

## Instructor Course Descriptions

2024-2025

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

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

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

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

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

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

### **Required Courses**

#### **Law 503: Administrative Law (Olszynski/Zaidi – Fall Term)**

Administrative law governs the exercise of public authority. It is a set of rules and principles that regulates the relationships between branches of government and between the government and individuals. It addresses questions such as:

- What rights do individuals have when they receive government services?
- How can individuals vindicate those rights?
- How do governments create decision-making bodies such as agencies, boards, and commissions?
- What are the legitimate ways in which government bodies can exercise the authority granted them (usually by statute)?
- How can courts review the decisions of other government bodies?

Administrative agencies, boards, and commission are a pervasive part of contemporary Canadian life. They are the principal means by which the government acts and implements its programmes and policies.

A lawyer practicing administrative law might appear before the National Energy Board, the Canada Radio and Telecommunications Commission, the Copyright Board, the Alberta Energy Regulator, human rights tribunals (both federal and provincial), landlord-tenant boards, municipal zoning boards, or any number of other government agencies, which translates into a

very diverse field. This course will focus on an element that ties many of those areas of practice together: the judicial review of administrative decisions.

## **Law 503            Administrative Law (Harding/MacArthur-Stevens – Winter Term)**

Administrative law is everywhere: it is in every aspect of Canadian life subject to government regulation and every related area of legal practice. These include approving pipelines in the public interest, refugee asylum claims, decisions affecting incarcerated persons, electricity infrastructure and markets, landlord and tenant disputes, professional regulation, employee human rights complaints, tax audits, competition and securities law, and restaurant, liquor store, or cannabis retail business licensing.

Administrative law deserves a re-brand as "Advanced Constitutional Law". Just as constitutional law limits the power of the legislative branch of government, administrative law governs and limits the powers of the executive branch. The course offers an introduction to this rich area of law, which governs the exercise of all public authority. In this course we will study the tools and concepts you need to engage with the Canadian administrative state on behalf of your clients, across many areas of legal practice. We will explore the following topics:

- Canada's constitutional and administrative structure;
- Independence, impartiality, and bias in the Canadian administrative state;
- Procedural fairness before administrative tribunals;
- Judicial review of administrative decisions; and
- What it means for all state power to be exercised fairly and reasonably, as required by law.

The course engages the theoretical and doctrinal underpinnings of administrative law, while also infusing practicality and real-world application of the central concepts. The course is taught by Brynne Harding and Brendan MacArthur-Stevens:

- Brynne is a litigation and public law lawyer at Bennett Jones LLP, with a background in tax litigation and administrative law. After law school, Brynne was a law clerk for Justice Marshall Rothstein at the Supreme Court of Canada; and
- Brendan is a litigation lawyer at Blake, Cassels & Graydon LLP. His practice encompasses a number of areas, including appellate litigation, constitutional and administrative law, and commercial disputes. Prior to entering private practice, Brendan clerked for the judges of the Court of Appeal for Ontario and then for Justice Karakatsanis at the Supreme Court of Canada.

### Evaluation

Assessment will be based on one final examination worth 100% of the final grade. Students may elect to complete an optional essay, worth 30% of the grade. If such an election is made, the final examination will be worth 70% of the final grade.

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

Law 505 introduces students to the law of civil procedure governing Court actions commenced in Alberta, with a focus on actions in the Court of Queen's Bench. The intent of the course is to develop practical lawyering skills and foster an understanding of the applicable law relating to the commencement and management of civil disputes from commencement up to (but not including) trial. The course will cover both substantive and procedural law, including the *Alberta Rules of Court* (and related jurisprudence), and practical and procedural strategies for litigators in Alberta, as well as jurisprudence in related areas such as jurisdiction and professional responsibility obligations related to the conduct of an action.

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

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

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

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

The law of Evidence is then about how you determine what facts you can or should use to support your case, how you get those facts (the evidence) admitted at trial, and how you marshal them to your advantage. It is also about countering the facts that you do not like – either by undermining their reliability, their importance, and/or ensuring that they are not admitted at all.

For this reason, Evidence is indispensable for any future litigator. It is also indispensable for solicitors as they set the facts down that litigators will subsequently use at trial. The law of evidence informs legal analysis every step of the way.

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

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

## **Law 507: Evidence (Code - Fall Term)**

At its simplest, evidence is about proof. In studying it, we examine what lawyers, and their clients can and cannot use in a trial to persuade a trier of fact, whether judge or jury, to make a finding of fact in their favour and then to draw inferences from those facts that lead to success in the cause. In a trial, civil or criminal, the evidence upon which such a decision will be made consists of a mixture of facts that: 1) are true; 2) might be true; 3) appear to be true; and 4) are false or might be false but are found to be true, fair, or just.

Truth, fairness, and justice are not synonyms. Justice or fairness often require that the truth, that is, evidence known to be factual, reliable, or real, be excluded from the court record. Truth-seeking is a central judicial function, but a just result does not purport to be the truth. The common law trial is a process designed, substantively, to resolve disputes in a way that reflects the relative importance of the sometimes-competing values of truth, justice and fairness. To do so, the trial court must make findings and decisions that constitute something like the truth to deliver something like justice.

The law of evidence is an intellectual discipline, difficult both practically and theoretically, that organizes modes of inference and judgment, establishes principles, rules, and guidelines, employs judicial discretion, relies upon morals and values, and tries to eliminate prejudices, all in order to permit a judge and jury to decide a case in a manner that is just and that maintains and promotes both the integrity of our legal system and its legitimacy in our community.

In this course, students will be introduced to, and be asked to discuss and debate, the basic principles of the law of evidence and will establish the ability to think through problems of proof, how to resolve them, and how to construct evidentiary arguments, for and against.

The ability to use evidence law to argue for or against admissibility is the prime aim of the course. The “Law” of Evidence is ever-changing. Knowing certain cases now will be of no value, in some contexts, even six months from now. Therefore, knowing the factual and substantive content of the cases is of less importance than is the ability to use the things said and decided in the cases generally to develop an argument, a legal skill that will always be of service to you, wherever you end up in your careers.

A difficulty in evidence is that most leading cases involve murder, sexual assault, and other violent crimes. Once called to the bar, you will have a choice whether to continue to read and think about such matters, prosecute them, defend them, or ignore them. Here, we have no choice. Since we must read about things we might rather not, it is essential that we attempt simply to be clinical about Evidence Law's sources, and to discuss the facts as do the judges writing them - without fear, censure, or embarrassment.

### **Objectives**

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

### **Evaluation**

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

*Brett Code, K.C., is a litigator, arbitrator, and investigator who has practiced corporate, commercial, securities, professional conduct, construction, employment, and other litigation since 1993. He is a partner at Tingle Merrett LLP. Brett has taught Evidence since 2009, except for 2016-18. He was a sessional instructor and an Adjunct Professor at the Faculty of Law from 2001 to 2015. He has taught Corporate Governance, Business Associations, Civil Procedure, and Evidence. In 2009, he was awarded the Howard Tidswell Award for Teaching Excellence by the Faculty. He is a former Benchler of the Law Society and taught ethics and professional responsibility at CPLED and the prior Bar Admission courses, for many years.*

## **Law 507: Evidence (Hunter-Loubert – Winter Term)**

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

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

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

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

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

Lawyers negotiate. No matter what area of practice or what type of clients, lawyers are required to negotiate in different contexts and roles. However, developing effective negotiation and dispute resolution skills takes time and effort. Lawyers must learn to balance client expectations (reasonable and unreasonable), the law, emotionally charged environments, difficult personalities, and cross-cultural complexities. Negotiation can also present unique

challenges by operating outside of the strict timelines and procedures found in the litigation context.

This performance-based 3-week intensive course, which is a key part of the Calgary Curriculum in second year, will provide students with a solid theoretical and practical foundation for becoming an effective negotiator, and, as a result, a well-equipped lawyer. The first part of the course will begin by providing students with grounding in negotiation and dispute resolution theory and thinking, including exposure to interest-based negotiations and different dispute resolution process options. Through various exercises, each student will learn to apply ethical reasoning skills, improve cultural sensitivity, and navigate the complexities of multiparty contexts. The course will also look at the use of unregulated professions such as mediators, and other non-lawyer professionals.

The second part of the course will use a problem-based learning approach to challenge students to determine salient issues, apply the law, and negotiate a settlement or advise a client on their options. Using hypothetical legal problems, students will engage in two different multi-day mock negotiation exercises in small teams. To simulate a real-world environment and provide practical feedback, negotiations will take place in the presence of practitioners from the Calgary legal community. Through this approach, students will learn to distinguish between the different process options and negotiation styles, particularly regarding areas such as rights-based and interest-based negotiation, facilitative and evaluative mediation, collaborative law, non-adversarial contractual negotiations, negotiation within an adversarial process, and multiparty public policy negotiations.

Throughout the course, students will be frequently engaging in activities such as negotiation simulations and role plays, interviewing, group work, short writing and drafting activities, and cultural competency exercises, in addition to the problem-solving cases. The exercises will require students to develop effective communication skills, to navigate difficult conversations, to interview clients, and to effectively prepare for negotiation.

Students will be assessed on a CR/D/F scale and evaluation will be based on a mix of exercises and assignments. Attendance (which is mandatory) and participation will be a significant part of course grading, including students' thoughtful preparation and engagement in simulation exercises. A substantive drafting exercise will also form a significant part of the grade.

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

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

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

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

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

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

Law 510 introduces students to issues of lawyers' ethics and professional responsibility. The primary purpose of the course is for students to become competent at ethical reasoning in the context of legal practice and in particular practice contexts. What are the different professional dilemmas confronting in-house lawyers as compared to lawyers at a law firm or sole practitioners? What are the ethical issues facing crown prosecutors? How are these similar and dissimilar to the ethical issues facing criminal defence lawyers? The course will cover selected topics in "the law governing lawyers" including the Law Society of Alberta's *Code of Professional Conduct*, law society disciplinary decisions, case law arising from the inherent jurisdiction of the court over its own processes, and case law relating to the application of the law of fiduciary obligations, negligence, and contract to lawyer-client relationships.

Law 510 will also address the general question of what it means to be an ethical lawyer, and how the answers to that question are incorporated into a lawyer's assessment of how to respond to specific ethical problems that arise in legal practice. The course will explore the tensions between the concept of the ethical lawyer and the personal, business, and economic constraints of law practice. The course also introduces students to the regulation of the legal profession. It will cover selected topics relating to the regulation of the legal profession including reasons for regulation, access to justice and the proper extent of regulation.

Subject to approval, it is anticipated that evaluation will be based on an advising memo (30%), Mid-term exam (20) and a final exam (50%). Also, the course may likely entail a blend of synchronous (real-time) and asynchronous learning activities.

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

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

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

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

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

### **Instructor:**

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

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

This course develops core lawyering competencies through the practice of advocacy. Students will engage with fundamental trial skills in the context of a complex civil or criminal case. **Students have the option to register for either the CIVIL or CRIMINAL advocacy section. Please note that the Civil Section includes a fact pattern that involves suicide. Students who may find this topic uncomfortable are advised to consider registering for the Criminal Section instead.** The course, as a capstone to the final year of law studies, utilizes and applies

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

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

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

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

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

## **Optional Courses**

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

The course explores the common forms of business organization and their legal underpinnings, including agency, partnerships, limited partnerships, and corporations, with a focus on shareholders' and directors' rights and responsibilities.

Understanding the legal character of business organizations, and their associated issues, is an essential skillset in all areas of legal practice. The course topics include: formation of the organization, agency law, fiduciary duties and relationships, corporate liability, shareholder suits, securities law issues, remedies, and the role of the corporation in an increasingly interconnected world.

#### Method of Evaluation:

Course grades will be determined by a class participation grade (10%), and one of two options for the remainder of the evaluation:

**Option A:** Final Examination (90%)

**Option B:** Research Essay (90%)

Note 1 – Research essay must be 8,500-10,000 words (including footnotes but excluding bibliography).

Note 2 – Research essay is due December 15, 2024.

Note 3 – Must opt-in for this option in writing by November 15, 2024.

Where a student elects Option B, the research paper must be typewritten and double-spaced with 12 point font. Citations must conform to the Canadian Guide to Uniform Legal Citation (Toronto: Carswell, 10<sup>TH</sup> ed). Research papers will be evaluated on the basis of organization, citations and referencing, depth and originality of analysis, and clarity of expression. Students may write on any topic or issue involving agency, partnerships and corporations, including topics covered in the Syllabus. However, students must seek and obtain the instructor's written approval prior to commencing research on their chosen topics. **NB: The use of AI tools such as ChatGPT, Bard, etc, to generate text and/or assist with the drafting of the research paper, will be not considered to constitute original writing for purposes of this research paper. Original writing is a mandatory requirement.**

The Class Participation Grade will be reduced if there is a violation of the following rule: A student can be absent from one (1) class during the semester without any deduction. However, to obtain this excused absence, the student must send an email to the instructor prior to class, which explains the absence.

Any absences beyond the one permitted absence will result in a reduction of the Class Participation Grade unless student has received prior written permission for the absence from the instructor, such approval to be given at the sole discretion of the instructor and limited to serious and unavoidable circumstances.

Note: one violation of the above rules can result in a loss of one-half of the student's total participation grade and a second violation can result in a loss of the remainder of the student's total participation grade. The ultimate amount of deduction for each violation will be left to the discretion of the professor.

Upper-Year Writing Requirement:

The research paper in Option B can be used to satisfy the Faculty's upper-year writing requirement.

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

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

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

#### *Course Objectives*

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

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

#### *Evaluation*

Evaluation will likely be based upon: (i) preparation for and participation in class (including two short reflective journal entries based on assigned readings); (ii) skill-building activities conducted during class time; and (iii) a factum focused on an assigned fact pattern, which will

be due on the last day of classes (60%). This factum will be written with reference to course materials only and will not satisfy the Upper Year Writing Requirement.

### *Biography*

Kelsey Sitar is a Calgary-based criminal defence lawyer who maintains both a trial and appellate practice focused on large-scale investigations and serious violent crime. Her areas of interest are search and seizure, the impact of technological advancements on criminal prosecutions, drug policy, and the role of race in the criminal justice system.

## **Law 515: Family Law (Griffith – Fall Term)**

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

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

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

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

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

answers, students will gain a theoretical understanding of the law while sharpening the reasoning, communication, and writing skills essential to the practice of law.

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

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

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

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

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

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

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

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

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

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

Bankruptcy and insolvency law introduces students to issues in bankruptcy and insolvency law, as well as restructuring law, both of which have become fundamental aspects of commercial and consumer laws in the last several decades, nationally and internationally. The purpose of this course is for students to become familiar with the *Bankruptcy and Insolvency Act* and gain an awareness of the economic and social issues and public policy that influence bankruptcy and insolvency law. The course will also examine aspects of the *Companies' Creditors Arrangement Act*, the *Fraudulent Preferences Act*, the *Fraudulent Conveyances Act*, the *Personal Property Security Act* and the *Canada Business Corporations Act*.

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

This course will satisfy the upper year writing requirement.

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

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

Tax law impacts everyone. This course will equip students with an understanding of the fundamentals of the Canadian personal income tax system. We will explore the structure of the Income Tax Act (the "Act") as it relates to the determination of income for tax purposes, the subsequent determination of taxable income, and the determination of tax payable by individuals. There will be a focus on the rationale underpinning each part of the Act we explore, and on the difficulties in categorizing even the most common economic relationships and

transactions for the purposes of applying a tax system that is equitable, efficient, and simple. The concepts learned in this course will have potential use in students' personal and professional endeavors. They will provide students with the analytical tools necessary to make more informed decisions about some personal financial matters and identify areas where more advanced tax expertise is necessary for personal matters and for future clients.

Students will discover that, like in other areas of law, there are some tax questions for which there is no clear answer. Students will, however, learn the principles to be applied in determining residence, income from employment, income from business or property and capital gains and losses. This course will also be fundamental to future learning in the International Tax, Corporate Tax, and Estate Planning courses.

The course will include short, prerecorded podcasts, instructor led lectures and in-class group discussion problems.

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

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

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

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

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

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

### **Law 531: Environmental Law (Fluker - Fall Term)**

This course will provide students with an understanding of key topics in environmental law and policy in Canada. Topics may include environmental ethics, environmental regulation, compliance and enforcement in environmental law, constitutional and jurisdictional dimensions of environmental law, public participation in environmental decision-making, environmental assessment, environmental torts, and the application of international environmental law in Canada. Particular attention will be given to biodiversity and climate law and policy in Canada. Case law, case studies, commentary and source documents will be used to illustrate the

application of environmental law to current issues in Canada. The course is primarily doctrinal, with class discussions and materials focused on domestic legislation, judicial decisions, and administrative tribunal rulings. Evaluation will include the option of a final examination or writing a paper that satisfies the Upper Year Writing Requirement.

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

Can your client cut one or more of their children out of their will? Just how mentally competent and free from the influence of others must your client be to make a will? How quickly can an executor distribute the deceased's assets? Is it true that all legal fees on an estate litigation file are paid by the estate as a first call on assets? This course will answer those questions – and more – by teaching you the basics of wills and estate administration. We will look at the preparation and execution of wills, the courts' interpretation of wills, the revocation and alteration of wills, testamentary capacity, testamentary gifts, intestate succession, family support, estate administration, enduring powers of attorney, and personal directives. We will only briefly touch on lawyers' ethical obligations, testamentary trusts, and tax considerations, as all three topics are covered at length in other courses (Ethical Lawyering, Trusts, and Estate Planning). The course is focused on the Alberta legislation and its interpretation.

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

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

This course focuses on the development and implementation of the International Criminal Law framework for the prosecution of those who commit the most egregious crimes. We will consider the prosecution of international crimes through international tribunals and specialized courts, including the International Criminal Court (ICC), the International Criminal Tribunal for the Former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), the Special Court for Sierra Leone (SCSL), and the Extraordinary Chambers in the Courts of Cambodia (ECCC). International crimes discussed will include crimes against humanity, war crimes, genocide, and aggression.

Through an analysis of specific case studies, the course will focus on strategies to promote accountability for international crimes committed in contexts of armed conflict and mass atrocities. National prosecutions of international crimes will also be examined as an important pillar of the accountability framework.

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

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

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

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

Licensing these rights is a means by which businesses and individuals earn income in a capitalist economy. At the same time, both individuals and companies want to utilize such ideas to build new ideas as innovators and to consume those ideas as part of an intellectually satisfying life. This has led to controversies and litigation surrounding, amongst other things, the balance between owners' and users' rights, the impact of IP rights on innovation, the protection of software and business methods by patents, the role of Internet intermediaries in online copyright infringement, music and movie sharing on the Internet, the patentability of genes, higher life forms, software, and business methods, the setting of tariffs for the collective

management of copyright, whether AI can be inventors, the availability and limits of trademark protection (such as the necessity of use, the protection of functions and controlling parallel imports), the legal protection of technological measures that protect copyright, the principle of technological neutrality, and the appropriateness of injunctions in protecting intellectual property rights. In this course we will study the legal regulation of this tug-of-war between owners and users of ideas in the form of copyright law, trademark law and patent law, especially with reference to emerging technology.

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

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

This course focuses on domestic human rights law, i.e., federal, and provincial human rights codes and their application by tribunals and courts. After introductory sessions that situate human rights law within debates on rights theory and within the international human rights context, the course focuses on statutory antidiscrimination provisions and their application to public and private actors such as governments, employers, landlords and service providers (e.g., educational institutions), as well as the defences available to such actors, the remedies available to complainants, and procedural / access to justice issues. We also study a broad range of grounds of discrimination, including race, disability, gender, gender identity, sexual orientation, family and marital status, age, and social condition, and explore human rights in the context of reconciliation between settlers and Indigenous peoples in Canada.

Classes will include live lectures and problem-solving exercises. **Evaluation is based on 2 components: (1) all students will file a mock human rights complaint, and (2) all students will file a client memorandum.** The complaint and memorandum are based on the same fact pattern. The course focuses on skills necessary for developing a human rights practice, and is relevant to students interested in the law of discrimination and the obligations of government and private actors to accommodate members of disadvantaged groups in the workplace, tenancies, service industries, etc.

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

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

such as insurable interest, disclosure requirements, utmost good faith and subrogation, and the application of these concepts to the interpretation of contracts of insurance.

The primary purpose of the class is to prepare students to deal effectively with the issues and work that they may encounter in insurance related work in the first few years of their legal practice. Due to the nature of insurance law practice, adequate preparation for this type of work requires not only familiarity with the relevant authorities but practice in the "hands-on" application of these authorities to particular and occasionally peculiar fact scenarios. For this reason, the readings are relatively limited, but class members are expected to complete them prior to each class and to arrive prepared to engage in small and large group discussions concerning the application of the principles drawn from those readings to other contexts.

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

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

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

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

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

Employment law directly affects every person who works in Canada, and of course every business or organization that engages people to perform services. As society becomes more diverse, workplace issues become more complex and interesting, and employment law is evolving at a faster rate than ever before. The greater complexity and legal risk faced by employers as the law develops make employment law a growing legal practice.

In this course we will cover the statutory and common law that forms the legal basis for the employer/employee relationship. From a statutory perspective, we will review Employment Standards, Human Rights, Privacy, Health, and Safety, along with court and tribunal decisions that interpret these statutes.

Our review of the common law will examine all aspects of the employer/employee relationship, from the determination of whether and when an employment relationship exists, to how the relationship terminated. We will of course carefully consider the obligations of employers and employees throughout the relationship.

Some of the specific points covered in this course include:

- determining whether a person is an employee or a contractor;
- the validity of employment contracts;
- non-competition, non-solicitation, and other restrictive covenants;
- obligations of employers and employees on dismissal;
- resignation, job abandonment, constructive dismissal, and for-cause dismissal;
- drug and alcohol testing, substance dependency, and other disability issues;
- harassment and other discriminatory practices; and
- business issues and considerations arising from employment law.

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

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

The language of international human rights permeates the vernacular of law and political culture the world over. Human rights are promoted as being instrumental for democracy, peace, the rule of law, sustainable development and the protection of the environment, as well as being a tool of empowerment and social change. But the grand aspirations of international human rights remain largely unfulfilled in reality. For this reason, the idealism elicited by international human rights as a universal moral and legal code must be tempered with a necessary understanding of their technical application and the political context in which they are exercised.

This course offers a broad introduction to the law, theory, and practice of international human rights. Topics covered will include the origins and evolution of international human rights; the sources of international human rights law; the role of international, regional, and domestic institutions and actors in implementing, monitoring, and enforcing international human rights; and the specific application of international human rights law in Canada.

This course will adopt a dialectical approach to teaching and learning. Throughout the course we will engage with, discuss, and critically analyse perennial and emerging issues in international human rights law. This course will include both lecture-based sessions as well as seminar discussions on the basis of case studies. Evaluations may include (subject to change) class participation and a term paper. Students may use this course to fulfill their International Law and Upper-Year Writing Requirements.

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

The purpose of this course is to examine the legal and policy issues relating to the use of the internet. Case studies will be explored on topics, such as network neutrality, the internet of things, digital trade, jurisdiction, intermediary liability, content regulation and freedom of expression, privacy and surveillance, consumer protection and competition law, cyberwarfare, artificial intelligence and blockchain.

These issues will be examined through a combination of lectures, seminar discussions, presentations, and problem-based work. The course will focus on the legal issues in its Canadian and international context and include comparative analysis of the law in the USA and Europe. As this is an evolving area of the law, analysis will also have a policy bent exploring areas where the law has not been sufficiently developed to address a key legal issue, or perhaps has been developed but with unintended legal consequences. Students can therefore expect to gain the following skills from taking the course:

- Understand the laws governing internet use and have informed views on how the internet should be regulated;
- Understand the major debates regarding cyberlaw, regulation, enforcement, and internationalization.
- Be able to present and rationally defend a position regarding the legal issues that arise concerning internet use;
- Develop critical analysis skills concerning current and developing law;
- Develop skills in analyzing comparative law;
- Critically understand the social and political context of internet governance and be able to analyze policy concerning internet regulatory issues;
- Be able to apply legal knowledge gained to analyze and resolve case-problems.

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

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

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

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

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

The main focus of the course is on judicial remedies available at common law and equity for breaches of private law obligations, including tort, contract, and property. Compensatory, punitive, and gain-based damages are addressed, as well as court orders under equity. Charter remedies will also be considered, time permitting.

The default method of evaluation is a 100 percent final examination. There will also be a research paper option, worth 50 percent, that can be used to satisfy the faculty's upper-year writing requirement.

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

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

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

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

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

Dr. Jack M. Mintz is the President's Fellow of the School of Public Policy at the University of Calgary after serving as the Palmer Chair and founding Director from January 1, 2008, to June 30, 2015. He is currently Chair of the Alberta Premier's Economic Recovery Council since March 2020. He also serves on the board of Imperial Oil Limited and is the National Policy Advisor for Ernst & Young. His affiliations include Distinguished Senior Fellow, MacDonald-Laurier Institute, Senior Fellow at the C.D. Howe Institute, and a board member of the Canada West Foundation. He is also a regulator contributor to the Financial Post and is a member of the editorial board of International Tax and Public Finance. Dr. Mintz held the position of Professor of Business

Economics at the Rotman School of Business from 1989-2007 and Department of Economics at Queen's University, Kingston, 1978-89. He was a Visiting Professor, Columbia Law School, 2015; New York University Law School, 2007; President and CEO of the C. D. Howe Institute from 1999- 2006; Clifford Clark Visiting Economist at the Department of Finance, Ottawa; and Associate Dean (Academic) of the Faculty of Management, University of Toronto, 1993 – 1995. He was founding Editor-in-Chief of International Tax and Public Finance, published by Kluwer Academic Publishers from 1994 – 2001. In the past he served on corporate boards including Brookfield Asset Management (2002-2012), Morneau Shepell (2010-2020) and CHC Helicopter (2003-2008). He chaired the federal government's Technical Committee on Business Taxation in 1996 and 1997 that led to corporate tax reform in Canada since 2000. He also served on numerous panels and boards at the federal and provincial levels including Vice-President and chair of the Social Sciences and Humanities Research Council 2012- 2018, chair of the Alberta Financial Investment and Planning Advisory Commission 2007 and member of the federal Panel on Healthcare Innovation 2014-5. Dr. Mintz has consulted widely with the World Bank, the International Monetary Fund, the Organization for Economic Co-operation and Development, and various governments, businesses, and non-profit organizations in Canada and abroad. Dr. Mintz became a member of the Order of Canada in 2015 as well as receiving the Queen Elizabeth Diamond Jubilee Medal in 2012 for service to the Canadian tax policy community. He has been recognized by Who's Who Legal as one of the top global experts on corporate taxation since 2016.

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

This course will focus on critical race theory and its applications to the law. Critical race theory is a theoretical framework that can be used to uncover racial inequities in law, inform client interactions, and to structure legal argument across many different areas of law. Critical race theory posits that racism is a system of power that is both systemic and relational. This course will cover how critical race theory has been applied and can be applied in different areas of law, and how it can be used as an analytical tool in judicial decision-writing, legal argument, and legislative change. Students will learn about the main tenets of and different "camps" of critical race theory and their applicability to differing legal issues, namely storytelling/genealogy, intersectionality, and materialist approaches. Students will learn to apply these different camps across different areas of law both theoretically and practically, including deconstructing and reconstructing legislation, policy, judicial decision-writing, and legal argument while being hyper-reflexive of the socio-historical positions of all parties involved in the legal issue. This will be done through multiple case analyses, review of legislative wording, and discussions about pertinent legal issues. Students will end the term equipped with a comprehensive critical race theory framework to apply to legal practice, legal advocacy, and law reform and an understanding of how to use this framework strategically in different areas of law.

Sania Chaudhry is an employment, labour, and human rights lawyer at Forte Workplace Law, with a prior background practicing in family law, immigration law, administrative prosecutions, and civil

litigation. She was recently shortlisted as an Excellence Awardee in the Female Trailblazer of the Year category for the Canadian Law Awards and recently received the Rising Star award from the South Asian Bar Association Calgary. Last year, she was also named a Top 30 Under 30 award recipients by the Alberta Council for Global Cooperation, received the Women Who Inspire Award from the Canadian Council of Muslim Women, and received the Community Crusader award from the South Asian Inspiration Awards. Sania is active on many different Boards and organizations looking to foster equity, diversity, and inclusion from an intersectional lens. She has spoken and written about anti-racism, gendered Islamophobia, and mental health in the legal profession, including on the CBA Every Lawyer Podcast, to the Senate Standing Committee on Legal & Constitutional Affairs, and an op-ed in the Globe and Mail among others. She was also appointed last year to the Alberta Anti-Racism Advisory Council and appointed this year to the Workers Compensation Appeals Commission as well.

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

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

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

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

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

Evaluation will be based on: (1) class participation (which will include a written introduction to a reading for one class), worth 25% of the final grade, and (2) one of three paper options: (a) a research paper worth 75% of the final grade which may be used to satisfy the upper year writing requirement because it includes significant case law and legislative sources; (b) an analytical or reflective paper with little or no research beyond the class materials that does not satisfy the upper-year writing requirement; or (c) three papers, each worth 25% of the final grade, that each apply a different theory examined in the course to a different context (first a case chosen by the instructor, then a current event of the student's choice, and finally a work of art, broadly conceived, of the student's choice). The instructor will provide a list of possible topics for the 75% papers, but students are encouraged to choose their own topics based on their interests.

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

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

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

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

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

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

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

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

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

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

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

This course will provide students the opportunity to explore several theoretical approaches to the study of law, including law and society; critical legal studies; feminism; critical Indigenous studies; and decolonial and critical race theories. These theoretical lenses will be applied specifically in relation to the Indian Residential Schools litigation and settlement agreement.

Students will learn how the application of critical theories can lead to diverse legal interpretations. The Indian Residential School Settlement Agreement was the largest class action settlement in Canadian history at the time. Students will examine the historical context of residential schools and the assimilation policy to explore the damages caused to former students, their families, and communities. Students will learn about the litigation and the alternative dispute resolution (ADR) process, and the underlying legal theories such as tort theories of corrective justice and retributive justice. Students will also learn about the principles of restorative justice and Indigenous legal principles underlying the settlement agreement. The main elements of the settlement agreement will be explored with a focus on the Individual Assessment Process and the Truth and Reconciliation Commission (TRC) along with the implementation of its Calls to Action. Students will examine the role of the legal profession in the litigation, the settlement agreement and in carrying out the Calls to Action, and approaches to reconciliation.

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

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

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

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

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

### **Law 594: Indigenous Peoples & the Law (Hamilton – Winter)**

The relationship between Indigenous peoples and the Canadian state is one of the most challenging and important issues Canada faces. This course considers ways that law shapes these relationships, with detailed analysis of Aboriginal rights and title, treaties, the duty to consult, the Crown's fiduciary duty, the division of federal and provincial powers concerning Indigenous peoples, the *Indian Act*, and Indigenous self-government. While focusing primarily on analysis of case law, the course also explores the place of Indigenous peoples in Canada's constitutional architecture and how their status as distinct political communities is shaping evolving notions of federalism. The course examines the historical and contemporary

importance of Indigenous legal traditions and tensions between state and Indigenous law. In this, it introduces theories of legal pluralism and provides opportunities for critical reflection and discussion on a range of perspectives about the rights of Indigenous peoples and the relationship between Indigenous peoples and the state.

Students will have a choice of evaluation method. One option will require submission of a substantial paper that will satisfy the faculty's upper year writing requirement. The other option will be based primarily on a final exam. Each option may include other evaluation components (e.g., class participation, assignment and/or quiz, exam), which will be detailed in the course outline.

### **Law 597: International Trade Law (Rohas– Winter Term)**

(i) Description

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

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

(ii) Assessment

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

(iii) Requirements

This course counts toward the international law requirement.

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

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

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

***January 31 & February 1***

***February 14 & February 15***

***March 21 & March 22***

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

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

Why is this course relevant to you?

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

It is anticipated that students will be evaluated based on:

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

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

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

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

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

### **BIO**

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

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

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

The course focuses on transactions and joint ventures generally, and so the concepts discussed, and skills acquired will be easily transferred to other industries or areas of practice. However, as oil and gas contracts have been evolving for the last 70 years, there is a complex and developed

body of law specific to oil and gas that allows us to have in-depth discussions about contracts, and to learn drafting techniques.

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

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

**Evaluation:**

Take home midterm (required): 40%

Final Exam: 50%

Course Participation: 10%

**Instructor:**

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

**Law 607                      Advanced Legal Research (Garingan - Fall)**

Advanced Legal Research builds on the basic research skills you developed in Foundations 2. The course provides instruction in research strategy and methodology, evaluation of resources, and citation. It covers both secondary and primary legal materials and emphasizes electronic resources. While students will be introduced to the U.S. and U.K. legal systems, the focus is on Canadian legal research and the ways that research is undertaken in a law firm setting.

This practical legal research course is designed to help you transition to conducting research as a summer/articling student and new associate. The assignments require you to utilize these practical skills, including critically evaluating resources, and researching for and writing a brief legal memorandum.

Class sessions include a lecture/discussion period and hands-on exercises through which you will learn new tips and methods of searching legal databases and using print resources. Student evaluation will be comprised of a variety of small assessment tools, which include exercises, quizzes, and class participation, worth 15-20% of the final grade, along with two or three assignments for the remaining 80-85%.

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

Advanced Legal Research builds on the basic research skills you developed in Foundations 2. The course provides instruction in research strategy and methodology, evaluation of resources, and citation. It covers both secondary and primary legal materials and emphasizes electronic resources. While students will be introduced to the U.S., U.K. and Australian legal systems, the focus is on Canadian legal research and ways that research is essential in a legal practice.

This is a practical legal research course, designed to help you transition to conducting research as a summer/articling student and new associate.

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

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

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

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

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

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

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

This course is the first step in helping students:

- access jobs, such as clerkships at the Supreme Court of Canada, or articles with international firms, where legal training and proficiency in both official languages is an asset.

- contribute legal services to the Francophone community, in the language to which they are entitled;
- master legal terminology in French and improve skills in legal writing and advocacy.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This course is offered through a partnership with the University of Ottawa, Faculty of Law. **It is only available to students participating in the [Certification in Common Law in French](#).**

This internship provides students with opportunities for hands-on legal work where legal services are offered in French through collaborations with various francophone community associations, firms, courts, and governments. Students are evaluated on the pass/fail methodology of completed requirements (CR) or fail (F).

Students must:

- develop a plan with the internship supervisor outlining the legal work and research that will be undertaken over the course of the semester with accompanying timetable;
- complete the requisite hours of non-remunerated law-related work;
- complete a final report for the internship supervisor and Professor Magnan.

This course is the first step in helping students:

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

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

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

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

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

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

*Les étudiantes et étudiants devront :*

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

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

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

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

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

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

## **Law 613 Conflict of Laws (Tscherning)**

Conflict of Laws (also known as Private International Law) is the body of rules and procedures designed to assist the domestic courts in deciding a case which contains one or more 'foreign' or international point(s) of contact. Conflict of Laws issues raise three components which typically interact: (a) the jurisdiction of the Canadian court; (b) the rules which the Canadian court applies in deciding a case; and (c) the recognition and enforcement of a foreign court judgment by the Canadian court. Private International Law issues arise in a multitude of scenarios, including in international and cross-border interactions involving contract and tort law which may give rise to conflict of laws "dispute risks". The course will prepare students to successfully navigate the complexities of interjurisdictional matters and transactions in an engaging and academically challenging area of the law. Depending on enrollment, evaluation is planned to consist of a 100 per cent written final examination. Students may elect an optional written case comment at 30 per cent (with a 70 per cent written final examination). Given the Instructor's international practice and the design of the course, the course satisfies the Faculty's International Requirement.

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

This course is offered through a partnership with the University of Ottawa, Faculty of Law. **It is mandatory for students wishing to participate in the [Certification in Common Law in French](#),**

**but open to all students that have completed a program in French immersion (or equivalent) through grade 12.**

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

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

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

This course is the first step in helping students:

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

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

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

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

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

*L'objectif premier du cours est de permettre aux étudiantes et étudiants d'approfondir leurs connaissances de la terminologie juridique en français par l'entremise d'apprentissage contextuel et pratique. Les sujets abordés seront : le droit de la famille, le droit international privé, et la plaidoirie en appel.*

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

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

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

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

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

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

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

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

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

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

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

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

This seminar course will allow students to gain an understanding of the key legal and policy issues arising in the field of "alternative energy" (which encompasses renewable and low carbon energy generation such as wind energy, nuclear energy, the production of hydrogen, and liquefied natural gas). The course will examine the role of alternative energy in the global energy transition to a low carbon economy and explore selected international and Canadian regimes designed to integrate alternative energy in the existing energy mix. Seminar discussions will be used to examine the legal frameworks for the promotion and development of alternative energy projects and the creation of low-carbon energy markets. The course will require students to undertake independent research, to present this in written form (e.g., a client memo), and to make in-class

oral presentations. Depending on enrollment, evaluation of the course will likely consist of a blended grade for the written work, class presentation, and class participation components. The largest proportion of the final course grade will be assigned to the substantial written research paper, which may be used to fulfill the Upper Year Writing Requirement (on approval by the instructor). Please note that this course does not satisfy the Faculty's International Requirement. Enrollment is capped at 16 JD students

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

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

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

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

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

### **Law 620A/B: Public Interest Practice (Fluker – Fall/Winter Term)**

**Half course (3 credits) spread over entire year**

Students in this experiential course work with lawyers at the Public Interest Law Clinic to advance the clinic's law reform and test litigation projects. Assigned work varies year-to-year and month-to-month according to court dates, client needs, emergent issues, and file progress. For a sense of the projects at the Clinic, see <https://law.ucalgary.ca/clinics/public-interest-law>.

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

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

### **Law 621: Corporate Governance & Litigation (Tingle — Fall Term)**

Corporate Governance refers to the laws, regulations, power relationships, and norms that collectively determine how companies are to be governed. The corporate governance regime determines who gets to make decisions, how those decisions get made, and even what kinds of decisions are permissible.

The developed world has seen a complete transformation in the governance of its largest, and most important, economic institutions. The class will discuss the reasons for this change and how well our various reforms have worked. We will discuss the consequences of our changes for the country as a whole.

Corporate lawyers very quickly become involved with corporate governance questions, because these are the questions that preoccupy the CEO and senior managers of a business. This course is recommended for any student considering a career as a corporate or securities lawyer. It is also central to any business career.

Students will be evaluated on class participation (as classes will be organized around discussions), a single short critical paper, and a long research paper analyzing some aspect of our current governance regime. This last paper will qualify for the Faculty's upper-year writing requirement. The course will cover US law extensively and so can be used to satisfy the faculty's international requirements.

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

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

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

This course will be assessed based on a fifteen percent (15%) class participation grade, a twenty percent (20%) class presentation, and sixty-five percent (65%) 6,500-word research paper. This course may be used to fulfil the Upper Year Writing Requirement and International Law Requirement.

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

The international community is increasingly faced with threats of serious or irreversible environmental damage caused by the expansion and intensification of human activities across the globe. Environmental phenomena and processes are all interconnected, as are the human societies that they support. As a result, there is a growing need for interstate cooperation on wide range of environmental issues, such as the conservation of biological diversity, protection of marine ecosystems, transboundary air pollution, and climate change. In addition, due to these environmental interdependences, international environmental law increasingly encroaches upon what was traditionally within the sphere of purely domestic environmental law and policy. A fundamental understanding of the principles and rules that apply at the international level is therefore essential knowledge for those who plan to practice in the areas of energy, natural resources, or the environment.

This seminar course seeks to provide students with a background in the primary legal norms, institutions and actors that govern international relations concerning the protection of the environment. Given that international environmental law forms part of the corpus of international law, this course will also provide students with a fundamental understanding of concepts and principles that govern international law generally, including lawmaking processes, legal sources and the law of treaties, jurisdiction, dispute settlement, and state responsibility. The course will also touch upon interrelationships with other relevant areas of international law, including human rights, trade, global equity, and international development. It will also provide students with an understanding of those areas in which international environmental law is unique in the context of public international law, for example, by examining the role of

non-state actors such as NGOs, scientists and other experts, and international institutions in setting and implementing the global environmental agenda. Finally, the course aims to foster a critical and interdisciplinary approach to the study of this area. The protection of the global environment entails a delicate balance between competing societal and economic interests and the prevention of environmental harm considering scientific uncertainty. We will explore this balancing process through the lens of contemporary issues and case studies relating to the protection of the global environment in light of political, social, scientific, and technical considerations. We will also seek to critically evaluate the strengths and weaknesses of international environmental law as a subject area since its emergence in the late 1960s, and its shift towards governance and global environmental management approaches and beyond. In addition, this course will seek to advance skills development in legal and non-legal research, as well as written and verbal communication. Course content will be explored through a combination of lectures, seminar discussions, guest lectures, workshops, and class simulations.

This course will be assessed based on a fifteen percent (15%) class participation grade, a twenty percent (20%) class presentation, and sixty-five percent (65%) 6,500-word research paper. This course may be used to fulfil the Upper Year Writing Requirement and International Law Requirement.

## **Law 628: International Investment Law (Hughes – Winter Term)**

### (i) Description

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

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

### (ii) Assessment

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

(iii) Requirements

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

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

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

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

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

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

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

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

The course assumes that you have taken a course in Administrative Law and does not include upstream oil & gas law. This is a public law course, perhaps best thought of as a regulated

industries course. As such, what you learn in this course should be applicable in other regulated sectors such as the telecommunications industry and the railway industry. There will be some overlap between this course and the Alternative Energy Law course, as we spend most of the class on electricity, which is increasingly being decarbonized. The course offers an optional paper which will satisfy the upper year writing requirement.

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

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

The course will require students to undertake independent research, to present this in written form (e.g., a client memo), and to make in-class oral presentations. Depending on enrollment, evaluation of the course will likely consist of a blended grade for the written work, class presentation, and class participation components. The largest proportion of the final course grade will be assigned to the substantial written research paper, which may be used to fulfill the Upper Year Writing Requirement (on approval by the instructor). Please note that this course satisfies the Faculty's International Requirement. Enrollment is capped at 16 JD students.

### **Law 642: Law and Development (Ilg – Winter Term)**

This course examines the relationship between law and development. The study of development is generally an inquiry into how to increase the quality of life within a particular society. Traditionally, development was synonymous with economic growth and wealth creation, but the concept of development has evolved to include a wide range of modern priorities, such as human rights, equality, and the environment. A basic question underlying the study of law and development is simply: how does a given set of laws further or inhibit development?

Substantive elements within the course include: 1) defining development; 2) the rule of law and

corruption; 3) differing conceptions of rights and development - including human rights, property rights, and intellectual property; 4) financial approaches; 5) modern developments and challenges.

Evaluation will be based upon a 100 percent final examination. Students will also have the option of evaluation based on a final examination in combination with either a research paper or a collection of class journals. The course is intended to satisfy the faculty's theory requirement as well as the major paper requirement.

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

Are you interested in the law that governs national and international responses to terrorism, including terrorism prosecutions against Incel and far right actors? How about the distinction(s) between terrorism, extremism and hate when it comes to prosecutions and national security investigations? Or maybe foreign espionage (spying), hacking, disinformation campaigns, and government cyber authorities? Advising the government and/or businesses on international sanctions? Canada's powers and operations in times of emergency, including, yes, pandemics, but also...Trucker Convoys? Perhaps it's the idea of engaging in legal and theoretical debates about how the law protects—or should protect—civil and political rights in such times of emergency that makes you sit up and take notice? If you answered 'yes' to one or more of these questions, then this is definitely the course for you!

This course is one of the very few across the country that will give you an introduction into the laws and policies that make up the emerging field of Canadian "national security law". It will be intense, dynamic, current, and focus on primary sources. Most classes will involve in-class miniature "crisis simulations" related to the topic at hand, and you will be put in touch with some of Canada's leaders in the field (either in person or via Zoom), including in years past guests from the CSIS, CSE, NSIRA, DOJ, PPSC, Alberta Crown, Calgary police, NSICOP, Alberta's hate crimes unit, and others. (If you don't know those acronyms and want to, again this is the course for you!). Our guest speakers generally take time to talk jobs in the national security field.

Students will be evaluated in three ways. First, from day 1 we will be working with Alberta's *Provincial Security and Intelligence Office* to provide research and 'consulting' on hate crimes, extremism, and terrorism in the province. Students will be given a choice of topics and placed in groups depending on their interests; projects might include briefing police on hate crimes and extremism, or the Security and Intelligence Office on a related topic or online extremism or working with/presenting to community groups on the laws and policies around hate, extremism, and terrorism in Canada. Students will be marked both as a group on the quality of their briefing materials (written) and individually based on their presentations (oral) or background materials (written, if preferred). Second, there will be a one-day end of year 'national security crisis simulation'. Students will be divided into 'government agencies' based on their expressed interests and provided with additional readings about--and a mentor from--

their assigned agency, including in the past police services, public prosecutions, CSIS, CSE, and Global Affairs. Mentors will talk law, policy, and jobs. The simulation itself is dynamic and intense, but a lot of fun; the crisis scenario is created in consultation with provincial and federal law enforcement and intelligence agencies, so expect it to be true to life.

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

This course meets the upper-year theoretical perspective requirement.

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

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

This course will introduce students to a variety of topics in securities law and regulation including underlying economic theory; historical and constitutional developments like efforts to establish a national securities regulator; the scope of markets, products, participants, intermediaries, and regulatory oversight structures; international comparative frameworks; public offerings; exempt market distributions; continuous disclosure obligations; corporate governance; market manipulation and insider trading; marketplace regulation (i.e. regulating stock exchanges, alternative trading systems, and crypto-asset trading platforms); financial market intermediary regulation (investment dealers, advisors and funds); civil liability; administrative and criminal sanctions; and enforcement. It will also introduce students to nascent developments in securities law and policy including issues relating to financial market systemic risk and financial crises; high-frequency and algorithmic trading; passive investing, exchange traded and index funds; environmental, social and governance (ESG) investing; financial product innovation; behavioral finance; financial technology (fintech) developments in securities markets such as robo-advisors; cryptocurrencies and other crypto-assets; and new developments in capital-markets like the "gamification" of retail trading platforms, and decentralized finance applications (DeFi).

At the conclusion of this course, students will have a strong understanding of the major concepts and regulatory frameworks in Canadian securities law, and an awareness of the current issues and developments in securities regulatory policy. Course materials include a core text, assigned readings, and statutory materials. Student evaluation will likely be based on a midterm examination (20%), a group assignment (20%) and presentation (10%), and an open-book final

exam (50%). There are no pre / co-requisites for Securities Law, and the course is designed to be accessible to those without prior financial market regulation experience.

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

*“When Harvard Law School released a report entitled, “What Courses Should Law Students Take? Harvard’s Largest Employers Weigh In,” a few years ago, 124 respondents listed accounting, financial statement analysis and corporate finance.*

*Today, accounting skills are “absolutely” valuable for law students and young corporate lawyers in any area where legal advice butts up against the business strategy, says Karen Werger, Managing Partner for Deloitte LLP’s Toronto Financial Advisory Practice and National Leader of the Legal Services Sector. She says being both a lawyer and a Chartered Public Accountant is an “extremely valuable combination,” giving lawyers a well-rounded financial background and reminding the accountant in them to keep potential legal or regulatory issues top of mind.”<sup>1</sup>*

The *Torys’ Business Skills for Lawyers* course is designed to teach law students the key non-legal skills necessary for a lawyer commencing their career no matter what their area of focus. Students will learn how to read and understand financial statements, as well as learn enough about how financial statements are prepared to know where problems (including fraud) can occur. They will learn how to read financial models and how entities are valued.

In general, lawyers are not expected to produce financial statements or forecasts, but they are expected to understand them well enough to follow the conversations and decisions that are derived from the financial statements, and to create legal and contractual structures that reflect the economic realities communicated by these documents. The course will also teach practical negotiation techniques and the nuances of conducting business and negotiating in international environments.

No math beyond very simple addition, subtraction and multiplication is required. However, the content of the course is very different from that of traditional law school classes. Students should be aware that the course has a focus on the subject of accounting and financial statement analysis. However, students should also be aware that surveys of both young and seasoned lawyers both at law firms and in industry have stated that the number one thing they wish they knew better at the start of their careers is how to read financial statements and be more financially literate. It is impossible to overstate how important these skills are for individuals conducting business and as such, lawyers practicing in any discipline.

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

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

This course is intended to provide an understanding of key legal and financial concepts relevant to mergers and acquisitions ("M&A") and related capital market activities. Topics discussed include:

- the role of various capital market participants, including directors and management, shareholders, creditors, securities dealers, legal counsel, regulators, and stock exchanges,
- director and officer responsibilities in connection with M&A transactions,
- structuring M&A transactions,
- the required legal documentation to implement the transactions,
- the principal differences between public and private M&A (including securities legislation applicable to M&A),
- M&A negotiations,
- due diligence, and
- certain strategic considerations, financing, tax, regulatory, employment and selected other issues relating to M&A transactions.

The course aims to provide students with both knowledge and practical skills that they will find useful as a businessperson, securities lawyer or in business negotiations. The full life cycle of a corporation, from incorporation to ultimate M&A sale transaction, will be examined.

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

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

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

**Half course (3 credits) spread over entire year**

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

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

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

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

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

**Half courses (3 credits each) spread over entire year**

Student Legal Assistance (SLA) is the pro bono law student legal clinic at the University of Calgary Faculty of Law that serves low-income Calgary and area residents, and undergraduate students at the University of Calgary. Legal Services are delivered by University of Calgary Faculty of Law student caseworkers who provide agency representation and legal information to clients within the scope of legal services allowed for law students pursuant to the Legal Profession Act and the Rules of the Law Society of Alberta. This includes court appearances and agency representation for low-income clients in the Alberta Court of Justice (Family, Criminal, Traffic and Civil Divisions), at certain administrative tribunals and in a variety of outreach programs. SLA has provided legal services in Calgary and region since 1979 and is a partner in the access to justice community in Calgary and area. At Student Legal Assistance we believe

that law students play an important role in providing access to justice for disadvantaged and marginalized groups who otherwise would be left unrepresented or remain self-represented.

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

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

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

## **Law 687: Criminal Justice Clinical (Clive - Winter Term)**

“Criminal justice” is what happens after a complicated series of events has gone bad. It is the result of failure--the failure of a group of people that sometimes includes, but is never limited to, the accused person.” — Paul Delano Butler, *Let's Get Free: A Hip-Hop Theory of Justice*

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

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

Assessment will be based on the following:

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

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

### **PLEASE NOTE:**

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

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

The Family Law Clinical Seminar will build upon and enhance the substantive legal principles taught in Law 515: Family Law. The class will involve a more advanced discussion of the issues that arise upon a separation and/or divorce, how those issues may be resolved. as well as the

possible options for resolution. Students will gain insight into 'real life' family law practice by drafting court documents and developing skills through role-played interviews and advocacy (a mock chambers application) as well as through class inquiry and discussion. Throughout the term, the class will work from a hypothetical fact scenario from the initial client interview through to the preparation of settlement and divorce documentation. The class will be divided into teams and will work their way through the hypothetical during the term. Additional issues may be added to the hypothetical to enliven the discussion.

A component of the class will also be devoted to a review of relevant case law in the area.

There will likely be three (3) assignments during the term: drafting pleadings and other initiating court documents; drafting a Family Law Application and supporting (or reply) Affidavits; and arguing a mock Special Chambers Application. The assignments will be weighted equally and graded on a Completed Requirements (CR), Marginal (D) or Fail (F) basis.

### **Law 693.xx: Indigenous Economic Development (Calliou – Fall Term)**

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

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

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

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

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

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

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

While in the U.S. Army Reserves, Judge Thompson was an instructor to foreign military personnel in Papua New Guinea, Sri Lanka, Thailand and the Philippines on Intelligence and Psychological Operations, as well as at the U.S. Naval Fleet Information Warfare Center in Coronado, to U.S. Marines and deploying personnel. He also served with Canadian (1stRCR) and British Forces in Coralic/Bihac, Bosnia in 1996. Judge Thompson is a member of the Screen Actors Guild and performs in local community theater. He is also a part-time dogsledding guide.

## **Law 693.xx: Tax Law for Business Lawyers (Brown - Winter)**

This course provides students with an overview of fundamental tax principles essential for business lawyers. It will introduce the student to key tax concepts, enabling the identification of tax issues and a better understanding of how taxation impacts ordinary business transactions across various legal entities, including public enterprises, private enterprises, startups, and non-profit organizations. Topics will include basic tax terminology, an overview of the taxation of different business structures including corporations, partnerships and sole proprietorships, tax implications of corporate reorganizations, in the purchase and sale of a business, and in transactions such as drafting a shareholder agreement. It will be taught using case studies that demonstrate the practical application of the tax concepts under review. The course is designed to enhance the proficiency of prospective business lawyers and aims to inspire a select few to consider a specialization in tax law. The course will be taught by Professor Catherine Brown and members of the firm of Felesky Flynn.

It is anticipated that students will be evaluated through 1) assignments (50%) and 2) a final examination (50%).

Pre or co-requisite: Business Associations.

## **Law 693.xx: Reconciliation and Lawyers (Menard – Fall Term) \*ONLINE**

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

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

community members, Indigenous elders, QB Justices and Provincial Court judges who will describe the various paths they are on towards implementing Indigenous laws.

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

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

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

Law 693.xx is a specialized civil litigation course that seeks to introduce students to the practice of litigation in the era of social distancing. The intent is to develop the knowledge and practical skills necessary to initiate and conduct litigation using electronic technology, and to foster specialized competence in the commencement and conduct of civil proceedings virtually. The scope of the course will cover electronic filing and service of documents (eFiling/eService), electronic discovery and exchange of relevant documents (eDiscovery), pre-trial questioning of parties and witnesses using virtual technology (eQuestioning) and electronic hearing/trial (eHearing/eTrial).

Law 693 will consider substantive and procedural law, including the Alberta Rules of Court (and related jurisprudence) relevant to litigating in a digital environment. It will also examine professional responsibility issues related to litigation in this environment. The course will present a structured hands-on training designed to familiarize students with technologies relevant to litigating in a digital environment including artificial intelligence technologies used in eDiscovery document review.

The format of the course will include lectures, online discussions in D2L, and drafting and exchange of litigation documents electronically. The course will culminate in a virtual mooting

(eMooting) conducted by student teams before a sitting judge or a trial lawyer as part of the experiential learning component of the course.

Subject to approval, it is anticipated that the evaluation will be based on Midterm short Paper (30%), electronic mooting (20%), and Final Research Paper (50%). The final research paper may be used to satisfy the upper year writing requirement with instructor approval.

### **Law 693.xx Critical Minerals, Regulatory Frameworks, and Geopolitics (Steyn – Fall Term)**

This timely and transdisciplinary course delves into the nexus of critical minerals, international regulations, and global geopolitical dynamics. In an era characterized by technological advancements, sustainable development imperatives, and shifting international power structures, the study of critical minerals takes on unprecedented significance. Through a blend of interactive lectures, case studies, guest speaker sessions, and experiential learning components, students will gain both theoretical knowledge and practical insights into the real-world complexities of critical minerals. In a world increasingly shaped by the interplay of resource scarcity, regulatory complexities, and fluctuating geopolitical landscapes, this course equips students with the analytical tools and insights needed to navigate the intricate terrain of critical minerals and their global implications.

Evaluation in this course is designed to gauge students' understanding of theoretical concepts, critical thinking skills, and practical application. The assessment methodology includes: Participation and Discussion (10%); participation in Student-Industry Critical Minerals Workshop (30%); Final Research Paper of 6,500-7,500 words (60%). The course fulfills the Upper Year Writing Requirement and the International requirement.

Please note that there are no background requirements for attending this course: we will do a thorough overview of the lifecycle of mining and that of minerals before embarking on our discussion of critical minerals.

#### **Method of Evaluation:**

Participation and Discussion (10%); participation in Student-Industry Critical Minerals Workshop (30%); Final Research Paper of 6,500-7,500 words (60%). There is no exam.

#### **Upper-Year Writing Requirement:**

The research paper can be used to satisfy the Faculty's upper-year writing requirement.

#### **International Requirement:**

The course has significant international components and as such can be used to satisfy the international requirement.

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

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

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

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

### (i) Description

Every lawyer encounter contracts at some stage in their career. Whether it is the source of a legal dispute they are handling, an agreement on a transaction they are advising on, or their own letter of employment at a law firm. It is important that every lawyer understands, not only the basics of written contracts but also how to create effective, binding agreements. This course hopes to provide students with a basic and necessary understanding of contract drafting and explores some of the consequences that may arise from poorly thought-out contractual agreements.

Contract Drafting provides a practical component to and builds on the legal knowledge provided by Contracts in 1L. This course focuses on the structure and use of language in documents that create and support legal relationships and takes a practical and hands-on approach to learning how to draft and negotiate these documents. Students will draft, analyze, and discuss legal documents in the areas of corporate/commercial law, and other substantive areas of law.

The course will be taught in person unless otherwise noted. Class attendance is required and graded in-class assignments will be provided. Topics that will be taught throughout the course include, but are not limited to:

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

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

(ii) Evaluation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This course examines a particular social problem, gender-based violence (GBV) through the lens of several different legal systems, e.g., criminal, family, employment, residential tenancy, and human rights law. Students will learn to think holistically about social problems by exploring how different legal systems intersect and sometimes work in opposition to each other. There will also be an interdisciplinary component to the course, with students learning how other professionals (e.g., nursing, and social work) screen for and respond to GBV and how different

ethical and professional obligations can intersect and conflict. Students will have opportunities to engage in experiential learning, to develop trauma-informed lawyering skills, and to meet with lawyers, judges, and other professionals who work in this area. The course will cover domestic and international approaches to GBV and different theoretical approaches to GBV. Classes will be seminar-style with active preparation and participation from all students expected.

Evaluation includes 3 components: (1) a research paper, where students will be encouraged to write in the form of a factum, law reform brief, shadow report or judgment, or a paper critically reflecting on the themes of the course; (2) presentation of research papers; and (3) class participation. This course can be used to satisfy the upper-year theory and writing requirements.

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

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

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

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

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

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

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

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

This course will introduce students to the topic of sports law and will examine legal issues that arise in sport. Focus will be placed on Sport Dispute Resolution Centre of Canada and Court of Arbitration for Sport decisions and their effect on the current landscape of sport. Particular focus will be placed on current amateur and professional sport events and their impact on sport policy and sport governance. By the conclusion of the course, students will become familiar with issues related to criminal law and sport, human rights issues and sport, sport ethics, broadcasting in sport, sport policy, sport arbitration, and sport governance. A review of local, provincial, national, and international sport governing bodies will be examined. The intent of the course is for students to understand the procedural and policy aspects of sports law and expose students to the issues faced by amateur and professional athletes. This course is capped at 20 students.

Evaluation Method: Assessment will be based on a combination of class presentation and a final research paper on a sports law topic of the student's choice. Subject to instructor approval, the presentation topic and paper topic may be the same. The final research paper can satisfy the upper year writing requirement.

Bio: This course is being taught by Wilma Shim (UCalgary JD' 2010), a former competitive powerlifter, who has previously worked as a barrister and solicitor and crown prosecutor for Alberta Justice and Solicitor General. Currently, Wilma is a commissioner with the Alberta Human Rights Commission. She is active in the sport and legal community, currently serving as head coach for Special Olympics Calgary Badminton and as Vice Chair of the Special Olympics Calgary AMC. In 2024, she obtained her LLM in Sports Law and has been teaching in the Faculty of Kinesiology since 2021. This is her 4<sup>th</sup> year teaching at the Faculty of Law. She is a senator on the University of Calgary Senate, and a board member for the Alberta Lawyers' Assistance Society, Federation of Asian Canadian Lawyers (Western), and Association of Women Lawyers.

### **Law 693.xx: Fintech and Developments in Financial Market Regulation (Clements - Fall)**

This course will focus on the theory and application of regulation to developments in financial markets. By taking this course students will learn:

- The theory, purpose, and objectives of financial market regulation;

- The regulatory architecture, and respective agencies, for financial market sectors in Canada, including how and where “financial technology” innovations and entities fit into the legacy architecture, as well as comparative international regimes;
- Comprehension and application of the major concepts and techniques used to inform and improve regulatory decision-making, and optimal regulatory design, across several areas of financial market regulation;
- How legacy regulatory frameworks adapt to nascent developments in financial markets, including recent legislative proposals in Canada around consumer data portability in the banking sector (commonly known as open banking);
- The tools that financial market regulators use to assess financial disruption, and overcome institutional design and jurisdictional limitations;
- The multiple causes, and regulatory response to the 2008 global financial crisis, and the relationship between financial market innovation and systemic risk;
- How regulators adapt to periodic financial market crises and disruptive events, including nascent market episodes such as the 2022 crypto crash and numerous platform failures;
- How structural changes in the way individuals engage with markets, and use financial products and services, change regulatory considerations and structures, including recent developments in passive investing, gamified markets, and grassroots led “short-squeezes” driven by social media catalyzed information channels;
- How artificial intelligence (AI) is impacting financial and capital markets, and regulatory considerations in relation to the integration of machine learning, generative AI, and related developments across financial ecosystems;
- How regulators have adapted to the emergence of diverse crypto-assets, crypto-asset service providers, and decentralized financial protocols, products, and services in Canada, and the policy objectives, and jurisdictional considerations, underlying those regulatory steps; and
- The challenges in regulating fintech innovations, including regulatory “arbitrage,” and regulatory adaptations that are being used, like “sandboxes,” to provide flexibility while ensuring adequate safeguards.

These concepts will be taught through numerous case studies, and will feature a variety of guest speakers. Course materials will include topical primary and secondary sources. There is no textbook for this course. Students will be evaluated based on: a) class participation (10%); b) two separate, 1000-word each “response papers” to any assigned reading or guest speaker lecture (15% each); and c) a 6000-word research paper (60%). Students may use this course to fulfill their upper year writing requirement. There are no pre / co-requisites for this course. The course is designed to be accessible to those without prior financial market regulation experience.

This course is taught by Dr. Ryan Clements, Director, Advanced Research and Knowledge Management, Alberta Securities Commission.

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

**\*HYBRID**

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

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

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

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

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

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

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

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

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

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

## **Law 693.xx: Business and Human Rights (Steyn – Winter)**

Business and Human Rights (BHR) is a highly interdisciplinary field. It comprises a web of international instruments and local laws interwoven in a rapidly evolving field of hardening norms. We will take a sector-specific approach to identify challenges, remedies and gaps in industries such as extractives; finance and banking; garments and footwear; agribusiness; and information and communication technology. The objective of this course is to give students insight into the nature of corporate human rights violations, corporate human rights responsibility, as well as the home state and international solutions that may be pursued.

Evaluation in this course is designed to gauge students' understanding of theoretical concepts, critical thinking skills, and practical application. The assessment methodology includes: Participation and Discussion (10%); participation in Student-led Business and Human Rights Workshop (30%); Final Research Paper of 6,500-7,500 words (60%). The course fulfills the Upper Year Writing Requirement and the International requirement.

Please note that there are no background requirements for attending this course: we will do a thorough overview of the pertinent international law framework before launching into a discussion of BHR.

Method of Evaluation:

Participation and Discussion (10%); participation in a day-long Business and Human Rights Workshop (30%); Final Research Paper of 6,500-7,500 words (60%). There is no exam.

Upper-Year Writing Requirement:

The research paper can be used to satisfy the Faculty's upper-year writing requirement.

International Requirement:

The course has significant international components and as such can be used to satisfy the international requirement.

### **Law 693.xx: Franchise Law (Huang / Amantea-Winter Term)**

This course will introduce students to current franchise law in Alberta with a brief exposure to other jurisdictions. Topics to be addressed include franchise disclosure legislation, disclosure obligations, the duty of fair dealing, the right of association, distinguishing between license agreements and franchise agreements, and rescission rights for franchisees. The course will also provide a brief overview of franchise legislation requirements for different jurisdictions in Canada and how franchised businesses operate across international borders.

The primary purpose of the class is to prepare students to deal effectively with issues and work that they may encounter in franchise-related work in the first few years of their legal practice. While many franchise issues arise in the context of business law, the unique nature of the franchise legislation will affect how lawyers negotiate franchise agreements and provide valuable business advice to clients who may consider becoming franchisees or establishing new franchises. The course will provide perspectives that both franchisors and franchisees need to consider prior to committing to business arrangements. Guest invitees of current franchisees and franchisors will provide their client perspectives when facing legal issues they expect franchise lawyers to tackle.

It is anticipated that students will be evaluated through 1) a participation grade based on in-class participation (20%); and 2) a final examination (80%).

This course is taught by George Huang, Managing Partner at Skyline Legal Group LLP and Lindsay Amantea, a Partner at DS Lawyers Canada LLP. See: <https://skylinelegal.ca/our-team/george-y-huang/> and <https://www.dsavocats.com/en/avocats/lindsay-amantea/>

### **Law 693.xx: Mental Health and the Legal Profession (Adler – Winter term)**

**Description:** This groundbreaking course intends to equip law students with essential knowledge and practical strategies to thrive in their upcoming legal careers, while also safeguarding their mental health and well-being. The course will address chronic stress, anxiety, burnout, and other mental health challenges prevalent in the legal profession today. Through guest speakers, thought-provoking topics, class participation, and hands-on practice, students will learn proactive resilience-building strategies and a positive, healthy approach to their career and life in general.

**Evaluation:** Students will be evaluated through a participation grade (50%) based on attendance, active participation, some assigned reading, plus an introspective paper (50%) describing their personal experience with the course and how it may have changed their outlook and perceptions about their upcoming career.

**Key Topics Expected To be Covered:**

- Power of the subconscious mind
- Meaning of happiness and success
- Meditation and activation of the pineal gland
- Mindfulness
- Finding your purpose
- Internal vs. external reality
- Stress coping mechanisms
- Effective time management skills
- Emotional control techniques
- Setting boundaries and establishing priorities
- How to deal with negative feedback
- The importance of making mistakes
- Work life harmony and detachment

**Instructor:** This course is taught by Marc Adler. Marc is an experienced corporate commercial lawyer who practiced for many years with top-tier firms in Alberta before moving in-house and becoming general counsel for both large and small companies. Marc is a cancer survivor and has thus experienced first-hand the dangers of chronic stress. Marc offers students real-world insight into how to maintain balance in their lives to preserve their health and ensure legal career longevity.

**Law 693.xx: Agriculture Law (Dalke – Fall Term)**

This course introduces agricultural law. The course canvasses a number of practical legal issues facing agricultural producers and businesses in Alberta. Real estate issues are covered including the agreement for purchase and sale, farm and acreage leases, public lands and oil and gas/renewable lease issues applicable to landowners. Farm financing is discussed including land financing, personal property and *Bank Act* security and government financing available to farm businesses. The course also introduces concepts related to estate and succession planning for farm families, including taxation, business structures and family law issues. Brief coverage of agricultural policy is covered including production and sale of agricultural products, supply management, and current issues in international trade impacting the agricultural industry. Evaluation will be through a 50% memorandum on a topical issue covered in the course and 50% final exam.

Biography

Eric Dalke is a Calgary-based lawyer focusing on corporate/commercial, real estate, estate and tax planning matters for agricultural clients. He obtained a B.A. (Honours) from Queen's University and J.D. from the University of Calgary, Faculty of Law. He completed the CPA In-depth Tax Course in 2021.

### **Law 693.xx: Advanced Criminal/Constitutional Appellate Advocacy (Oykhman - Fall Term)**

Few areas of law have greater impact on Canadian society than those issues that arise at the intersection of criminal and constitutional law. This course builds upon students' knowledge of these foundational legal areas and provides them with the opportunity to hone their advocacy skills. Taught by experienced legal practitioners, students will be exposed to the all aspects of appellate advocacy.

Specifically, this seminar course is focused on the 2024/2025 Gale Cup Moot fact pattern. The Gale Cup Moot is based on a Supreme Court of Canada decision in a real criminal case with a substantive dissent, and the issues explored therein raise live questions about the application and direction of criminal law in Canada. Whatever the SCC case will be, it will undoubtedly involve Constitutional, Charter, and other dimensions of criminal law in Canada. The Moot has students appealing the Supreme Court decision to a theoretical higher court, acting as either appellants or respondents. The primary focus of this course will be dissecting and absorbing the legal issues involved in the case, and preparing an appellate factum from either the appellant or respondent perspective. The course will also provide opportunity to work on oral arguments and general appellate advocacy skills. Assessment will be based on two written assignments worth 20%, oral presentation worth 10%, class participation worth 15%, and final factum worth 55%.

Elisa Frank is a Crown Prosecutor with Alberta Justice and Michael Oykhman is a Criminal Defence Lawyer with Savage Oykhman Law, and Strategic Criminal Defence. Both have extensive trial and Appellate advocacy experience at all levels of court in Alberta. Both are Gale Cup Alumni, with Elisa having Coached the Gale Cup Moot for many years.

***\*\*This course is highly recommended for students participating in the Gale Moot Competition in the Winter Term\*\****

## **Law 696: Innovation (Kowalski)**

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

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

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

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

This course will be graded on a CR/D/F basis.

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

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

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

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

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

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

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

Labour Law describes the law relating to the regulation of workers acting collectively through an exclusive bargaining agent (“trade union”), selected by a majority of the workers, to bargain collectively and exclusively on their behalf with their employer as to the terms and conditions of employment as codified in the collective agreement. While LAW 503 Administrative Law is the only prerequisite/co-requisite to LAW 699, students may find a basic understanding of other peripheral areas of law to be a helpful base upon which to build their understanding of labour law, such as: constitutional law (*Charter* and division of powers); contract law; property law; tort law; human rights law; and employment law. The course covers the law governing unionized workplaces in Canada, especially Alberta. Topics include: the place of Labour Law in society and the constitutional framework, including division of powers and the Charter; the status of participants (employers, trade unions, excluded individuals, employees, dependent/independent contractors); the acquisition and loss of bargaining rights; prohibited practices - unfair labour practices and duty of fair representation; the collective bargaining process; labour law dispute resolution forums and appropriate venues (Court vs. Grievance Arbitration/Labour Relations Board—Federal or Provincial), including policy discussion regarding the role of the Alberta Labour Relations Board in the economy; essential services legislation; industrial conflict (strikes and lockouts); the collective agreement; arbitration; contemporary workplace issues, including illness, family status, duty to accommodate, termination of employment, intersection with human rights legislation and multiple forums.

Assessment of students will be through writing an open-book Final Examination worth 100% of the course final grade. The Final Examination will cover fact scenarios and/or questions requiring issue identification and application of relevant law and procedure, and possibly policy analysis.

The final examination is “open book,” which means you may bring any materials into the examination room with the exception of library materials, and you may consult those materials while writing the examination.

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

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

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