

LAW 302.3 COMMERCIAL RELATIONSHIPS**1(3L)**

(2024-2025 Bangsund)

Calendar Description: The course examines the law applicable to a range of relationships that arise in a variety of commercial transactions: sale of goods, leasing of goods, commercial liens on goods, and suretyship. While the course occasionally touches on consumer issues, its primary focus is commercial transactions and the various relationships that form thereunder.

Prerequisites/Co-requisites: NONE

Detailed Description: The course is divided into four units.

Unit 1 is devoted to the exploration of legal issues that arise under contracts for the domestic sale of goods governed by *The Sale of Goods Act*. The following topics are covered: statutory scope, classification of goods, the seller's right and/or power to transfer title in goods, express and statutorily implied terms, delivery and payment obligations, acceptance and rejection of goods, and buyer's and seller's remedies. *The Factors Act* is also briefly canvassed in the first unit of the course.

The importance of leasing in commercial markets warrants that attention be given to legal issues that are encountered when this alternative form of use arrangement is effectuated in place of a contract of sale. Unit 2 of the course examines the following topics: function and characterization of leases, lessor's obligations, and lessor's remedies. Special attention is given to leases of new implements governed by *The Agricultural Implements Act*.

Providers of requested services and materials in relation to goods are conferred a statutory lien on those goods to secure payment of the payment obligation associated with the services agreement. Unit 3 of the course examines *The Commercial Liens Act*, which operates in conjunction with *The Personal Property Security Act, 1993* to govern the vast majority of commercial liens on goods in the Province of Saskatchewan.

Suretyship law (i.e. the law of guarantee and indemnity) is a very important aspect of modern contracting. It facilitates transactions that might not otherwise occur by providing the assurance that, if the principal contractor fails to perform its obligations, the guarantor (surety) will do so in its stead. Unit 4 of the course examines the supposed distinction between guarantee and indemnity, sets out the guarantor's numerous rights and defences, and explores contract formation issues that arise in the agricultural context under the governance of *The Saskatchewan Farm Security Act*.

Course Materials: The primary course materials are available in electronic format, and will be posted on the course website. Unit 3 of the course requires extensive consultation to a book authored by the instructor, a recommended purchase: *Bangsund on the Commercial Liens Act of Saskatchewan* (Office of the King's Printer, 2023).

Teaching and Assessment: The instructor will use various pedagogical techniques. Most topics are covered by lectures, then through examination of the law through its application to factual scenarios (i.e. problem sets). Student performance is assessed through a final open book examination. Five students may elect to write a research paper for 30% of the final grade in the course. Students electing to complete a minor research paper must state their intention

within the first month of the term and have the nature and topic of the paper approved by the instructor. These students are required to write the entire final examination for the remainder of their final grade. Students not electing to write a minor research paper will write the final open book examination for 100% of their final grade.

Minor Research Papers Allowed: 5

LAW 303.3 SECURED TRANSACTIONS – PERSONAL PROPERTY**2(3L)**

(2024-2025 Bangsund)

Calendar Description: The course canvasses secured financing practices in Canada involving collateral in the form of personal property, with a primary focus on commercial secured transactions. The course examines the policy and economic implications of secured financing law, and reviews the history, doctrinal basis and specific provisions of the primary sources of secured financing law in Canada – the provincial *Personal Property Security Acts* (PPSA) and the secured financing regime of the federal *Bank Act*. The study of case law will provide a contextual framework to interpret and apply this legislation to factual scenarios. These subjects are examined in the context of the two primary themes of the course: *inter partes* creation and enforcement of security agreements, and third party priority issues.

Prerequisites/Co-requisites: NONE

Detailed Description: Secured financing is a fundamental and pervasive aspect of modern economic activity, provincially, nationally and internationally. This course will provide students with a sound working knowledge of the domestic law of secured financing currently in effect in all Canadian common law jurisdictions, broken down as follows: Unit A: Introduction; Unit B: Foundation, involving a review of the history, philosophy, terminology, taxonomy and scope of the PPSA; Unit C: Creation & Attachment; Unit D: Perfection, involving an examination of the options and requirements for perfecting a security interest in personal property; Unit E: Priority, involving a detailed examination of the rules that determine entitlements of competing interests in collateral; Unit F: Enforcement, involving a review of the post-default enforcement rights of secured parties; Unit G: *Bank Act* Security; and Unit H: Conclusion.

Students will learn how to advise clients regarding their rights and obligations in secured financing transactions. They will critically evaluate the law of secured financing and understand developments in the case law and governing legislation. In addition to learning the fundamental mechanics of secured financing law, students are encouraged to critically examine its primary features in light of public policy goals, and explore approaches to the resolution of evolving and potential issues in this arena.

Course Materials: *Bangsund on the Personal Property Security Act: The CCPPSL Model* (Thomson Reuters, 2021). The course materials for Unit G will be posted on the course website in electronic format.

Teaching and Assessment: The instructor will use various pedagogical techniques. Most areas are covered by lectures, then through examination of the law through its application to factual scenarios (i.e. problem sets). Student performance is assessed through a final open book examination. Five students may elect to write a research paper for 30% of the final grade in the course. Students electing to complete a minor paper must state their intention within the first month of the term and have the nature and topic of the paper approved by the instructor. These students are required to write the entire final examination for the remainder of their

final grade. Students not electing to write a minor paper will write the final open book examination for 100% of their final grade.

Minor Research Papers Allowed: 5

LAW 304.3 IMMIGRATION LAW**2(3L)**

(2024-2025 Veeman & Boer)

Brief Description: This course examines the policies, laws, regulations, guidelines, procedures, and cases that illustrate how Canada defines membership in the Canadian community.

Prerequisite/Co-requisite: NONE

Purpose and Orientation: Who do we want and who do we not want in Canada or as "Canadians"? Immigration policy and law has always been a subject of intense political debate in Canada. Some of the currently contentious issues include:

- Should family reunification considerations overcome economic interests when selecting immigrants? For instance, should Canada exclude your close family member from becoming a permanent resident because their disability may pose a risk to our publicly funded health or social services system?
- In what circumstances does Canada prevent people with past criminality issues from gaining immigration status? For instance, should a 7 year old assault conviction prevent someone from immigrating?
- Do individual human rights overcome the government's national security interests? For instance, is Canada prepared to deport a refugee with links to terrorism if they face possible torture in the destination country?
- How important is fairness in the process of making immigration decisions? For instance, should there be a right of appeal from a negative immigration decision?
- Is predictability and certainty more important than flexibility in the application of immigration law? For instance, should visa officers have the power to exempt applicants from selection criteria if they think it is appropriate?

Answering these questions, as well as the many others in this area, requires resort to a variety of sources of law. For example, the *Immigration and Refugee Protection Act* (IRPA), *Regulations* and Citizenship and Immigration Canada (CIC) Policy manuals are central, and much of the course is concerned with reviewing the provisions of these enactments and publications. In some cases, IRPA can be challenged as conflicting with the *Charter of Rights and Freedoms* international public law (either customary or treaty law). In addition, because immigration practice often involves reviewing the decision-making of various immigration tribunals, the principles of administrative law are an important constraint on decision-makers. In addition, all of these sources of law are interpreted and applied by a wide variety of persons, including immigration (IRCC) and border security (Canadian Border Security Agency) officers at overseas and inland offices; the Refugee Protection Division (RPD) and the Immigration Appeal Division (IAD) of the Immigration and Refugee Board, as well as the federal Court, Federal Court of appeal and Supreme Court of Canada. Finally, the course aims to prepare students for practice as immigration lawyers by infusing all of the legal discussion with practical advice on preparing initial immigration applications, RPD refugee hearings, IAD

appeals and Federal Court judicial review applications.

Materials: There will be a text book in addition to Immigration and Refugee protection Act, Immigration and Refugee protection Regulations and supplementary material to be distributed in advance of each class

Teaching and Assessment: 100% Final Examination

LAW 310.3 INFORMATION AND PRIVACY LAW**2(3L)**

(2024-2025 Johnston)

Calendar Description: This course examines the law relating to collection, use, and disclosure of information in the public and private sectors in Canada.

Prerequisites/Co-requisites: NONE

Purpose and Orientation: This course is designed to allow students to gain a foundational understanding of the legislation and principles that govern collection, use, and disclosure of information in Canada. The core of the course consists of an examination of federal and selected provincial/territorial legislation dealing with information in both the public and private sectors (i.e.: access to information and privacy statutes that apply to government and public bodies; private sector information and privacy statutes that apply to commercial activities). It will also include an examination of various causes of action that could be pursued for violations of privacy or other disclosure or misuse of information. As time permits, a selection of other topics will also be considered, including anti-spam legislation, data security, and relevant international developments.

In addition to addressing a subject that is relevant to a broad range of areas of practice, this course provides an opportunity for students to gain experience in working with legislation, including statutory interpretation and understanding relationships among statutes and between statutes and the common law. Other important objectives include understanding and critical analysis of relevant theoretical concepts and policy questions, and further development of skills of legal analysis and communication.

Course Materials: Readings will be assigned from materials available online.

Teaching and Assessment: The course will be taught using a combination of lectures and class discussion. Assessment will include an open-book final examination and may include one or more assignments.

Calendar Description: This course is intended to provide students with a general introduction to construction law in Canada. Building on basic concepts learned in contract and tort law, students will gain an understanding as to how contracts for work are awarded; what construction contracts look like, including which clauses are typically the source of litigation; how performance of the work is secured by owners; what rights, obligations and remedies parties can access through *The Builders' Lien Act*, in contract or in tort; and how to use arbitration effectively to resolve construction disputes.

Prerequisites/Co-requisites: **Contracts 202.5 (201.6) and Tort Law 211.5 (212.6)**

Purpose and Orientation: Construction law is a significant practice area in Saskatchewan and beyond. The principles taught in this course will be relevant nationally. Upon completion of this course the student will be able to:

- Describe and apply legal principles, including the common law and statutory rules, which govern construction law.
- Describe how construction contracts are awarded, and the process by which performance of work is secured.
- Describe how to effectively use the arbitration process to resolve construction disputes.
- Apply construction law concepts, including those contained in *The Builders' Lien Act*, contract law and tort law, to appropriately resolve common construction law issues as well as develop a basic understanding of how to analyze and respond to the types of legal documents commonly filed in legal proceedings relating to construction disputes.

Course Materials: A link to required course readings, including the course's textbook, *Saskatchewan Builders' Lien Manual* (3rd Ed) by Colin Hirschfeld and Jared Epp which will be made available for free, will be posted online in advance of each class. Course materials will consist of cases, tender documents, construction documents, pleadings and materials commonly filed in support of court actions, such as applications and affidavits.

Teaching and Assessment:

Take home final exam: 100%.

Students will be expected to prepare a legal memorandum, which will require an analysis and evaluation of court materials, which may include affidavits, contract documents and pleadings. To assist with preparation, some of these court materials will be provided to students in advance of the final exam. Students will also be expected to answer questions requiring them to apply course concepts to construction law fact patterns. The final exam will be open book.

LAW 314.3 HEALTH LAW
(2024-2025 Fraser)

1(3L)

Calendar Description: This course introduces students to the basic principles of medical law and their application to common issues in health care. It also explores the legal framework for the health professions and the health care system.

Prerequisites/Co-requisites: NONE

Purpose and Orientation: This course introduces students to basic principles of health law and to the complex legal and policy environment for the provision of health care in Canada. It will provide an overview of the health care system and its legal framework. The major part of the course will then consist of an exploration of health information, medical negligence, and consent to treatment. As time permits, we will also discuss other selected topics and current issues in health care. Throughout the course, students will be encouraged to consider the interaction of ethical and legal obligations from various sources and of different mechanisms for the accountability of health care providers.

Required Course Materials: Readings will be assigned from materials available online.

Teaching and Assessment: The course will be taught using a combination of lectures and class discussion. Assessment will include an open-book final examination and may include one or more assignments. A limited number of students will have the option of writing a minor paper.

Minor Papers Allowed: 5

LAW 315.3 ENTERTAINMENT LAW**2(3L)**

(2024-2025 J. Patrick)

Course Description: This course provides an overview of the key areas relevant to entertainment law, including: artist rights, copyright infringement, fair dealing, negotiation, trade-marks in entertainment, talent and guild agreements, collective bargaining, publicity rights, defamation, entertainment contracts, and emerging entertainment law issues in the digital age. The course will provide examples from film, television, music, visual art, live performance, and other areas. Students will have an opportunity to consider and discuss both practical and theoretical issues regarding entertainment law.

Learning Outcomes: A central objective is to provide students with an understanding of the legal aspects of entertainment businesses and the related role of lawyers. Students will critically evaluate entertainment law through understanding developments in case law, governing legislation, and policy issues related. Students will explore what it takes to get a deal done in the music, film, television, book publishing, and live stage industries. This course will provide students with a sound working knowledge of the legal aspects of negotiating with “the talent”, the collective bargaining process, artist rights, Indigenous artist rights, the implications of guild agreements, the role of negotiation in entertainment law, and new challenges in the digital/social media age.

Required Resources: All resources are Web-Based. Please refer to the reading list posted to Canvas.

Evaluation Components: The evaluation component of this course includes. Maximum of 2 major papers and 3 minor papers.

- a) Participation and Assignments – 20%
- b) Final Exam – 80% of grade
- c) Major paper – 80% of grade
- d) Minor Paper – 40% of Grade and Final Exam **40%** of Grade.

*****NOTE: This course will be delivered primarily online, but occasionally in person**

Course Description: This course will provide in-depth coverage and discussion of legal issues that arise in professional regulation in Canada. Topics will include governance, registration, labour mobility, professional standards, quality assurance, complaints, investigations, discipline, unauthorized practice, and judicial review. The course will address how professional regulation intersects with other areas of the law, and will also consider the larger social context of professional regulation and how recent cases have challenged government and public confidence in the way professions are regulated.

Learning Outcomes:

1. Explore how professions are regulated in Canada and some of the history and underlying policy rationales for that structure;
2. Articulate how professional regulatory bodies are structured through enabling statutes, subordinate legislation, and policies;
3. Identify the differing roles of professional regulatory bodies in Canada (such as registration, investigation, and discipline) and key legal issues that arise in each role;
4. Articulate how other legal regimes, including criminal law, human rights, and the Charter, interact with professional regulation; and
5. Explore key debates regarding the public interest in the current model of professional regulation, and consider emerging legislative responses.

Required Resources:

All required readings for this course will be supplied through Canvas, or can be obtained online through the University of Saskatchewan library website or otherwise. Readings may consist of cases, regulatory legislation, policy documents, government working papers, and media coverage of professional regulation.

Supplementary Resources (Optional):

Bryan Salte, *The Law of Professional Regulation* (Markham ON: LexisNexis Canada, 2015)

James T. Casey, *The Regulation of Professions in Canada* (Toronto: Thomson Reuters, 1994-)

Rebecca Durcan & Robin McKechney, *Prosecuting and Defending Professional Regulation Cases* (Toronto: Emond, 2020)

Note: There is no requirement to purchase any of the supplementary resources, and there will be no disadvantage in the course for not doing so.

Teaching and Evaluation:

Class participation

Value: 10% of final grade

Description: Students should come prepared to discuss readings and consider the rationale and implications that underlie these materials.

Final Exam

Value: 90% of final grade

Date: TBD

Description: The final exam will be administered as a comprehensive invigilated three-hour exam and may include questions on any of the topics covered in lectures and corresponding readings during this course.

Optional: Major Paper (available by request)

Value: 90% of final grade for major paper (in lieu of final exam)

Due date: By the end of the last scheduled class

Description: A major paper can be completed in lieu of a final exam. However, students writing major papers are still expected to review all the course materials and participate in class discussions on a regular basis as they will be responsible for demonstrating knowledge of the course materials in their writing. To be eligible to write a major paper, a student must have received email approval for their topic, along with a draft index, within five weeks of the first scheduled class. A maximum of five major papers will be approved.

**LAW 321.3 TRANSFORMATION IN PRACTICE: RECONSTRUCTING
THE FUTURE LAWYER**

1(3L)

(2024-2025 C. Zawada)

Calendar Description: This course examines the changing environment, technology, social and business factors students must manage to exploit challenges affecting the legal profession and how legal services can be more effectively delivered.

Prerequisite(s): NONE

Course Description and Objectives:

This course explores three major themes:

- a) Legal service providers must employ flexible and creative thinking when adopting unique solutions to meet future needs;
- b) Effective implementation of current and emerging technological tools is mandatory if lawyers and other providers are to remain relevant; and
- c) Various tools to identify and solve legal service delivery challenges must be employed, including subjects like design thinking.

Students (and lawyers) must understand the huge changes impacting the delivery of legal services, and enhance their personal skills toolkits to manage future requirements. These topics will be discussed and debated so practical solutions can be identified. Most importantly, students will be exposed to the technologies available, and consider how they can be applied or modified for maximum effectiveness.

Although this is not an artificial intelligence course, there is no doubt that AI will continue to be a massive force for change not just for legal practice, but in society. The risks and benefits of this technology will be closely examined, along with potential remedies which might minimize problems and augment benefits.

A major focus will be on problems already evident in the legal system. For example, what do customers need and expect, and how can one build a business or career around fulfilling those expectations? Have players in the legal industry, ranging from educators to providers, either ignored or failed to understand the real needs of their customers? What competencies must lawyers possess both for client service and to enhance their own mental wellness? The assumptions and consequences of this will be explored.

There will be emphasis on mandatory digital literacy and skills for legal service providers. Current technology will be discussed, along with emerging trends beyond AI.

Apart from technology, other elements which affect legal service providers will be examined, together with potential solutions. This includes personal skills such as marketing, resilience and stress reduction, and cultural competence. The latter will include discussion of TRC issues.

An attitude of experimentation will be an implicit, but key, part of the course: develop forward thinking graduates by stressing the need for continuous curiosity about the

transformation of legal service delivery in the public interest. Since the future is always unknown, practitioners will need to be flexible so they can adapt to and grasp the inevitable changes.

This course is not only aimed at students pursuing a career in private practice. Indeed, the very concept of private practice may be radically different in the future. The societal and professional changes which are occurring will affect legal services in every possible way and arena, and the skills necessary will be just as relevant to those who are in public service, government, or apply their legal training to other facets of life.

By the end of the course, students should be able to:

- employ a mindset of agility and adaptation to change;
- display comfort and competence in using current and future technological tools, such as artificial intelligence, collaboration software, online marketing strategies, and others;
- understand design thinking principles and how they can be applied to any manner of problems to create human-centric solutions;
- utilize and understand personal skills which students and legal service providers should know to maximize their career and personal potential, such as collaboration and teamwork, presentation skills, emotional intelligence and empathy, problem-solving skills, cultural competence, and resilience;
- describe the issues which have arisen and are likely to emerge in society and the legal profession that are contributing to breakdowns in the delivery of justice and legal assistance;
- gain an understanding of the issues which legal regulators are facing and anticipate some changes which they could employ, or which they may have to react to, when dealing with the changes identified.

Course Materials: Course materials and readings are available through the class Canvas site. Edited versions or excerpts of cases and other materials are provided and students are only responsible for the portions contained in those versions.

Materials provided through Canvas or otherwise are intended to be used only by students enrolled in the course for the purpose of private study. Unless otherwise noted, CanLII is the original source of case excerpts in the edited materials.

Method of student evaluation:

Assessment of students will be based on:

- 1) (20%) Class participation, including:
 - a) attendance;
 - b) adequate preparation;
 - c) active involvement in classes and workshops; and
 - d) contribution to class discussions.

2) (80%) A final exam (open book), based on themes of the course. Students may elect, with instructor approval, to write a major paper in lieu of the final exam on a topic relating to the course's subject matter.

LAW 322.3 CHILD PROTECTION LAW AND PRACTICE**1(3L)**

(2024-2025 Patrick)

Detailed Description: Child Protection Law and Practice focuses on child protection law in Canada and the legal, policy and practices, with the aim of helping students to develop a legal framework consistent with the theory, values and skills of practice in this area of law. The course will critically examine a range of contemporary legal, social policy and practice issues that impact the lives of children, caregivers, and their communities. The course examines the quasi-criminal and quasi-family law nature of child protection law in Canada. The main goal of the course is to provide a foundation for child protection law and practice within a social justice framework, by examining a range of issues pertinent to the practice of child protection law.

The course format will be interactive and success for all (including the instructor) will depend on the full participation of each person in critically examining issues and challenges pertinent to child protection law in Canada.

Prerequisites/Co-requisites: NONE

Learning Objectives: Students are expected to develop an understanding of both the foundational legal concepts of child protection law in Canada, as well as the practical realities and challenges that this practice area raises in Saskatchewan and its Indigenous communities. Students will understand the national significance of child protection and the challenges that this area of law faces following the TRC's Calls to Action, the MMIWG Final Report, UNDRIP, and Legislative frameworks. Students will become familiar with the national significance of addressing policy and social issues that include the over representation of Indigenous children, youth, families, and communities that get caught in "the system".

Course materials: All resources will be available on-line or through CanLII.

Teaching and Assessment: The final exam is worth 80%. Students approved to write a major research paper in the course will do so in lieu of a final exam.

- Participation & Reflection - 20% (all students)
- Minor research papers allowed: 3 (40%), write exam (40%)
- Major research papers allowed: 3 (80%)

Weekly meetings will be scheduled for a time and in a location that works for the students and the Director of the Law Reform Commission (Leah Howie).

This is an application-based class.

Total Hours: 72 (6 per week x 12 weeks)

Weekly Hours: Practicum 6 per week for 12 weeks

T1 or T2 (depending on student and Director preference)

Course Description: This internship will give students an opportunity to learn about the process of law reform and to develop their research and writing skills by working with the Commission and its Director on law reform projects in which the Commission is engaged.

The student will work under the supervision of the Director and provide written work and verbal reports on a regular basis. The student will have an orientation session and discuss assigned reading materials with the Director in the first week of the internship. Following this, the student will have weekly meetings with the Director. The student will work 6 hours/week for the Commission in 2 x 3-hour shifts and will also meet with the Director once per week for 30 minutes. The student will have deadlines for written work to be agreed upon with the Director. The student will also meet at least once per term with one or more of the Commissioners, and also attend a regular Commission meeting (if one is scheduled during the term).

Students will be selected for this course based on their applications. 2L and 3Ls will be automatically added to the 'USask College of Law | Experiential Learning' Canvas course on June 25. Accept the invitation to access the application system within the course and navigate to the 'Placement Applications' section to select and submit your application for the LAW 323.3 Internship by **Wednesday, August 28, 2024**. Please address your application to the Director of the Law Reform Commission of Saskatchewan, Leah Howie. She can be contacted for questions at director@lawreformcommission.sk.ca.

Applications must include an unofficial transcript, resume, and cover letter, and must indicate in which term the student would prefer to complete their internship. Students will be notified in late August whether or not they have been selected. At this point, students who have been selected for the internship will have to drop a class in the term in which it has been offered and contact law.jdstudies@usask.ca to register them in the internship.

Learning Objectives for this course:

- Understand the process and roles involved in reform of legislation
- Develop proficiency in legal research, including primary (legislation and case law) and secondary materials

- Develop skills of legal analysis
- Develop writing skills, including presenting the results of research and analysis in memos and other draft documents and drafting materials for the Commission's website
- Develop verbal communication skills, including the ability to summarize the results of research and articulate questions

Student Evaluation: The internship will be evaluated on a pass/fail basis. The student will be required to demonstrate competencies in legal research and writing and oral and written communication. The student will also be required to complete a self-reflection exercise at the end of the term.

LAW 324.3 DISPUTE RESOLUTION IN FAMILY LAW**2(3L)**

(2024-2025 Charmaine Panko, K.C.)

Calendar Description: This is an advanced DR course which builds on the basic skills introduced in Negotiation 430, and focuses on the area of family conflict. The course will allow students to study emerging DR models in family law, and will focus on advanced skill development. Topics will include inter-disciplinary approaches and adaptive processes that allow lawyers to better understand and address the dynamics of family conflict.

Prerequisite: At a minimum, students will have taken Negotiation 430 AND one family law course such as Family Law I 372. For a complete understanding of family law issues, before taking this course, students will have also taken Family Law II 471 or would be registered in 471 at the same time.

Purpose and Orientation: The landscape of practicing family law is changing quickly, with a growing emphasis on dispute resolution processes outside of court. The Negotiation course prepares students for problem-solving processes with general skills, but many unique challenges (and opportunities) arise when working with families in conflict. This course will delve into those challenges (taking issues like mental health, family violence and cultural backdrop into account). It will also explore DR processes, some long-standing and others emerging, such as: mediation, interdisciplinary collaborative process, arbitration and parent coordinator roles, pre-trial conferences, self-representation and coaching.

Texts: Materials will be distributed.

Teaching and Assessment: Course work includes in-class participation exercises and out-of-class experiences as well as written reflective assignments and in-class debriefings of exercises and out-of-class experiences. The emphasis is on formative assessment (development of skills over time) and collaborative learning. This course does not have an exam but each student is required to present a final project on Re-imagining Family Law. The course is *not eligible* for either the major or minor research paper credit. Class size is limited to 20.

LAW 326.3 TRUSTS**2(3L)**

(2024-2025 Arvanitis-Zorbas)

Calendar Description: The course covers the creation, administration, variation and breach of express trusts. Resulting and constructive trusts are also examined.

Prerequisite/Co-requisite: NONE

Course Objective: The purpose of the course is to describe the structure of the trust and investigate the functions that modern trusts perform. Trusts are an indispensable tool for many formal arrangements between parties. Students will be introduced to this general utility and, at the same time, learn the limitations of the use of the trust. Students should be able to: define terminology commonly used in trusts, state and apply the rules which govern validity of trusts, as well as contrast the trust with other legal concepts. Furthermore, they should be able to solve problems by applying the law related to **express trusts, remedial trusts, purpose trusts, trust remedies**, the **administration of trusts** and **trust theory**.

Course Materials: The required casebook will be available for purchase.

Teaching and Assessment: Instruction is by lecture and discussion. Assessment is based on an open-book final exam.

Minor Research Papers Allowed: 0

LAW 340.3 ADMINISTRATIVE LAW**1&2(3L)**

(2024–2025 - Term 1 (s.1) Hoehn; Term 2 (s.2) Ralston)

Calendar Description: A survey of the role of administrative agencies within the Anglo-Canadian legal system focusing primarily on consideration of the extent to which agency and executive action is subject to judicial review and control.

Prerequisite/Co-requisite: NONE

Purpose and Orientation: This course will provide an introduction to the basic principles of administrative law which govern the activities of administrative bodies and the relationship between the legislative, executive and judicial branches of government. The areas discussed will include procedural fairness, bias and independence, discretion, the application of the *Charter* to administrative decision making, judicial review, and other remedies available with respect to administrative decisions. Students will have an opportunity to consider and discuss both practical and theoretical issues regarding the role of administrative decision makers. The course will serve as a foundation for further study and practice in a wide range of areas, including health, environment, immigration, labour, professional regulation, education, and financial regulation.

Term 1 – Hoehn Course Materials: TBA **Term 2 – Ralston Course Materials: TBA**

Teaching and Assessment: The course will be taught by a combination of lectures and class discussion. Assessment may include components for class participation and will include one or more open book examinations or assignments. A limited number of students also have the option of writing a minor research paper.

Minor Research Papers Allowed: 5

LAW 341.3 FIRST NATIONS' ECONOMIC DEVELOPMENT**1&2(2S-1R)**

(2024-2025 Busch)

Calendar Description: The seminar examines the evolution of First Nations economic development. There will be a brief overview of historical economic activities by First Nations, a review of government legislation and policy that impacted First Nations economies and a review of legal developments including First Nations-led legislative initiatives that have created the environment for renewed economic development activities by First Nations.

Prerequisites/Co-requisites: None

Purpose and Orientation: This seminar is designed to equip students with the knowledge of the evolution of First Nations economic development. To understand the successes, challenges and opportunities of current economic development by First Nations requires an overview of the historical economic development activities carried out by First Nations. It also requires an examination of how government policy and legislation adversely affected First Nations abilities to participate in the economy both before and after Treaty making. Lastly, the successes and opportunities for current and future economic development can be attributed to a resurgence in cultural and traditional activities, recent case law and First Nations-led legislative developments along with appropriate business structures. The seminar will provide the student with a well-rounded comprehension of economic development issues and the legislative and legal regime in which First Nations operate.

Course Materials: Materials will be available online.

Teaching and Assessment: The primary teaching method is by lecture along with discussions and questions. Assessment will be 75% written paper, 15% for class participation and 10% for short presentations in class.

LAW 342.3 APPELLATE ADVOCACY**1(3L)**

(2024-2025 L. Wihak)

Calendar Description: This is a theory and practice course, combining the study of legal principles unique to appellate litigation and the work of appellate courts, with practical written exercises, and a mock appeal in the Saskatchewan Court of Appeal. The objective of this class, which will combine both lecture and class discussion, is to increase a student's understanding of the appellate process in both civil and criminal matters, and to provide practical exposure to the practice of litigation.

Prerequisite/Co-requisite: None. Successful completion of civil procedure or criminal procedure and administrative law would be an asset, but is not required.

Detailed Description: This class will teach students how to serve effectively as counsel for a party on an appeal. The first part of the course will focus on appellate theory, and will concentrate on the structure of and legal constraints on Canadian appellate courts. It will be comprised of lectures, including guest lectures from seasoned appellate counsel and various Saskatchewan Court of Appeal judges, and class discussions in seminar form. While this course is intended to be delivered fully in person, some classes may need to take place via Zoom in order to accommodate the schedules of our guest speakers and/or the instructor's own litigation schedule.

The objective of this class is to provide students with an overview of the appellate framework and process, including the right to appeal, jurisdiction of appellate courts, scope of review, and relevant statutory provisions and rules of court. The unique role of the Supreme Court of Canada in the Canadian court system will also be discussed, as will more recent developments in appellate practice such as cameras in the courtroom, electronic filing, and hearings via videoconference, all of which have taken on greater importance in the post-COVID world.

The second part of the course will be skills oriented. Since written advocacy, and especially the ability to write persuasively and effectively, is central to appellate litigation practice, the course will emphasize written advocacy slightly more than oral advocacy. Although focusing on the appellate setting, the skills aspect of this class will prepare students for arguing motions and writing legal briefs for any level of court or administrative tribunal, and will introduce the basic advocacy skills essential for making effective oral presentations in those settings.

Course Requirements: The subject matter covered by this course is considerably complex, and should be considered as advanced. The nature and extent of the readings reflect that notion. By way of evaluation, students will be required to undertake tasks central to the appellate process, such as drafting notices of appeal; preparing a written factum in an appeal; oral argument; and preparing a short legal memorandum on an issue relevant to practice in appellate courts. Given the small class format, and the prevalence of guest lectures, there is also a participation component to the course evaluation.

(Please note this course is **not** suitable for fulfilling the College of Law's requirement for a major or minor research paper.)

LAW 346.3 INTERNAL ENVIRONMENTAL LAW MOOT**2(3S)**

(2024-2025 L. Howie)

The internal environmental moot course will be offered biennially, in years when the Willms & Shier national environmental moot competition is not running. This course will provide students with a similar learning experience to that offered to students selected to the College's Willms & Shier Environmental moot team and is taught by the coach of the moot team. Because the moot problem will always be different, students who take this course can still be a member of the College's environmental moot team in years when the Willms & Shier national environmental moot competition is running as students will learn distinct and non-overlapping substantive elements of environmental law.

The course will provide students with instruction in areas of environmental law relevant to the moot case, advanced legal research and writing, and appellate advocacy. The Instructor and guest lecturers will deliver lectures for the first half of the term, on topics relevant to the moot problem. The remaining half of the term will be spent with the student teams meeting with the Instructor to review their memos and factum, presenting their research findings to the group, and participating in at least one practice moot session.

The course will end with the students participating in the Saskatchewan Association for Environmental Law (SKAEL) environmental moot, which will be organized and run by SKAEL biennially in the years when the Willms & Shier Environmental Moot is not running.

Learning objectives and modes of assessment:

Students will develop their legal research and writing and advocacy skills while also learning about appellate advocacy and the areas of environmental law relevant to the moot problem.

The course will be experiential: the students (acting as junior counsel) will be reporting to the Instructor (acting as senior instructing counsel). The students will have input on the issues to be researched and dealt with in their research memos.

The students will be required to brief the Instructor and the class on their research memos. Following these briefings, the Instructor will provide feedback on both the form and substance of the memos and suggest areas for possible future research. The students will also receive feedback on their draft factums that they will be expected to incorporate.

The course will also encourage students to engage in reflective practice by completing a number of reflective exercises throughout and at the end of the course.

Students will be assessed on the following:

Research Memos (individual mark)	30%
Factum (group mark)	25%
Moot (individual mark)	25%
Moot Preparation Assignment (individual mark)	10%
Class Participation (individual mark)	10%

LAW 347.3 DONALD G. H. BOWMAN NATIONAL TAX MOOT
(2024-2025 Sittler)

2[Nov.-Feb.](3S)

*If you are interested in the upper year moots, keep an eye out for an announcement in late August or right at the start of term. You will have a chance to apply for any moots that interest you. We typically run interviews or try-outs on a weekend, before mid-September***

Description: Up to five students will be selected annually to participate in the Donald G. H. Bowman National Tax Moot, which is typically held in Toronto. The moot involves research and advocacy, both oral and written, and allows students from Canadian law schools to debate current legal issues in taxation law with senior tax practitioners and with justices of the Tax Court and Federal Court of Appeal. The moot is recommended to those with an interest in public speaking, advocacy, exacting research and taxation issues.

Calendar Description: This course is designed for students who wish to participate in the Donald G.H. Bowman National Tax Moot. The moot involves research and advocacy, both oral and written, and allows students from Canadian law schools to debate current legal issues in taxation law with senior practitioners and with justices of the Tax Court and Federal Court of Appeal. The seminar is recommended to those with an interest in public speaking, advocacy, exacting research and taxation issues. A team of up to five students (four oralists and up to one additional participant) will be selected to represent the College at the moot competition.

Prerequisite/Co-requisite: NONE

Purpose and Emphasis: This course is designed to prepare students for participation in the Donald G.H. Bowman National Tax Moot. The content of the course depends on the issues raised by the moot problem. The problem is usually available in the early fall, and the competition takes place in late February or early March. Some work over December break may be required. Work and attendance at meetings and practices over the February break is essential.

Students who are invited may indicate their interest and compete for a place on the team. No more than five students may participate. Students are selected through an interview process and selection may be made on the basis of academic record, mooting experience or other relevant experience. Interested students will be invited to submit application materials including an updated CV and cover letter and may be interviewed as a part of the selection process.

Course Materials: The materials covered depend on the issues raised by the moot problem. Students identify the issues, then divide them among the group in two teams (two appellant representatives, two respondent representatives). Research materials identified by the coach and/or the moot problem make up the bulk of the course materials.

Teaching: In accordance with the rules of the competition, faculty assistance is limited to a general discussion of the issues, suggestions as to research sources, and suggestions on ways students can improve their moot style. In addition to seminar discussions of the issues and research sources, students will participate in several meetings and practice moots in the months of January and February. Students will prepare both an appellant and respondent factum, the final drafts of which have, in the past, been submitted to the competition organizers in early February.

Teaching and Assessment: Each student's mark will be arrived at using a combination 25% attendance, 25% quality and timeliness of written work (which will necessitate evaluation of the written work as a group effort), 25% quality of oral work, and 25% group participation. Pursuant to the moot rules, the additional participant may not be required to present oral argument at the moot competition but the additional participant will have the opportunity to present oral argument in a practice setting. In the case of the additional participant, their individual mark will be based on their research contributions to the moot team as well as their participation in practice moots (and the moot competition itself if required). The course will not satisfy the major research paper requirement nor will it meet the seminar program requirement.

LAW 348.3 ADVANCED LEGAL RESEARCH
(2024-2025 Golding)

1&2(3L)

Course Description: Legal research is an integral part of the legal profession and essential for a comprehensive understanding and analysis of legal issues. This course is designed to enhance students' proficiency and efficiency in conducting legal research and the judicious and legitimate use of artificial intelligence (AI) tools.

Building upon the foundational skills students acquired in the introductory legal research and writing course, this course focuses on the advanced application of practical legal research skills, including locating relevant case law, legislation and commentaries and providing professional support to clients. Through case studies, class exercises and discussions, students will develop skills for utilizing legal research databases (some of which are legal AI tools), gain deeper insights into the ethical implications of using AI in legal practice, and learn the opportunities and shortfalls of using AI for legal research and writing.

This course focuses on the application of legal research and analysis to solve problems and support client decision-making. Students will formulate and use research plans, analyze complex information, and synthesize legal issues and coherent legal arguments. Students will hone their legal research and client communication skills by learning to identify relevant primary law sources using various strategies and databases, use secondary sources efficiently, interpret and work with legislation, and identify and analyze options using professional decision-making processes and strategies. Students will have the opportunity to reflect on the lawyer's role as an adviser and how to communicate effectively to different audiences.

This hands-on and experiential learning course applies scenarios based on practical legal problems and questions commonly encountered in articling, clerkship and legal practice.

The overall aim is to provide students with practical skills to enhance their ability to find and analyze appropriate legal sources, develop an understanding of the legal implications and ethical considerations of using AI tools and communicate research results in a client-focused and ethical manner.

Prerequisites/Co-requisites: LAW 245 Legal Research and Writing

Course Materials: All course materials are available in electronic format and will be posted on the course website or available through the library. Students must be able to access all legal research databases available through the University of Saskatchewan Law Library.

Teaching: The instructor will use various pedagogical techniques. Some weeks, students would be expected to view 40-60 minutes of video lectures or research demonstration videos before class. Some weeks will have readings instead of video instruction. During scheduled class time, students are expected to practice legal research techniques and engage in discussion of results.

Student attendance and engagement during class is required. Exercises and assignments will be debriefed through small-group peer review, class discussion and instructor feedback.

Assessment: Student performance is assessed through in-class exercises, quizzes, and assignments. There is no final exam.

Minor Research Papers Allowed: 0

Calendar Description: This course examines the common law foundations of the law of evidence in Canada – principally rules and standards of admissibility. The topics examined include judicial notice, presumptions and burdens/standards of proof, relevance and materiality, receivability, character evidence, opinion evidence, privilege, and hearsay.

Prerequisite/Co-requisite: NONE

Purpose and Orientation: The purpose of the course is to introduce students to fundamental concepts, principles, rules and standards in the law of evidence. Evidentiary issues arise in all areas of legal practice. Even where there is no resort to litigation, the rules of evidence often determine the strength of the client's legal case and so must be considered. This course focuses on the rules of evidence in criminal proceedings, but we will sometimes also look at evidentiary issues arising in civil and constitutional litigation, as well as administrative hearings.

The law of evidence is in a state of perennial flux. Over the past twenty years, the Supreme Court has completely re-fashioned the law pertaining to hearsay evidence, expert opinion evidence, similar fact evidence, judicial notice, the right to silence, and various other fundamental concepts. The object of this course is not simply to describe the law of evidence, but to examine and critically assess the directions in which it moves. To that end, we will consider the extent to which the various rules of evidence can be justified on moral and policy grounds, drawing upon the historical development of the law, and sometimes comparing the Canadian approach to that used in other countries.

The law of evidence is primarily concerned with admissibility and receivability. Evidence is presumptively admissible if it is relevant to a material issue. We will consider the meaning of materiality and relevance early in the course. These concepts, though they apply in every case to every kind of evidence, apply differently depending on the type of evidence adduced; *i.e.*, depending on whether the evidence in question is direct, circumstantial, or real. These classifications will also be explained. Even if evidence is relevant to a material issue, it will be inadmissible if it is subject to an exclusionary rule (*e.g.*, the hearsay rule or the confessions rule). A number of these rules (though, due to time constraints, not all) will be examined later in the course. Finally, evidence may be admissible but not receivable – the trial judge may use her discretion to exclude admissible evidence if she concludes that its prejudicial effect exceeds its probative value. We will consider the circumstances in which trial judges have (and have not) exercised their discretion in this way.

Course Materials:

- Don Stuart, David Tanovich and Lisa Dufraimont, *Evidence: Principles and Problems*, 13th ed. (Carswell)

Teaching and Assessment: The course will be taught primarily in a lecture format, though students will be expected to participate in class by asking and responding to questions about the materials, and by engaging each other in debate.

All students will write one open-book final examination.

LAW 361.3 BUSINESS ORGANIZATIONS I
(2024-2025 Odumosu-Ayanu)

2(3L)

Calendar Description: Examination of the basic features of business corporations. Topics include corporate personality, the process of incorporation, the powers and duties of directors and officers, shareholder rights and remedies.

Prerequisite/Co-requisite: NONE

Purpose: In Saskatchewan there are three different general incorporation statutes: *The Business Corporations Act*, *The Co-operatives Act*, and *The Non-Profit Corporations Act*. The focus in this course is on *The Business Corporations Act*. The purpose of the course is to acquaint students with the basic elements of corporate structure. No commerce or business background is required in order to do well in this course.

Course Materials: The required casebook will be available for purchase. Supplementary materials will be posted online.

Teaching and Assessment: Instruction is by lecture and class discussion. The form of assessment will be an open-book final examination and may include a written assignment.

Minor Papers Allowed: 5

LAW 361.3 BUSINESS ORGANIZATIONS I**1(3L)**

(2024-2025 Arvanitis-Zorbas s.1)

Calendar Description: Examination of the basic features of business corporations. Topics include corporate personality, the process of incorporation, the powers and duties of directors and officers, shareholder rights and remedies.

Prerequisite/Co-requisite: NONE

Purpose: In Saskatchewan there are three different general incorporation statutes, the *Business Corporations Act, 2021*, the *Cooperative Corporations Act* and the *Non-Profit Corporations Act*. The focus in this course is on the *Business Corporations Act, 2021*. The purpose of the course is to acquaint students with the basic elements of corporate structure. No commerce or business background is required in order to do well in this course.

Course Materials: The required casebook will be available for purchase.

Teaching and Assessment: Instruction is by lecture and discussion. The form of assessment will be a 100% open-book final examination.

Minor Research Papers Allowed: 0

LAW 372.3 FAMILY LAW I
(2024-2025 Singer)

1(3L)

Calendar Description: Introduction to trends in family law, the constitutional and statutory framework for the regulation of families and the process issues in family law practice. The course provides a detailed examination of support/maintenance and property rights between spouses, both married and common law.

Prerequisite/Co-requisite: NONE

Purpose and Orientation: This course provides an introduction to the substantive themes and trends in family law, the constitutional and statutory framework for the regulation of families and the role of process issues in family law practice.

In addition to introducing substantive and procedural issues, the course offers a detailed examination of the legal meaning and implications of spousal status.

Examination of the legal definition of spouse will include a review of the extension of marital status to LGBTQ+ couples, as well as to the circumstances in which spousal status is attributed to unmarried cohabitants.

A substantial portion of the course will deal with spousal rights to property division under *The Family Property Act* including division of the family home, household goods and other types of family property. In addition, spousal rights to financial support or maintenance will be examined both under the federal *Divorce Act* and the provincial legislation, *The Family Maintenance Act, 1997*. The impact of private agreements on rights to support and division of property will also be reviewed.

Course Materials: A case book is available on PAWS. No other materials are necessary for the course, although reference may be made to certain commentaries and articles.

Assessment: Students will be assessed by way of a 100% open book final.

Minor Research Papers Allowed: 0

LAW 372.3 FAMILY LAW I
(2024-2025 Wieggers)

2(3L)

Calendar Description: Introduction to trends in families and family law, the constitutional and statutory framework for the regulation of families and the role of process issues in family law practice. The course also provides a detailed examination of support obligations and property rights as between spouses, both married and common law.

Prerequisite/Co-requisite: NONE

Purpose and Orientation: This course provides an introduction to the substantive themes and trends in families and family law, the constitutional and statutory framework for the regulation of families and the role of process issues in family law practice.

In addition to introducing substantive and process issues in family law, the course offers a detailed examination of the legal meaning and implications of spousal status.

Examination of the legal definition of spouse will include a review of the extension of marital status to 2SLGBTQ+ couples as well as to the circumstances in which spousal status is attributed to unmarried cohabitants.

Special attention will be given to the impact of domestic violence on the safety and personal security of spouses and on the fair and equitable resolution of disputes.

A substantial portion of the course will deal with spousal rights to property division under *The Family Property Act* including division of the family home, household goods and other types of family property. Finally, we will examine spousal rights to support or maintenance both under the federal *Divorce Act* and provincial legislation, *The Family Maintenance Act, 1997* and with reference to the *Spousal Support Advisory Guidelines*. The impact of private agreements on both property division and spousal support will also be reviewed.

Course Materials: A casebook will be available on Canvas. No other materials are necessary for the course, although reference may be made to certain commentaries and articles.

Assessment: Possibilities for assessment include minor or major papers and an exam.

Minor Papers Allowed: 5

LAW 384.3 CIVIL PROCEDURE**1&2(3L)**

(2024-2025 Kennedy (Term 1); Hnatyshyn (Term 2))

Calendar Description: A chronological study of the procedural steps, rules and related substantive law in a civil action from the moment of the decision to sue to the trial of the matter. The context of the adversarial process in an action is examined by reference to the policies underlying civil procedure, the role and authority of the lawyer, the organization and jurisdiction of the courts and limitations of actions. The civil action is examined through a focus on principles of jurisdiction and venue, type and manner of commencement of proceedings, pleadings, multiple claims and parties, and questioning. The course will involve the drafting of documents. The ethical conduct of a civil action is taught at each stage of the class.

Prerequisite/Co-requisite: NONE

Purpose and Orientation: The course is intended to provide a basic understanding of the process, principles, rules and discretion in adjudication in formal legal proceedings (specifically, a general procedure civil action in superior court-in Saskatchewan, The Court of King's Bench). The initial focus is on the decision-making that takes place in the law office with respect to suing. Basic issues with respect to the role of the lawyer, choice of courts, limitation periods and costs of litigation are developed as aspects of the decisions to sue and settle litigation. The main focus in the examination of procedures is to develop an understanding of the content and scope of procedures by reference to definition, history and purpose of the rules. Drafting of documents and pleadings in an action are used to compliment case and rule analysis as part of understanding the process of litigation.

Course and Materials: TBA

Teaching and Assessment: The method of teaching is a combination of lecture, modified Socratic discussion and group activities. A major element of the course will require the students to work as "counsel" in an hypothetical action. This simulation will require the students to draft pleadings, prepare a Pre-Trial Conference Brief, and participate in a Pre-Trial Conference. The course is marked on a Pass/Fail basis. Students must successfully complete all aspects of the course to achieve a pass.

Minor Papers Allowed: 0

LAW 401.3 SECURITIES REGULATION**1(3L)**

(2024-2025 Wright)

Calendar Description: An introduction to the principles of securities regulation in Canada. The course will provide an overview of the regulatory system, including prospectus requirements (and exceptions thereto), continuous disclosure, exempt market financing, and certain forms of corporate transactions involving securities (e.g., plans of arrangement, take-over bids, etc.).

Special emphasis will be given to the regulatory aspects of advising a public company, including corporate finance, disclosure and governance matters, and the various types of securities offerings.

Prerequisite: Students must have taken Business Organizations I 361.3. This is a requirement to take this class. Exceptions are made but only in **very exceptional circumstances**.

Purpose and Orientation: The purpose and orientation of this course is to introduce the principles of securities regulation for those who wish to practice in the area of corporate or securities law or who may ultimately advise publicly traded companies, in either an in-house or external counsel role. For students who will likely maintain a more general practice, it is designed to enable the practitioner to recognize and identify securities law issues as they may arise and to learn how exempt market financings work.

Course and Materials: Required materials include:

Canadian Securities Regulation, 5th Edition, David Johnston, Kathleen Doyle Rockwell, Cristie Ford, LexisNexis Canada, 2014 (buy the Student Edition)

Primary sources: *Saskatchewan Securities Act, 1988* and various National Instruments and Policies available online.

Teaching and Assessment: The course will be principally taught by lecture, with case study and fact situations designed to elicit discussion and provide illustrations of the problems and issues facing market participants pertaining to the materials covered. Assessment will be based on attendance and participation (10% of the grade) and final exam (90% of the grade). Students may also elect to have a 100% final exam without a participation mark.

Minor Papers Allowed: 0

LAW 404.3 JUDGMENT ENFORCEMENT LAW**1(3L)**

(2024-2025 Bangsund)

Calendar Description: This course addresses the Province of Saskatchewan's unique system for the enforcement of money judgments. It entails a detailed examination of *The Enforcement of Money Judgments Act*, which provides a code of law addressing money judgments. This is supplemented by an examination of the circumstances in which non-Saskatchewan and non-Canadian judgments can be enforced against assets in Saskatchewan. Another aspect of judgment enforcement is the law dealing with fraudulent conveyances and preferences. A significant portion of the course is devoted to this complex area of the law, which has been subject to legislative reform in Saskatchewan under the *The Reviewable Transactions Act* (not yet in force).

Prerequisite: NONE

Detailed Description, Purpose and Orientation: This course is designed primarily to equip students with the knowledge required to address the very practical questions of whether and how a money judgment can be enforced. Since judgments for the payment of money are issued in connection with legal proceedings involving virtually any area of law, this subject is relevant to almost every field of legal practice.

A court's issuance of a judgment does not enable a successful claimant to reach the financial resources or property of the judgment debtor for purposes of satisfying the successful plaintiff's claim. The enforcement of a judgment for the payment of money entails resorting to the specialized systems of law that are the subject of this course. The various methods of judgment enforcement are examined in this course with a focus on a range of statutory measures contained in *The Enforcement of Money Judgments Act*.

A feature of modern judgment enforcement law is recognition of the enforceability in Saskatchewan of judgments issued by courts in other provinces or countries, and the enforceability of Saskatchewan judgments in other jurisdictions. The course explores the statutory systems that have been implemented in Saskatchewan to deal with foreign judgment enforcement.

Another important aspect of the course is an examination of the law dealing with "fraudulent" conveyances and preferences. While legislation dealing with these types of transactions is based on concepts first established in the *Statute of Fraudulent Conveyances, 1571*, it remains a central feature of modern judgment enforcement law. In Saskatchewan, *The Reviewable Transactions Act* has been enacted (though it is not yet in force) with a view to supplanting the old systems.

In addition to acquainting students with the functional and conceptual features of judgment enforcement law, the course provides a context within which students can assess some of the commercial and social issues underlying it.

Course and Materials: Ronald CC Cuming & Donald H Layh, *The Saskatchewan Enforcement of Money Judgments Act: Commentary & Analysis* (Office of the Queen's Printer, 2012). Select

case law, available both through CanLii (for free) and online library resources and CanLii, will be assigned periodically throughout the semester.

Teaching and Assessment: Various pedagogical techniques are used in this course. Most topics are covered by lectures, then through examination of the law through its application to factual scenarios (i.e. problem sets). Student performance is assessed through an open book final examination for 100% of the course grade. Five students may elect to write a research paper for 30% of their course grade. Students electing to complete a minor research paper must state their intention within the first month of the semester and have the nature and topic of the paper approved by the instructor. These students are required to write the entire final examination for the remainder of their course grade. Students not electing to write a minor research paper will write the open book final examination for 100% of their course grade.

Minor Research Papers Allowed: 5

Law 405.3 ADVANCED CRIMINAL LAW
(2024-2025 Fehr)

1(3S)

Calendar Description: The seminar focuses on substantive criminal law with emphasis on critical analysis of the grounds of criminal liability and criminal responsibility. The challenges that social and cultural diversity pose for the development of substantive criminal law will be considered throughout.

Pre-requisites/Co-requisites: None

Purpose and Orientation: Students will build upon their understanding of terms such as *actus reus*, *mens rea*, justification, excuse, and various sentencing principles. Students will also learn about the complex relationship between criminal and constitutional law in Canada and compare it with other jurisdictions. In addition to understanding why judges should (or ought not) be permitted to strike down criminal laws, students will think critically about which types of rights (e.g., liberty vs equality) courts should use to constitutionally structure the criminal law.

Course Materials: One book and a variety of academic articles.

Teaching and Assessment: The instructor will lead critical group discussion of the assigned materials. Students are expected to read the relevant materials prior to class to facilitate class discussion. Students will be graded on their overall participation (15%), a presentation (15%), a paper proposal (pass/fail), and a major/minor research paper (70%).

Research Papers Allowed: Unlimited

LAW 407.3 BANKRUPTCY, INSOLVENCY & RECEIVERSHIPS**2(3L)**

(2024-2025 Bangsund)

Calendar Description: This course has been designed to facilitate student examination of the law of bankruptcy, insolvency and receivership, with a focus on liquidation in bankruptcy and receivership. These fields are governed by statutory codes and extensive judge-made law.

Prerequisite: NONE

Purpose and Orientation: Bankruptcy and insolvency law is important to the Canadian economy. The dramatic increase in the use of debt by business enterprises and consumers over the last several decades years has resulted in increasing need to invoke statutory schemes designed to address the consequences of default by debtors.

The specific issues that will be examined in the context of bankruptcy law will include: the invocation of the bankruptcy system, the property of a bankrupt that he or she can keep and the property that is taken by a trustee, the effect of bankruptcy on the rights of persons who have dealt with a bankrupt, the effect of bankruptcy on secured transactions law, and the conditions in which a bankrupt may obtain a discharge of his or her debts.

The use of insolvency (reorganization) system contained in *Companies' Creditors Arrangement Act* and the *Bankruptcy and Insolvency Act* to either avoid or facilitate liquidation of business assets has become very common. In this course, the central aspects of the structures and effect of the insolvency system contained in this legislation are explored.

Receivership is a third structure in which insolvency is addressed in Canada. In this context, however, it is most commonly used as a mechanism to enforce broadly-based security interests in the property of business debtors. The specific issues that will be examined in the context of receivership include the special position of a receiver-manager and receiverships under *The Personal Property Security Act* and the *Bankruptcy and Insolvency Act*.

Course and Materials: The majority of the primary course materials are available in electronic format, and will be posted on the course website. Select case law, available both through online library resources and CanLii (for free), will be assigned periodically throughout the semester.

Teaching and Assessment: Various pedagogical techniques are used in this course. Most topics are covered by lectures, then through examination of the law through its application to factual scenarios (i.e. problem sets). Student performance is assessed through an open book final examination for 100% of the course grade. Five students may elect to write a research paper for 30% of their course grade. Students electing to complete a minor research paper must state their intention within the first month of the semester and have the nature and topic of the paper approved by the instructor. These students are required to write the entire final examination for the remainder of their course grade. Students not electing to write a minor research paper will write the open book final examination for 100% of their course grade.

Minor Research Papers Allowed: 5

LAW 410.3 INTELLECTUAL AND INDUSTRIAL PROPERTY I**1(3L)**

(2024-2025 Roberts)

Calendar Description: This course comprises a survey of frameworks and substantive elements of some areas of intellectual and industrial property law such as copyright, industrial design, trademarks, patents, and plant breeders' rights. Approximately one quarter of the course will be devoted to each of copyright, trademarks and patents. Industrial design and plant breeder's rights laws will be treated only in sufficient detail to familiarize students with their importance and scope. We will review the development of and theory underpinning current Canadian and international intellectual property regimes. We will also consider developments and challenges associated with internationalization, new technologies, and demands on the law of a post-industrial, digital-age society.

Prerequisite/Co-requisite: NONE

Purpose and Emphasis: Governments throughout the world are increasingly reliant on innovation to sustain and increase productivity and, hence, living standards. Therefore, intellectual property, the principal legal means for recognizing and monetizing mental productivity, constitutes a critically important and growing repository of commercially and socially valued assets. This course is intended to familiarize students with both the basic concepts of intellectual property law in Canada and its theoretical underpinnings. This course is a general introduction to the present law of intellectual property and a survey of copyright, industrial design, trademark, patent and plant breeders' rights laws. The course will include discussions of principles underlying grants of intellectual property, pertinent legislative frameworks, and current issues. The course will also examine benefits and challenges created by the internationalization of intellectual property laws and practices, and by the emergence of new technologies such as those respecting information and communications and biology and genetics.

Course Materials: A syllabus and a collection of cases and ancillary materials will be supplied by the instructor for use in the course.

Teaching Method: Class time is devoted to discussion of selected concepts, cases, and materials. The format involves a mixture of lecturing, questioning, and general class discussion regarding problem scenarios. Classroom learning is an essential element of the curriculum, so participation in classroom discussions is expected.

Assessment: Student performance will be based on;

- (a) class attendance, preparation, and participation (5% of final grade), and
- (b) at least one short oral presentation on a contemporary topic by each student (5% of final grade), and
- (c) a short (~10 page) mandatory writing assignment. Topical subject areas will be suggested by the instructor, but specific topics will be chosen by students. The grade on this paper will constitute 20% of each student's final grade. This paper does not qualify as a minor research paper.

- (d) There will also be a written, problem-oriented, open-book, three-hour final examination. Examination results will count for 70% of the final grade of students who do not write minor research papers.

Students may request authority to write minor research papers, for 40% of their final grades. Authorization requires permission of the instructor, who will assist students identify appropriate topics and supporting materials. If a minor paper is written, 30% of the authoring student's assessment will be based on the final written examination, the same examination written by all other students.

Minor Research Papers Allowed: 5

Law 411.3 DRINKING AND DRIVING LAW
(2024–2025 Little)

1(3L)

Course Outline: This course will provide an overview and introduction to the law of drinking & driving in Canada. Emphasis will be placed on the statutory requirements of drinking and driving, as well as the *Charter*-protected interest of the accused, including, but not limited to, the right to counsel (section 10(b)), search and seizure (section 8) and arbitrary detention (section 9). The various *Charter* remedies available pursuant to sections 24(1) and 24(2) will also be explored. The course will be considered in both an academic and practical context. Discussion will include balancing the interests of the accused versus the protection of the public from drunk drivers. The course will also examine the sentencing regime for both occasional and chronic offenders.

Prerequisites: Law 351 (Evidence I) or Law 423 (Criminal Procedure) or Permission of the Instructor

Purpose: The general purpose of the course is to introduce students to the highly complex area of drinking & driving law and to encourage them to reflect on the reasons why such offences are the most litigated sections of the *Criminal Code*. The course will also expose students to how and when the science of drinking & driving law (in the form of breath, blood, and DRE results) and the philosophy of *Charter*-protected rights (in the form of alleged breaches) come together before the courts. The course will focus on the Saskatchewan context.

The course will be largely lecture-based, with opportunities for discussion. When appropriate, guest speakers will be invited to add to the course dynamic.

Course Objectives

By the end of the course, students should:

- understand the law of operation and care and control
- understand the law of impaired driving;
- understand the law of driving while exceeding .08;
- understand the law of drug recognition experts
- understand the rights and responsibilities of law enforcement with respect to impaired driving offences;
- identify when *Charter* rights are triggered and potential remedies;
- identify issues which may arise in relation to impaired driving offences
- understand the law as it relates to sentencing
- critically analyze the tension between rights of the accused versus the protection of the public, and how this is borne out in drinking & driving cases;
- be aware of the current trends of litigation in this area; and
- display skills of critical analysis with respect to the above.

Course Materials: Selected materials will be available on Paws.

Recommended: Impaired Driving in Canada, 6th Edition, The Honourable Mr. Justice Joseph F. Kenkel, LexisNexis Canada, 2021.

Assessment: Student performance is assessed through a final open book examination. Five students may elect to write a research paper for 30% of the final grade in the course. Students electing to complete a minor research paper must state their intention within the first month of the term and have the nature and topic of the paper approved by the instructor. These students are required to write the entire final examination for the remainder of their final grade. Students not electing to write a minor research paper will write the final open book examination for 100% of their final grade.

Minor Research Papers Allowed: 5

LAW 413.3 CURRENT ISSUES IN LAW REFORM
(2024-2025 Howie)

1(2S-1R)

Calendar Description: This Seminar will introduce students to the principles and process that guide the reform of the law. The seminar will use selected readings and presentations by guest lecturers and the professor to provide the foundation for a consideration of the processes, machinery and potential for law reform initiatives in areas of provincial jurisdiction. Students will be introduced to approaches to law reform, interact with the Law Reform Commission of Saskatchewan and will learn about the successes and failures of a number of recent provincial law reform initiatives. Students will also be introduced to legislative drafting.

The core of the course will involve a series of law reform projects selected by the professor and the students that will be undertaken by the class. Students will work in groups, leading in the development of one project and commenting on/critiquing aspects of a second project. Students will undertake group research and develop and present an issues paper on their law reform research project. Following the receipt of feedback, each group will then develop a legislative, regulatory or policy proposal to address the issues associated with their project, prepare background materials that support their approach and present their proposal to a Panel.

Students will also write a short commentary/critique of another group's issues paper, complete a short legislative drafting exercise, and prepare a briefing note.

Prerequisite: NONE

Purpose and Orientation: The course is intended to introduce students to the process of law reform and to provide a 'hands-on' opportunity to undertake a specific law reform initiative. It is also intended to replicate the collaborative processes by which law reform is achieved, including research, policy development and group work. The course will enable students to participate directly in a process by which societal needs are identified and analyzed and in which law can be developed to address these needs.

MATERIALS: Materials for the class will be posted to Canvas.

ASSESSMENT:

Students will be evaluated on the following basis:

Issues Paper [GROUP MARK]	25%
Issues Paper Presentation [GROUP MARK]	10%
Policy Paper [GROUP MARK]	25%
Policy Paper Presentation [GROUP MARK]	10%
Critique of Issues Paper [INDIVIDUAL MARK]	10%
Class Participation/Reflective Exercise [INDIVIDUAL MARK]	10%
Legislative Drafting Exercise [INDIVIDUAL MARK]	5%
Briefing Note [INDIVIDUAL MARK]	5%

NOTE: The written assessments in this course will not fulfill either the major or minor research paper requirement.

LAW 415.3 MUNICIPAL LAW
(2024-2025 Hoehn)

2(3L)

Calendar Description: This course examines the scope and exercise of municipal authority, municipal governance, as well as planning, subdivision, zoning and other means of land use regulation.

Prerequisite/Co-requisite: NONE

Purpose and Orientation: To gain a solid understanding of the exercise of municipal authority, including:

- a) The fundamental principles of municipal authority and governance;
- b) The standards of judicial review of local government action;
- c) Jurisdictional conflict;
- d) Land use control, zoning and regulation.

Course Materials: Students will be required to access legislation and cases as assigned.

A syllabus and collection of case and textual materials is prepared by the instructor.

Teaching and Assessment: The course will be taught by a combination of lectures and class discussion. Assessment may include components for class participation and will include one or more open book examinations or assignments. An optional component of class participation available to a limited number of students may be a brief student presentation to the class on a municipal law topic. A limited number of students also have the option of writing a minor research paper.

Minor Research Papers Allowed: 5

Calendar Description: An examination of general topics of insurance law and how legislation and common law deal with these topics in relation to property, life and automobile insurance. Considered topics include classifications of insurance, the legal position of brokers and agents and concepts of indemnity, insurable interest, non-disclosure and misrepresentation, the rights of third parties to recover insurance proceeds, policy interpretation, valuation, subrogation and contribution.

Prerequisite/Co-requisite: NONE

Purpose and Orientation: Although the relationship between an insured and an insurer is usually set out in multi-page contracts, the course is not simply an extension of basic Contract Law. One significant difference is built upon the foundation that the creation of the relationship is not an arm's length transaction. Indeed, the common law theories developed out of a notion that the applicant-insured was in the dominant position although the passage of time and the development of standard form contracts have given the insurers the dominant position. Many forms of insurance contracts are still governed by the common law principles. However, statutes have intervened in a number of areas by preventing pure freedom of contract. This statutory intervention was designed to balance the interests of insurers with the interests of the insured. A prominent aspect of the course is examining both the common law and the statutory law as to whether there has been a proper balancing of the interests.

Applicability of Statutory Intervention in Other Jurisdictions: The statutory intervention into the insurer-insured relationship is done through provincial legislation. In some courses there can be dramatic differences in the way in which individual provinces legislate in relation to subject matter. The statutory intervention in the insurance field tends to be very similar in each of the provinces. This is because of the dominant role played by the national body of the provincial Superintendents of Insurance in proposing and encouraging legislative change at the provincial level.

Why Insurance Law? Practitioners are often faced with clients with insurance problems. Insurance Law, however, shares that characteristic with a large number of other courses taught in the College. Where this course differs from many, however, is that it has relevance for each of you from a personal perspective. Most people have numerous types of insurance either as law students (e.g. extension automobile insurance, home insurance) or after graduation (e.g. life insurance, accident and sickness insurance, errors and omissions insurance). Yet, few understand what their responsibilities are in effecting the contract, during the contract and after a loss has been sustained.

Course Materials: A text is used in the course, supplemented by relevant case reviews.

Assessment: Assessment will be based on an open book final examination worth 100% of each student's grade in the course.

Minor Papers Allowed: 0

LAW 421.3 LEGAL ETHICS AND PROFESSIONALISM**2(3L)**

(2024-2025 Buhler)

Calendar Description: This course introduces students to i) the roles, responsibilities and authority of the legal profession and ii) the legal and ethical duties of lawyers in the practice of law. The regulation of various aspects of the profession – admission, regulation of the practice of law, lawyer discipline, etc. are critically examined. As well students will learn the elements of a lawyer's duties to client, the court and others, including himself or herself. This involves an understanding of the lawyer's role in the adversary system, the nature of lawyer-client confidentiality, integrity and conflicts of interest in various roles performed by lawyers.

Prerequisite/Co-requisite: NONE

Purpose and Orientation: The purpose of the course is to examine the roles and responsibilities of the legal profession and the role of the lawyer in the various contexts in which lawyers act in our society.

The course is intended as an introduction to the process of personal development of a conception of the professional role of a lawyer and a critical examination of conceptions of that role. The central issues are framed by jurisprudence related to lawyers and the legal profession, academic writing, the Code of Professional Conduct and real life ethical dilemmas encountered by lawyers, all of which are examined from the perspectives of history, moral criticism, character formation and public policy.

Course Materials: Law Society of Saskatchewan, Code of Professional Conduct; Woolley et al, *Lawyers' Ethics and Professional Regulation* (Fourth Edition) [required casebook]

Term 2 – Buhler: This class will be taught in person in the winter term.

Assessment: There will be several options for assessment, with the option of a 100% final exam OR an exam plus one or more assignments.

Minor Research Papers Allowed: 15

LAW 421.3 LEGAL ETHICS AND PROFESSIONALISM**1(3L)**

(2024-2025 Walen)

Calendar Description: This course introduces students to i) the roles, responsibilities and authority of the legal profession and ii) the legal and ethical duties of lawyers in the practice of law. The regulation of various aspects of the profession – admission, regulation of the practice of law, lawyer discipline, etc. are critically examined. As well students will learn the elements of a lawyer's duties to client, the court and others, including himself or herself. This involves an understanding of the lawyer's role in the adversary system, the nature of lawyer-client confidentiality, integrity and conflicts of interest in various roles performed by lawyers.

Prerequisite/Co-requisite: NONE

Purpose and Orientation: The purpose of the course is to examine the roles and responsibilities of the legal profession and the role of the lawyer in the various contexts in which lawyers act in our society.

The course is intended as an introduction to the process of personal development of a conception of the professional role of a lawyer and a critical examination of conceptions of that role. The central issues are framed by jurisprudence related to lawyers and the legal profession, academic writing, the Code of Professional Conduct and real life ethical dilemmas encountered by lawyers, all of which are examined from the perspectives of history, moral criticism, character formation and public policy.

Course Materials: Law Society of Saskatchewan, Code of Professional Conduct; *Woolley et al, Lawyers' Ethics and Professional Regulation* (Fourth Edition) [required casebook]

Term 1 – Walen: This class will be taught in person in the fall term.

Assessment: There will be several options for assessment, with a final exam plus one or more assignments.

Minor Research Papers Allowed: Unlimited

LAW 423.3 CRIMINAL PROCEDURE
(2024-2025 Holm)

1(3L)

Description: This class will provide students with a general overview of the criminal process namely:

- (1) Powers of arrest and the role of the police
- (2) Bail hearings and the Judicial Interim Release Process
- (3) Elections and re-elections for trial
- (4) Role of Crown and defence counsel
- (5) The trial process before judge alone and before a jury
- (6) Pre-trial motions
- (7) Disclosure obligations
- (8) Resolution discussions
- (9) The appeal process

The class will also deal with *The Canadian Charter of Rights and Freedoms*, jurisdiction and remedies. *Charter* violations, applications for relief, and potential remedies will be reviewed, including:

- (1) Abuse of process
- (2) Unreasonable delay
- (3) Search and seizure issues
- (4) Detention and arrest
- (5) Right to counsel
- (6) Right to silence

Prerequisite/Co-Requisite: **NONE.** Although not required, students may find Evidence I (LAW 351.3) helpful in understanding Criminal Procedure.

Course Materials: Learning Canadian Criminal Procedure 14th Edition by Don Stuart and Tim Quigley.

Teaching and Assessment: The primary teaching method is by lecture, interspersed with questions and discussion.

The final examination will be open book for 100% of the mark. Options for Major Research Papers may be offered at the instructor's discretion, subject to the student identifying a suitable topic. No more than 5 major papers will be allowed, and students who write a paper will have 100% of the final mark based on the major paper.

LAW 423.3 CRIMINAL PROCEDURE**2(3L)**

(2024-2025 Quigley)

Description: This class will provide students with a general overview of the criminal process namely:

- (1) Powers of arrest and the role of the police
- (2) Bail hearings and the Judicial Interim Release Process
- (3) Elections and re-elections for trial
- (4) Role of Crown and defence counsel
- (5) The trial process before judge alone and before a jury
- (6) Pre-trial motions
- (7) Disclosure obligations
- (8) Resolution discussions
- (9) The appeal process

The class will also deal with *The Canadian Charter of Rights and Freedoms*, jurisdiction and remedies. *Charter* violations, applications for relief, and potential remedies will be reviewed, including:

- (1) Abuse of process
- (2) Unreasonable delay
- (3) Search and seizure issues
- (4) Detention and arrest
- (5) Right to counsel
- (6) Right to silence

Prerequisite/Co-Requisite: **NONE.** Although not required, students may find Evidence I (LAW 351.3) helpful in understanding Criminal Procedure.

Course Materials: Learning Canadian Criminal Procedure 14th Edition by Don Stuart and Tim Quigley.

Teaching and Assessment: The primary teaching method is by lecture, interspersed with questions and discussion.

The final examination will be open book for 60% of the mark. There will be two assignments throughout the term that will be 20% of the mark each. The material covered in the assignments will not be included in the final examination.

Minor Research Papers Allowed: 0

LAW 425.3 SENTENCING IN THE CRIMINAL JUSTICE SYSTEM**1(3L)**

(2024-2025 Crookshanks)

Calendar Description: Selected topics relevant to sentencing in the criminal justice system combining theory, doctrine and practice. Emphasis will be placed on the practical aspects of sentencing. The course will focus on the fundamental principles and purposes of sentencing and their application in a variety of contexts including adult offenders, youth offenders, offenders with mental illness and Indigenous offenders. Students should leave the class with the ability to enter a courtroom and speak to sentence on behalf of a client or the Crown.

Prerequisite/Co-requisite: NONE

Purpose and Orientation: The course is designed to fill a gap in the existing curriculum. It is recognized by many of the participants in the criminal justice system including lawyers, judges, probation officers, parole officers, and police that the sentencing aspect is one of the most important parts of the criminal process. It is therefore important to have at least one course dealing with this in the curriculum. More importantly, for a proper understanding of substantive, evidentiary and procedural criminal law, it is necessary to have some understanding of the aims of punishment and the form that it takes. Some of the course will be looking at the theoretical aims of punishment including deterrence, both general and specific, retribution and rehabilitation. While this will necessarily have a philosophical orientation, it will not be discussed in isolation from the actual doctrine and practice of sentencing. Students will also consider the sentencing framework established in the *Criminal Code* and the legal doctrine and practice associated with that. The course will be taught from a critical and practical standpoint with discussion of the efficacy of achieving the aims sought to be achieved by the criminal justice system.

Course Materials: (2024-2025):

1. Danielle Robitaille and Erin Winocur, *Sentencing Principles and Practice*, 2nd ed (Toronto: Emond Publishing, 2023) - ISBN 978-1-77462-482-1
2. Annotated *Criminal Code*

Teaching and Assessment: (2024-2025) Assessment will be based on:

1. 45% for written sentencing brief or minor paper
2. 45% for oral sentencing submissions
3. 10% for class participation

Attendance must be in compliance with the College of Law Assessment Regulations, see <http://www.law.usask.ca/students/current-students/assessment-regulations.php>

NOTE: Students who require accommodation are encouraged to contact AES as soon as possible or to apply to the College of Law by the appropriate deadlines.

If you are unable to complete the assignments on the dates scheduled, you must contact the Associate Dean without delay.

The sentencing brief and mock sentencing will be at the end of the term. The schedule for them will be released later in the term.

Law 425.3 Sentencing in the Criminal Justice System
(2024-2025 Little)

2(3L)

Calendar Description: The course begins by introducing students to core theories of sentencing including retributive, restorative, and utilitarian justifications for punishment. Students then learn how these theories have impacted sentencing law in Canada through a detailed assessment of the jurisprudence outlining the permissible scope of sentencing under the *Charter* and the core sentencing principles and procedures adopted in the *Criminal Code*. The course concludes by reviewing how the Saskatchewan courts have applied these sentencing principles in a variety of common practice areas, including impaired driving, sexual assault, drug, and firearm offences.

Prerequisites: None

Purpose: The general purpose of the course is to provide students with a solid understanding of the law and application of sentencing principles in Canada. Students will be able to understand and critically analyze the basis upon which sentences are imposed and have the ability to argue in favor of or against a given sentence.

Course Materials: Allan Manson et al., *Sentencing and Penal Policy in Canada* (Toronto: Emond Montgomery, 2024).

Recent *Criminal Code of Canada*, RSC 1985, c C-46.

Assessment: Student performance is assessed through a final open book examination. Five students may elect to write a research paper for 30% of the final grade in the course. Students electing to complete a minor research paper must state their intention within the first month of the term and have the nature and topic of the paper approved by the instructor. These students are required to write the entire final examination for the remainder of their final grade. Students not electing to write a minor research paper will write the final open book examination for 100% of their final grade.

Minor Research Papers Allowed: 5

LAW 427.3 GALE MOOT**2[Nov.-Feb](3S)**

(2024-2025 T. Hynes & Z. Carter)

*If you are interested in the upper year moots, keep an eye out for an announcement in late August or right at the start of term. You will have a chance to apply for any moots that interest you. We typically run interviews or try-outs on the second weekend in September***

Calendar Description: Participation in the Gale Moot Competition is required. It will involve research and advocacy, both oral and written, on a complex case or problem in the field of criminal and/or constitutional law. Students are responsible for the preparation of both an Appellant's and a Respondent's factum and will participate in multiple practice moots prior to the competition. Recommended for students with an interest in public speaking and exacting research.

Course Content

a) outline:

This seminar is for students of the College of Law who wish to take part in the Gale Moot Competition. The Gale Moot is held annually and attracts teams from law schools across Canada. Historically, the Gale Cup Moot has been held in either Toronto or Ottawa. The case argued by the students is a recent Supreme Court decision in the criminal/constitutional law area. The students are responsible for the preparation of both an Appellant's factum and a Respondent's factum, and will participate in multiple practice moots prior to the competition. The number of moots participated in the competition will depend on how far the team advances in the competition. The final two rounds will be judged by three judges which historically has included a current Justice from the Supreme Court of Canada. Every fourth year the winner of the Gale Moot is Canada's representative in the Commonwealth Moot.

b) objective:

To provide students with an opportunity to perform in-depth research, analysis, writing and advocacy in the criminal/constitutional law area. Students will develop their appellate advocacy skills through argument and presentation to actual appellate court judges.

Means of Evaluation

The means of evaluation will be the same as for the Laskin Moot (LAW 441.3).

Additional Information

There are four students on the College Gale Moot team.

Calendar Description: This course examines:

- the law surrounding the execution, construction and revocation of wills and powers of attorney;
- issues of probate, survivorship, intestate succession, dependants' relief, and family issues as they relate to wills and estates, including a discussion of the law surrounding adult guardianship applications;

Prerequisite/Co-requisite: NONE

Purpose and Orientation: Everyone dies. Some people plan for this by having a will – others do not. Lawyers are often called upon to assist clients in ordering their personal and financial affairs in the event of incapacity or death. Alternatively, lawyers are called on to deal with issues arising when no planning has been done.

The course is designed to provide students with the skills necessary to determine the order of death of individuals, determine the validity of wills, and determine how property is distributed upon death, when the decedent had a will – and when they did not.

The making, alteration, revocation, republication, and revival of wills are examined from the perspective of the court of probate, which determines what documents and words comprise the will. Issues concerning how the property is to be distributed are examined from the perspective of the court of construction, which rules on what the words used in the will mean. Differing approaches of the two courts to matters such as standard and burden of proof and admissibility of evidence are compared.

The course also deals with intestate succession of property not disposed of by will and with claims that may be made outside of the will under dependants' relief, family property, insurance, and trust law.

Course Materials: To be determined.

Teaching and Assessment: Instruction is by lecture and discussion. The final exam is worth 100%.

LAW 430.3: NEGOTIATION AND DISPUTE RESOLUTION**1&2(3L)**

2024-2025 Term 1: Keet (ss.1&3), Fingerote (s.6) (online), Yates (s.7)

Term 2: Fingerote (s.2) (online), Baerg (s.5) (Business)

*** Note that Joe Fingerote's sections in Term 1 and Term 2 (and ONLY these two sections) are fully online. The remaining sections are in person. See the document called "Course Planning in the DR Courses" if you'd like more detail.*

*** Also, s. 5 (Baerg, Term 2) follows the same curriculum as the other courses, but with an exclusive focus on business law. (The general Negotiation courses include business, but other types of legal scenarios as well.)*

Calendar Description: This course examines the form and function of negotiation as a problem-solving process. Negotiation is critical to lawyers and others concerned with preventing or resolving disputes. We study effective negotiation from theoretical, critical and practical perspectives, placing emphasis on the lawyer's role in negotiation.

Prerequisite: *First-Year Dispute Resolution Program**
(Or, for exchange students, equivalent prior training.)

Purpose and Orientation: This is the core upper-year course in negotiation. It builds on the introduction in first year and provides the foundation for other courses in negotiation and dispute resolution. We address negotiation through hands-on simulations, encouraging you to develop problem-solving skills. You reflect critically on the lawyer's role as a communicator, problem-solver, advisor and advocate in the context of both transactional and dispute negotiation. We also invite you to consider issues of negotiation ethics, professionalism, legal contexts, strategy and the use of related processes such as mediation and collaborative law.

Texts: Materials are distributed through the course page. Students also have to purchase a supplementary e-text, for a total cost of approximately \$30. Information about this is also provided after registration.

Teaching and Assessment: Course work includes in-class and out-of-class simulated negotiations (depending on the instructor, this may include such exercises as an email negotiation or a videotaped negotiation), as well as written reflective assignments and in-class debriefings of what took place in the exercises. The emphasis is on formative assessment (development of skills over time) and collaborative learning. There is no exam. The course is *not eligible* for either the major or minor research paper credit. Class size is limited to 20.

Calendar Description: An understanding of universalism, the meaning of human rights theory, and international underpinnings. The concept of discrimination and the quasi-constitutional position of human rights in Canada. An understanding of the concept of equality enshrined in s.15 of the *Charter*. Detailed analysis of human rights laws in Canada, with particular focus on Saskatchewan.

Prerequisite/Co-requisite: NONE

Purpose and Orientation: The seminar serves as a vehicle for research and writing in the field of human rights. The range of topics available for papers is very broad. Depending on students' interests and university pre-law backgrounds, legal theory, history, and contemporary substantive legal issues may be pursued. There is a wealth of literature available for student papers.

Course Materials: Materials to be made available through law library or online

Teaching and Assessment: The seminar begins with several sessions led by the instructor, based upon assigned readings. These materials begin with some scholarship on the idea of human rights, then move to some current international human rights issues and conclude with a detailed study of equality and discrimination doctrine in Canada. By the midpoint of the term seminars are led by students on topics relating to their research projects [20%]. Papers submitted in this seminar will fulfill the major writing requirement [80%]. The seminar is conducted as a colloquium with discussion and debate being a central objective as almost any aspect of human rights discourse raises inherently contestable moral questions.

LAW 433.3 SALLOWS HUMAN RIGHTS SEMINAR**2(2S-1R)**

(2024-2025 Kritsiotis – Ariel F. Sallows Chair in Human Rights)

Calendar Description: The Sallows Seminar in Human Rights will be offered once a year, usually in the first term. It will be led by the visiting Sallows Professor in Human Rights and have a varied content, depending upon the incumbent's experience and interest. The seminar may be interdisciplinary.

Prerequisite/Co-requisite: NONE

January – April 2025 – International Humanitarian Law

Description: By reference to historical materials, practice and precedent, this seminar will examine the role that law has in regulating warfare—in how combatants and civilians of an enemy side are treated. Paying close attention to early iterations of the discipline (such as the first Geneva Convention of August 1864 and the St. Petersburg Declaration of December 1868), the seminar will chart the expansive growth of “international humanitarian law” from its modest beginning to where it stands today (as the foundation for war crimes and individual accountability). Topics (and case studies) shall include:

- the meaning of “international” and “non-international” armed conflicts (and the overall reach of the Geneva Conventions of August 1949 and Additional Protocols of June 1977);
- the sources and structure of authority of international humanitarian law (including the ICRC *Customary International Humanitarian Law Study* of March 2005 and its underlying methodology);
- the status and treatment offered to prisoners-of-war as well as unlawful combatants (the 1998-2002 Ethiopia/Eritrea conflict; the conditions of Guantánamo Bay, Cuba);
- the arrangements for targeting decisions (including the principles of distinction, proportionality and precautionality) (as played out during NATO's Operation Allied Force against Serbia and Montenegro (1999));
- the means of warfare (including the destructive power of nuclear weapons);
- the methods of warfare (including starvation and sexual violence), including the provision of humanitarian assistance;
- the protection of cultural property (e.g. Syria) and the natural environment (e.g. during the Iraqi invasion of Kuwait in 1990-91);
- the conduct of belligerent occupation (with special focus on the July 2004 advisory opinion of the International Court of Justice in *Legal Consequences of the Construction of A Wall in the Occupied Palestinian Territory*).

Course Objectives: By the end of this course, students should be able to:

1. demonstrate a consummate handling of the relevant legal provisions and precedents associated with international humanitarian law;
2. present thoughtful critiques of the limitations of international humanitarian law (including the significance/scope awarded to so-called military necessity);
3. understand the political, social and cultural environment in which this law operates (e.g. within parliamentary and public discourse), and how this may offer particular advantages for the application of the law;
4. identify the mechanisms for ensuring the effectiveness of the law in practice, both historically (through the institution of belligerent reprisals) and at present (through the law on grave breaches and ordinary war crimes).

Class Attendance and Participation (10%) – This course will be taught as a seminar. Students will be expected to attend each class having done the assigned readings and necessary

preparation for that day. Students are also expected to participate regularly and meaningfully in class discussions. Active engagement with the material is a necessary part of the learning process. As well, verbal skills and the ability to respond spontaneously are critical skills for most professionals. Seminars will not be recorded.

Group Presentation (20% pass/fail) – Working in this field requires collaboration with others (an important skill that will be developed throughout the seminar), the ability to collaborate across cultures, laws, institutions, and disciplines and to use various international humanitarian law provisions (e.g. the Martens Clause) to positive effect. The case studies identified above will be presented in the form of group presentations with plenty of advance planning and preparation; students will be provided feedback on their presentations by the instructor and classmates. The instructor will assign a pass (20%) or fail (10%) grade and every member of the group will receive the same grade for the presentation but will retain the discretion to vary from this grade allocation in exceptional circumstances (e.g. a student does not show up for a presentation or work at all with group).

Final Paper (80%) – Students will complete a final research paper on a topic to be approved by the instructor comprised of a minimum of 8,500 and maximum of 9,000 words (exclusive of footnotes, endnotes, title pages, table of contents, and bibliography). This research paper will satisfy the major research paper requirement.

LAW 434.12 RURAL AND REGIONAL LEGAL EXTERNSHIP (12 cu)

1/2(12C)

AND

LAW 409.3 RURAL AND REGIONAL LEGAL EXTERNSHIP SEMINAR (3 cu)

1/2(2S-1R)

This is an application-based 15 credit full term program. See note below for important information.

Students will be selected for this course based on their applications. 2L and 3Ls will be automatically added to the 'USask College of Law | Experiential Learning' Canvas course on June 25, 2024. Accept the invitation to access the application system within the course and navigate to the 'Placement Applications' section to select and submit your application for the placement by **Tuesday, July 2nd at 8:30 am**. Please address your application to Associate Dean Academic, Heather Heavin. For questions regarding the experience, please contact law.EL@usask.ca

NOTE: The 15-credit Rural and Regional Legal Externship placements are offered in partnership with Legal Aid Saskatchewan and Public Prosecutions and will be offered in both the fall and winter terms.

Calendar Description:

The Rural and Regional Legal Externship leverages an experiential education model where law students learn through direct experience, hands-on mentorship, and critical reflection. Centered around students' clinical experiences in a rural legal setting at Legal Aid or Public Prosecutions, they will work with client files across a spectrum of legal areas potentially including family law and criminal law, gaining a deeper understanding of various legal challenges specific to rural communities. Students will be supervised throughout their legal assignments by a practicing lawyer, ensuring guidance and support as they navigate real-world client files. As part of their externship and the associated seminar, students will gain essential tools to critically reflect upon their legal practice and explore their identities as future lawyers. This immersive insight into the legal system in rural areas prepares students to effectively contribute to and advocate within these communities. Students are expected to engage in their extern duties from Monday to Thursday each week, with Friday mornings dedicated to attending an online clinical law seminar.

Prerequisite: Completion of first year law

Co-requisite: LAW 409 Rural and Regional Legal Externship Seminar

Course Outline:

Students will complete the regular hours of their externship placement from Monday to Thursday at their assigned Placement (Legal Aid or Prosecutions) for the duration of the term. The online seminar is mandatory and will be delivered Friday mornings. Post-seminar, students will write a reflective piece discussing insights gained, personal growth areas, and actionable strategies for future rural legal practice. This seminar structure and assignment are facilitated using Professor Gemma Smyth's [Learning in Place Externship Coursebook](#).

Locations:

Legal Aid (locations available in T1 & T2: North Battleford, Prince Albert, Yorkton, Melfort, Estevan, or Moose Jaw)

Public Prosecutions: (locations available in T1): North Battleford, Yorkton, La Ronge, Swift Current T2: Melfort, North Battleford

Applications:

Must include the following:

(a) Indicate your preference of either the Legal Aid Saskatchewan placement or the Public Prosecutions placement. Please provide 1-2 paragraphs with an explanation of your interest (Family Law or Criminal Law) in the area.

(b) A 1 paragraph biography that highlights your current or past involvement (if any) in:

- i. courses, initiatives, or employment and volunteer experiences related to the topic areas;
- ii. teams and/or collaborative projects;
- iii. innovative initiatives, programs, and/or projects and
- iv. satisfactory criminal record check.

(c) Indicate your order of preference for locations.

Please ensure that the total length of your answer to (a) & (b), combined, does not exceed 2 pages, double-spaced.

Students will be notified by Friday, July 5, whether or not they have been selected for the course. At this point, students who have been selected for the placement will have to drop classes in that corresponding term. They must contact law.jdstudies@usask.ca to register in the placement.

Selected students must be immediately available following this notification to work closely with the College of Law's Experiential Learning Coordinator to identify accommodations at their location.

15-credit course: Students will receive 15 credits for this course (12 clinical credits plus 3 seminar credits).

LAW 436.3 CANADIAN ABORIGINAL LAW**2(3L)**

(2024-2025 Lavallee)

Calendar Description: This course is an overview of Canadian laws and policies as it pertains to Indigenous/Aboriginal peoples in Canada. Judicial tests of Aboriginal title and Aboriginal rights, and treaties will be critiqued and applied. Included in the course are hunting and fishing rights, Natural Resources Transfer Agreements; federal and provincial jurisdiction, Crown Obligations; Indian Act, including membership/citizenship issues; and constitutional recognition and protection of the rights and self-determination.

Prerequisite/Co-requisite: NONE

Purpose and Emphasis: The course is a survey of Canadian law as it relates to Aboriginal peoples in a legal, political and social context. The materials illustrate the importance of colonial theory and historical patterns in understanding contemporary issues concerning Aboriginal peoples and attempts to resolve them. Current issues are emphasized throughout the course.

Course materials: *Indigenous Legal Issues: Cases, Materials & Commentary*, 6th Edition

Teaching and Assessment: The primary teaching methods is by lecture interspersed with discussion and questions, including hypotheticals/fact scenarios, which will be available on Canvas. Assessment is generally 80% final examination and 20% for class participation.

Students may elect to write a minor paper reducing the amount allocated for the final exam.

Minor Research Papers Allowed: 5

LAW 439.3 MEDIATION**1(3L)**

(2024-2025 Dumonceaux)

Calendar Description: Mediation—broadly speaking, the process of assisting the negotiations of others—is being increasingly used to resolve legal disputes. This course explores mediation from both theoretical and practical perspectives. As well as examining the structure and different approaches to mediation, students will develop skills for engaging the mediation process effectively in every role. While students will experience and study mediation from a variety of perspectives, it is the implication for their role as lawyers that forms the common theme.

Prerequisite: LAW 430.3 Negotiation

Purpose and Orientation: The course considers the use of mediation in various contexts, which may include family, wills and estates, labour, commercial and personal injury law. Issues explored may include barriers to resolution, cultural influences, coaching parties for effective participation, and the role of power and the law in mediation. Through the use of simulations, students experience the mediation process as lawyers, clients and mediators.

Required Text: Under review. Student will be advised

Teaching and Assessment: Teaching is based on a combination of lecture, demonstrations, simulations and skill-building exercises with individual and group reflections on those exercises. Assessment is based on the following components:

- 50% Reflective papers (4 topics assigned throughout the term; due at end of term)
- 25% Video Mediation (including preparation and reflection assignment)
- 15% Assignments (three throughout the term worth 5% each)
- 10% Class Attendance and Participation (evaluated every class)

Although written work will be required, Law 439.3 is not eligible for either the major or minor research paper credit. Class size is limited to 20.

LAW 439.3 MEDIATION**2(3L)**

(2024-2025 (ss.2&3) Yates)

Calendar Description: Mediation—broadly speaking, the process of assisting the negotiations of others—is being increasingly used to resolve legal disputes. This course explores mediation from both theoretical and practical perspectives. As well as examining the structure and different approaches to mediation, students will develop skills for engaging the mediation process effectively in every role. While students will experience and study mediation from a variety of perspectives, it is the implication for their role as lawyers that forms the common theme.

Prerequisite: LAW 430.3 Negotiation

Purpose and Orientation: The course considers the use of mediation in various contexts, which may include family, wills and estates, labour, commercial and personal injury law. Issues explored may include barriers to resolution, cultural influences, coaching parties for effective participation, and the role of power and the law in mediation. Through the use of simulations, students experience the mediation process as lawyers, clients and mediators.

Required Text: Under review. Student will be advised

Teaching and Assessment: Teaching is based on a combination of lecture, demonstrations, simulations and skill-building exercises with individual and group reflections on those exercises. Assessment is based on the following components:

65% Journal (multiple entries throughout the term; two submissions)

20% Assignments (four throughout the term worth 5% each)

15% Class Attendance and Participation (evaluated every class)

Although written work will be required, Law 439.3 is not eligible for either the major or minor research paper credit. Class size is limited to 20.

LAW 440.3 INNOVATION IN JUSTICE: THE DEAN'S FORUM ON ACCESS TO JUSTICE AND DISPUTE RESOLUTION 2(3S)
(2024-2025 B. Lowenberger)

It is our intent to offer - for a thirteenth year - the experiential course below. The course is typically offered in Term 2 for six upper-year students on an application basis. Further details and the application deadline will be announced during the fall term. It is a unique opportunity for a small group of students to develop justice policy alongside leading members of the legal profession.

JUSTICE INNOVATION: DEAN'S FORUM ON DISPUTE RESOLUTION AND ACCESS TO JUSTICE

Nation-wide conversations about Access to Justice continue to play out, with the Cromwell Report* an important touchstone. The first twelve meetings of the Dean's Forum on Dispute Resolution and Access to Justice were held in September 2013, March 2014, March 2015, February 2016, March 2017, March 2018, March 2019, March 2020, March 2021, March 2022, March 2023, and March 2024: a gathering of a couple dozen leaders in the Saskatchewan legal and justice community. During the last twelve years, a small group of students participated in the Dean's Forum project for course credit. They conducted research on the Forum's themes, prepared and presented policy discussion papers, helped design the consultative/planning process, and participated fully in the Forum event. A summary of the Dean's Forum initiative is published on the College of Law website: <https://law.usask.ca/research/research-centres-and-initiatives/deans-forum-on-access-to-justice-and-dispute-resolution.php>.

A video by previous Dean's Forum students is published on YouTube:

<https://www.youtube.com/watch?v=sbJY9gQb6wU>.

The project will continue, with a thirteenth Forum planned for 2025. The general themes for this year's Forum are currently being developed, and will be assigned near the end of the fall term.

Prior demonstrated leadership in dispute resolution and access to justice initiatives, as well as prior academic performance will be factors in the selection of students for the course. The course will be scheduled based on the successful candidates' availability.

If you have any questions about previous years' projects, or the direction of this year's, please do not hesitate to contact Dean's Forum course instructor, Director of CREATE Justice, and Access to Justice Coordinator, Brea Lowenberger (b.lowenberger@usask.ca).

*The Cromwell Report can be found at <http://www.cfcj-fcjc.org/collaborations>.

LAW 441.3 LASKIN MOOT
(2024-2025 Sembalerus)

2[Oct.-Mar.](3S)

*If you are interested in the upper year moots, keep an eye out for an announcement in late August or right at the start of term. You will have a chance to apply for any moots that interest you. We typically run interviews or try-outs on the second weekend in September***

Calendar Description: This seminar is designed to provide academic supervision and credit for the four students who are members of the College team in the Laskin Memorial Moot Court competition. Participants do research and written and oral advocacy on a complex problem in administrative and constitutional law. The seminar is recommended for those with an interest in advocacy, exacting research, and public law issues. The Laskin Moot is a bilingual (French/English) competition where a minimum of one of the four team members participates in French.

Prerequisite/Co-requisite: NONE. Administrative Law is recommended.

Purpose and Orientation: Participation in appellate moot competitions provides an excellent means to obtain advocacy experience.

Two factums are prepared by the team and the four students moot twice in competition and many more times at the College in preparation for competition. All interested students are invited to be interviewed on "Moot try-out day" which will occur during the first few weeks of Term 1. Team selection will be completed shortly thereafter.

The team typically receives the moot problem in early October. The moot competition itself occurs around the end of the third week in February. Three hours academic credit are earned in the Spring term by each of the five participants.

Assessment: Evaluation is based on the student's written and oral work, as well as participation at meetings and practices. The teams' performance in the final competition is based on 66% of the marks for oral presentations and 33% of the marks for the factums. The College's evaluation will be influenced by the same mark allocation, but will also depend on the discretion of the instructor based on the College's evaluation criteria.

Calendar Description: This seminar will be designed to give exposure to a myriad of subtopics relating generally to the relationship between the criminal process of Canadian law and Indigenous peoples living within Turtle Island. From Policing to Sentencing Indigenous peoples have been over-represented and mistreated by the Canadian criminal system at all stages. Certainly there is significant alienation from police and courts. The Supreme Court of Canada has acknowledged that the system has been systemically racist in the sentencing decisions in *Gladue*, *Ipeelee* and *Le*. Indeed, *Gladue*, while appearing to have not had much of an impact, is being used in many stages of the criminal process beyond sentencing. The seminar will be designed to explore the myriad of reasons for the alienation of Indigenous peoples and search for solutions thereto. The seminar will provide readings in a wide range of historical and modern sources to provide a strong grounding for the student in relevant topics.

Prerequisite/Co-requisite: NONE

Note: Criminal Procedure and Sentencing Law are recommended

Purpose and Orientation: Recent events have proven to many that there are significant issues that need to address the lack of justice Indigenous peoples receive within Canadian criminal law. This was the focus of several of the recommendations of the TRC in 2015 and many issues were further brought to light by several high-profile trials in 2017-18. This seminar will be designed to explore the myriad of reasons and frustrations Indigenous peoples experience within the Canadian criminal law. New developments, especially relating to the over-incarceration of Indigenous offenders, will be a major focus.

Course Materials:

Recommended:

1) Jonathan Rudin, *Indigenous People and the Criminal Justice System: a Practitioners Handbook*, (Toronto: Emond Publishing, 2018).

2) An annotated Criminal Code

Textbooks can be purchased at Turning the Tide Bookstore or borrowed from the Usask Law Library.

Student Evaluation: Evaluation based on:

Option 1: Major Research Paper (see academic regulations for the College of Law for Major Research Paper definition)

- Major Research Paper (70%)
- Class Presentation (20%)
- Class Participation (10%)
- Paper Proposal (pass/fail)
- Mandatory attendance at Provincial Court (pass/fail)

Option 2: Minor Research Paper (see academic regulations for the College of Law for Minor Research Paper definition)

- Minor Research Paper (70%)
- Class Presentation (20%)
- Class Participation (10%)
- Paper Proposal (pass/fail)
- Mandatory attendance at Provincial Court (pass/fail)

Paper(s) must be on a topic relating to the substantive content of the course, to be approved

by the course instructor in advance.

Class presentation: A presentation on the student's paper topic. The student's presentation will be marked on three key areas: preparation, reflectiveness and class engagement. Reflectiveness evaluates whether the presentation reflects the student's paper proposal.

Class participation: Presence, preparation and participation are evaluated through this component. It is expected that students will engage in discussions based on assigned readings and thoughtful consideration of the issues and the insights of other students.

Calendar Description: This seminar will be designed to give exposure to a myriad of subtopics relating generally to the relationship between the criminal process of Canadian law and Indigenous peoples living within Turtle Island. From Policing to Sentencing Indigenous peoples have been over-represented and mistreated by the Canadian criminal system at all stages. Certainly there is significant alienation from police and courts. The Supreme Court of Canada has acknowledged that the system has been systemically racist in the sentencing decisions in *Gladue*, *Ipeelee* and *Le*. Indeed, *Gladue*, while appearing to have not had much of an impact, is being used in many stages of the criminal process beyond sentencing. The seminar will be designed to explore the myriad of reasons for the alienation of Indigenous peoples and search for solutions thereto. The seminar will provide readings in a wide range of historical and modern sources to provide a strong grounding for the student in relevant topics.

Prerequisite/Co-requisite: NONE

Note: Criminal Procedure and Sentencing Law are recommended

Purpose and Orientation: Recent events have proven to many that there are significant issues that need to address the lack of justice Indigenous peoples receive within Canadian criminal law. This was the focus of several of the recommendations of the TRC in 2015 and many issues were further brought to light by several high-profile trials in 2017-18. This seminar will be designed to explore the myriad of reasons and frustrations Indigenous peoples experience within the Canadian criminal law. New developments, especially relating to the over-incarceration of Indigenous offenders, will be a major focus.

Course Materials:

Recommended:

1) Jonathan Rudin, *Indigenous People and the Criminal Justice System: a Practitioners Handbook*, (Toronto: Emond Publishing, 2018).

2) An annotated Criminal Code

Textbooks can be purchased at Turning the Tide Bookstore or borrowed from the Usask Law Library.

Student Evaluation: Evaluation based on:

Option 1: Major Research Paper (see academic regulations for the College of Law for Major Research Paper definition)

- Major Research Paper (70%)
- Class Presentation (20%)
- Class Participation (10%)
- Paper Proposal (pass/fail)
- Mandatory attendance at Provincial Court (pass/fail)

Option 2: Minor Research Paper (see academic regulations for the College of Law for Minor Research Paper definition)

- Minor Research Paper (70%)
- Class Presentation (20%)
- Class Participation (10%)
- Paper Proposal (pass/fail)
- Mandatory attendance at Provincial Court (pass/fail)

Paper(s) must be on a topic relating to the substantive content of the course, to be approved

by the course instructor in advance.

Class presentation: A presentation on the student's paper topic. The student's presentation will be marked on three key areas: preparation, reflectiveness and class engagement. Reflectiveness evaluates whether the presentation reflects the student's paper proposal.

Class participation: Presence, preparation and participation are evaluated through this component. It is expected that students will engage in discussions based on assigned readings and thoughtful consideration of the issues and the insights of other students.

Course Description: This course will provide a survey of both actual and potential roles for law to play in protecting the integrity of the environment from exploitation of resources, rapid development, and population growth, among other causes. Core topics will include recent developments and debates in Canadian environmental law, such as coordination and the appropriate distribution of responsibilities among different levels of government and private actors, the roles of public and private law, and environmental law's interdisciplinary dimensions.

Learning Objectives:

1. Explore various theoretical debates over the appropriate role for law to play in management and protection of the environment;
2. Explore how international, federal, provincial, municipal, and Indigenous forms of law and policy-making relate to one another in the management and protection of the environment in Canada;
3. Identify how common law causes of action and constitutional rights have been employed in relation to environmental management and protection in Canada;
4. Develop a practical understanding of the core federal and provincial statutory frameworks for environmental management and protection, with a particular focus on Saskatchewan;
5. Develop a practical understanding of the available tools for environmental regulatory enforcement, including investigation, prosecution, and sentencing for regulatory offences;
6. Explore how impact assessment practices seek to address environmental impacts from specific projects as well as governmental plans, policies, and programs;
7. Explore how spatial tools and strategies are being used to address environmental management and protection in Canada and internationally; and
8. Critically evaluate existing legal tools and strategies for environmental management and protection in Canada and explore potential avenues for reforms.

Required Resources:

All required readings for this course will be supplied to you through your Blackboard course, including the "Discussion Board" function, or can be obtained online through the University of Saskatchewan library website or otherwise.

Supplementary Resources (Optional):

- Chris Tollefson & Meinhard Doelle, *Environmental Law: Cases and Materials*, 4th ed. (Toronto: Thompson Reuters, 2023)
- Paul Muldoon et al, *An Introduction to Environmental Law and Policy in Canada*, 3rd ed. (Toronto: Emond Montgomery Publications Ltd, 2020)
- William A. Tilleman et al, *Environmental Law and Policy*, 4th ed. (Toronto: Emond Montgomery Publications Ltd, 2020)

Teaching and Evaluation:**Final Exam (Default)**

Value: 70% of final grade

Date: TBD

Description: The final exam will be administered as a comprehensive invigilated 2.5 hour exam and may include questions on any of the topics covered in lectures and corresponding readings during this course. It will include both a fact pattern and a policy question.

Major Research Paper (By Special Request)

Value: 70% of final grade

Date: Due by Monday, March 31, 2025 (end of day)

Description: At the sole discretion of the instructor, up to five students enrolled in this course will be authorized to complete a major research paper in lieu of the final exam. Students writing major research papers in this course are still expected to review the course materials and attend class as they will be responsible for demonstrating knowledge of the course materials in their work as relevant to their chosen research topic. Further details will be set out in the syllabus and discussed at the beginning of the course.

Law Reform Submission

Value: 30% of final grade

Date: Due by Monday, March 31, 2025 (end of day)

Description: All students will be required to complete a law reform submission in collaboration with one or two of their classmates as a group or partner assignment (depending on enrollment numbers). Further details will be set out in the syllabus and discussed at the beginning of the course.

LAW 447.3 ABORIGINAL RIGHTS MOOT
(2024-2025 Paul)

2[Oct.-Mar.](3S)

*If you are interested in the upper year moots, keep an eye out for an announcement in late August or right at the start of term. You will have a chance to apply for any moots that interest you. We typically run interviews or try-outs on the second weekend in September***

Calendar Description: The Aboriginal Rights Moot is a moot structured on the traditional Aboriginal circle consensus-building process. It is designed to allow law students to debate and discuss Aboriginal rights issues vital to the Aboriginal Peoples.

Prerequisite or Co-requisite: *LAW 436.3*

Note: Team is chosen in October and competition takes place in March.

Description: The Kawaskimhon (speaking with knowledge) Aboriginal Rights Moot is a culturally sensitive national forum where issues regarding Aboriginal rights are debated by students from across Canada. Kawaskimhon is a great opportunity for law students to speak to issues of Aboriginal rights. Kawaskimhon is hosted each year by a different law school.

This event is a two-day forum. On the first day participants present oral arguments based on written submitted factums or other legal documents. At the end of the first day the host law school prepares a cultural night which usually includes a banquet, singers, and dancers. Kawaskimhon participants are required to work toward reaching consensus on the mooted problems or issues by the end of the second day. Band membership rights, territorial overlaps, the effects of hydro projects on First Nation lands, Métis rights and the history of missing Indigenous women in Canada are some of the topics this moot has explored.

LAW 448.3 DISPUTE RESOLUTION MOOT
(2024-2025 Keet)

2(3S)

*If you are interested in the upper year moots, keep an eye out for an announcement in late August or right at the start of term. You will have a chance to apply for any moots that interest you. We typically run interviews or try-outs on the second weekend in September. ****

Calendar Description: Lawyers use dispute resolution skills in various procedural settings, and often advocate for their clients in negotiation and mediation processes. This course offers students an opportunity for intensive skill development in dispute resolution, negotiation and mediation advocacy through a competitive moot experience. It may also include a client counseling and interviewing component.

Prerequisite: *LAW 430.3*. In the first half of September, a call for applications is circulated to students and the coach selects students after an interview process. Students who have taken the Negotiation course will have an advantage in applying for this moot.

Teaching and Assessment:

Students within the larger Dispute Resolution Moot Team may train together on negotiation and other dispute resolution skills, and then break off into sub-teams to attend a range of competitions. Competitions attended in the past include those focused on Mediation Advocacy (in lawyer-client pairs), Negotiation (lawyer-lawyer), and Client Counseling (lawyers interviewing and counseling clients). Competitions are typically held over a weekend in February or March. We may not know which competition(s) we are attending until the team is selected. Each student on this team will have the opportunity to attend one competition, and to work with the rest of the team as all get prepared.

In preparation for the competition, students participate in a training program which includes practice sessions, feedback from outside guests, videotaping and reviewing simulations, and completing readings and reflective writing assignments. Practice sessions will be scheduled to accommodate the availability of the team members, and the coach.

Moot training is more intense in the months of January and February, with most of the work completed by early March. A few practice sessions may also be held in Term 1.

If you have any questions about this moot team, contact Professor Keet at m.keet@usask.ca.

LAW 449.3 Canadian Legal History
(2024-2025 MacDonald)

1(2S-1R)

Description: In this seminar, students will learn to use a historical perspective to enhance their understanding of Canada's plural legal heritage. We will approach legal history primarily to understand the past, rather than for the purpose of supporting contemporary legal argument. Focusing on the origins of different kinds of human rights, we will analyze the dimension that historical events bring to the character of a society and its laws. We will consider different methodological approaches within legal history and explore their relationships to the primary and secondary sources available. Previous background in history is desirable but not required.

Prerequisite/Co-requisite: NONE

Learning Objectives: The objectives of this course are to:

- Give students a fuller appreciation of the range of legal traditions in Canada and the importance of historical context in their adoption and application;
- Encourage students to think critically about the potential, and the limitations, of historical analysis in legal argument;
- Improve students' legal reasoning skills by making explicit the differences between law's use of the past and historical reasoning;
- Offer students an opportunity to improve research, oral and written communication skills through attention to alternative models and sources.

Course Materials: A mix of secondary and primary sources will be made available electronically through library and internet sources. Wherever possible, published sources will be available on reserve.

Teaching and Assessment: Seminar course. Students are expected to participate with each other and the instructor to discuss the assigned readings (participation is worth 15%). Students will write a major research paper due at the end of term, worth 70%. The remaining 15% of the grade will consist of: a brief initial assignment; a tentative paper title and abstract; and a précis and annotated bibliography, to be submitted mid-term for the instructor's review and comment.

LAW 450.3 WESTERN CANADA MOOT\SOPINKA CUP
(2024-2025 Fitzgerald)

2[Oct.-Mar.](3S)

The selection for this moot is not the same as for the remainder of our upper-year moots. To be eligible for this moot, you will need to take Shelby Fitzgerald's Term 1 section of Trial Advocacy. The Western Trial moot team will be selected from the students registered in and participating in this section (and only this section) of Trial Advocacy.

This course includes classroom sessions as well as practice trials. As court appearances have started to take place remotely, we will conduct *some* practice trials virtually so as to provide students the opportunity to learn to navigate the courtroom both in-person and not.

Calendar Description: This course involves preparation and participation in a trial advocacy moot initially involving the seven western Canadian law schools followed by a national competition. Participants are involved in juried trial relating to a problem in evidence, criminal procedure and/or criminal law. Participants are expected to prepare opening juror addresses, examinations-in-chief, cross examinations, and closing arguments. In addition, there is research on various evidentiary points which arise during the course of argument.

Note: Trial Advocacy (Western Canada Moot) 452.3 is a prerequisite for this course. This course will be offered in Term 1, and will be used as a foundational course for the Western Canada Moot.

LAW 452.3 TRIAL ADVOCACY**2(3L)**

(2024-2025 Zakreski)

Calendar Description: Advocacy techniques, practice and tactics in a trial setting. Topics covered will include: the essentials of direct examination and cross examination, chambers advocacy, examinations for discovery, impeachment of witnesses, occurrence witness testimony, expert witnesses, the use of exhibits, closing arguments and addresses.

Prerequisite: LAW 384.3 Civil Procedure

Purpose and Orientation: The course is designed to introduce students to the conduct of a civil trial. The emphasis is on making students confident and comfortable in a trial setting. Students will undertake counsel roles including a short trial near the end of the term. Role plays will begin with client preparation, pre-trial steps such as basic pleadings, chambers applications, examinations for discovery and direct and cross-examination techniques. Building on this, students will proceed through evidentiary matters such as the use of exhibits, impeachment of witnesses, the use of experts in a trial and eyewitness testimony. Other topics will include trial tactics, objections and responding to objections, procedural matters, opening statements and closing addresses.

Course Materials: Case files are created by the instructor and students. The text used is Stuesser, *An Advocacy Primer*, 4th ed., Carswell, 2015.

Teaching and Assessment: The instructor introduces each topic area and will endeavour to provide coaching and a critique of student's performances. Students are encouraged to assess each other. The course is assessed based on advocacy roles, class participation including a short trial. The remainder of the mark is based on a trial brief.

LAW 452.3 TRIAL ADVOCACY**2(3L)**

(2024-2025 (s.3) A. Smith – This section has a criminal jury trial focus)

(This is an application-based class)

Please note: To apply, students must send an e-mail to the instructor at ams085@mail.usask.ca indicating why they would like to take part in the course and identify if they have met the prerequisite requirement (LAW 351.3, Evidence I) or are intending on meeting the prerequisite requirement in Term 1. The application deadline is **Friday, July 12, 2024**. Students will receive notification of selection approximately a week after the deadline. Students who have been selected for this class should then contact law.jdstudies@usask.ca to receive information on how to register for this class.

Applications must include a:

- why you would like to take part in the course and
- identify if you have met the prerequisite requirement (LAW 351.3, Evidence I) or are intending on meeting the prerequisite requirement in Term 1.

Students who have been selected for this class should then contact law.jdstudies@usask.ca to receive information on how to register for this class.

Purpose and Orientation: This course is designed to provide students with the skills to understand and conduct a criminal jury trial. Students will learn how to deliver opening and closing statements, conduct examinations-in-chief and cross-examinations, learn how to utilize exhibits, make and respond to objections and address evidentiary issues which may arise during trial. Other topics such as witness preparation, pre-trial steps, jury selection, sentencing and the differences between civil trials and criminal trials will also be discussed.

Prerequisite: LAW 351.3 Evidence I. Criminal Procedure is an asset but not a prerequisite.

Course Materials: None.

Teaching and Assessment: Students will be provided instruction on the identified topic areas and given an opportunity to present portions of a trial prior to running a criminal jury trial at the conclusion of the term. Students will be provided feedback on their presentations by the instructor and their peers. Guest speakers may be utilized as time permits.

Students will be assessed based on their preparation and participation in class, their performance on any advocacy component presented in class and their criminal jury trial.

LAW 452.3 TRIAL ADVOCACY**1(3L)**

(2024-2025 Fitzgerald)

Course Description: This course is designed to provide students with the skills to conduct a criminal trial. Students will learn how to review disclosure, develop a case, deliver opening and closing statements, conduct examinations-in-chief and cross-examinations, utilize exhibits, and make and response to objections. Additionally, the course covers key aspects such as pre-trial steps, witness preparation, the difference between a jury trial and judge alone, and sentencing.

Assessment: Students will be assessed based on their preparation and participation in class, their performance on any advocacy component presented in class and their criminal jury trial.

At the end of the semester, four students will be invited to join the Western Canada Moot Team. The Western Canada Moot will continue to build on the skills developed in semester one, with the added component of a trial advocacy moot initially involving the seven western Canadian law schools followed by a national competition. Students who are offered and accept positions on the Western moot team will go on to receive additional course credit for their participation in the moot (see course description for that moot team).

Suggested Materials:

- *An Advocacy Primer*, 4th Edition - Lee Stuesser
- any current *Criminal Code*, 2023 or 2024 (annotated is permitted)

LAW 455.3 OIL AND GAS LAW
(2024-2025 Heavin)

2(3L)

Calendar Description: This course introduces students to oil and gas law in Canada. Areas of law considered in this course include, Constitutional Law, regulatory law, contract and property law. Topics addressed will include: the nature of interests in oil and gas; rights of mineral interest holders inter se and the operation of the rule of capture; acquisition of freehold interests in oil and gas; the freehold oil and gas lease; estoppel, waiver and involuntary termination; disposition of minerals by the Crown; oil and gas conservation (pooling unitization and shut-in wells); and, surface rights.

Prerequisites/Co-requisites: NONE

Purpose and Orientation: Lawyers in Saskatchewan and Alberta regularly advise clients on their rights and obligations in relation to oil and gas law generally and oil and gas leases specifically. This course is designed to introduce students to the body of law associated with the regulation and exploitation of oil and gas including industry background; the nature of oil and gas interests; interpretation of Crown and freehold leases; surface rights acquisition, compensation and reclamation; and an overview of Federal and Provincial government regulation of the oil and gas industry.

Course Materials: A detailed syllabus and case book is prepared for this course by the instructor and posted on CANVAS.

Teaching and Assessment: This course will be taught using lectures and discussion. Students will be expected to have read the relevant materials prior to class to facilitate class discussion. Students will be assessed through a minimum of one written assignment and an open-book final examination.

Minor Research Papers Allowed: Unlimited

LAW 456.3 CONFLICT OF LAWS
(2024-2025 Hansen)

2(3L)

Calendar Description: Conflict of Laws, or Private International Law as it is also widely known, deals with the analysis and resolution of legal problems involving more than one jurisdiction. Using cases primarily from tort, contract, property and family law, the student learns how to characterize a legal issue, how to determine which jurisdiction is the most appropriate forum, and which jurisdiction's law governs the issue, and how to evaluate the significance of factors that influence recognition and enforcement of the foreign judgment.

Prerequisites/Co-requisites: NONE

Purpose and Orientation: Knowledge of conflict of laws is essential for any practitioner who deals with private law issues involving any "foreign" facts, parties, events, or laws. ("Foreign" here means extra-provincial as well as international.) To take just a few examples, you cannot operate at the required standard of legal competence without knowledge of conflict of laws if you are advising someone on a damages claim concerning a foreign tort, engaged in estate planning where there are assets in more than one jurisdiction, or dealing with a division of spousal property where the spouses have moved from one jurisdiction to another during their relationship. Conflict of laws, of course, takes on an increased importance in a globalizing world, and knowledge of both Canadian and foreign conflict of laws principles is essential in the context of various transnational legal arrangements and transnational litigation. The course is thus aimed at sensitizing students to a range of conflict of laws issues and helping them develop intellectual tools to confront such issues. Some of the instruction will be through lecture format (though with the instructor calling upon students extensively), and some will involve breaking the class down into smaller groups examining particular problem scenarios. The material can be challenging and the expectations within the course are not low, but the understandings and legal intellectual development attained are worth it.

Course Materials: The main legal materials will be provided on Canvas. In addition, there is a mandatory text, which students have found very helpful in past years: Stephen Pitel & Nicholas Rafferty, Conflict of Laws, 3rd Edition (Irwin 2024).

Assessment: open book final exam worth 100% or 70% if the student chooses to write a Minor Paper.

Minor Research Papers Allowed: unlimited

LAW 457.3 INTERNATIONAL LAW**1(3L)**

(2024-2025 Hansen)

Calendar Description: An examination of the legal principles governing the conduct of states and other subjects of international law. Topics studied will include the creation and ascertainment of international law, application of international law in domestic and international tribunals, state jurisdiction of territory and person, sovereign immunity, diplomatic relations, law of armed conflict, international protection of human rights, and international environmental protection.

Prerequisite/Co-requisite: NONE

Purpose and Orientation: The course introduces students to the basic principles and structure of international law. It is designed to acquaint students with the international legal framework and its relevance to Canadian law, and to provide a foundation for those interested in further study of particular areas of international law (e.g. human rights, environmental protection, trade and investments, etc.) The topics to be studied will include; the history and sources of international law, international legal persons, the relationship between international and domestic law, state jurisdiction over territory, water, and persons, sovereign immunity, United Nations system and other international institutions, state responsibility for breaches of international law, and some discussion on permissible use of force under international law.

Course Materials: International Law, 3/e Doctrine, Practice, and Theory by John H. Currie, Craig Forcese, Joanna Harrington, and Valerie Oosterveld. Irwin Law Inc. September, 2022.

Teaching and Assessment: The course will be taught by a combination of lectures and class discussion. Assessment will be primarily by way of an open book final examination. An unlimited number of students have the option of writing a minor research paper.

Minor Research Papers Allowed: unlimited

LAW 458.3 ADVANCED HEALTH LAW
(2024-2025 Hayton)

2(2S-1R)

Calendar Description: In this seminar students will develop their knowledge of health law in relation to specific topics in the areas of health care, medico-legal ethics and medical research.

Prerequisite/Co-requisite: NONE. LAW 314.3 Health Law may be helpful but not mandatory.

Purpose and Orientation: This seminar will build on the principles introduced in the Health Law course and explore the broader context of health law. The issues examined will be selected to take into account current developments and may include legal and ethical issues in medical research, regulation of pharmaceuticals, use of human tissue, medical biotechnology, complementary and alternative medicine, and/or health care policy issues (related to topics such as MAiD, Reproductive Health, AI in Medicine). The course will allow students to consolidate and deepen their knowledge of health law principles by applying them to complex issues and develop their understanding of ethical and policy issues and regulatory approaches in health care and research.

Course Materials: Articles and other materials will be made available on reserve, in the University of Saskatchewan Bookstore and/or online.

Teaching and Assessment: The seminar will include a combination of instructor-led and student-led discussion. Students are expected to complete all assigned readings and participate actively in class discussions.

Assessment will be based on a major research paper and class participation, as well as one or more of the following: short commentaries on the readings or other short written assignments, a class presentation, or leadership of a seminar discussion.

Completion of the research paper will fulfill the major research paper requirement and successful completion of the seminar will fulfill the seminar requirement.

Calendar Description: This seminar is for students who wish to hone in their advocacy skills and receive guidance on producing quality written materials.

The Jessup moot involves significant research, writing, and oral advocacy. Though the problem is based on international law, the skills developed are transferable to all areas of legal practice. This year's problem will present the following issues:

- 1 the rights and obligations of other members of the international community when two persons claim to be the legitimate president of a state;
- 2 invocation of immunity for government officials accused of grave violations of human rights;
- 3 the legal consequences of receding coastlines for the maritime zones of coastal states; and
- 4 the interpretation of the compromissory clause in a treaty creating a regional organization.

Students will write Applicant and Respondent memorials (factums), and participate in practice moots to prepare their oral argument. Students are expected to participate in the Canadian National Rounds. If the team places highly in Canada, the team may qualify for the International Rounds in Washington, D.C.

This seminar takes place over the fall and winter semesters. The official Jessup schedule can be found at <https://www.ilsa.org/jessup-competitors/>. Students receive three course credits to be designated towards term one or two.

Prerequisite/Co-requisite: NONE

Purpose and Emphasis: This seminar is designed to prepare students for competing in the Philip C. Jessup International Law Moot competition. The Jessup is the largest moot court competition in the world, drawing law students from over 120 countries. Students compete in national rounds for the chance to compete in the Jessup World Championship in Washington, D.C. The Canadian rounds of the Jessup Moot are held by a host Canadian law school each year, with the top teams advancing to compete in the International Rounds. The case argued each year is a problem between two fictional states, argued before a fictional panel of the International Court of Justice.

The problem is available in mid-September, with memorials (factums) due in early January. The Canadian national rounds are typically held in mid to late February, with the International Rounds scheduled for the first week of April. Mooters who are selected for the team are expected to work together to finalise their memorials over the Christmas break.

No more than five mooters may be selected for the team: four oralists and one research counsel. Students will be selected on the basis of their academic record, research and writing experience, mooting or public speaking interest or experience, and interest in advocacy. Interested students will be interviewed as part of the selection process and are invited to submit a letter outlining any relevant experience that they would like considered.

Course Materials: The materials covered depend on the issues raised by the Jessup problem. Students will be expected to identify the issues raised in the Jessup problem, conduct in-depth legal research on those issues, and prepare memoranda on their research.

Course Orientation: Students are expected to attend regular meetings commencing in the first semester. Students will first prepare and exchange/present research on issues raised by the Jessup problem. Next, students jointly prepare and file an Applicant and a Respondent memorial in early January. Focus of the team then switches to practice moots to improve oral advocacy. In mid-February, students will travel to the host city for the Canadian national rounds and participate fully in the competition.

Means of Evaluation: Evaluation is based on the student's written and oral work, as well as their participation in meetings, practices, and overall commitment to the moot team.

- 33% of their grade will be based on the student's individual work in the first semester
- 33% of their grade based on their contribution to the memorials
- 33% of their grade will be based on the student's performance in the oral component of the seminar

The seminar will not satisfy the major paper requirement.

*****NOTE: This course will be delivered ONLINE**

Calendar Description: A study of the co-operative corporation as a business form and the theory of co-operative enterprise. The first part of the seminar will look at co-operatives from a legal perspective. Among other things, the following topics will be discussed: incorporation, members' rights, directors' duties and obligations, taxation of co-operatives compared with other business units, and consideration of special types of co-operatives such as Credit Unions. The second part of the seminar will attempt to view the co-operative in a broader, social perspective. Reliance will be placed on various resource people, if available, in discussing these broader aspects. The third part of the seminar will be devoted to papers presented by the student members of the seminar.

Prerequisite: LAW 361.3 Business Organizations I

Purpose and Orientation: Canadian communities are increasingly challenged by rising income inequality and economic globalization as locally-owned companies are acquired by, or merge with, investor-owned companies headquartered in other countries. Member-owned co-operatives operate across many business sectors, including financial services, insurance, energy, electric and telecommunication utility, housing, grocery and consumer, and agricultural production and processing. Co-operatives are uniquely anchored to their communities. Unlike investor-owned corporations, co-operatives embrace seven social principles including democratic member governance, member economic participation, and concern for community. This course focuses on the *what*, the *why*, and *how* of co-operatives from a legal perspective to help prepare class participants to form, advise, and represent Canadian co-operative businesses.

Course Materials: Selected chapters of *Legal Responsibilities of Directors and Officers in Canadian Co-operatives* (1995) by Daniel Ish, KC and Kathleen Ring; *Law of Canadian Co-operatives* (1981) by Daniel Ish, KC; and selected papers and caselaw.

Teaching and Assessment: Teaching will primarily be through synchronous online instruction. Students will be graded 20% on class participation, including short reading reflections, and 80% on a major research paper presented to class members.

LAW 464.3 DAVIES CORPORATE/SECURITIES MOOT
(2024-2025 TBD)

2[Oct.-Mar.](3S)

*If you are interested in the upper year moots, keep an eye out for an announcement in late August or right at the start of term. You will have a chance to apply for any moots that interest you. We typically run interviews or try-outs on the second weekend in September***

Description: The College will once again participate in the annual Davies Canadian Corporate/Securities Law Moot. Work on the problem begins in early January 2025, with factums to be submitted by early February and oral argument in Toronto in early March. Thus, the moot involves intensive work in the first part of the second semester. As with other competitive moots in which the College participates, the Corporate/Securities Moot is a 3-credit course with travel costs covered to promote equal access. **Four students will be selected to participate in the moot. All team members will attend the moot in Toronto. Students in both 2nd and 3rd year are eligible to apply.**

Prerequisite: Students must have taken or be taking Business Organizations I 361.3. This is a requirement to be considered for the moot. Exceptions are made but only in **very exceptional circumstances**. Preference will also be given to students who have taken, or are taking, Securities Regulation 401.3 in the Fall 2024 term.

Recognized as the leading event of its kind in Canada, the annual Davies' Corporate/Securities Law Moot provides an opportunity for top students from Canadian law schools to debate current legal issues in corporate and securities law with senior practitioners from Toronto law firms and corporations, regulators from the Ontario Securities Commission and judges. In addition to the formal moot competition, students have the opportunity to meet and socialize with other participants as well as many of the senior lawyers, regulators and judges who sit as justices for the competition.

LAW 467.3 LABOUR AND EMPLOYMENT LAW**2(3L)**

(2024-2025 Duncan)

Calendar Description: A study of the legal concepts, institutions and procedures concerning the workplace in Canada, including the contract of employment at common law; the growth of precarious work; legal protection of the right to organize; status under collective bargaining legislation; the concept of the exclusive bargaining agent; the role of labour relations tribunals; the legal principles relating to industrial disputes; human rights legislation pertaining to the workplace; and statutory regimes concerning labour standards.

Prerequisite/Co-requisite: NONE

Purpose and Orientation: The purpose of this course is to introduce students to the strands of doctrine which underlie labour and employment law so as to enable them to understand the theoretical basis of the common law contract of employment, human rights legislation, the statutory schemes governing collective bargaining relationships, and, to a lesser extent, the regulatory system associated with the establishment of minimum labour standards. Consideration will be given to the premises underlying various legal regimes which regulate the employment relationship, and a contrast will be drawn between the common law principles related to employment contracts, and the elements of the system created by collective bargaining legislation.

Course Materials: Students will be asked to purchase the *Labour Law Casebook Group, Labour and Employment Law: Cases, Materials and Commentary*, 9th edition (Toronto: Irwin Law, 2018). Supplementary cases and materials will be posted on PAWS.

Teaching and Assessment: A combination of lectures and classroom discussion will be the basis of instruction. Students will be assessed on the basis of a final examination. Options for a minor paper may also be offered at the instructor's discretion.

Minor Papers Allowed: 5

LAW 467.3 LABOUR AND EMPLOYMENT LAW**1(3L)**

(2024-2025 Stack)

Calendar Description: A study of the legal concepts, institutions and procedures concerning the workplace in Canada, including the contract of employment at common law; the growth of precarious work; legal protection of the right to organize; status under collective bargaining legislation; the concept of the exclusive bargaining agent; the role of labour relations tribunals; the legal principles relating to industrial disputes; human rights legislation pertaining to the workplace; and statutory regimes concerning labour standards.

Prerequisite/Co-requisite: NONE

Purpose and Orientation: The purpose of this course is to introduce students to the strands of doctrine which underlie labour and employment law so as to enable them to understand the theoretical basis of the common law contract of employment, human rights legislation, the statutory schemes governing collective bargaining relationships, and, to a lesser extent, the regulatory system associated with the establishment of minimum labour standards. Consideration will be given to the premises underlying various legal regimes which regulate the employment relationship, and a contrast will be drawn between the common law principles related to employment contracts, and the elements of the system created by collective bargaining legislation.

Course Materials: Students will be asked to purchase the Labour Law Casebook Group, *Labour and Employment Law: Cases, Materials and Commentary*, 9th edition (Toronto: Irwin Law, 2018). Supplementary cases and materials will be posted on PAWS.

Teaching and Assessment: A combination of lectures and classroom discussion will be the basis of instruction. Students will be assessed on the basis of a final examination. Options for major or minor papers may also be offered at the instructor's discretion.

Minor Papers Allowed: 0

Calendar Description: Examination of rights to child support, custody and access, determinations of paternity, child protection and adoption and the enforcement of support and custody orders.

Preferred course description if possible: Examination of rights to parentage, the legal parameters of child-parent relationships, the determination of parenting disputes (custody and access) and findings of child support. Child protection, adoption and the enforcement of support and parenting orders are also briefly canvassed.

Prerequisite/Co-requisite: Law 372.3

Purpose and Orientation: This course builds on the foundations provided in Family Law I but focuses on legal issues particularly relevant to the child-parent relationship.

We begin with a survey of the social policy framework in relation to the care of children in Canada and an overview of the regulation of the parent-child relationship including the legal regimes governing determinations of parentage, parenting and support orders, child protection and adoption. We then canvas issues that specifically pertain to parentage including the use of reproductive technologies and paternity testing. Broader definitions of the parent-child relationship and factors relevant to the allocation of decision-making responsibility, parenting time or contact and child support obligations are examined under the *Divorce Act* and relevant provincial Acts and regulations. The impact of domestic violence on child well-being and parenting disputes is given special attention. We also briefly address enforcement procedures for support and parenting orders.

The course materials are taught primarily by way of lecture and small group discussion using a problem-based method. Multi-disciplinary perspectives on the issues of parenthood and child care and development are explored. Students are expected to participate in class discussions and to engage in a critical commentary on or evaluation of the reading materials and legal outcomes. Adequate preparation and familiarity with the casebook materials will be assumed.

Course Materials: Cases and statutory materials will be placed on Canvas.

Assessment: Possibilities for assessment include minor or major papers and an exam.

Minor Papers Allowed: 5

Calendar Description: A commercial reorganization is a court sanctioned scheme under which a financially distressed business is restructured so as to permit it to continue in business by compromising claims of its creditors and others. There has been a fundamental shift in Canadian insolvency over the past 30 years, in that there has recently emerged effective systems that actively facilitate the restructuring and rescue of insolvent businesses as an alternative to their liquidation. This course will make use of several highly realistic simulations in order to develop both an understanding of the substantive law that governs commercial reorganizations as well as the advocacy and negotiation skills that are necessary to provide effective legal advice and representation to your clients.

Prerequisite: NONE. It is strongly recommended that students would benefit from taking LAW 407.3, Bankruptcy, Insolvency and Receiverships and/or LAW 420.3, Current Issues in Insolvency, prior to or at the same time as this course.

Purpose and Orientation: Students will gain an understanding of the *Companies' Creditors Arrangement Act*, systems that actively facilitate restructuring and rescue of insolvent businesses as an alternative to their liquidation. Students will demonstrate their ability to appropriately conduct a court application related to corporate restructuring, including preparation and presentation of an oral argument, preparation of a notice of motion with relevant affidavits, a bench brief, development of a negotiation strategy and a final negotiation analysis.

Learning Objectives for this course:

- Develop an advanced understanding of the substantive law respecting corporate restructuring law.
- Develop skills in the preparation of court documents (notice of application, affidavits, brief of law).
- Develop research skills in the preparation of a discussion topic and in the preparation of legal brief.
- Develop negotiation skills and strategies in the context of a corporate restructuring.

Required Text:

- The required casebook will be available for purchase.

Student Evaluation:

- Class Participation: 10%
- Court Application (oral submission) 25%
- Court Application (written submissions): 35%
- Negotiation Strategy Outline: 15%
- Final Negotiation Analysis: 15%

LAW 477.1 TAXATION I**1(3L)**

(2024-2025 Purse)

Calendar Description: This course deals with federal income taxation of individuals and focuses on basic tax principles, underlying theoretical concepts, and policy rationales. Topics normally covered in the course include procedure, statutory interpretation, the tax base, measurement of income, deductions, exemptions, and capital gains. The course is intended to be useful to students who will practice in the many areas of law to which income tax law may be relevant.

Prerequisite/Co-requisite: NONE

Purpose and Orientation: The course is designed to introduce students to income tax law under the Federal Income Tax Act. The underlying policy considerations and societal impacts are considered in order to gain appreciation of the Income Tax Act as an important document of social policy. Students will be asked to reflect upon their own values and experiences to deepen their learning.

The course focuses upon the taxation of the individual, but it deals with many of the concepts that are necessary to understand taxation of other units such as corporations, trusts and partnerships. Thus, the course acts as a building block for the senior tax courses and further learning within the legal profession. It is also designed to enable the generalist to identify taxation issues in many other areas of the law. Finally, since the course is highly statutorily based, it facilitates the skill of statutory interpretation.

Course Materials: Students require access to the *Income Tax Act (Canada)* (<https://laws-lois.justice.gc.ca/eng/acts/I-3.3/>). Free hardcopies of the *Canadian Income Tax Act With Regulations*, are available to interested students for pick-up in Room #280, Law.

If students want a textbook, Vern Krishna's *Fundamentals of Canadian Income Tax, Volume 1: Personal Tax*, 2nd Edition is recommended, as it covers many of the legal principles and themes discussed in the course. Further, including detailed slides, will be on the course Canvas website.

Teaching and Assessment: This course will be delivered approximately 1/3rd in person and 2/3^{ds} through online Zoom lectures. No textbook is required. Assessment is by way of a final examination. The exam is closed book, but a 3-page cheat sheet is permitted.

Minor Research Papers Allowed: None.

Calendar Description: This course focuses on taxation of business entities including corporations, trusts, and partnerships. Since this course builds on concepts introduced in Taxation I LAW 477.3, knowledge of the basic concepts covered in that course is essential.

Prerequisite/Co-requisite: Taxation I LAW 477.3

Purpose and Orientation: This course is intended to provide students with a basic understanding of the tax treatment of corporations, trusts, and partnerships and to expose students to some of the provisions of the Income Tax Act that commonly apply in business transactions. Topics normally covered in this course include a comparison of the tax treatment of business entities, the payment of funds out of a business entity to an individual, the tax-free transfer of property into a business entity, and corporate reorganizations.

In many cases, the policy or theory underlying a particular rule will be examined in order that students may gain a better understanding of the provision. Due to the technical nature of the Income Tax Act, statutory interpretation will be an important component of this course. The primary aim of the course is to give students an overview of the taxation of corporations, trusts, and partnerships in order to provide students with a foundation for further study or practice upon graduation.

This course should be of particular interest to students who plan to practice taxation law or corporate/commercial law after graduation or students who are interested in studying the use of income tax legislation as a tool for the development of social and economic policy.

Teaching and Assessment: This course will be delivered approximately 1/3rd in person and 2/3rds through online Zoom lectures. No textbook is required. Assessment is by way of a final examination. The exam is closed book, but a 3-page cheat sheet is permitted.

Minor Research Papers Allowed: None.

Textbooks:

- **Course Textbook:** *Taxation of Private Corporations and Their Shareholders* (5th). This is highly recommended for those planning to practice corporate law, estate planning, or tax law.

Other textbooks referred to in the course:

- *The Practitioner's Income Tax Act*, David M. Sherman
- *Byrd & Chen's Canadian Tax Principles: Volume II*.
- *Tax By Design* (The Mirrlees Review): <https://ifs.org.uk/books/tax-design>
- *Taxes in America* (2nd), Leonard E. Burman and Joel Slemrod
- *Taxing Ourselves: A Citizen's Guide to the Debate over Taxes* (5th), Jon Bakija, Joel Slemrod
- *Comparative Taxation: Why Tax Systems Differ*, Chris Evans *et al.*

- *Advanced Introduction to International Tax Law*, Reuven Avi-Yonah
- *Corporate Tax Law: Structure, Policy and Practice*, Peter Harris
- *Tax Havens: How Globalization Really Works*, Ronen Palan *et al.*
- *Tax, Inequality, and Human Rights*, Eds. Alston and Reisch.
- *Report of the Technical Committee on Business Taxation*, Mintz *et al.*
- *Report of the Royal Commission on Taxation*, Carter *et al.*
- *The Lawyer's Guide to Income Tax and GST/HST 2017*, David M. Sherman
- *The Modern VAT*, Ebrill, Keen, *et al.*

LAW 482.3 CRIMINAL INTENSIVE SEMINAR	2(2S-1R)
LAW 484.12 CRIMINAL INTENSIVE PRACTICUM (2024-2025 Pfefferle/Watson)	2(12CL)

(This is an application-based class)

NOTE: Students will be selected for this course based on their applications. 2L and 3Ls will be automatically added to the 'USask College of Law | Experiential Learning' Canvas course on June 25. Accept the invitation to access the application system within the course and navigate to the 'Placement Applications' section to select and submit your application for LAW 482.12. The deadline to apply is September 3, 2024.

Entry into the intensive criminal law program is by selection by the course instructors. Student's applications should outline the reasons for their interest in the course and describe any relevant experience. Students should also include their cv or resume. Students should send any questions to Brian Pfefferle, at brian@pfefferlelaw.com, and they will be notified on September 9, 2024, whether or not they have been selected for the practicum. At this point, students who have been selected for the practicum will have to drop a class in Term 2 and contact law.jdstudies@usask.ca to register in the practicum.

Prerequisites/Co-requisites: ***Both Criminal Procedure and Evidence I are prerequisites (to be completed by December 2024)***

This is a 15-credit one-semester (13 week) clinical course including practicum and academic seminar.

Calendar description: The Criminal Practicum and Seminar is designed to provide real world practical exposure to the practice of criminal law. The students will be placed in the office of a criminal lawyer for nine weeks at 32 hours per week (Monday to Thursday) where the students will become intimately involved in the practice of criminal law. The practicum placements will be supplemented with a series of lectures during the first two weeks of term and then with a weekly seminar (Fridays) with the course instructors and students will be required to complete one major paper, one minor paper and weekly reflective journals. The instructors also hope that the students will also be placed for one four-day week with a Judge of a criminal court. The practicum encourages reflection by the student about the practice of criminal law and will provide an opportunity for advanced research in the form of two papers.

Learning Objectives: Students will be exposed to a wide variety of criminal practice issues from the defence of criminal accused to the running of a criminal law practice. The students will be encouraged to reflect upon what they observe and will also learn about several advanced criminal law, ethical, evidence, trial advocacy and criminal procedure issues. *The Charter of Rights and Freedoms* legal rights and procedural issues will also be discussed in depth. The course will be designed so as to represent a culmination of all that

a criminal lawyer needs to know and will build on the student's substantive knowledge in the discipline. While entitled the "intensive criminal practicum" the courses will result in students being exposed to many areas of the law which in practice will tend to blur together. This will involve those subjects above listed and a myriad of other issues including insurance law, property law and other areas which will arise as a result of the various criminal matters to which the student is exposed during their placements with the supervising lawyers and Judges. Nonetheless the placements will be with Criminal lawyers and students should be continually involved in that area of the law rather than be exposed to all areas of the law as generally envisaged in an articling process.

The Externship (Lawyer) Placements

Students will be placed from about January 9 to March 10, inclusive, with hand selected lawyers in the community. They are expected to be in the placement Monday to Thursday work hours, which are assumed to be 8:00 or 9:00 AM to 4:00 or 5:00 PM. The students are then to be at the Friday seminar with the instructors. The instructors will hand select the supervising lawyers and law firms and will be in regular contact with them. It is expected that the lawyers will engage with the students on several fronts. This is not an early "articles" process but rather is intended to encourage reflection on what criminal practice involves and how it should best be done. There are almost no "criminal articles" in the private criminal bar in Saskatoon and these placements are not intended to compete in any way with the articling process. Students require an assigned supervisor with whom they can report to with work related questions and concerns. The instructors will develop feedback forms for completion by the supervising lawyers and by the students at various stages throughout the placements and after they are completed, to continually gauge the success and worth of the experiential learning opportunities to which the students are exposed.

The instructor will have regular contact with both the supervisor and the student. The students are not lawyers or junior counsel and are not expected to be providing legal advice in any way to the placement or to clients of the placement. The student is required to attend, be professionally dressed, and to understand the work environment within which they will be expected to act professionally.

Student Evaluation: The program will be open to 5 students per year. The seminar will constitute three credits of course work. In the seminar, assessment will be by methods other than a final examination and can include, weekly journal entries, class participation and a written paper (major or minor). The practicum will be worth 12 credits of course work. Together then, the complete program will be the equivalent of 15 credits or one semester's worth of work.

LAW 486.3 LAW AND PSYCHIATRY**1(2S-1R)**

(2024-2025 T. Dahl, Dr. M. Mela and H. Harradence)

Calendar Description: Introduction to psychiatric theory; the methodology of psychiatric diagnosis and modern psychiatric treatment; the role of psychiatrists in the legal process; and the psychiatrist as expert witness. Psychiatry and Criminal Law: remand for mental examination, fitness to stand trial, sentencing, automatism, insanity and dangerous offenders. Psychiatry and Civil Law: the concept of competency, and contractual and testamentary capacity; and mental disability in employment law.

Prerequisite(s): *LAW 351 (Evidence I)*. Students will find it helpful to have taken Health Law 314.3.

Purpose and Orientation: This seminar is designed to provide students with a strong introduction to the area of Psychiatry and the Law. As the calendar description shows, Psychiatry plays an important role in many areas of law. Students will learn to engage with psychiatrists in the practice of law, including participating in a mock examination of a psychiatrist as expert witness, and learn to recognize the need for such engagement. The seminar is uniquely taught by a practicing forensic psychiatrist (Mela), a sitting provincial court judge (Harradence), and a practicing lawyer (Dahl), offering a variety of experience and perspective. The seminar will be taught to both law students and psychiatry residents, in an interactive, collaborative and interdisciplinary environment. The seminar will likely be held in a room at the College of Medicine or elsewhere, which may result in a late return to the College of Law. Therefore, flexibility will be required in the student's schedule. Students will be expected to produce a major paper, to be active participants in the seminar, and to produce a course journal. The seminar will also include a field trip to North Battleford Hospital, the Review Board, and/or the Regional Psychiatric Centre.

Required Course Materials: Readings will be posted on PAWS/Canvas.

LAW 487.3 LABOUR ARBITRATION**2(3L)**

(2024-2025 Nordal)

Course Description: Arbitration is an alternative dispute resolution method of resolving a wide variety of disputes including, commercial, family, sports and labour (which will be a large part of this course).

At the beginning of the course, students will learn about the various types of arbitration and how the arbitration process works. The course will then focus on practical skills for arbitration including contract/collective bargaining agreement interpretation; case law analysis; preparing and presenting evidence and argument. Case law review, scenarios and simulations will touch on a wide array of issues including privacy, discrimination, onus, jurisdiction, rules of evidence, past practice and estoppel.

Prerequisites: None

Purpose and Orientation: The goal of this arbitration seminar is to familiarize students with the concept of arbitration and the arbitration process with a view to providing building blocks should students pursue practice in the field of arbitration.

Required Text: None. Students will need to access and review portions of *The Saskatchewan Employment Act*; *The Arbitration Act*, the *Canada Labour Code*. Case law will be available on CanLII and citations will be provided

Teaching and Assessment: This course will include lecture, discussion as well as simulations and skill-building exercises. Guest presenters will frequently attend and active student participation is encouraged.

During the term students will be completing assignments to evaluate: 5% each

- Understanding of the arbitration process (in class)
- Understanding of preparation required for arbitration hearing (brief Question/Answer)
- Ability to identify scope and jurisdiction of an arbitrator (brief Question/Answer)

Students will complete one short paper: 15%

- Analysis of a current topic relevant to arbitration (no more than 8 pages)

Students will also be evaluated on two simulation exercises: 30% each

- Presenting written and oral argument based on provided scenario, including case law analysis
- Writing an arbitration decision based on simulated arbitration

Class engagement and participation: 10%

This is a seminar-based course. No major or minor paper and no exam.

LAW 488.3 TAX POLICY
(2024-2025 Larre)

2(2S-1R)

Course Description: This seminar will focus on evaluating tax policies by examining their tax equity implications, social and economic consequences, and administrative feasibility. This seminar will provide students with the opportunity to engage in tax policy issues, resulting in a heightened appreciation of the social and economic implications of tax policy, an increased ability to evaluate tax policies, and a deeper understanding of technical tax law rules. Topics will include: (1) criteria for and methods of evaluating income tax policies; (2) theories of income; (3) the tax mix; (4) the use of the income tax system to implement tax expenditures; (5) the preferential treatment of certain groups and entities under the tax system; (6) the detrimental effects of taxes on certain segments of society or the economy the appropriate tax unit; and (7) taxation as a means to redistribute wealth.

Students in this seminar will be introduced a number of resources specifically designed for tax research and will be expected to use them to complete assignments. This seminar should be of interest to students who desire to practice tax law in a private firm or in government as well as those students interested, more generally, in the social and economic implications of tax law.

Prerequisite or Co-requisite: Law 477.3

Course Materials: To be provided via Canvas and/or available on course reserve in the library

Teaching and Assessment: Instruction will be in-person. Assessment will be by way of major paper, other assignments, and class discussion and participation.

Calendar Description: This course publishes the Saskatchewan Law Review. The work involves selecting and editing material submitted for publication, participating in policy decisions, proofreading, and other miscellaneous tasks. Each student also undertakes written work for possible publication in the Review.

Note: A one-year commitment to the Review is required. Academic credit is, however, awarded only for one term. Students will designate the term for which academic credit is awarded.

Purpose and Emphasis: Students in the seminar are members of the Editorial Board of the Saskatchewan Law Review. The work load includes editorial duties and a writing requirement. Currently each student must write a short book note reviewing a recently published book for publication in the Review, or write three abstracts of previously published articles for publication on the Law Review web site. Students also complete a minor research paper under the supervision of a faculty member who has expertise in the topic selected. The minor research paper is a short research paper on any topic of interest to the student. One option is for the paper to take the form of a critique of a recent case, or a note on recent legislation, with a view to publication in the Review as a case comment or legislative note. This paper satisfies the College's minor research paper writing requirement.

The Law Review class is **not** a vehicle for the writing of a major research paper, which will normally be completed as part of the requirement for another seminar. The work in the Law Review class is, however, intended to assist students in developing their skills with respect to the style and form of major research papers and law journal articles, and to enhance their skills in the writing of legal memoranda and opinions. Although major research papers are not written as a component of the Law Review class, students are encouraged to write their papers in other classes with a view to publication in the Review.

It is normally possible to offer summer employment, at normal full-time research student remuneration, to three members of the Editorial Board to work as summer editors for the Law Review. These students automatically qualify for the class in the subsequent year, and will be the Managing Editors of the Review for that year.

Credit Hours: The course carries three credit hours, allocated to one or other of the semesters. Students must, however, make a one-year commitment to the Review to allow sufficient time to develop editorial expertise and complete group assignments. The overall work load over the year is consistent with the awarding of a half-class credit, and editorial work, assessment and writing requirements have been adjusted to ensure that the work load is appropriate. Students will designate the term for which they will receive academic credit but, whichever term they designate, their grade for the course is awarded at the end of the academic year.

Assessment: Assessment is prima facie as follows: Work as a member of the Editorial Board (50%); Book Note (10%); Minor Research Paper (30%); Case Comment or Legislative Note (10%). At the discretion of the Faculty Editor, and with the agreement of the student, assessment may be varied from the above to accommodate particular needs of the Review or the special interest of a student. This latter option is open to Managing Editors due to their completion of a Minor Research Paper in their previous Law Review work.

Enrolment: Enrolment is restricted to 18 students, selected by the Faculty Editor. All students are Members of the Editorial Board, three of them being the Managing Editors. The course may be taken in either the second or third year, or both. Each year, students with exceptionally strong academic records receive letters from the Dean inviting them to apply. However, other interested students are also welcome to apply. All students who wish to be considered for selection for Law Review, **whether invited to apply or not**, can e-mail a letter of application along with their resume and writing sample to Jean Der, Executive Assistant to the Dean, (jean.der@usask.ca) by Friday, August 9th, 2024. The letter of application may include the student's qualifications and commitment, and, where relevant, describing any special experience or expertise in writing or publishing which the student might bring to the Review. Students will be notified in late August whether or not they have been selected. After they have been notified that they have been selected for the class, and have dropped a class in the term they wish to receive credit, students will contact law.jdstudies@usask.ca to be registered in Law Review.

Law Review is recognized along with other academic honours in the commencement program when the student graduates.

LAW 495.3 INDIVIDUAL DIRECTED RESEARCH
(2024-2025 Various Faculty Instructors)

1&2(3S)

Calendar Description:

Proposals for Individually Directed Research will be considered commencing in the latter half of August for the fall term, and later half of November for the Winter term.

Individually Directed Research allows students to undertake a substantial project of self-directed legal or applied legal research. Enrolment is limited to two students for each of the faculty members willing to take on student(s). The course is not timetabled as convenient meeting time can be arranged to suit the instructors and students concerned. Students must approach individual professors with a research proposal. The Studies Committee must approve all proposals for Individually Directed Research

Students and their proposed faculty supervisor must apply for this course by completing the form available in the **Application-based courses** section of the [Current students](#) webpage. The form must be completed by both the student, and their chosen supervisor, and returned to law.jdstudies@usask.ca. Completed forms are then sent to the Chair of the Studies Committee for review.

Prerequisite/Co-requisite: NONE

Proposed topics must be outside the scope of seminar courses offered in the College.

LAW 496.3 INDIGENOUS NATION BUILDING THEORY**2(2S-1R)**

(2024-2025 Lavallee)

Calendar description: This course explores critical nation-building issues of Indigenous peoples in North America. It will primarily focus on the Harvard Project on Indigenous Governance and Development (HPIGD). Discussion will be on the issues surrounding the assertion of self-determination by Indigenous Nations. Students will examine current Indigenous institutions of self-government; and assess policies of Indigenous and non-Indigenous governments, and capacity building methods for effective governance.

Prerequisite or Co-requisite: YES. Canadian Aboriginal Law (LAW 436)

Purpose and Orientation: Indigenous Nations have been subjected to colonialistic policies and laws for over 100 years. Notably, the *Indian Act* has had far-reaching (mostly negative) effects on Indigenous Nations, including removal of traditional Indigenous governance structures. The suppression of Indigenous institutions of governance is not merely historical, but ongoing. Many Indigenous Nations are exploring ways to assert their jurisdiction and create or revitalize governance systems for themselves, which advance their own goals to assert and implement self-determination. This course will explore various ways in which Indigenous Nations are revitalizing and (re)building their Nations.

Learning Objectives:

- Link concepts of politics, economics, and culture, with nation-building and leadership through readings, discussions, and case studies;
- Ability to examine current issues and assessing how to enhance effective governance and its foundational capacities;
- Create familiarity with the theory of Nation Building in order to recognize where and how it may be applied.

Materials:

Jorgensen, Miriam, ed., *Rebuilding Native Nations: Strategies for Governance and Development* (Tucson: University of Arizona Press, 2007).

Nikolakis, William, ed., *Reclaiming Indigenous governance: reflections and insights from Australia, Canada, New Zealand, and the United States* (Tucson: The University of Arizona Press, 2019).

Assessment:

- Participation: 20%
- Minor or Major research paper: 80% (limit 5 major research papers)

This course is a paper-based assessment. It meets the requirements for a seminar, upper year Indigenous Legal Studies course, and either a minor or major paper.

This is an application-based class.

Weekly meetings will be scheduled for a time that works for the students and the placement supervisors.

Total Hours: 72 (6 per week x 12 weeks)

Weekly Hours: Practicum 6 per week for 12 weeks

2024-2025 Term 1 only

Course Description: – This practicum placement explores the legal aspects of business venture incubation, innovation and strategic supports in a technology-driven world. Situated within USask's Opus startup incubator and under the supervisor of a practicing lawyer and startup coach, students will delve into the legal intricacies of fostering innovation, enterprise creation and operation, and forming collaborations to drive societal, industrial, and environmental advancements. The course is designed to equip students with the knowledge and skills needed to navigate the complex intersection of law, technology, and entrepreneurship.

Suggested Prerequisites or Corequisites: LAW 410 - Intellectual and Industrial Property I and Law 361 – Business Law Org I. Students who do not have the listed prerequisites for this course are encouraged to provide a detailed explanation of why their application should still be considered. Applicants should include any relevant experience or additional information that would help assess the strength of their application. This may include practical experience, coursework, or other relevant qualifications.

Students will be selected for this course based on their applications. 2L and 3Ls will be automatically added to the 'USask College of Law | Experiential Learning' Canvas course on June 25. Accept the invitation to access the application system within the course and navigate to the 'Placement Applications' section to select and submit your application by **Monday, July 15, 2024 at noon**. Please address your application to the Associate Dean Academic, Heather Heavin. Contact law.EL@usask.ca with your questions.

Applications must include:

- (a) A 1-2 paragraph explanation of your interest in the topic.
- (b) A 1 paragraph biography that highlights your current or past involvement (if any) in:
 - i. courses, initiatives, or employment experiences related to the topic areas;
 - ii. teams and/or collaborative projects; and
 - iii. innovative initiatives, programs, and/or projects.

Please ensure that the total length of your answer to (a) & (b), combined, does not exceed 1 page.

Students will be notified on **Friday, July 19, 2024** whether or not they have been selected for the practicum. At this point, students who have been selected for the practicum will have to drop a class and contact law.jdstudies@usask.ca to register in the practicum.

Student Evaluation: The placement will be evaluated on a pass/fail basis. The student will be required to demonstrate various critical competencies. The student will also be required to complete a self-reflection assignment at the end of the term.

This is an application-based class. Weekly meetings will be scheduled for a time that works for the students and the faculty member.

Total Hours: 72 (6 per week x 12 weeks)

Weekly Hours: Practicum 6 per week for 12 weeks

Course Description: The Indigenous Child Protection Practicum will focus on helping students to develop a legal framework to practically and critically examine a range of contemporary legal, social policy and practice issues that impact the lives of Saskatchewan Indigenous children, caregivers, and their communities. Practicum students will work alongside and support Indigenous communities while having the opportunity to work alongside community-led research as they engage in various stages of identification and development of legislation, coordination agreements, tribunal training and research, national minimum standards, and case-specific research. The practicum will provide students with a valuable experiential learning opportunity through a two-eyed seeing research model (Prerequisite: LAW 322 - Child Protection or Special permission).

Students will be selected for this course based on their applications. 2L and 3Ls will be automatically added to the 'USask College of Law | Experiential Learning' Canvas course on June 25. Accept the invitation to access the application system within the course and navigate to the 'Placement Applications' section to select and submit your application for the LAW 498.3 Indigenous Child Protection Practicum by **Wednesday, July 10, 2024**. Please address your application to the Professor Jamesy Patrick.

Applications must include:

- (a) A 1-2 paragraph explanation of your interest in the topic.
- (b) A 1 paragraph biography that highlights your current or past involvement (if any) in:
 - i. courses, initiatives, or employment and volunteer experiences related to the topic areas;
 - ii. teams and/or collaborative projects; and
 - iii. innovative initiatives, programs, and/or projects.

Please ensure that the total length of your answer to (a) & (b), combined, does not exceed 1 page. Students will be notified on **Monday, July 15, 2024**, whether or not they have been selected for the practicum. At this point, students who have been selected for the practicum will have to drop a class in Term 2, and contact law.jdstudies@usask.ca to register in the practicum.

Student Evaluation: The placement will be evaluated on a pass/fail basis. The student will be required to demonstrate various critical competencies. The student will also be required to complete a self-reflection assignment at the end of the term.

LAW 498.3 (s.68) CREATE JUSTICE INTERNSHIP
(2024-2025 Lowenberger)

1&2

This is an application-based class.

Total Hours: 72 (6 per week x 12 weeks)

Weekly Hours: Practicum 6 per week for 12 weeks

Course Description: This internship will give students an opportunity to learn about the process of justice system reform and to develop their research and writing skills by working with CREATE Justice and its Director on systemic justice reform projects in which the lab is engaged.

The student will work under the supervision of the Director and provide written work and verbal reports on a regular basis. The student will have an orientation session and discuss assigned reading materials with the Director in the first week of the internship. Following this, the student will have weekly meetings with the Director. The student will work 6 hours/week for CREATE. The student will have deadlines for written work to be agreed upon with the Director. The student will also meet at least once per term with one or more of the stakeholders CREATE works with, and also attend a regular Saskatchewan Access to Justice Network meeting (if one is scheduled during the term).

Students will be selected for this course based on their applications. 2L and 3Ls will be automatically added to the 'USask College of Law | Experiential Learning' Canvas course on June 25. Accept the invitation to access the application system within the course and navigate to the 'Placement Applications' section to select and submit your application for the LAW 498.3 CREATE Justice Internship by **Wednesday, August 28, 2024**. Please address your application to the Director of CREATE Justice, Brea Lowenberger. She can be contacted for questions at brea.lowenberger@usask.ca.

Applications must include an unofficial transcript, resume, and cover letter, and must indicate in which term the student would prefer to complete their internship. Students will be notified in late August whether or not they have been selected. At this point, students who have been selected for the internship will have to drop a class in the term in which it has been offered and contact law.jdstudies@usask.ca to register them in the internship.

Prerequisite: None require (Justice Innovations seminar will be suggested but not required)

Learning Objectives for this course:

- Understand the problem-solving methods, process, and roles involved in reform of the justice system
- Develop proficiency in legal research (primarily secondary, but could include some primary research materials)
- Develop skills in translating research into education and leadership, and collaboration and action for systemic change

- Develop writing skills, including presenting the results of research and analysis in memos and other draft documents and drafting materials for CREATE's website
- Develop verbal communication skills, including the ability to summarize the results of research and articulate questions

Required text: None

Student Evaluation: The internship will be evaluated on a pass/fail basis. The student will be required to demonstrate competencies in legal research and writing and oral and written communication. The student will also be required to complete a self-reflection exercise at the end of the term.

Description: This seminar will consider the legal treatment of the Indigenous peoples of Canada in the broader historical and geographic context of European imperial rule. We will consider the different forms of colonialism and settler colonialism to identify the significance of law in Canada's dispossession, administration and assimilation of Indigenous peoples. Law both shaped and gave effect to the belief systems that accompanied these processes, from the era of aggressive imperial conquest, through times of changing emphasis on development, decolonization, and reconciliation. Students will examine the differences between legal and historical reasoning. We will see how historical investigation can be used to strengthen legal argument, and how legal reasoning can illuminate historical analysis. Previous background in history is desirable but not required.

Prerequisite/Co-requisite: NONE

Learning Objectives: The objectives of this course are to:

- enhance student understanding of the impact of Canada's colonial past on the legal treatment of Indigenous peoples;
- encourage students to think critically about the potential, and the limitations, of historical analysis in legal argument;
- improve students' legal reasoning skills by making explicit the differences between law's use of the past and historical reasoning;
- offer students an opportunity to improve research, oral and written communication skills through attention to alternative models and sources.

Course Materials: A mix of secondary and primary sources will be made available electronically through library and internet sources. Wherever possible, published sources will be available on reserve.

Teaching and Assessment: Seminar course. Students are expected to participate with each other and the instructor in discussion of the assigned readings (participation is worth 20%). Students will write a major research paper due at the end of term (worth 70%). The remaining 10% of the grade will consist of a tentative paper title, abstract, and précis submitted mid-term for the instructor's review and comment.

This is an application-based class.

Weekly meetings will be scheduled for a time that works for the students and the placement supervisors.

Total Hours: 72 (6 per week x 12 weeks), Weekly Hours: Practicum 6 per week for 12 weeks T1 or T2 (depending on student's preference)

Course Description: The Governance Law practicum placement offers a hands-on exploration of administrative and business law, emphasizing the governance of administrative bodies, the interpretation of bylaws and policies, and their intricate relationships. Located within the Usask Governance Office, a key link between the executive leadership and governance of the university, students will see policy development in action and the facilitation of the activities of the Board of Governors, Senate, General Academic Assembly and University Council. In a post-secondary setting, this practicum exposes students to the fundamental issues of procedural fairness, principles governing reviews of administrative decisions, and the available remedies for the review of determinations. Students will engage in practical discussions and reflection, gaining valuable insights into the legal implications and the role of administrative decision-makers.

Prerequisite or Co-requisite: *LAW 340 - Administrative Law and Law 361 – Business Law Org I)*

Students will be selected for this course based on their applications. 2L and 3Ls will be automatically added to the 'USask College of Law | Experiential Learning' Canvas course on June 25. Accept the invitation to access the application system within the course and navigate to the 'Placement Applications' section to select and submit your application by **Monday, July 15, 2024 at noon**. Please address your application to the Associate Dean Academic, Heather Heavin. Contact law.EL@usask.ca with your questions.

Applications must include:

- (a) A 1-2 paragraph explanation of your interest in the topic.
- (b) A 1 paragraph biography that highlights your current or past involvement (if any) in:
 - i. courses, initiatives, or employment experiences related to the topic areas;
 - ii. teams and/or collaborative projects; and
 - iii. innovative initiatives, programs, and/or projects.

Please ensure that the total length of your answer to (a) & (b), combined, does not exceed 1 page.

Students will be notified on **Friday, July 19, 2024** whether or not they have been selected for the practicum. At this point, students who have been selected for the practicum will have to drop a class and contact law.jdstudies@usask.ca to register in the practicum.

Student Evaluation: The placement will be evaluated on a pass/fail basis. The student will be required to demonstrate various critical competencies. The student will also be required to complete a self-reflection assignment at the end of the term.

This is an application-based class.

Weekly meetings will be scheduled for a time that works for the students and the placement supervisors.

Total Hours: 72 (6 per week x 12 weeks), Weekly Hours: Practicum 6 per week for 12 weeks

2024-2025 Term 2 only

Course Description:

In this Privacy and Access practicum placement, students will examine how to apply the laws relating to the collection, utilization, and disclosure of information. Under the supervision of the University of Saskatchewan Legal Office, they will participate in activities such as training, meetings with committees, and interdepartmental collaboration that enhance their research and writing skills, apply critical analytical skills, help them understand how to navigate governance structures and due diligence processes. This experience will expose students to the areas of privacy, access to information, procurement, trade agreements, cyber security, and IT issues. There will be an emphasis on identifying and applying principles and legislative provisions to real-world scenarios essential to assess the rights, obligations, and potential liability of individuals and organizations

Prerequisite: *LAW 310 - Information and Privacy Law or Special Permission*

Students will be selected for this course based on their applications. 2L and 3Ls will be automatically added to the 'USask College of Law | Experiential Learning' Canvas course on June 25. Accept the invitation to access the application system within the course and navigate to the 'Placement Applications' section to select and submit your application by **Monday, July 15, 2024 at noon**. Please address your application to the Associate Dean Academic, Heather Heavin. Contact law.EL@usask.ca with your questions.

Applications must include:

- (a) A 1-2 paragraph explanation of your interest in the topic.
- (b) A 1 paragraph biography that highlights your current or past involvement (if any) in:
 - i. courses, initiatives, or employment experiences related to the topic areas;
 - ii. teams and/or collaborative projects; and
 - iii. innovative initiatives, programs, and/or projects.

Please ensure that the total length of your answer to (a) & (b), combined, does not exceed 1 page.

Students will be notified on **Friday, July 19, 2024** whether or not they have been selected for the practicum. At this point, students who have been selected for the practicum will have to drop a class and contact law.jdstudies@usask.ca to register in the practicum.

Student Evaluation: The placement will be evaluated on a pass/fail basis. The student will be required to demonstrate various critical competencies. The student will also be required to complete a self-reflection assignment at the end of the term.

LAW 498.3 INTELLECTUAL AND INFORMATION ASSET LICENSING

2(3L)

(2024-2025 Roberts)

Calendar Description: This course involves an examination of legal instruments enabling private exploitation and public, commercial access to intangible private assets such as intellectual property ("IP") and information. The advantages and disadvantages of licenses when compared to alternatives are discussed, as are possible terms for licensing diverse intangible subject matters (*e.g.*, software, other works of copyright, patented and unpatented inventions, product designs, trademarks, trade secrets and biological germplasm). The consequences of choices involving variable licensee-exclusivity terms, fields of use, sublicensing options, license durations, payment structures, jurisdictional factors, and the risk tolerances of counterparties among other issues are considered. The course provides an opportunity for teamwork, including in-class presentations of outcomes, and exposure to the theory and practice of license negotiation, drafting and critique.

Prerequisite/Co-requisite: Law 410.4 Intellectual and Industrial Property I. The instructor may provide a waiver of the prerequisite some infrequent instances.

Purpose and Emphasis: Licenses are the principal means enabling commercial exploitation of IP and other intangible assets such as information *per se*. Practitioners in this area have a keen interest in and understanding of the dynamics and technicalities of long-term inter-party engagements which are critically important in the creative products and production sectors. Through this course, students will be able to:

- recognize interests of creative and distribution-focused entities in various circumstances;
- recognize and understand licensing pools and other means of enabling exploitation of complex modern technologies;
- recognize and deal with the peculiar needs of license participants in specific industry sectors (*e.g.*, trademark licenses in franchise agreements; germplasm licenses prevalent in pedigreed seed and biologics, licensing pools for complex modern technologies);
- provide a client (licensor or licensee) with grounded rationale and commercially reasonable reasons that support of the client's interests in license negotiations;
- recognize and deal with legal issues and equities arising in various situations involving;
 - IP or other intangible assets;
- understand various statutory requirements that may impact license terms or limits; *e.g.*, *Copyright Act*, *Trademarks Act*, *Patent Act*, *Plant Breeders' Rights Act*, *Competition Act*), and understand their limitations;
- deal with interests of clients wishing to securitize or exploit IP or information assets prior to or after receipt of any government grant; and
- draft a simple to moderately complex license agreement and critique/revise more complex agreements.

Course Materials: A syllabus and a collection of cases and ancillary materials will be supplied by the instructor for use in the course.

Teaching Method: Class time is devoted to discussion of selected concepts, cases, and materials. The format involves a mixture of lecturing, questioning, general class discussions, and group assignments regarding problem scenarios. Classroom learning is an essential element of the curriculum, so participation in classroom discussions and activities is expected.

Assessment: Student performance will be based on;

- (a) class attendance, preparation, and participation (5% of final grade), and
- (b) a group-participation exercise involving formulation and presentation of a licensing strategy (10% of final grade), and
- (c) a short (5-10 min.) in-class, oral presentation on a licensing issue of contemporary interest or importance, supplemented with a written (1-3 page) descriptive report (10% of final grade), and
- (d) a license agreement with some commentary, to be drafted, *de novo* by each student respecting one of various subject matters (*e.g.*, trademark, plant or animal germplasm, patented or unpatented invention, product design, work of copyright, trade secret) among other variables provided by the instructor (25% of final grade), and
- (e) a written, problem-oriented, open-book, three-hour final examination. Examination results will count for 50% of each student's final grade.

INTENSIVE 15 CREDIT CLINICAL LAW PROGRAM AT CLASSIC**LAW 491.3 CLINICAL LAW SEMINAR (3 cu) 1&2(2S-1R)****OR****LAW 497.3 LEGAL ETHICS CLINICAL SEMINAR (3 cu) 1&2(2S-1R)****AND****LAW 492.12 CLINICAL LAW PRACTICUM (12 cu) 1&2(12C)**

(THIS PROGRAM WILL BE OFFERED IN BOTH FALL 2024 & WINTER 2025 TERMS)

This is an application-based 15 credit full term program. See note below for important information.

NOTE: The 15-credit Intensive Clinical Law program, offered in partnership with Community Legal Assistance Services for Saskatoon Inner City (CLASSIC), will be offered in both the fall and winter terms.

Entry into the intensive clinical law program is by selection by the course instructor and CLASSIC. Interested students should send an email to Professor Sarah Buhler, at sarah.buhler@usask.ca by **June 25, 2024 to express their interest. Emails to Professor Buhler should include the student's cv, unofficial transcript (if available), and a brief explanation about why they are interested in participating in the program, and identifying whether they have a preference for the fall or winter term. There will be an interview process to select students, and students will be informed of their acceptance into the program as soon as possible. Students should enroll for regular law school classes and be prepared to drop these classes if they are accepted into the program.**

PLEASE NOTE: Students can fulfill their Legal Ethics and Professionalism requirement by enrolling in the Legal Ethics Clinical Seminar along with the Intensive Clinical Law Practicum. *However, note that the Legal Ethics Clinical seminar is only available in T2 in the 2024-2025 academic year **. Note that students who have already fulfilled their Legal Ethics and Professionalism requirement can enroll in the Intensive Clinical Law Seminar in either T1 or T2. Students can also fulfill their seminar and major research paper requirements through the program.

Calendar Description: This is a 15-credit one-semester (13 week) intensive clinical law program including practicum and academic seminar. Students enrolled in Intensive Clinical Law will be placed at Community Legal Assistance Services for Saskatoon Inner City (CLASSIC) where they will take on the role of legal advocates under the supervision of the clinic's supervising lawyers. CLASSIC and the Clinical law program have received national and international recognition for excellence. Students will assume carriage of client files in a wide variety of substantive law areas. They will be engaged in all aspects of legal practice, including client interviewing and counselling, file management, legal research, the preparation of legal documents, letters and memoranda, and representing clients in administrative law hearings and provincial court trials. Students may also take on one or

more “systemic initiative” projects that may include public legal education sessions in the community, community-based projects or law reform campaigns.

Through their clinic work, students will engage critically with legal problems in the complicated social contexts in which they arise, build relationships with clients and learn about the communities of their clients, develop professional identities, work through ethical issues, and develop lawyering skills. Through structured and critical reflection during the seminar, students will analyze and synthesize the various components of their experiences and reflect on larger issues relating to professional responsibility, the legal system, and the limits and possibilities of legal practice in situations of social injustice.

The practicum will be graded on a pass-fail basis and the seminar will be graded on a percentage grade basis. The practicum and seminar will provide extensive exposure to criminal, civil and administrative law procedure, evidence law, trial advocacy, negotiation, legal research and writing, and professional responsibility. Specific areas of practice that students will be exposed to include: criminal law, human rights law, immigration and refugee law, housing law, social assistance law, employment law, prison law, wills and estates, and more.

Purpose and Emphasis: The course is based on a model of experiential education, where students learn through experience, hands-on mentorship, and critical reflection on experience. The course is centred on students’ clinical experience at CLASSIC, where they will assume carriage of client files in a broad variety of legal areas. Students are supervised on every step of their legal work at CLASSIC. In addition to substantive legal work, students may also have the opportunity to be involved in law reform initiatives, community-based projects and public legal education. Students will gain the tools to reflect critically upon their practice and their identities as future lawyers, and gain insights into the legal system from “the ground up”. Students will be expected to be at CLASSIC from Monday to Thursday each week, and will attend a clinical law seminar on Friday mornings.

Course materials: Seminar materials consist of a set of articles which will be made available electronically, and possibly a textbook.

Teaching and Assessment: The 12 credit unit clinical practicum will be assessed on a pass-fail basis. The seminar will be graded on a percentage grade basis. Students can choose to write a major research paper or a minor research paper and another assignment; and there is a participation component. A detailed letter of evaluation and explanation can be provided to the student by the course instructor to be used for the purposes of job applications, etc.

15-credit course: Students will receive 15 credits for this course (12 clinical credits plus 3 seminar credits).

Selection of students: The course is open to second and third year students, but preference will be given to third year students, and to students who have demonstrated an interest in or commitment to community service and/ or pro bono work. As noted above, the selection

process involves students emailing Prof. Buhler at sarah.buhler@usask.ca expressing their interest by **JUNE 25, 2024**. Students will be selected following an interview process and will be informed in July, or as soon as possible, of their acceptance into the program. Students applying for the program should also register for regular classes and be prepared to drop them if they are accepted into the program.

Prerequisites: *Completion of first year law*