

# LAW (LAW)

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LL.M. and Ph.D. students must enroll in *LAW 880 Legal Research Methods and Perspectives* and *LAW 881 Graduate Adv. Legal Research* in their first year of studies.

LAW 880 introduces students to rigorous legal scholarship methods and perspectives, while LAW 881 teaches research skills helpful for success in graduate studies.

Students may receive an exemption from LAW 881 if they have completed a substantially similar course in their previous graduate work [i.e., a course that teaches legal research skills at a level higher than courses offered to first-year LLB/JD students]. Graduate students who qualify for this exemption must take either LAW 914 or LAW 915 or another course instead, to be determined in consultation with their supervisor and the Associate Dean (Graduate Studies and Research). Alternatives may include research methods courses offered in other faculties of the university.

**COURSES FOR LAW GRADUATE STUDENTS** (courses taken jointly with JD students): Graduate students will only be permitted to take these courses if they do not substantially duplicate courses taken prior to entry to the LL.M. program at Queen's. All graduate students who are taking JD courses that are evaluated on the basis of an examination are required to write a paper or series of papers as an alternative form of evaluation and in satisfaction of course requirements. Graduate students registered in courses taken jointly with JD students are expected to perform at a higher level of scholarship. Prerequisites may be waived by the instructor for graduate students with an appropriate background.

**OTHER COURSES:** Graduate students may take graduate-level courses in other departments and faculties in the University, with the permission of his or her supervisor, the Associate Dean (Graduate Studies and Research), the department or faculty offering the course and the School of Graduate Studies.

**COURSES FOR NON-LAW GRADUATE STUDENTS:** Information about courses in which graduate students not in Law may register can be found on the Faculty of Law (<https://law.queensu.ca/>) website. Please contact the Faculty of Law Graduate Assistant [lawgrad@queensu.ca](mailto:lawgrad@queensu.ca) ([lawgrad@queensu.ca](mailto:lawgrad@queensu.ca)) for advice about the selection and registration process.

The courses listed are 3.0 credit units, except for LAW 897, 898, 899 and 999, which are 6.0 credit units.

## LAW 800 Law and Neuroscience

"Scientists studying the inner workings of the human organism have found no soul there. They increasingly argue that human behaviour is determined by hormones, genes and synapses, rather than by free will - the same forces that determine the behaviour of chimpanzees, wolves, and ants. Our judicial and political systems largely try to sweep such inconvenient discoveries under the carpet. But in all frankness, how long can we maintain the wall separating the department of biology from the departments of law and political science?" Yuval Noah Harari Contemporary neuroscientists look at how human behaviour arises from brain activity. Their findings have increasingly been used to address many legal questions. In this seminar, students will learn about: a) brain scanning technologies and the extent to which conclusions about human behaviour can be drawn from studies using these technologies; b) how to assess and use neuroscience evidence; c) how neuroscience evidence has been used to address particular legal issues, including: whether a party had mental capacity to enter into a contract, make a will, or get married; the mental state of an accused at the time of an alleged crime; how the state of a minor's brain development affects cognitive capacity; the accuracy of eyewitness testimony; and how particular brain injuries affect mental functioning. (to be offered jointly with LAW 308.)

## LAW 801 Reading Course

### LAW 802 Animals, Politics and the Law

Animal law is one of the fastest-growing areas of law both domestically and internationally, but is also highly contested. Existing laws typically define animals as the property of their human owners – a framework that many critics argue is unable to afford any true protection to the rights and interests of animals. Various models have been proposed to supplement, or entirely replace, this property framework. This seminar will explore existing legislative regimes related to animals in Canada and internationally, and the limited protections they offer. We will then explore a range of proposals by animal rights advocates for future reform of animal law. These include proposals to accord legal standing or legal personhood to animals, to recognize companion animals as members of the family, to accord farm animals and service animals the rights of workers, to accord wilderness animals rights to territory, and more generally to recognize animals as members of our political community, with rights to representation or citizenship. While many of these proposals may seem utopian, we can see preliminary manifestations of these ideas surfacing in a number of recent legal cases and campaigns for legislative reform. In Lesli Bisgould's terms, we can see a possible shift from "animal law" to "animal rights law". We will discuss the prospect for



real change in this field, and the capacity of law to serve as a vehicle of justice for animals. Student evaluation will be based upon attendance, in-class presentations and a course paper. There will also be an opportunity for a limited number of students to enrol in an additional 3-credit independent study project to develop a legal opinion on a specific legal issue of animal law confronting Canada today. (To be offered jointly with LAW-250.) Three term hours.

### **LAW 803 Remedies**

This is a course on civil judicial remedies. The primary focus will be on current problems and issues in the law of damages, but equitable remedies will also be discussed. You have encountered judicial remedies in earlier courses, such as contract and tort, which treat the topic as an adjunct to the study of particular substantive causes of action. In this context remedial questions are usually overshadowed by the study of substantive primary rights. This is unfortunate since remedial problems are among the most interesting and practically relevant in the law. Through a close analysis of remedial principles this course will enrich your understanding of the basic areas of private law. (To be offered jointly with LAW 314.) Three term hours.

### **LAW 804 Reading Course II**

### **LAW 805 Tax Policy**

The principal aim of this course is to give students the opportunity to undertake a substantial research project into some aspects of tax law or policy of the student's choice. In order to prepare students for this task, the introductory part of the course will examine basic, theoretical issues, such as the objectives of taxation, taxation as a redistributory mechanism, the effects of taxation upon consumption and work choices, upon economic growth and international competitiveness. The remainder of the course will concentrate on important current tax issues such as taxation of the family unit, corporate tax reform, harmful tax competition and the various proposals for a 'flat tax'. (To be offered jointly with LAW 505.) Three term hours.

### **LAW 806 International Taxation**

International Tax overviews the essential elements of the Canadian international income tax system, including tax issues surrounding investing in foreign countries and foreign investments into Canada. Tax planning for international e-commerce activities will comprise a significant element of the course. (To be offered jointly with LAW 506.) Three term hours.

PREREQUISITE OR CO-REQUISITE: LAW 508 Taxation

### **LAW 807 Health Law**

The course will provide an overview of fundamental legal issues in the field of health care. Beginning with the

doctor-patient relationship, we will examine informed decision-making and the changing dynamics of medical practitioners and patients. This part of the course focuses on treatment decisions, substitute decision-making and medical malpractice. Following this we will explore questions in particular areas such as regulation of health professionals, construction of disease, reproduction and genetics, and confidentiality. In the course we will consider the extent to which core legal values are achieved in the health law area and analyze the impact on medical practice of legal practices and structures. (To be offered jointly with LAW 307.) Three term hours.

### **LAW 808 Taxation**

A comprehensive introduction to income taxation and the principles and operation of the Income Tax Act. Some of the topics included in the course are residence, the definition of income, deductions, capital cost allowance, capital gains and the taxation of corporations and their shareholders. (To be offered jointly with LAW 508.) Four term hours.

### **LAW 809 International Criminal Law**

This course explores the rapidly developing discipline of international criminal law (ICL), i.e. international efforts to prosecute individuals responsible for genocide, crimes against humanity and war crimes. We will examine: the major institutions, the politics that shaped them, and how they in turn shape politics; definitions of crimes; principles and defenses; issues of transitional justice, amnesties and truth and reconciliation; and the major controversies and perspectives on ICL. The course supplements traditional instruction methods with considerable emphasis on active and interactive learning. Accordingly, seminars will include lecture, interactive discussion, videos, exercises and simulations. (To be offered jointly with LAW 410.) Three term hours.

### **LAW 810 Advanced Criminal Law**

This seminar aims to explore, at an advanced level, various current issues in criminal law, procedure and evidence. Emphasis will be placed on areas where the law is conceptually challenging, controversial, or in flux. Specific topics to be discussed are likely to include, but will not be limited to, wrongful convictions, police interrogation, forensic science, jury adjudication, domestic violence, Aboriginal and restorative justice and cultural defences. Students will prepare short weekly response papers and participate in class discussions. Evaluation will be based primarily on a research paper on a topic chosen by the student and approved by the instructor. (To be offered jointly with LAW 411.) Three term hours.

### **LAW 811 Mining Law and Policy**

Canada has been a leader in mineral exploration and mine development and finance for many decades. However, to prosper today many practices which are a carry-over from the 19th and 20th centuries must change. Failure to do so will adversely affect the long-term sustainability of the Canadian industry and the professionals who service it. Using film, small group discussion, role plays and lectures this course will provide an overview of the process by which minerals and gems are extracted, develop an understanding of how the national and international mining industry is structured and financed, and analyse the effects on the economy, environment, culture, and society. Students will critically evaluate existing and proposed laws and regulations in Ontario and Canada for mining, mineral processing, mine financing and corporate decision making having regard to the experience of communities, Aboriginal peoples and the mining industry in Canada and abroad. (To be offered jointly with LAW 514.) Three term hours.

#### **LAW 812 International Law**

This is an introductory survey course, in which we will discuss the general foundations of international law. Accordingly, we will discuss the sources of international law and the relevant actors (such as States and “peoples”) and forums (such as the United Nations and the International Court of Justice). We will also examine selected topics such as state responsibility, extraterritorial jurisdiction, immunities, the use of force, the responsibility to protect and human rights. The course focuses not only on the relevant rules but on how to analyze problems and construct successful legal arguments using international legal tools, in a milieu where power, politics and principles are in constant interplay. (To be offered jointly with LAW 540.) Three term-hours.

#### **LAW 813 Labour Law**

This course is a survey of the law of labour-management relations, with emphasis on collective bargaining in the private sector. It will first consider the purposes, regulatory strategies and functions of labour law as a form of regulated market ordering. It will then provide an overview of the legal background and context of collective bargaining, including constitutional divisions of powers, the common law contract of employment, and regulation of the individual employment relationship. It will review the key elements of the law of collective bargaining (acquiring and terminating bargaining rights, protection against unfair labour practices, duty to bargain, regulation of strikes, lockouts and other industrial disputes, arbitration of differences under collective agreements, protection of individual rights and interests), focusing on Ontario legislation and the freedom of association provisions of the Canadian Charter of Rights and Freedoms. Finally it will briefly survey how the new economy - including globalization and major changes in the

Canadian economy and society - are reshaping labour law at the domestic and international levels today. (To be offered jointly with LAW 560.) Four term hours.

#### **LAW 814 Jurisprudence**

This course will be an introduction to philosophical study of the law. Subjects that will be discussed may include such things as the following: what law is; positivism and 'natural law'; the nature of legal authority and the obligation to obey the law; the rule of law; adjudication and interpretation; responsibility, liability, and punishment; legal rights; democracy, liberty, and equality; economic approaches to law; critical and feminist approaches to law. No philosophical background or training is necessary. (To be offered jointly with LAW 310.) Three term hours.

#### **LAW 815 Advanced Labour**

Advanced Labour Law: Human Rights in the Workplace. This course will examine selected human rights issues in the contemporary workplace. The class will challenge students to identify key human rights issues currently confronting Canadian employers and workers, to develop practical approaches for advising both employers and employees on the implementation and enforcement of workplace human rights laws, and to reflect on workplace human rights issues in Canada within a comparative and international context. This year, the course will focus on recent substantive developments in the law of discrimination on the basis of pregnancy and family status, the accommodation of disability and the problem of remedies for systemic discrimination. We will also examine current challenges in the adjudication of workplace human rights, including the complex relationship between human rights tribunals and labour arbitrators, and the role of unions in workplace human rights enforcement. The seminar format will be a flexible blend of directed class discussion, guest speakers and student presentations. Enrolment is limited to 20 students. Students will be evaluated based on class participation, a 15-20 page paper and a seminar presentation related to the paper topic. (To be offered jointly with LAW 566.) Three term hours.

#### **LAW 817 Environmental Protection Law**

This seminar course will focus on the conceptual foundations of environmental protection law, and on the writing of a research paper. We will examine and challenge the principles that underpin environmental legislation and policy, and explore how to think about, research, and write about environmental law. Topics such as environmental regulation, ecosystem management, and liability for environmental harm will be considered. The emphasis will be on critical analysis of environmental law and policy. (To be offered jointly with LAW 517.) Three term hours.



### **LAW 818 Social and Economic Rights in Constitutional Law**

This advanced course in constitutional law offers an in-depth analysis of several Charter rights, particularly s. 2, 7, and 15, with an emphasis on “positive” rights, that is, rights that requires governments not only to refrain from certain actions (such as limiting expression) but also to positively secure certain rights (such as healthcare). The course will be of interest to students interested in advanced constitutional law, in public policy, in social justice, or in the relationship between the constitution and economic regulation. As the jurisprudence on the aforementioned Charter rights is in constant flux, we will be addressing several recent cases and examining the way the doctrinal shifts contained in them have been used in case law and may be used by litigants in future cases. Students will have the choice between a take-home examination and a paper. (To be offered jointly with LAW 305.) Three term hours.

### **LAW 819 Advanced Corporate Law**

The purpose of the course is to examine in detail the principal legal issues and considerations involved in a variety of key transactions and other events that typically arise for a substantial private or public corporation. The topics to be considered include: share attributes and other 'corporate governance' matters affecting the organization of more complicated corporate entities, debt financings (including the preparation and negotiation of loan agreements and dealings with financial institutions generally), insolvencies and restructurings, amalgamations, reorganizations and other 'fundamental changes' and various aspects of corporate acquisitions. Emphasis would also be placed upon the role and responsibilities of lawyers involved in corporate organizations and transactions, taking into account potential ethical and conflict of interest considerations, and practices that a lawyer may or should adopt to reflect these considerations and to best serve the client's interests. (To be offered jointly with LAW 608.) Three term hours. PREREQUISITE: LAW 440 Business Associations

### **LAW 820 International Business Transactions**

This course is designed to develop a framework that students can use to analyze and resolve issues relating to international business transactions. In order to achieve this objective, the course introduces students to the rules, practices and institutions which are relevant to international business transactions. Students will acquire an understanding of how legal tools can be used to manage risk in the international context. The course also provides the business background for common types of transactions and discusses the role that lawyers play in helping business people to fulfill their objectives. Throughout the course, students will have opportunities to apply the course material to practical

problems. In terms of specific content, the course focuses on the strategies used by firms seeking to enter a new foreign market. After a discussion of the general business considerations, the main types of legal structures for market entry are discussed: the sale of goods and services, directly and through various distribution arrangements; direct investment, including joint ventures; technology and intellectual property licensing. (To be offered jointly with LAW 610.)

### **LAW 821 Comparative Constitutional Law**

The Supreme Court increasingly refers to other legal systems in its constitutional decisions; at the same time, decisions such as *R. v Oakes* have been cited worldwide. This course examines the way other constitutional systems resolve constitutional questions we often deal with, in areas such as equality, fundamental freedoms, and the relationship between courts and legislatures. Beyond the exposure to other systems, the exercise of comparison will naturally afford students a deeper understanding of our own constitutional law since the comparison highlights both the universal and the peculiar in the Canadian constitutional system. (To be offered jointly with LAW-232). Three credits. PREREQUISITE: permission of the instructor.

### **LAW 822 Human Rights**

The Ontario human rights system has undergone significant changes in recent years. This course will examine the evolution of Ontario's human rights system as a mechanism for promoting and protecting human rights. It will also explore the meaning of discrimination with reference to recent cases from the Ontario Human Rights Tribunal. Particular attention will be paid to the interaction between the Charter and the Ontario Human Rights Code. The legal structure of Canadian human rights protection, its scope and its deficiencies, will be considered in depth. (To be offered jointly with LAW 522.) Three term hours.

### **LAW 823 Advanced Civil Procedure**

This course will focus on the procedural subjects which are most commonly encountered in a civil litigation practice. Topics will include oral and documentary discovery, motions for summary judgment, injunction proceedings, class proceedings, trial practice and procedure, and appeals. The course will also examine the use of variety of alternate dispute resolution techniques to supplement or replace traditional civil procedure mechanisms. Two drafting assignments will be handed out during the course to provide the student with practical experience. (To be offered jointly with LAW 323.) PREREQUISITE LAW-Civil Procedure.

### **LAW 824 Comparative Federalism**

A study of how different federal systems deal with similar problems. Although the Canadian and American systems form the basis for most comparisons, the course often examines other federations - Australia, Germany and Switzerland - and the institutions of 'near federations' such as the European Union. (To be offered jointly with LAW 424.)

#### **LAW 825 International Refugee Law**

This course examines the legal framework for refugee protection including a comprehensive analysis of the elements of the refugee definition in international law as well as refugee status determination procedures. Drawing on comparative jurisprudence of leading asylum countries, the course situates Canadian refugee law in its global context and encourages a critical appraisal of both state practice and international efforts to regulate and control asylum flows. The format of the course includes lectures as well as some in-class simulation exercises, small group discussion of case studies and video screenings. (To be offered jointly with LAW 375.) Three term hours.

#### **LAW 826 Sentencing & Imprisonment**

This course will look primarily at three aspects of "Sentencing and Imprisonment": (1) The Principles of Sentencing: Philosophical and Empirical Perspectives; (2) The Law of Sentencing in Canada; and (3) Judicial Remedies for Convicted Persons. Time permitting, specific topics like Murder, Preventive Detention and Aboriginal Offenders will be looked at. The course will follow a lecture/discussion format. (To be offered jointly with LAW 416.) Three term hours.

#### **LAW 827 International Trade Law**

International trade law governs what states may do to encourage and restrict the flow of goods, services, capital and people across borders. The rules of international trade law thereby affect important aspects of all our lives – how much we pay for the products that we purchase, what types of employment are open to us, and what our government can do to regulate the quality of goods and services that we consume. The course provides a comprehensive overview of international trade law, with a focus on the law of the World Trade Organization. Through the close study of the jurisprudence of WTO panels and the Appellate Body, students will learn to apply the core concepts of international trade law, such as market access and non-discrimination, and will explore how the trade regime seeks to strike a balance between trade promotion and other legitimate regulatory objectives. We will consider questions such as: Why did the Trump administration insist on renegotiating NAFTA, and how does the new NAFTA differ from the old one? How should Canada react to the imposition of steel and aluminum tariffs by the US on national security grounds? Does Canada have to fear retaliation from its trading partners for its subsidies to Bombardier? And should the European Union be allowed to

ban imports of seal products to protect the moral sensibilities of its citizens. (to be offered jointly with LAW 455).

#### **LAW 828 Taxation of Trusts and Administration of Estates**

Taxation of the estates of deceased persons and of testamentary and inter vivos trusts. Emphasis will be placed on the elections which may be made by executors to reduce the impact of taxation and upon the steps which may be taken in advance to minimize the tax costs of providing for surviving dependents. The course offers an introduction to personal tax planning, and will also cover such subjects as provision for retirement, tax deferral and techniques of estate freezing. (To be offered jointly with LAW 509.)

PREREQUISITE: LAW 508 Taxation. LAW 440 Business Associations. LAW 462 Wills and Trusts recommended.

#### **LAW 829 Advanced Constitutional Law**

This seminar asks if recent jurisprudence under the Constitution Act, 1982, and especially under the Canadian Charter of Rights and Freedoms, enhances or marginalizes "rights talk". Has the original "rights and limits" approach which also manifested as "no rights are absolute" nevertheless changed with the invocation of new discourse about "no hierarchy of rights", "competing rights", "reconciling rights", accommodation, the duty to consult, and "contextual balancing"? We examine cases involving religious minorities, gays and lesbians, women, aboriginal peoples, etc., to determine whether the new constitutionalism serves them well or badly. (To be offered jointly with LAW 529.) Three term hours.

#### **LAW 830 Mental Health Law**

The aim of this course is to explore the various facets of mental health law in the criminal and civil contexts, focusing on particular areas of concern as reflected in the case law. Mental illness poses unique difficulties for a legal system that is premised on self-determination and the rights of the individual, as the courts struggle to find a balance between the recognition of those rights and the necessity for assessment or intervention where decision-making capacity is imperiled. Those who suffer from mental illness also often face unique obstacles, as their illness frequently goes unrecognized, and may give rise to stigma and discrimination. Like many course designations, mental health law actually covers a broad range of legal categories and the cases are quite diverse. Throughout the course, a recurrent theme will be the protection of the rights of those who suffer from a mental illness, and the need to balance those rights against competing concerns about the need for treatment, public safety and other social interests. We review topics such as the civil committal process, capacity assessments, addictions, NCR findings, review board decisions, confidentiality, and the



duty to warn. (To be offered jointly with LAW 403.) Three term hours.

### **LAW 831 Fiduciary Obligations**

Fiduciary Obligation will explore the rapid escalation to its current prominent status in modern Canadian jurisprudence. The course will trace the concept from its ancient origins in Equity to its ubiquitous presence in all areas of commercial, corporate, private and governmental law. Commencing with a discussion of the concept itself, the course will endeavour to deal with several distinct areas where the relationships have as their underpinnings a fiduciary duty: agent (real estate, stock brokers, promoters), solicitor-client, corporate (directors, officers, employees), private (clergy, teachers, family), governmental (aboriginal affairs, elected officials), etc. The course will conclude with an in depth discussion of the remarkable remedial power where the duty of utmost good faith applies and the courts' use of such equity-based power. (To be offered jointly with LAW 552.) Three term hours.

### **LAW 832 Aboriginal Law**

This course examines the legal and constitutional rights of Aboriginal peoples in Canada. It considers the legal legacy of Canada's colonial past – the implications, that is, for the present constitutional order of European settlement in territories that were occupied and governed by indigenous peoples. Much of the course focuses upon the interpretation of section 35 of the Constitutional Act, 1982, which entrenches 'existing aboriginal and treaty rights'. Particular attention will therefore be given to Aboriginal rights to lands, natural resources, and self-government, as well as the identification and interpretation of Aboriginal treaty rights. In the course of addressing these topics, we will confront constitutional issues relating to federalism and human rights, theoretical issues relating to legal interpretation in a cross-cultural setting, comparisons with indigenous rights in other former colonies, and the status of indigenous peoples and rights under international law. The general purpose of the course, then, is to examine the possibilities and challenges associated with Canada's multi-national and legally-pluralist constitutional order from a variety of legal, cultural, and theoretical perspectives. (To be offered jointly with LAW 532.) Three term hours.

### **LAW 833 Law Gender Equality**

Since law shapes women's lives, we need a "gender audit" of Canadian sex equality law and jurisprudence: what works and what has harmed women? In the 2012 fall term, this audit will focus mainly on women's claims of intersectional rights in a variety of legal contexts. Students will be asked to identify legal doctrines and advocacy strategies that feminist lawyers could invoke to litigate women's equality rights cases

successfully. (To be offered jointly with LAW 533.) Three term hours.

### **LAW 834 Feminist Jurisprudence**

The seminar will involve an in-depth exploration of contemporary gender theories and their implications for the resolution of problems of legal significance. The objective of the seminar is to develop a theory of gender justice which reflects the feminist perspective. (To be offered jointly with LAW 534.)

PREREQUISITE: LAW 533 Law, Gender, Equality or LAW 516 Law and Sexuality or permission of the instructor.

### **LAW 835 Equality Rights & The Charter**

This seminar examines equality rights jurisprudence under the Charter by asking whether the new "competing rights" analysis advances or limits the rights of equality-seekers. Since women argued strenuously for enhanced equality rights during the debates leading up to the adoption of the Charter, many but not all of the cases we review will involve women whether as equality-seekers or as objects of state protection. (To be offered jointly with LAW 535.) Three term hours.

### **LAW 836 Advanced Seminar on International Legal Problems**

This seminar will examine situations in which a lawyer in private practice will have to take international law rules into account. Particular issues covered include diplomatic immunity, espousal of the claims of nationals, mass migrations and refugee claims, international terrorism and extradition requests. Current issues in international law will be considered as well. (To be offered jointly with LAW 536.) PREREQUISITE: LAW 540 International Law or permission of instructor.

### **LAW 837 Evidence**

What are the objectives and what is the structure and content of the law governing judicial proof? As part of an allegedly rational system, how far are the rules consistent in principle and how do they work together? The course covers the common law of evidence, both civil and criminal, as it has been affected by legislation. Specifically, matters to be discussed include competence and compellability of witnesses, rules relating to the examination of witnesses, corroboration, burdens of proof and presumptions, judicial notice, illegally obtained evidence, privilege, hearsay, character, opinion, documentary and real evidence. Some attention will be devoted to the impact of new scientific knowledge and fact-finding techniques upon the system of judicial proof. (To be jointly with LAW 320.) Four term hours.

### **LAW 838 International Environmental and Resource Law**

International environmental and resource governance presents some of our most pressing current policy issues. This course will examine potential frameworks for resolution of international environmental and resource problems and the role for law and legal institutions. We will examine a variety of legal approaches, including treaty-based international law, customary international law, and rights-based environmental claims. We will also consider how international environmental and resource law intersect with other international legal regimes (GATT/WTO), the global activities of non-legal norm-setters, such as multinational enterprises, and consider how international and domestic law relate within this field. (To be offered jointly with LAW 538.) Three term hours.

#### **LAW 839 Law and Injustice**

This course explores the relationship between law and injustice, focusing in particular on theorising injustice, and especially those injustices that infect but do not originate in the law. Through readings in contemporary political and legal philosophy and political essays, we consider: different types of injustice, such as structural, historical, epistemic, and indigenous; duties to resist injustice for victims, bystanders, and beneficiaries; and forms of responding to injustice, including anger, civil and uncivil disobedience, and political violence. (to be offered jointly with Law 640)

#### **LAW 840 Business Associations**

The course is a study of the establishment and operation of business organizations, including partnerships and closely and widely-held corporations. The nature of capital and corporate securities, and the formation of companies including the transfer of a business, will be considered. The consequences of carrying on business in the corporate form, including the liability of a corporation for the conduct of its agents and controllers will be examined. A major portion of the course will be taken up by a consideration of the powers, duties and liabilities of directors, officers and controlling shareholders, corporate responsibility and the rights of minority shareholders and other stakeholders, and the remedies of dissenters in a corporation. (To be offered jointly with LAW 440.) Four term hours.

#### **LAW 841 Contested Transactions**

This course will examine and analyze the legal and tactical issues involving Canadian contested change of control transactions primarily from the perspective of a target company. The course will focus on corporate and securities law issues relating to hostile take-over bids and proxy contests, including issues being currently debated and that are critical to a firm understanding of the topic. It is intended that students will develop practical skills that are critical for a successful practice as a business lawyer. Seminars include classroom lectures, guest lectures, problem-solving and in-

class negotiations. (To be offered jointly with LAW-280.) Three term hours.

#### **LAW 842 International Human Rights Law**

This seminar will provide an overview of the international system for the protection of human and peoples' rights. The course will begin with a critical survey of the history of public international law generally. Subsequent seminars will examine the treaties, procedures and institutions that have evolved to advance rights at the international and regional levels. Some of the particularly challenging dimensions of international human rights law will be explored, including efforts to bridge the public/private divide, questions of cultural relativism, the role of prosecutions versus truth commissions in post-conflict societies, the ethics and legality of humanitarian intervention; and the capacity of international law to promote corporate accountability in a globalized world. Overarching questions which animate the seminar include: to what extent has international human rights law challenged traditional conceptions of state sovereignty? Has international human rights law delivered on its promises of justice and equality? How might international human rights law and practice be re-imagined/ reformulated? (To be offered jointly with LAW 542.) Three term-hours.

#### **LAW 843 Insurance**

The course prompts an examination of fundamental issues in insurance law in a prescriptive way, relevant to today's lawyers. Insurance law is really a melding of contract principles with tort claims and so necessarily draws on the analytical foundation from both major areas of law. Really, insurance law is often about seeking compensation for a person in the wrong place at the wrong time. This course will focus on insurance arising from motor vehicle accidents. We will address the SABS (Statutory Accident Benefits Schedule), definition of Catastrophic Impairment, collateral benefits, available of various heads of damages, and the threshold. This course aims to provide a working knowledge of the terminology and doctrine in a variety of insurance law spheres: automobile, liability, property, life, health and disability insurance. However, particular emphasis is placed on auto insurance. (To be offered jointly with LAW 443.) Three term hours.

#### **LAW 844 Criminal Law Theory**

Criminal law is among the most theoretically rich areas of law. It raises fundamental questions about human agency, moral responsibility, the rule of law, and the limits of legitimate state coercion. In this course we will study the theoretical underpinnings-conceptual, moral, and political-of both the institution of criminal justice as a whole and various criminal offences and defences. Potential topics include (but are not limited to): the justifying aims and moral limits of punishment; the criminal law's conception of



moral responsibility; the limits of legitimate criminalization; punishment versus alternative modes of behavioural regulation; the theory of possessory offences, attempts, and hate crimes; the foundations of justification and excuse in general; and the structure of specific defences such as self-defence, provocation, duress, and entrapment (to be offered jointly with LAW 407.)

#### **LAW 845 Creditors' Remedies: Enforcement and Bankruptcy Law**

Monetary obligations, including debts for borrowed money, the payment of the price of goods or services, the award of damages for breach of legal duties or the imposition of fines, are central to commerce and the enforcement of almost all obligations in our legal system. The effective enforcement of these debts is fundamental to the rule of law. This course will explore such enforcement when the obligor either does not or cannot pay the debt. Remedies available to judgment creditors and to secured and unsecured creditors against a defaulting debtor and the rights and obligations of both creditors and debtors in those processes will be explored. The course includes the enforcement of judgments and a summary introduction to secured lending transactions. The basic principles of personal and corporate bankruptcy, including the public policies advanced by the bankruptcy process, preferences and debtor rehabilitation and discharge, are presented. The course addresses priorities among creditors, including tax claims by the state. The restructuring of insolvent businesses using proposals under the Bankruptcy and Insolvency Act or plans of arrangement under the Companies Creditors Arrangement Act is introduced. Professional ethics issues in these matters will be addressed. (To be offered jointly with LAW 445.) Three term hours.

#### **LAW 846 Competition Law**

Competition law promises to be a fundamental government tool of business discipline in the global economy of the 21st century. This course examines the fundamentals of Canadian competition law, including its rationales, constitutional roots, enforcement mechanisms, as well as substantive provisions of the Competition Act. Among other hot topics, we will also examine the implementation of the amendments introduced by the Budget Implementation Act, 2009 ("Bill C-10"). (To be offered jointly with LAW 446.) Three term hours.

#### **LAW 847 Mergers & Acquisitions**

This course is designed to introduce students to the legal, regulatory, and public policy aspects of a variety of frequently used methods for effecting changes in corporate control including major asset sales, amalgamations, takeover bids, second step transactions, statutory plans of arrangement, and proxy contests. Discussion of these topics will integrate legal rules with economic and financial principles. The

assigned reading will include, amongst other things, Canadian and U.S. judicial decisions, statutory and regulatory materials, and scholarly articles. (to be offered jointly with LAW 614).

#### **LAW 848 Securities Regulation**

This course examines the regulation of the Canadian capital markets. The course focuses on a number of specific issues such as disclosure obligations, the exempt market, public offerings, registration, self-regulatory organizations and enforcement issues. The course will examine the regulation pertaining to certain acquisition transactions such as take-over bids and going-private transactions. A main objective of the course will be to analyze the legislation and relevant case law with a view to developing an understanding of the rationale underlying securities law. A further focus of the course will be to discuss the law from a critical perspective to discern areas in which the regulation may be improved. (To be offered jointly with LAW 448.) Three term hours. REREQUISITE OR COREQUISITE: LAW 440 Business Associations

#### **LAW 849 Structuring Business Transactions**

For many organizations the acquisition or sale of a business, or indeed a merger with another organization, can prove a transformative event in the life of that organization. A transaction of this kind can have dramatic consequences for many stakeholders: notably for employees, customers and investors, but frequently also for suppliers, communities and other constituencies connected to or affected by the businesses involved in the transaction. Lawyers play a central role in evaluating, structuring and implementing these kinds of transactions. This is in part because "getting deals done" frequently requires the ability to navigate many different areas of law that inevitably overlap in this context. But it is also because the experienced deal lawyer is able to anticipate challenging issues that parties to the transaction will have to confront, and then to come up with creative strategies for resolving those challenges. The focus of this course will be on providing students with an understanding of how deal lawyers approach different stages in the life of a transaction and the kinds of legal issues that emerge in each of these stages. In addition to developing an enhanced understanding of the issues at play, the course will ensure that students spend substantial time reviewing, analyzing and drafting a range of deal documents. This course is an introduction to graduate level time series econometrics. The goal of the course is to provide a foundation in core time series methods that will permit students to undertake serious empirical work or pursue more advanced theoretical modeling. The course focuses on time series methods that have become popular and widely used in economics, and economic examples will often be used as motivation. (to be offered jointly with LAW 449).



**LAW 850A Fem. Legal Studies Workshops**

The Feminist Legal Studies Workshop is designed to enable students to work closely with faculty in analyzing and discussing, with leading feminist theorists and scholars visiting Queen's Faculty of Law, the topics of the speakers' papers. Graduate Students must take both LAW 850A (Fall) and LAW 850B (Winter) to receive 3.0 credits (to be offered jointly with LAW 692).

**LAW 850B Fem. Legal Studies Workshops**

Graduate Students must take both LAW 850A (Fall) and LAW 850B (Winter) to receive 3.0 credits (to be offered jointly with LAW 693).

**LAW 851 Trademark & Unfair Competition**

This course examines the law of private remedies for the protection of 'trade identity' conferred by the exclusive right to use a mark to indicate the source of a product or service, as well as for related intangibles of commercial value. The focus is on the federal Trademarks Act and its impact on private rights to regulate the use of trademarks, tradenames and unfair competitive practices. Students will learn how the common law regulation of unfair competition (the tort of passing off) complements the statutory protections afforded for brands and logos that now dominate modern consumer culture. Some attention is given to theoretical justifications and normative frameworks for trade-mark protection; public policy objectives; the basis for making a trademark application and grounds for opposition, distinctiveness and use; infringement; title; the relationship to the law of trade-names under common law and federal and provincial incorporation statutes; and international obligations to which Canadian law must conform, notably through the Paris Convention and Trade Related Aspects of Intellectual Property Agreement. Students learn how the interests of stakeholders, from the desire to prevent free-riding to the promotion of free competition and free expression to the consumer and public interest in protecting the integrity of trade in wares and services from confusion, have played out under Canadian law. (To be offered jointly with LAW 451.) Three term hours.

**LAW 852 Commercial Law**

This course covers domestic and international commercial sales transactions. It considers in detail the law applicable to domestic sales of goods (in particular the Ontario Sale of Goods Act) and the international instruments that govern cross-border commercial transactions. It also provides an introduction to related issues, including the delivery of goods, passage of risk, and payment systems. (To be offered jointly with LAW 441.) Three term hours.

**LAW 853 Law and Poverty**

This course will be about homelessness and, to a lesser extent, housing. We will consider the sociology of homeless and we will ask why it is bad and why it is wrong (and if those two are different). Then we will consider various legal and policy routes to addressing homelessness, with an eye to both their effectiveness and to their aptness as responses to the wrongness of homelessness. Some things we may talk about include: subsidized housing legislation, shelters, and recent attempts to establish a Charter right to housing. Evaluation will be by paper and by class participation/presentation. (To be offered jointly with LAW 303.) Three term hours.

**LAW 854 International Economic Law**

With the rise of globalization, international laws governing how nations trade and invest across borders are increasingly important. These laws limit government actions and affect the daily lives of people around the world. This course introduces international trade and investments laws. We will focus on the trade laws of the WTO and the investment provisions of Chapter 11 of the NAFTA. The course addresses the application of these laws in key cases and critically examines the principles underlying them. (To be offered jointly with LAW 454.) Three term hours.

**LAW 855 Fundamental Issues in Corporate Governance**

This course examines the governance of public corporations, focusing on issues such as corporate ownership and control, the structure and function of the board of directors, agency theory and associated justifications of shareholder primacy, labour participation in corporate governance and corporate social responsibility. Although the focus will be on Canadian law, relevant comparisons will be drawn with developments in other jurisdictions such as the UK, the USA and Europe which offer deeper insight into the Canadian debates. (To be offered jointly with LAW 602.) Three term hours.

**LAW 856 Entertainment Law**

This course will address the fundamentals of entertainment law, from a theoretical and applied perspective. It will consider the topic from its foundation as a particular application of the law of contract, to an examination of practical issues and approaches that arise in this specialized area of practice. (To be offered jointly with LAW 326.)

**LAW 858 Freedom of Expression**

This seminar explores some moral principles that might ground arguments for freedom of expression (including freedom of speech, freedom of the press, and artistic freedoms). We then turn to examine two contemporary areas of debate where these ideas are put to work, and put to the test: hate speech and pornography. Apart from a few doctrinal examples, the readings we discuss are mostly works



in jurisprudence and political philosophy (To be offered jointly with LAW-687.)

### **LAW 859 Miscarriages of Justice**

This seminar is focused on emerging problems related to miscarriages of justice in Canadian criminal law. In the wake of famous cases such as Marshall, Milgaard, Morin and Sophonow, we explore the systemic causes of wrongful convictions in Canada. The suggested primary causes of wrongful convictions are examined, including police misconduct in the investigative process (with special emphasis on interrogation tactics); prosecutorial misconduct; ineffective assistance of counsel and its relation to wrongful conviction; and fallibility of professional and lay decision-makers in the process. The role of the media in uncovering or "creating" wrongful convictions is given separate consideration. Traditional institutional responses to wrongful convictions are evaluated, such as the efficacy of appellate review, Ministerial reviews under s.690, Royal Prerogative of Mercy, commissions of inquiry and the possibility of an independent tribunal designed and created to address wrongful convictions (as is the case in England with the Criminal Cases Review Commission). (To be offered jointly with LAW 679.)

### **LAW 860 Land Transactions**

Real estate represents the single greatest source of wealth for Canadians and Canadian businesses. It is complex with long standing historical roots. We will examine the agreement of purchase and sale which is the foundation of every real estate transaction, when is it enforceable, what should be in it, how it should be drafted and why, when to use conditions, promises or representations, how it is completed and what remedies are available for its breach. Other issues which will be examined include the land registration system, real estate agents duties, mortgages and other security, mortgage remedies, easements, title insurance, Planning Act, fraud and solicitor's opinions. Relevant case law will be reviewed. (To be offered jointly with LAW 460.) Three term hours.

### **LAW 861 International Investment Law**

The course introduces students to the international law governing foreign direct investment, as well as the domestic legal framework for foreign direct investment in Canada provided by the Investment Canada Act. International investment law regulates what states can do to restrict a channel the flow of investment into their markets, and it imposes standards for the treatment of foreign investors and investments once the investment has occurred. The course provides an in-depth discussion of the core obligations established by international investment law, in particular the disciplines relating to expropriation, the minimum standard of treatment, and non-discrimination. The course will also expose students to the debates that have engulfed

international investment law in recent years because of a perception that it unduly constrains governments' ability to safeguard the environment and pursue other public interests. The unique dispute settlement system established by many international investment treaties, whereby an investor can directly sue a host state for compensation in binding international arbitration, has attracted particular scrutiny. Canada has been a focal point of these debates. As a party to NAFTA, it has been a frequent respondent in disputes brought by US investors, and it has recently led the way, along with the European Union, in proposing a fundamental reform of the system of international investment arbitration through the establishment of a multilateral investment court. (to be offered jointly with LAW 437).

### **LAW 862 Collective Agreement and Arbitration**

The collective agreement establishes the legal framework that governs the ongoing relationship between the employer, the union, and the unionized workforce. Grievance arbitration is the special mechanism that provides for the enforcement of this framework. This course examines some of the most important areas of arbitral jurisprudence and the main areas of interface between the arbitral process and the general legal process. Examples of topics to be covered are discipline and discharge, seniority, management rights, the remedial powers of arbitrators, the impact of external legislation, and evidentiary and procedural issues. (To be offered jointly with LAW 562.) Three term hours.

PREREQUISITE: LAW 560 Labour Law

### **LAW 863 Trust**

The institution of the trust, involving the separation of the control (in trustees) from the beneficial enjoyment of property, is of foundational importance in our law. Trusts concepts and devices are employed in a variety of modern contexts and are also increasingly used in commercial transactions. This course will cover basic doctrine and explore selected areas in further detail: for example, the nature of a trust; formal requirements of trusts; constitution of trusts; secret trusts; trusts, powers and purposes; certainties; property-holding by unincorporated associations; trusts for charitable purposes; some aspects of trustees' powers and duties; variation of trusts; resulting and constructive trusts. (To be offered jointly with LAW 463.) Three term hours.

### **LAW 864 Municipal Law**

This course examines the structure, powers and functions of local government institutions in Canada. Among the particular questions to be examined are: What is the place of municipalities in the Canadian constitutional order? How are municipalities formed and how are their boundaries altered? How do municipalities address issues that have a regional scope? What are the mechanisms of land use control? The judicial, legislative and administrative responses

to these questions will be examined in light of normative debates about the nature and purposes of local government regulation. (To be offered jointly with LAW 465).

### **LAW 865 Comparative Labour Law**

Through a study of some of the major differences between the Canadian and Western European systems of labour law and industrial relations, this course attempts to encourage a broader and more critical understanding of the Canadian system. (To be offered jointly with LAW 565.)

PREREQUISITE: LAW 560 Labour Law or permission of the instructor.

### **LAW 867 Employment Law**

The Supreme Court of Canada has acknowledged that the contract of employment is "unique", and governs a "special relationship" between the employer and the individual non-unionized employee. This course will explore central issues and themes in employment law, and will focus on the following topics: 1) the formation of the employment contract; 2) employee or independent contractor?; 3) who is the employer?; 4) the impact of legislation upon the employment relationship (The course will focus on employment standards, pay equity, and human rights legislation); 5) termination of the employment relationship including wrongful dismissal, just cause termination; 6) the rights and remedies available to employees (including a comparison of the federal statutory regime with the provincial regime). If time permits, there will be a discussion of issues pertaining to employees with disabilities including a discussion of the workers' compensation and occupational health and safety legislative regimes. (To be offered jointly with LAW 567.) Three term hours.

### **LAW 868 Copyright Law**

Why should you care about Copyright law? Most aspects of our culture and communication are affected by the law of copyright, from the entertainment we consume or contribute to, to the buildings we live in, to our written and visual exchanges, and our use of the internet, copyright is an integral part of our lives and affects how we as a society elate, educate, create, earn a living, or simply participate in meaning making through the exercise of our freedom of expression. The year 2012 was a turning point in Canadian copyright law with significant legislative reforms and five Supreme Court of Canada decisions (the "pentology") that will shape the trajectory of Canadian law for years to come. The Copyright Act extends a limited term of protection to original literary, dramatic, musical and artistic works as well as neighbouring rights in a performer's performance, a maker's sound recording, and a broadcaster's of communication signal. This course provides a brief introduction to the field of intellectual property in order to situate copyright in the policy framework of industrial and cultural property. The theoretical

rationales for and judicial understanding of the role and function of copyright are explored as means for examining the continued debates about the appropriate scope of rights, the need for limits, and the goal of "balance" to be given effect by copyright law and policy. The course is focused on two main issues: copyright subsistence and infringement, taking into consideration the difference between authorship and ownership, moral rights and economic rights, nature and extent of rights and the allowable exceptions, defences, and remedies (criminal and civil). How should copyright law evolve in the face of major technological shifts? We will also consider some of the legal means by which copyright is made to expand or contract in accordance with policy, through the use of internal doctrinal mechanisms such as the expression/idea dichotomy, the merger of expression with ideas, the allowable use of stock devices, and the freedom of users to deal fairly with copyrighted works, as with the new user generated content exception, all of which may give more or less effect to the public interest in expressive freedom and a vibrant public domain. Copyright theory will be tested against its application, with some attention to international aspects of protection for the impact on domestic law reform, including the new legal characterization of tampering with digital locks and technological protection measures as infringement. The big question we seek to answer in all instances is: have we got the "balance" right? (To be offered jointly with LAW 468.)

### **LAW 869 Advanced Intellectual Property**

This seminar will consider recent topics of controversy and political debate in the field of intellectual property and the protection of knowledge goods. The purpose of this course is to provide students with the opportunity to critically examine some of the normative and theoretical underpinnings for legally protecting intellectual contributions and to foster an understanding of how these rationales play out in terms of politics, policy development, and legal doctrine in specific substantive areas. These insights are relevant to the selected special topics that focus on the relationship of intellectual property protection with culture, communication, development, trade, human rights, and the tension between national objectives and international obligations. Students are expected to have some basic substantive knowledge in at least one area of intellectual property law and to be eager to critically engage with advanced "fringe" issues of IP. Topics vary from year to year but may include copyright protection for oral works and folklore, the use of intellectual property to protect traditional and indigenous knowledge, biodiversity, biopiracy, and biocolonialism, the politics of property in the human genome and the patenting of life, the growing anti-competitive uses of intellectual property and proliferation of "bad patents", farmer's rights to save seeds, the trade related aspects of intellectual property and implications of expanding



IPRs, trademark protection for geographic appellations, the special status of famous marks, and the effects of property fundamentalism on the promotion of progress in science and the useful arts. (To be offered jointly with LAW 469.) Three term hours.

#### **LAW 871 Immigration and Refugee Law**

This course will provide an overview of the theoretical, historical, constitutional and policy underpinnings of Canadian immigration law. We will consider the legislative reforms implemented in the Immigration and Refugee Protection Act across the full range of immigrant and refugee categories. Key jurisprudence as well as critical and comparative perspectives will be considered throughout the course. (To be offered jointly with LAW 471.) Three term hours.

#### **LAW 873 Corporate Taxation**

This is a transactional course which takes the students into the complexities of corporate and other business transactions. It will focus on corporate income taxation, but it will also cover partnership and trust taxation as alternative approaches to tax planning. Some attention will be paid to value-added and sales taxation, given the forthcoming federal reforms in sales taxation. (To be offered jointly with LAW 511.)

Three term-hours.

PREREQUISITE: LAW 508 Taxation; LAW 440 Business Associations recommended.

#### **LAW 874 Family Law**

An introductory course concerning the basic principles governing the formation, operation and dissolution of the family in Canada. Specific topics to be considered are validity and annulment of marriage, rights and obligations of persons who cohabit outside marriage, gay and lesbian relationships, domestic contracts, domestic violence, support, custody and access to children, the law of divorce and ownership, possession and division of matrimonial property. Most attention will be paid to the law applicable in Ontario, but where appropriate, references and comparisons may be made to developments in other provinces and countries. There is substantial similarity in the family law of Canada's common law jurisdictions. The primary focus of the course will be upon substantive legal principles, as developed by the legislatures and courts. Consideration will also be given to a variety of tactical, ethical, procedural and evidentiary issues as well as to questions of law reform. Tax implications of some situations will be discussed, but no background in this area is necessary. The psychological dynamics of matrimonial disputes will receive some attention as well. (To be offered jointly with LAW 520.) Four term hours.

#### **LAW 875 Advanced Family Law I**

The seminar will allow students to research a Family Law or Children's Law issue that is of particular interest to them. During the first few weeks, while students are conducting research for their presentations and papers, the instructor will make presentations and lead discussion on international and transnational aspects of family law. Following this initial set of classes, students will present and discuss their research with the class. (To be offered jointly with LAW 525.) Three term hours.

PREREQUISITE: LAW 520 Family Law.

#### **LAW 876 Children's Law**

The course deals with a number of related issues concerning the treatment of children and adolescents in the legal system. Tactical, ethical and policy questions are addressed, as well as substantive and procedural legal topics. We will also explore the role of lawyers in a variety of proceedings affecting children and adolescents. While the primary focus of the course is legal and process oriented, the legal issues must be seen in a multi-disciplinary context, as is reflected in the reading materials and the range of professionals who will visit the class as speakers. Lawyers, judges, social workers, probation officers, youth workers and others will be guest speakers. The major topics in the course are: (1) child welfare, including child abuse and neglect, focussing primarily on child protection proceedings, but also considering criminal law issues, such as those relating to child witnesses and corporal punishment; (2) adoption; (3) youth justice issues. Although all social and economic classes are affected by the issues raised in this course, many of the issues studied in this course tend to disproportionately affect those who are socially or economically disadvantaged in society, and, for example, issues of aboriginal status arise in each section of the course. This course may be of particular relevance to students with an interest in Criminal or Family Law, although some students take this course out of general interest. Many of the topics discussed are matters of considerable public controversy. (To be offered jointly with LAW 519.) Three term hours.

PREREQUISITE OR COREQUISITE: LAW 520 Family Law or permission of the instructor.

#### **LAW 877 Information Privacy**

This seminar focuses on the challenges of protecting information privacy against the threat of emerging technologies (such as biotechnology, internet communication technologies, information tracking technologies, biometrics, and surveillance technologies to name a few). Information has been central to the form and function of the knowledge economy and plays a vital role as between individuals and in relationship with the state, raising issues pertaining to its control, access, aggregation, storage, retrieval, use and dissemination. The new technologies operationally interrogate existing dominant conceptions of privacy and

introduce fresh areas of private contestation that question the need for a coherent theoretical framework. This course will survey the mixed regulatory mechanisms available for protecting information privacy in Canadian law, ranging from constitutional to statutory and common law protections, and will examine how normative conceptual understandings (and their tradeoffs) mediate new technologies, civil liberties, democratic values, public policy, law and reform efforts. (To be offered jointly with LAW 617.) Three term hours.

#### **LAW 879 Advanced Torts**

This seminar will provide students with the opportunity to explore tort law in greater depth. There will be in-class discussion on timely public issues, and we will examine the new conceptions of duty and causation that are currently emerging from decisions of the Supreme Court of Canada. Standard areas covered are defamation, class actions, vicarious liability, *ex turpi causa*, liability of public authorities, and the use of negligence as a mechanism for political change. We will also consider emerging actions in tort law relating to privacy and freedom of speech, along with novel duties in negligence such as negligent investigation and the duty to control the conduct of others. (To be offered jointly with LAW 339.) Three term hours.

#### **LAW 880 Legal Research Methods & Perspectives**

This seminar surveys the different theories and perspectives that inform current legal scholarship, and the range of research methods that can be applied to legal questions. Through readings, class discussions, and guest presentations, students will become familiar with the variety of research perspectives and methods, and will learn how to apply that knowledge to their own thesis research.

#### **LAW 881 Graduate Adv. Legal Research**

This mandatory Graduate Seminar will develop the research and writing skills of students. Students will be required in this course to give presentations related to their Graduate Research Project in progress. Three term hours.

#### **LAW 882 Legal Education & Pedagogy Seminar**

This optional Graduate Seminar will consider issues in legal education and pedagogy. There will be presentations by invited faculty members. Using materials, problems and simulated exercises, graduate students will develop skills in teaching law to both large classes and small seminars. Priority for enrollment will be given to LL.M. students, but a limited number of J.D. students may be admitted. (To be offered jointly with LAW 382).

#### **LAW 883 Social Science Research Methods Seminar**

This optional Graduate Seminar will consider how legal scholars, lawyers and judges use social science research. As the study of law and growth of legal scholarship becomes

more inter-disciplinary and cross-disciplinary, the need to deal with social science material is increasing. This course will have a mandatory component designed to teach students how to read, understand and work with the results of social science methodologies. There will also be an optional component which will give students an opportunity to learn how to use basic statistical methods. Priority for enrollment will be given to LL.M. students, but a limited number of J.D. students may be admitted. (To be offered jointly with LAW 383).

#### **LAW 884 Graduate Individual Supervised Project (GISP)**

Under faculty supervision, a student may be permitted to undertake an independent study. The nature of the work is to be agreed upon between the faculty supervisor and the student, but it will usually involve a significant written project (25-35 pages) or several shorter pieces of writing; The topic of this study may be a topic related to a graduate student's thesis or Graduate Research Project, but it may not duplicate that project. Graduate students may do more than one GISP.

#### **LAW 885 Private Law Theory**

This seminar will explore selected topics in the theory of the private law. Private law theory is concerned with explaining the nature and basis of the rights and obligations that issue from the law of contract, tort, restitution, and property. (To be offered jointly with LAW 315.) Three term-hours.

#### **LAW 886 Conflict of Laws**

Every civil litigator and private law solicitor should take this theoretically rich and practically useful course. "Conflict of laws" is the collective term given to rules that regulate foreign-ness in private disputes. Conflicts arise in every case that involves more than one province or more than one state. In particular, we will consider the rules that govern: (1) which court has jurisdiction to decide a dispute; (2) whether a foreign judgment will be recognized and enforced and, alternatively, whether a foreign proceeding can be restrained; and (3) which law applies to the merits of the dispute. Examples will be drawn from all areas of private law, including torts, contracts, property, succession, and family law. (To be offered jointly with LAW 550.) Three term hours.

#### **LAW 887 Patent Law**

Patents are essential to the protection of innovation in many industrial sectors including manufacturing, pharmaceuticals, aerospace and information and technology. A number of international and bilateral agreements seek to "harmonize" the patent protection available worldwide. Nations become signatories to such agreements, in part, in an effort to attract capital and jobs. This course will provide an overview of the Canadian law of patents for invention. We will review the historical development of patents for invention,



briefly discuss the interrelationship between patents and other branches of Canadian IP law such as trade secrets, industrial designs, integrated circuit topographies, plant breeder's rights, copyrights and trade-marks and consider the formalities of filing a patent application in Canada. We will explore the basic principles of the patent system in Canada, namely patentable subject matter, novelty, inventive step, utility and sufficiency of the patent specification and discuss the various mechanisms for modifying a granted patent. We will study the enforcement of one's rights, whether by action for infringement, by licence and assignment or by the Notice of Compliance regime in place for pharmaceutical products. Finally, we will briefly contrast differences in the patent procurement and enforcement schemes in place in the United States, Europe and Japan with those of Canada, as well as anticipated developments in patent law in the future, to the extent that time permits. (To be offered jointly with LAW 447.) Three term hours.

#### **LAW 888 Administrative Law**

**FALL SESSION:** This course will provide an introductory overview of administrative law - which principally concerns the legal regulation and judicial supervision of the executive branch of government. The course will examine issues such as the content of procedural fairness, substantive compliance with statutory mandates, and the dilemmas associated with the judicial review of discretionary decision making, all in the context of a broad range of substantive areas of law including labour relations, municipal planning and zoning, constitutional, environmental, immigration, banking, and securities law, among others. The appropriate relationship between courts and administrative tribunals and officers is an overarching concern. Students will develop an understanding of the executive and administrative processes of government and will appreciate some of the design or structural problems in creating a system of public interest decision-making which is efficient and effective while recognizing valued individual interests and rights. **WINTER SESSION:** The primary focus of the course will be on the relationship between the courts and the executive and administrative branches of government; and on the role of judicial review of administrative action in the Canadian constitutional and governmental framework. In this context, the course will examine in detail the major bases for judicial review of administrative action - ultra vires action, jurisdictional error, abuse of discretion, error of law and procedural unfairness. As well, the various remedies, both common law and statutory, for unlawful administrative action will be considered. It is also the intention that, from the cases and other materials studied, the student will develop a better understanding of the executive and administrative processes and will appreciate some of the design or structural problems in creating a system of public interest decision-making which is efficient and effective and which recognizes and gives

scope for valued individual interests and concerns. (To be offered jointly with LAW 427.) Four term hours.

#### **LAW 889 Business Finance**

This seminar will examine the public interest and the lawyer's role in assisting an enterprise to raise money to finance its existing or proposed activities. The legal entity or entities which may be used to carry on the enterprise and raise the money, whether an individual, partnership, private corporation, public corporation, not-for-profit corporation, co-operative, trust or combination of entities, and the consideration to be given in exchange for the money, will be reviewed. Sources of money, including family, friends, community, governments, fourth pillars, angels, venture capitalists, mutual funds, pension funds, banks, insurance companies and other financial institutions, and the manner in which investments by them may be structured and regulated, will be analyzed through seminar presentations. The seminar will include both theoretical review and the application of theory to case studies. Seminars will include introductory lectures (it is assumed students do not have undergraduate degrees in business or finance), and student-led presentations and discussions of third party materials and their own work. (To be offered jointly with LAW 512.) Three term hours.

**PRE-REQUISITES:** LAW 440 Business Associations AND LAW 448 Securities Regulation

#### **LAW 890 International Labour Law**

The course focuses on international labour law as a response to globalization. It will introduce students to the main legal and policy issues surrounding labour law in the international context. Topics will include the multilateral system of workers' rights (the International Labour Organization and international human rights conventions), regional systems of worker rights (the European Union, the NAFTA), the relationship between labour standards and international trade law, and corporate social responsibility and codes of conduct as alternatives to international legal regulation of work. (To be offered jointly with LAW 559.) Three term hours.

#### **LAW 891 Law and Economics**

Law and Economics has become a highly influential lens through which law is conceptualized and analyzed. Economic analysis provide one means of critically examining the way that law functions and thinking about how we might want to design laws to better achieve the social objectives that underpin them. This course will involve both study and critique of the law and economics approach. The course will introduce students to the central tools and concepts of law and economics. We will begin with a brief introduction to some basic economic theory and move on to study the application of law and economics analysis to particular problems in a variety of substantive legal

domains. Applications in the area of property, tort, criminal, environmental law, equality rights, and operation of the legal system, among other substantive domains, will be considered. (To be offered jointly with LAW 328). Three term hours.

### **LAW 892 Legislation & Statutory Interpretation**

Statutes are a very important source of law. Nevertheless, in the study of law, we spend much more time learning about cases and seeking to understand judging than reading legislative debates and seeking to understand legislating. This course explores several topics concerning legislatures and statutory interpretation. We will start with a discussion of the ideas of democracy, constitutionalism, deliberation, and interpretation. We will then explore the dialogue between courts and legislatures. In the last part of the course, we will explore some practical implications of our theoretical analysis, in the field of statutory interpretation, which would be useful for lawyers-to-be. For example: How shall we interpret statutes? Based on their text? Their purpose? The intention of the legislators? The first part of the course involves lectures on the legislative process, on the various concepts required for the study of legislatures, and on statutory interpretation. The second part includes presentations by students of their paper idea, work in progress, or draft paper (depending on how much progress they have made on the paper by the time of their presentation.) The presentation will be fail safe and will not count if the paper's grade is higher than the presentation grade. (To be offered jointly with LAW-222.) Three term hours.

### **LAW 893 Law and Philosophy**

This seminar in general jurisprudence explores the foundations of law. Students will have the opportunity to participate in a wide range of jurisprudential discussions, drawing on moral and political philosophy. The syllabus includes coverage of persistent foundational questions in the philosophy of law, which may include: community, justice, rights, authority, positive law, obligation, and their interrelationships. This seminar complements LAW310 Jurisprudence, but that course is not a prerequisite and no prior philosophical training is required. (To be offered jointly with LAW 309). Three term hours.

### **LAW 894 Advanced Issues in Contract Law**

Contracts and the law that governs them are fundamental to economic life in our society, and there is scarcely an area of legal practice in which issues of contract law do not figure. The first-year course in Contracts provides students with an excellent grounding in the subject. Advanced Contract Law builds on the foundations laid in first year, broadening and deepening the student's knowledge of this richly-textured subject. The course will cover a selection of advanced issues in contract law that cannot be dealt

with in any detail in a first course in the subject. Examples of topics that may be covered in any given year include: illegality; agency; assignment; contractual construction; good faith; implied terms; paternalism and the problem of standard forms; unconscionability; economic duress; the interaction of contract with tort and restitution; the estoppels (equitable; conventional; in pais; proprietary). The course will be structured around readings drawn primarily from cases decided by common law courts here and abroad, and also from the scholarly literature. (To be offered jointly with LAW 458.) Three term hours.

**PREREQUISITE:** Students may enrol in Advanced Issues in Contract Law only if they have successfully completed first-year courses in Torts, Property, and Contract Law.

### **LAW 895 Wills and Estate Planning**

An introduction to the basic tools of property disposition and management. The first part of the course will focus on the alternatives to testate succession such as gifting, inter-vivos trusts, life insurance, intestate succession, etc. The second part of the course will concentrate on testate succession and various doctrines applicable to wills. Topics such as testamentary capacity, due execution, revocation, various types of beneficiaries, etc. will be considered. The third part of the course will deal with administration of trusts and estates. Such topics as fiduciary duties, even-handedness between beneficiaries, accumulations, etc. will be considered. The course will also deal with taxation issues with respect to the various aspects of estate planning. (To be offered jointly with LAW 462.) Three term hours.

### **LAW 896 Criminal Procedure**

Procedural dimensions of the criminal justice system are critically examined. The pervasive impact of the Charter is fully integrated and assessed. The pre-trial section includes police power to search and arrest, legal and illegal police discretion, show cause hearings (bail), the right to counsel, prosecutorial powers and discretion and plea bargaining. Trial topics are jurisdiction, election, formal objections, joint trials, pleas, the doctrine of included offences, double jeopardy, preliminary inquiries, direct indictment, discovery and the unique features of trial by jury. At the post-trial stage, sentence and appellate options and the prerogative writs are briefly explored. (To be offered jointly with LAW 404.) Four term hours.

### **LAW 897 Graduate Paper**

Graduate Paper (35-40 pages in length – about 9,000-10,000 words) under the supervision of a faculty member on a topic to be mutually agreed.

### **LAW 898 Substantial Graduate Research Project**

Substantial Graduate Research Project (50 -70 pages in length – about 13,000-18,000 words) under the supervision of a



faculty member, and normally within one of the advertised areas of Masters in Law Graduate Concentration. Upon completion, the student will submit the Research Project to a faculty evaluative Committee consisting of three members (including the supervisor).

#### **LAW 899 Master's Thesis Research**

A Masters Thesis (not to exceed 35,000 words) written under the supervision of a faculty member, and within one of the advertised areas of Masters in Law Graduate Concentration. Upon completion, the student will defend the thesis before a Committee of the School of Graduate Studies composed of the student's supervisor, a professor from Law and a second professor from Law or a professor from another department at Queen's and the Chair.

#### **LAW 900 Public Health Law**

Public Health Law has emerged recently as a distinct field, as the threat of contagious diseases such as SARS has grown with globalization, and as tobacco, food and drug-related illnesses, and the environment have been recognized as significant factors affecting human health. This course examines the role of law in promoting public health and its core value of social justice. Collective protections such as those found in the revised International Health Regulations will be examined in relation to individual rights, including rights to the benefits of such health promotion activities. By analyzing such questions as mandatory immunization, advertising limitations, compulsory disclosure of personal information, quarantine and the use of emergency powers to counter biological warfare, the course explores the intersection of health, law and policy, provides a foundation of legal understanding of Canadian and global health law, and assesses the legal role in promoting the fair and equitable conditions necessary for public health. (To be offered jointly with LAW 304.) Three term hours.

#### **LAW 901 Occupational Safety, Health and Workers' Compensation Law**

Workplace health is a principal concern of industrial relations practice and generates considerable risk and liability for organizations. This course examines occupational safety and health (OSH) and workers' compensation law, policy, administration and compliance. With a focus on industrial relations practice, the course addresses the purpose, economic rationale, business value and human resource implications of how the state regulates health in the workplace. The course examines occupational safety and health and workers' compensation systems, addressing such issues as OSH standards, due diligence, prosecutions, workplace injury and disease (for example, cancers and SARS). (To be offered jointly with LAW 681.) Three term hours.

#### **LAW 907 Law and Sexuality**

This interdisciplinary seminar will focus on the legal status and civil rights of lesbian women, gay men, and other sexual minorities in Canada and other countries. It will include a consideration of employment law, estate planning and property rights of lesbians and gays, domestic law relating to same-sex relationships and partnership benefits, violence against lesbians and gays, race, gender and discrimination/constitutional law. The emphasis in the seminar will be on the development of a multi- and interdisciplinary perspective on this area of study, and will employ traditional research resources as well as emerging computer resources in the collection of materials. The course will be suitable for non-law students who have an interest in the contemporary or historical status of lesbian women, gay men and other sexual minorities, and previous study of law will not be required for enrolment. (To be offered jointly with LAW 516.)

#### **LAW 914 Graduate Legal Studies Forum I**

The Graduate Legal Studies Forum aims to expose graduate students to a diverse range of approaches to and topics in legal scholarship. Students will attend and participate in a minimum of eight seminars per term presented by visiting scholars and Queen's faculty. The class will also meet as a group with the course instructor two to three times per term. The Graduate Legal Studies Forum is designed to develop the students' skills as critical and reflective legal scholars. Emphasis will be placed on cultivating proficiency in rigorous scholarly criticism through written and oral engagement with cutting-edge legal scholarship. Students will develop in their appreciation for the methodological diversity of legal scholarship, in their ability to evaluate arguments by leading thinkers in a variety of legal disciplines, in their ability to actively engage with scholars in a seminar setting, and in their facility with presenting their own scholarship to peers. Enrolment in LAW 914 is restricted to graduate students. Graduate students from outside Law require permission of the instructor. Subject to enrolment, course will be offered annually in the Fall and Winter Terms beginning Fall 2014. (3.0 credit units)

#### **LAW 915 Graduate Legal Studies Forum II**

The Graduate Legal Studies Forum aims to expose graduate students to a diverse range of approaches to and topics in legal scholarship. Students will attend and participate in a minimum of eight seminars per term presented by visiting scholars and Queen's faculty. The class will also meet as a group with the course instructor two to three times per term. The Graduate Legal Studies Forum is designed to develop the students' skills as critical and reflective legal scholars. Emphasis will be placed on cultivating proficiency in rigorous scholarly criticism through written and oral engagement with cutting-edge legal scholarship. Students will develop in their appreciation for the methodological diversity of legal



scholarship, in their ability to evaluate arguments by leading thinkers in a variety of legal disciplines, in their ability to actively engage with scholars in a seminar setting, and in their facility with presenting their own scholarship to peers. Enrolment in LAW 915 is restricted to graduate students. Graduate students from outside Law require permission of the instructor. Subject to enrolment, course will be offered annually in the Fall and Winter Terms beginning Fall 2014. (3.0 credit units)

#### **LAW 916 Colloquium in Legal and Political Philosophy**

This Colloquium course explores new work in legal and political philosophy. Once every two weeks, a legal, moral, or political philosopher will present a paper falling within the general boundaries of the Colloquium's ambit. In alternate weeks, students will meet with the Colloquium convenors to prepare for the forthcoming session, examining the paper in depth.

PREREQUISITE: permission of the instructor.

#### **LAW 921 Pensions and the Law**

Pension law is a growing field and one that intersects with many different areas of law including labour and employment, human rights, trusts, tax, contract, tort, agency, bankruptcy, family, administrative and regulatory law. It is also an exciting time as pension legislation across Canada is being reformed in an attempt by governments to balance the need for individuals to have retirement income security with the need to make offering a pension plan viable for employers. Pension policy continues to make headlines as governments address the public and private pension systems, the pensions of public sector employees, and as workplace pension and benefit issues continue to be a focus in collective bargaining and corporate insolvencies. The purpose of this course is to introduce students to the various legal issues relating to the design and operation of Canadian pension and benefit plans. (To be offered jointly with LAW 564). Three term hours.

#### **LAW 941 International Humanitarian Law**

International humanitarian law (IHL) is a set of rules which seek, for humanitarian reasons, to limit the effects of armed conflict. It protects persons who are not or are no longer participating in the hostilities and restricts the means and methods of warfare that belligerents may use. International humanitarian law is also known as the law of war or the law of armed conflict. IHL is related to other fields of public international law, in particular to International Criminal Law and to International Human Rights Law. Because IHL purports to regulate the conduct of hostilities, it must, in order to remain relevant, be inherently flexible and fluid in its development. This seminar course explores the evolution and operation of IHL from its ancient roots through to contemporary armed conflicts. The primary focus of this

course will be to understand how and why IHL has evolved; use that understanding to analyze how it addresses the challenges posed by the complex nature of contemporary armed conflict; and assess how new legal approaches might be used to provide enhanced protection to victims of armed conflict. (To be offered jointly with LAW 549.) Three term hours.

PREREQUISITE: Public International Law

#### **LAW 964 Intro to Public Intl Law**

This course will provide an introduction to public international law for students in the Public International Law stream. In the first week of the course, which may be taken jointly with the students in the International Business Law stream, students will be introduced to the core concepts and principles of international law, including the sources of international law, the subjects of international law, and the concept of jurisdiction. In the second week of the course, the students will explore legal rules and institutions that provide important context for the subject matters covered in the remainder of the program, including the law on the use of force, arms control, state responsibility, jurisdictional immunities, and economic sanctions. The work of the United Nations as well as the practice of the Canadian government will receive particular attention. (To be offered jointly with Law 670. Offered only as part of the Law Faculty's summer International Law Programs, held at the Bader International Study Centre in the UK.)

#### **LAW 965 Intro to Intl Business Law**

This course will provide an introduction to public international law for students in the International Business Law stream. In the first week of the course, which may be taken jointly with the students in the Public International Law stream, students will be introduced to the core concepts and principles of international law, including the sources of international law, the subjects of international law, and the concept of jurisdiction. In the second week of the course, the students will explore legal rules and institutions that provide important context for the subject matters covered in the remainder of the program, including the international financial architecture, international taxation, and the related work of the World Bank, the OECD, the IMF and the United Nations. (To be offered jointly with Law 673. Offered only as part of the Law Faculty's summer International Law Programs, held at the Bader International Study Centre in the UK.)

#### **LAW 966 Law, Armed Conflict & Intl Crimes**

This course introduces students to the law governing the conduct of armed conflict and to the crimes for which individuals incur individual criminal responsibility under international law, including war crimes, crimes against humanity, and genocide. The law of armed conflict, or



international humanitarian law, is a set of rules which seeks to limit the effects of armed conflict. It protects persons who are not or are no longer participating in hostilities and restricts the means and methods of warfare that may be employed by parties to a conflict. International humanitarian law faces a number of challenges in contemporary armed conflicts, which differ significantly from the types of conflicts that were prevalent when this body of law was first developed. A recent approach to addressing certain violations of international humanitarian law has been the establishment of international criminal tribunals and mixed international / domestic tribunals tasked with prosecuting individuals allegedly responsible for serious violations of international humanitarian law and other serious international crimes. The first part of the course will examine the history, principles, operation and application of international humanitarian law. The second part of the course will focus on the development of the law applicable to individual criminal responsibility, immunity, substantive elements of crimes, and certain modes of liability under international criminal law. (To be offered jointly with Law 664. Offered only as part of the Law Faculty's summer International Law Programs, held at the Bader International Study Centre in the UK.)

#### **LAW 967 Intl Protection Human Rights & Refugees**

The course provides an introduction to the international law of human rights and to the more specialized protections applicable to refugees, as well as the interrelationship between these bodies of law. The aim of the course is to provide the students with a coherent framework for understanding the instruments and mechanisms through which international law protects the fundamental rights of every human being as well as those of particularly vulnerable groups, such as refugees. In discussing the various facets of the international human rights and refugee protection regimes, emphasis will be given to their conceptual foundations, their enforcement at the international, regional and domestic level, as well as their practical implications and current challenges. Specific attention will be given to the institutional features of the human rights regime, including at the regional level (Organisation of American States), the reception of international human rights law into the Canadian legal system, and the relationship of human rights and refugee law to related areas, such as humanitarian law and international criminal law. (To be offered jointly with Law 665. Offered only as part of the Law Faculty's summer International Law Programs, held at the Bader International Study Centre in the UK.)

#### **LAW 968 International Commercial Law**

The course introduces students to the law governing international business transactions as well as the different

forms of dispute resolution that are open to the parties in such transactions. The first part of the course focuses on the rules governing the international sale of goods and the financing of international business transactions. We will discuss the considerations that inform the parties' choices of the law that will govern their transactions, with a particular focus on the options provided by the United Nations Convention on the International Sale of Goods. The course also provides an overview of other forms of international transactions, such as bank finance transactions. The second part of the course introduces the students to different forms of dispute resolution, including mediation, international litigation, and arbitration, with a focus on commercial arbitration. Students will gain an understanding of the intersection of international law, national law, and private contract that comprises the governing regime for this important means for the resolution of international business disputes. Specific topics include the drafting and enforcement of arbitration agreements, the laws applicable to different aspects of the arbitration, the jurisdiction, composition and powers of the tribunal, confidentiality, interim measures, the conduct of the hearing, and the recognition and enforcement of arbitral awards. (To be offered jointly with Law 666. Offered only as part of the Law Faculty's summer International Law Programs, held at the Bader International Study Centre in the UK.)

#### **LAW 999 Ph.D. Thesis Research**

Doctoral research in law under the supervision of a law faculty supervisor and a supervisory committee consisting of two other faculty members (one of whom may be from a university department or faculty outside the law faculty).