additional marks may be given for class participation, at the discretion of the instructors.

Eric B. Clavier is a partner at Fasken in Vancouver, practising as a trust, estates and charities litigator. Following 12 years as a barrister at the Pretoria Bar in the Republic of South African, Eric was called to the Bar of British Columbia in 2014, where he appears regularly before the Supreme Court of British Columbia and the BC Court of Appeal.

Paul Kressock is a partner with Lawson Lundell LLP in Vancouver, and is a member of the firm's Commercial Litigation Group. Paul has a Bachelor of Commerce (Honours) degree from the University of Manitoba, and a Juris Doctor from the Peter A. Allard School of Law at UBC. He was called to the Bar of British Columbia in 2015 and appears regularly before the Supreme Court of British Columbia and the BC Court of Appeal. Paul is also an Instructor in the Paralegal Program at the School of Legal Studies at Capilano University.

LAW 590.003**Civil Procedure** Term 1 Term 2

Goulden

McCalla

Lecture

3 CREDITS

Cross-listed with LAW 469.003**EXAM CONFLICT: STUDENTS REGISTERED IN 347B.003, 469.003/590.003, 422.002/570C.002, or 404.001 ARE NOT ALLOWED TO BE REGISTERED IN 437.001/537.001 or 300.002, AND VICE VERSA.**

We will study the conduct of civil proceedings in the B.C. Supreme Court. Students will become acquainted with the Supreme Court Rules of Court and the common law governing those civil proceedings. Our focus will be on understanding the workings of the Rules, and considering strategic and ethical issues in order to conduct a civil action effectively. The emphasis will be upon the pre-trial stages of actions, although the conduct of trials and other proceedings (primarily from a procedural perspective) will also be reviewed. Memorizing the Rules and procedure will not be necessary, but an understanding of the basic structure of a civil lawsuit, including the recognition of procedural problems and the tools available to deal with those problems will be expected.

Required Materials:

1. Dillon and Li-Reilly, British Columbia Annual Practice, current or last year's edition are both acceptable.
2. Supplementary materials referenced in class.

Evaluation:

100% Final examination.

James Goulden K.C. (B.Comm. (University of Calgary 1989), LL.B. (UBC 1992)) is a partner in the dispute resolution and litigation department with Norton Rose Fulbright Canada LLP (formerly known in Vancouver as Bull Housser LLP). His practice is focused in the areas of commercial, real estate, administrative, securities, and government disputes and litigation. Mr. Goulden has conducted a broad range of matters before all levels of court in British Columbia, the Federal Court of Canada and various administrative tribunals. He has been an adjunct professor at the Allard School of Law at UBC for over 20 years. Mr. Goulden is also the co-author of the book "Procedural Strategies for Litigators in British Columbia".

Sarah McCalla (she/her) (B.Sc. (University of Alberta 2006), B.Ed. (UBC 2007), J.D. (UBC 2014)) is a partner in the dispute resolution and litigation department with Norton Rose Fulbright Canada LLP. Her practice is focused on commercial and administrative litigation, regional and local governance matters, expropriation proceedings, forestry issues, real estate disputes, and society-related litigation. She clerked at the Supreme Court of British Columbia and has appeared before all levels of court in British Columbia, as well as the Ontario Superior Court of Justice.

LAW 592.001 **Conflict of Laws**

Term 1 Term 2 Calvert Posyniak Lecture 3 CREDITS

Cross-listed with LAW 325.001.

Cases brought before a B.C. court often involve so-called "foreign" elements, that is, connections with jurisdictions other than British Columbia. This course involves a survey of the ways in which such foreign elements may lead the court to take account of foreign systems of law.

There are three areas in which such foreign elements play an important role:

1. Jurisdiction. When will a British Columbia court exercise jurisdiction in a case involving a "foreign" element?
2. Choice of Law. When will a British Columbia court receive evidence of, and subsequently apply, foreign law in a case brought before it?
3. Recognition and Enforcement of Foreign Judgments. When will the decision of a court outside British Columbia be regarded in this province as creating enforceable rights?

The areas in which choice of law will be discussed include matrimonial causes, contracts, torts, and property.

Required text: Stephen Pitel et al., *Private International Law in Common Law Canada* (Emond Montgomery, fifth edition).

Evaluation: There will be a compulsory final 3-hour open book examination worth 80% of the course grade. For the remaining 20% of the course grade, students will have a choice between either (1) participation in online discussions on Canvas; or (2) a single assignment consisting of a brief research memorandum involving a hypothetical jurisdictional dispute. If a student chooses both to participate in online discussions and to complete the memorandum assignment, the higher of the two marks will count towards the course grade.

Aubin Calvert is a partner at Hunter Litigation Chambers in Vancouver. Aubin's practice is focused on administrative and constitutional law. She has appeared as counsel before administrative tribunals and all levels of court. Before joining Hunter Litigation Chambers, Aubin served as a law clerk to the Right Honourable Chief Justice Richard Wagner of the Supreme Court of Canada from 2016 to 2018. She received her J.D. in 2016 from the Peter A. Allard School of Law at the University of British Columbia and was called to the bar in 2017. Aubin holds a Ph.D. in political theory, also from the University of British Columbia. Aubin is a member of the Board of the British Columbia Law Institute and serves as the British Columbia session coordinator for the Supreme Court Advocacy Institute. She is the co-author of two chapters of the CLEBC Administrative Law Practice Manual.

Tom Posyniak is a partner at Fasken Martineau DuMoulin LLP in Vancouver. His practice focuses on commercial litigation, administrative and constitutional law, class actions, and insurance litigation. Tom has an active appellate practice and regularly appears before the British Columbia Court of Appeal. Tom has also been counsel at the Supreme Court of Canada and regularly prepares written submissions in that court. Prior to joining Fasken, Tom clerked for the Court of Appeal for British Columbia and worked at another national law firm in Vancouver. He received his J.D. in 2012 from the University of Saskatchewan, College of Law, and was called to the bar in 2014. Tom is on the executive of the Appellate Advocacy section of the Canadian Bar Association – BC Branch. He also serves as a referral counsel for Access Pro Bono's Court of Appeal Program. Tom is a co-author of the Civil Appeal Handbook published by the Continuing Legal Education Society of British Columbia and the CanLII BC Civil Litigation Manual.

LAW 599.001 **Creditors' Remedies** Term 1 Term 2

Sabzevari, A.

Lecture

3 CREDITS

Cross-listed with LAW 443.001.

This course is designed to familiarize students with the techniques available to unsecured creditors for the collection of debts. We will consider extrajudicial debt collection, prejudgment remedies, examination of the debtor, recognition of foreign judgments, execution, garnishment, equitable execution, and builders liens. We will also cover the collection of debts owed to the Crown, including via statutory requirements to pay and deemed trusts. We will discuss the impacts of an assignment into bankruptcy and other insolvency proceedings, family law proceedings, and fraudulent conveyances and preferences. This course is designed with an overall emphasis on current caselaw, active learning, and a litigator's perspective, with open and free-flowing class discussions about the cases and the law.

There is no required textbook for this course. We will refer to the cases, legislation, articles, and other publicly available readings.

Evaluation: 70% for the final exam; 20% for the oral presentation (on a case of the student's choice and approved by the instructor); and 10% for class participation.

Aminollah Sabzevari, BSC (Honours), JD, LLM, is an experienced litigator with the Department of Justice Canada. He specializes in bankruptcy and insolvency, creditors' remedies, tax, administrative, and immigration law, as well as the law regarding vexatious litigants. He clerked with the Provincial Court of Alberta. Aminollah is a former member of the Law Society of Alberta and a current member of the Law Society of British Columbia. He is a mentor for law students via the Canadian Bar Association and the Federation of Asian Canadian Lawyers.

LAW 610C.001 **Doctoral Seminar I: Issues in Legal Theory** Term 1 Term 2

Dauvergne

Seminar

3 CREDITS

Enrolment restricted to Ph.D. students only.

This is a compulsory seminar for doctoral students in law. The seminar will examine some of the leading trends in contemporary legal theory, and related theoretical approaches to law. The threefold goal of the seminar is to provide a theoretical foundation for advanced research in law; to assist students in preparing for doctoral comprehensive exams; and to equip students for teaching a range of legal theory topics.

Evaluation in the course will be based on seminar participation (20%); seminar leadership (10%); and a reflection and analysis paper (70%).

Professor Catherine Dauvergne is a full time member of the Peter A. Allard School of Law and holds the Canada Research Chair in Migration Law.

LAW 611C.001 **Doctoral Seminar II: Comparative & Interdisciplinary Perspectives** Term 1 Term 2

Etxabe

*Seminar***3 CREDITS*****Enrolment restricted to Ph.D. students only.***

The purpose of this PhD seminar is to deepen students' understanding of comparative and interdisciplinary perspectives on law, its challenges and possibilities, in an increasingly complex and entangled world of mutual borrowings, cross-pollinations, and "contaminations."

Students will engage key critical questions and contemporary debates, while having the opportunity to delve into primary, foundational texts in hermeneutics, legal anthropology, cultural studies, social and political theory, and others (Gadamer, Geertz, Bakhtin, Engle Merry, Legrand, Black, Latour). The seminar aims to hone in the theoretical and methodological underpinnings of students, as they begin to prepare for their comprehensive examinations.

Assessment:

Class Participation and Presentation: 25%

Short Critical Essay: 25%

Final Paper: 50%

Assistant Professor Julen Etxabe is a full time member of the the Peter A. Allard School of Law.
