

Law 302.3 COMMERCIAL RELATIONSHIPS
(2020-2021 Cuming)

2(3L)

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, suretyship, and bills of exchange. While the course occasionally focuses on consumer issues, its primary focus is commercial transactions and the various relationships that form thereunder.

Prerequisites/Co-requisites: NONE

Detailed Description: A significant portion of the course is devoted to the exploration of legal issues that arise under contracts for the 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 importance of leasing in the consumer and 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. The second part of the course examines the following topics: function and characterization of leases, lessor's obligations, and lessor's remedies.

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. This part of the course examines the supposed distinction between guarantee and indemnity and a guarantor's numerous rights and defences.

The fundamentals of bills of exchange law are examined in the course. While modern forms of payment are increasingly being used to replace traditional forms, negotiable instruments continue to be used in both consumer and business transactions.

Course Materials: All primary course materials are available in electronic format, and will be posted on line.

Pedagogical Approach: Various pedagogical techniques are used in this course. Some areas are covered by lectures while others are addressed through questions and examination of factual hypotheticals. Students are strongly encouraged to participate in class discussion and every effort is made to respond to students' questions.

The course and the posted course materials have been designed to facilitate examination of commercial law using the following approach:

- All students will read and consider the assigned portion of the course materials prior to the class meeting.
- Class discussion will focus on the statutory provisions and the comments and

questions in the materials. Class members are expected to engage in class discussion of all aspects of the course materials. This involves questions, comments and requests for a fuller explanation of an aspect of the law being addressed in the class meeting.

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 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 Papers Allowed: 5

Law 303.3 SECURED TRANSACTIONS – PERSONAL PROPERTY
(2020-2021 Cuming)

2(3L)

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* 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 law of secured financing currently in effect in all Canadian common law jurisdictions, broken down as follows: (i) the concept of a security interest in personal property, (ii) the scope of the relevant secured transactions statutes including, most notably, the *Personal Property Security Act* and the *Bank Act*, (iii) the requirements for attachment and perfection of a security interest (including the procedural requirements for attaining super priority status in respect of a purchase money security interest or production money security interest), (iv) the rules governing priority disputes over collateral, (v) the rules governing proceeds, (vi) interjurisdictional issues and basic conflict of laws framework, and (vii) the post-default enforcement rights of secured parties.

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 addressing the fundamental mechanics of secured financing law, students are encouraged to consider its primary features in light of public policy goals, and to explore approaches to the resolution of evolving and potential issues in this area.

Course Materials: All primary course materials are available in electronic format, and will be posted on line.

Pedagogical Approach: Various pedagogical techniques are used in this course. Some areas are covered by lectures while others are addressed through questions and examination of factual hypotheticals. Students are strongly encouraged to participate in class discussion and every effort is made to respond to students' questions.

The course and the posted course materials have been designed to facilitate examination of secured transactions law using the following approach:

- All students will read and consider the assigned portion of the course materials prior

to the class meeting.

- Class discussion will focus on the statutory provisions and the comments and questions in the materials. Class members are expected to engage in class discussion of all aspects of the course materials. This involves questions, comments and requests for a fuller explanation of an aspect of the law being addressed in the class meeting.

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 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 Papers Allowed: 5

Law 304.3 IMMIGRATION LAW
(2020-2021 Amirzadeh)

1(3L)

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: Immigration and Refugee protection Act, Immigration and Refugee protection Regulations and supplementary material to be distributed in advance of each class

Teaching and Assessment:

- 70% Final Examination
- 20% prerecorded video presentation as well as live question and answer during our class on zoom ***and***
- 10% class participation during the zoom lecture

Minor Papers Allowed: 0

Law 308.3 GLOBAL INDIGENOUS RIGHTS AND RESOURCE DEVELOPMENT
(2020-2021 Newman)

1(3L)

Description: The subject matter in this class is an examination of the global law of Indigenous rights, with specific attention to implications of Indigenous rights in the context of resource development. Specific topics are adapted annually in response to emerging issues and scholarly work. In a typical year, possible topics include detailed examination and discussion of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) provisions on land rights, resource rights, and consultation/FPIC, other selected international law materials on Indigenous rights at a global level, comparative legal approaches to the doctrine of Aboriginal title in selected countries, the legal status and content of the 'duty to consult' doctrine in Canada as well as similar doctrines on consultation with Indigenous peoples in other states, emerging norms on 'free, prior, and informed consent' (FPIC) and their significance, and applications and implications of these various concepts in the context of selected resource sectors or resource-related infrastructure projects.

The course is meant to explore a series of key topics related to how Indigenous rights interact with natural resource development in Canada and internationally and to expose students to current scholarly research on related topics. In doing so, the course will seek to improve student knowledge on the law related to Indigenous rights and the law related to natural resource development, to engage with policy and strategic thinking about finding reconciliations between competing considerations in this area, and to offer greater perspective on how to integrate together different areas of law in analyzing complex legal problems.

The aim throughout is to encourage deep thinking in the context of issues with major significance to Indigenous peoples, to Canada as a resource superpower, to other states with significant resource endowments, and to a world that needs resources. With the topic matters at least sometimes poised at intersections between different worldviews, the course will engage with trying to find ways to integrate different areas of law (including constitutional and international law, as well as common law and Indigenous legal traditions).

The professor's writing is at the leading edge of scholarship on a number of these issues and is cited by scholars around the world as well as routinely by the Canadian courts. The professor has also worked on a variety of legal cases in this context and as a consultant to international investment entities considering related issues and draws upon some of that experience in helping students to think about law, policy, and rights together along with business and strategic considerations.

Due to the university's decisions on the COVID-19 situation, the Fall 2020 offering will take place online. The professor has a lot of experience taking online courses so understands some of what you are facing; we will be doing everything we can to make the course work well online through a variety of different means. Our specific coverage in fall 2020 will include extended discussions on duty to consult and FPIC, various legal issues that have arisen on pipelines, some pertinent aspects of international project finance, and some issues related to legal recognition of spiritual relationships to land.

Prerequisite/Co-requisite: NONE

Course materials: Primary legal materials and some scholarly materials will be downloadable

and/or on reserve. In addition, students in fall 2020 will make extensive use of the following required texts: (1) Dwight Newman, *Revisiting the Duty to Consult Aboriginal Peoples* (Purich 2014); (2) Dennis McConaghy, *Breakdown: The Pipeline Debate and the Threat to Canada's Future* (Dundurn 2019); (3) Nicholas Shrubsole, *What Has No Place Remains: The Challenges for Indigenous Religious Freedom in Canada Today* (2019).

Teaching and Assessment: The default assessment is a 100% final exam as listed on the exam schedule. Students who wish to complete a minor paper (for 40%) or a major paper (for 70%) will have some opportunities to do so, with an amended final exam focused on just parts of the course so as to create a balanced workload.

Law 310.3 INFORMATION AND PRIVACY LAW
(2020-2021 von Tigerstrom)

2(3L)

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 the various causes of action that could be pursued by a person aggrieved by a 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 an area 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.

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

Teaching and Assessment: The course will be taught using a combination of lecture and class discussion. If courses are being delivered remotely in the Winter Term, this will be done using a combination of synchronous and asynchronous online activities. Assessment will be by way of one or more written assignments and an open book final examination.

Minor Papers Allowed: 5

Law 311.3 CONSTRUCTION LAW
(2020-2021 Epp)

1(2S-1R)

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, with the exception of the courses' textbook, *Saskatchewan Builders' Lien Manual (2nd Ed)* by Brent Gough and Colin Hirschfeld (available for free on CanLII) will be emailed to students a week 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
(2020-2021 von Tigerstrom)

2(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 professional regulation, medical negligence, consent to treatment, health information, and issues relating to the health care system. As time permits, we will also discuss some specialized areas 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 lecture and class discussion. If courses are being delivered remotely in the Winter Term, this will be done using a combination of synchronous and asynchronous online activities. Assessment will be by way of one or more written assignments and an open book final examination.

Minor Papers Allowed: 5

Law 315.3 ENTERTAINMENT LAW
(2020-2021 Patrick)

2(3L)

Calendar 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. Some classes may involve guest speakers. Students will have an opportunity to consider and discuss both practical and theoretical issues regarding entertainment law.

Prerequisites/Co-requisites: NONE

Detailed Description: Entertainment law encompasses many different areas of law. A central objective of this course 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 related issues. 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.

Course materials: All primary course materials are available in electronic format, and will be posted on the course website. Additional web-based resources will be available through CanLII or otherwise available online.

Teaching and Assessment: Most topics will be covered through a mixed method of lectures, questioning, and the examination of the law through its application to in class factual scenarios and discussions. The evaluation component of this course includes:

- 1 Written Assignment (worth 30% of final grade), and
- 1 Final Exam (70% of final grade).

The *Written Assignment* can count towards the student’s minor writing assignment. Students intending on using the *Written Assignment* as their minor paper requirement - must indicate this to the instructor at the commencement of the course.

Minor Papers Allowed: no limit

Law 320.3 REGULATION OF PROFESSIONS
(2020-2021 Ralston)

1(3L)

Course Description: This course will provide in-depth coverage of legal issues that arise in context to professional regulation in Canada. Topics will include unauthorized practice, registration, investigation, quality assurance, marketing, mobility, and discipline. The course will address how professional regulation intersects with other areas of the law, including administrative law, human rights, and the Charter.

Learning Outcomes: By the completion of this course, students will be expected to:

- explore how professions are regulated within Canada as compared to internationally
- explore key debates regarding the public interest in the self-regulation of the professions
- articulate how professional regulatory bodies are structured through enabling statutes, subordinate legislation, and policies
- identify the differing roles of professional regulators in Canada (such as registration, investigation, and discipline) and key legal issues that arise in each role
- articulate how administrative law, human rights, and the Charter set outer parameters for regulation of the professions

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:

Textbooks

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

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

Loose Leaf Texts

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

Keith R. Hamilton, *Self-Governing Professions: Digest of Court Decisions* (Toronto: Thomson Reuters, 2012-)

Teaching and Evaluation:

Final Exam

Value: 100% of final grade

Date: TBD

Description: The final exam will be administered as a comprehensive take home exam that must be completed within a 24 hour period and may include questions on any of the topics covered in lectures and corresponding readings during this course.

Law 326.3 TRUSTS

(2020-2021 - Term 2 Hansen)

2(3L)

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 casebook used is *Oosterhoff on Trusts: Text, Commentary and Materials*, 9th ed. (Toronto, Thomson Carswell, 2019).

Teaching and Assessment: Assessment is based on a 100% open-book final exam. There may be optional assignments as well.

Minor Papers Allowed: unlimited

Law 340.3 ADMINISTRATIVE LAW

(2020–2021 - Term 1 (s. 1) Heavin; Term 2 (s. 2) Hoehn)

1/2(3L)

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 – Heavin Course Materials: TBA. Term 2 – Hoehn Course Materials: TBA.

Teaching and Assessment: The course will be taught by a combination of lectures and class discussion. Assessment will include components for class participation, one or more open book examinations, mid-term assignments and possibly a short-answer quiz. A limited number of students also have the option of writing a minor paper.

Term 2: All of the foregoing applies to the Term 2 class, excepting that the schedule will be somewhat more compact during the term such that the class will end two weeks early (approximately March 19th) and there will not be a final examination during the exam period.

Minor Papers Allowed: 5

Law 342.3 APPELLATE ADVOCACY AND PRINCIPLES
(2020-2021 L. Wihak)

1(3S)

Calendar Description: This seminar 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 seminar 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 seminar will teach students how to serve effectively as counsel for a party on an appeal. The first part of the course 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. Its objective 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: 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 seminar 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 351.3 EVIDENCE I
(2020-2021 - Term 1 (s. 1) Plaxton)

1(3L)

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:

- Ron Delisle, Don Stuart & David Tanovich, *Evidence: Principles and Problems*, 12th ed. (Carswell, 2018)

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. Assessment may include a midterm examination or assignment. A limited number of students also have the option of writing a minor paper.

Minor Papers Allowed: 5 or with permission of the instructor

Law 361.3 BUSINESS ORGANIZATIONS I
(2020-2021 - Term 1 Flannigan)

1(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 Cooperative Corporations 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 casebook used will depend on the instructor.

Teaching and Assessment: Instruction is by lecture and discussion. The form of assessment will be a 90% open-book final examination and 10% class participation.

The use of laptops is not permitted in this section.

Minor Papers Allowed: 5

Law 361.3 BUSINESS ORGANIZATIONS I
(2020-2021 - Term 1 Odumosu-Ayanu)

1(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 Cooperative Corporations 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 discussion. Like other courses offered during the fall 2020 term, this course will be delivered online using platforms and resources that will foster effective instruction, learning, discussion and other communication. The form of assessment will include written assignments and may include a mid-term examination and/or a paper.

Minor Papers Allowed: With permission of the instructor.

This section of Business Organizations I will depart from the usual course description in the following ways:

1. It will be limited to 20 students.
2. Preference will be given to Indigenous students and to students whose first language is not English.
3. Students need to complete an application form available on the College of Law website, (go to "Students", then "Current Students". On the "Current Students" webpage you will find the application under "Application Based Courses") to enroll in the class. Please complete the application and send it to Ms. Louise Ferguson, (Room 280, College of Law, 15 Campus Drive, University of Saskatchewan, Saskatoon, SK S7N 5A6) by email at louise.ferguson@usask.ca

If you have questions, please do not hesitate to contact Professor Odumosu-Ayanu at ibironke.odumosu@usask.ca

Law 372.3 FAMILY LAW I
(2020-2021 – Term 1 Walen)

1(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 maintenance 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 providing an introduction to 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 gay and lesbian couples as well as to the circumstances in which spousal status is attributed to unmarried cohabitants, both same sex and heterosexual.

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, spousal rights to support or maintenance will be examined both under the federal *Divorce Act* and the provincial *Family Maintenance Act*. 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 examination in Professor Walen's class.

Minor Papers Allowed: 0

Law 384.3 CIVIL PROCEDURE
(2020-2021 Kennedy)

1/2(3L)

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 Queen'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 and group discussion and 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 394.3 JURISPRUDENCE
(2020-2021 Vandervort)

1(3L)

Calendar Description: This course examines the nature and function of the law, focusing particularly on the relationship between the law and society, law and morality, and law and political theory.

Prerequisite/Co-requisite: NONE

Course Objectives: This course introduces students to dominant themes of debate in contemporary legal theory. These debates concern the relationship between law and morality, the nature of law, the extent to which law is distinguishable from politics and the exercise of power, and the concept of the rule of law. The course will help students better understand 'what law is' and the relationships between law and social and political issues and controversies, past and present.

In 2020-2021, the materials selected emphasize the themes of "rule of law" and the theoretical and practical implications of cultural assumptions and cognitive frameworks for legal fact-finding and legal reasoning in culturally diverse multi-juridical states, such as Canada, where individual, group, and community relationships are governed by more than one legal order and shaped by multiple social-cultural-political formations and commitments. The course examines issues of cognition, evaluation, and the relationship between facts and norms in the context of legal decision making generally, and then moves on to provide students with opportunities to reflect about these and related issues in jurisprudence and legal and political theory in the context of Reconciliation within and beyond the framework provided by the Reports of the Truth and Reconciliation Commission.

Materials: Articles, cases, and excerpts from e-books available on-line.

Instruction: Problem-solving, discussion, and lecture; conducted remotely in real time.

Assessment: An open book final (required—80% of the course mark) and brief **critical comments and queries** to be based on the readings and posted on the discussion board prior to 20 classes (required—20% of the course mark). In addition, there are optional alternate means of assessment: (1) one or two short papers (8 pages/2000 words exclusive of notes and bibliography—10% each); or (2) one or two minor papers (15 pages/3750 words exclusive of footnotes and bibliography—25% each). The final examination is to be written in the exam period during any 24 hour period the student prefers. The marks on the final exam and the mandatory discussion board comments, combined, account for 100% of the course mark, **unless** the student submits one or more papers. For example, submission of one minor paper (25% of the course mark), reduces the weight attached to the mark on the exam and comments combined from 100% to 75% of the course mark.

Short Papers: Students choosing assessment options that include one or more short papers will be provided with specific assignments for those papers. The assignment will consist of a question that draws on issues and materials previously discussed in class.

Minor Papers: Students choosing to write minor papers will be provided with some suggestions for topics and approaches they might use to structure their papers, but are also encouraged to devise **their own topics**. Please discuss these ideas with the instructor before proceeding, however.

Papers for this course are not research papers. Students who write short papers or minor papers will ordinarily use the course materials as their principal sources; however, analysis and discussion of jurisprudential issues related to specific cases, legal topics, or controversial legal issues not addressed in the course materials will be permitted with the instructor's approval. All papers must be primarily analytic, not expository and descriptive.

Exam: The final exam is an **open book exam** to be written in any 24 hour period the student prefers within the exam period. The exam is required. All students in the course will write the same final exam.

Minor Papers Allowed: Maximum of two per student; approval of the topic(s) is required.

Major Papers Allowed: NONE.

Law 401.3 SECURITIES REGULATION

(2020-2021 Wright)

1(3L)

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 exempt market securities offerings.

Prerequisite: Business Organizations I 361.3 (recommended, but exceptions can be made).

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).

Minor Papers Allowed: 0

Law 404.3 JUDGMENT ENFORCEMENT LAW
(2020-2021 Cuming)

1(3L)

Calendar Description: This course addresses the Saskatchewan 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 that addresses money judgments. This is supplemented by 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.

Prerequisite: NONE

Purpose and Orientation: This course is designed primarily to equip students with the knowledge required to address the highly practical question 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.

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

A feature of modern judgment enforcement law is the necessity to recognize the enforceability in Saskatchewan of judgments issued by courts in other provinces or countries and the enforceability of Saskatchewan judgments in other jurisdictions. The statutory systems that have been implemented in Saskatchewan to deal with this feature are examined in detail in the course.

An 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. The various features of this important area of the law are examined in the course.

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: Statutory provisions, case reports, notes and questions, all of which are integrated into the structure of the course, are available on line.

Pedagogical Approach: Various pedagogical techniques are used in this course. Some areas are covered by lectures while others are addressed through questions and examination of factual hypotheticals. Students are strongly encouraged to participate in class discussion and every effort is made to respond to students' questions.

The course and the posted course materials have been designed to facilitate examination of judgment enforcement law using the following approach:

- All students will read and consider the assigned portion of the course materials prior to the class meeting.
- Class discussion will focus on the statutory provisions and the comments and questions in the materials. Class members are expected to engage in class discussion of all aspects of the course materials. This involves questions, comments and requests for a fuller explanation of an aspect of the law being addressed in the class meeting.

Assessment: Student performance is assessed through a final open book examination for 100% of the final mark. 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.

Minor Papers Allowed: 5

Law 407.3 BANKRUPTCY, INSOLVENCY AND RECEIVERSHIPS
(2020-2021 Cuming)

1(3L)

Calendar Description: This course has been designed to facilitate student examination of the law of bankruptcy, insolvency and equitable receivership, each of which is governed by statutory codes and extensive judge-made law.

Prerequisite: NONE

Purpose and Orientation: Bankruptcy and insolvency law have become central features of the Canadian economy. The dramatic increase in the use of debt by business enterprises and consumers over the last 20 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 family property law and 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 avoid liquidation of business assets that occurs in bankruptcy has become very common. In this course, the central aspects of the structures and effect of the insolvency system contained in this legislation is examined in detail.

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 interest in property of business debtors. The specific issues that will be examined in the context of equitable receivership include: the special position of a receiver-manager and receiverships under *The Personal Property Security Act* and *Bankruptcy and Insolvency Act*.

Course and Materials: All course materials are available on line.

Pedagogical Approach: Various pedagogical techniques are used in this course. Some areas are covered by lectures while others are addressed through questions and examination of factual situations.

The course and the posted course materials have been designed to facilitate examination of this area of the law using the following approach:

- All students will read and consider the assigned portion of the course materials prior to the class meeting.

- Class discussion will focus on the statutory provisions and the comments and questions in the materials. Class members are expected to engage in class discussion of all aspects of the course materials. This involves questions, comments and requests for a fuller explanation of an aspect of the law being addressed in the class meeting.

Assessment: Student performance is assessed through a final open book examination for 100% of the final mark. 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.

Minor Papers Allowed: 5

Law 410.3 INTELLECTUAL AND INDUSTRIAL PROPERTY I
(2020-2021 Roberts)

1/2(3L)

Calendar Description: This course will comprise 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 scope. Some class time will be allocated to considering the development of and theory underpinning current Canadian and international intellectual property regimes. An examination of developments and challenges associated with internationalization, new technologies, and demands on the law of a post-industrial, digital-age society will be included.

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 discussion 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 law schemes and practices and by the emergence of new technologies such as those respecting information and communications and biology and genetics.

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

Teaching Method: Class time will be devoted to discussion of selected concepts, cases and materials. The format will involve a mixture of lecturing, questioning and general class discussion. Class members are expected to participate in classroom discussion. Classroom learning is an essential element of the course curriculum. It is acknowledged that, for all or a portion of the 2020 – 2021 academic year, the "classroom" will be a virtual, online construct. The instructor will seek opportunities to engage all members of the class, together and in smaller groups, by allocating group tasks related to some small research undertakings such as those involving mandatory writing assignments.

Assessment: Student performance will be based on a short (~10 page) mandatory writing assignment for which topical subject areas will be suggested by the instructor but specific

topics will be chosen by students. Marks on this paper will constitute 20% of each student's final grade. There will also be a written, problem-oriented, open-book, three-hour final examination. Examination results will count for 80% 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, the remaining 40% of the author's assessment will be based on the final written examination, the same examination written by all other students.

Law 413.3 CURRENT ISSUES IN LAW REFORM
(2020-2021 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.

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 and a short commentary/critique of the legislative, regulatory or policy proposal of that group.

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 blackboard.

ASSESSMENT:

Students will be evaluated on the following basis:

Issues Paper and Presentation [GROUP MARK]*	40%
Policy Paper and Presentation [GROUP MARK]*	40%
Critique of Issues Paper [INDIVIDUAL MARK]*	10%
Class Participation/Reflective Exercises [INDIVIDUAL MARK]*	10%

Law 415.3 MUNICIPAL LAW
(2020-2021 Warwick)

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:

- a) The fundamental principles of municipal authority;
- b) The standards of judicial review of local government action;
- c) Jurisdictional conflict;
- d) Municipal governance;
- e) 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: Materials are covered by the lecture method combined with active class discussion of assigned materials.

Students will be evaluated by an open book final exam (100%).

Minor Papers Allowed: 0

Law 417.3 INSURANCE LAW
(2020-2021 Sandstrom)

1(3L)

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, warranties and conditions, 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 the same 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 418.3 SEXUAL ASSAULT
(2020-2021 Vandervort)

1(2S-IR)

Calendar Description: The seminar examines sexual assault in domestic and international criminal and civil law. Topics addressed include: 1) comparison of alternate theoretical conceptualizations and legal definitions of sexual assault; 2) interpretation of current substantive law: consent in the *actus reus*, consent and voluntariness, *mens rea*, mistakes of fact and law, the 'reasonable steps' provision; 3) administration of justice in relation to sexual assault: police and prosecutorial practices and policy, determinations of credibility and admissibility of evidence, questions of law and fact, the judicial role, jury instructions, and sentencing; 4) civil actions; 5) criminal compensation boards; 6) the *Charter* and international human rights law, the *UN Declaration of Human Rights*, *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*, 1979, *Declaration on the Elimination of Violence Against Women*, 1993, *Statute of the International Criminal Court (Rome Statute)*, 1998, including recognition of 'rape' and other forms of sexual violence of comparable gravity as 'war crimes' and 'crimes against humanity.'

Prerequisite/Co-requisite: NONE. Evidence Law 351.3 and Criminal Procedure Law 423.3 are strongly recommended as pre-requisites or co-requisites.

Purpose and Orientation: The seminar examines the administration of justice in relation to sexual offences and the interpretation and application of sexual assault laws. The primary focus is on the criminal legal process, with limited attention to civil remedies. We analyse cases currently before the courts and the role of police, prosecutorial, and judicial discretion in shaping the responses of the legal system. Non-Canadian and international criminal and human rights law and legal initiatives provide comparative perspectives. The seminar is especially useful for students who intend to specialize in criminal law or provide legal services in areas of law and policy development dealing with assault, interpersonal or domestic violence, and offences involving abuse of power affecting vulnerable persons or populations.

In 2020-2021 leading questions in the administration of justice with respect to sexual offences include *inter alia*: (1) Is a specialized sexual offences tribunal, supported by professionals with special training and expertise, desirable? Feasible? How might it be best structured? What factors should be considered in the design process?? (2) What steps can be taken to eliminate abuse of power and violence from police conduct affecting indigenous people and communities? (a) when police are alleged to have committed sexual offences? (b) when police are alleged to have engaged in other abusive or violent conduct while performing policing duties with respect to sexual activity? (3) How have the various levels of government responded to the recommendations in the Final Report of the Inquiry into Missing and Murdered Indigenous Women and Girls? What remains to be done? (4) Is the ONCA decision on the constitutionality of s. 33.1 of the Criminal Code in *R v Chan* and *R v Sullivan* (2020) "correct," and if so, is that problematic, etc.??

Required Course Materials: selected cases, statutes, articles, and other materials available on-line. The materials are multi-disciplinary and address long-standing issues (e.g. controversy over statutory interpretation, one or more parties are intoxicated or impaired or acquainted or minors or otherwise vulnerable due to relationships of power or trust) as well as emerging issues (e.g.

institutional responses: sexual assault on campus, in the military, low rates of reporting, data that suggest enforcement decisions are arbitrary, complaints and debates about the unprofessional conduct of counsel and judicial misconduct). The materials include pending and decided cases and analyses of emerging issues. Links to a collection of web-sites and reference materials are posted to assist with research.

Instruction: This is a seminar; conducted remotely but in real time in 2020-2021. Students discuss assigned materials guided by questions raised by students and the instructor. Legal materials and theoretical perspectives needed as background for effective research and writing in this area are introduced through assigned readings, lecture segments, comments, and handouts. A workshop approach is used at key stages over the course of the term to ensure students have opportunities to discuss their research projects with their peers throughout the research and writing process starting with definition of a problem through completion of a working draft.

Assessment is based on:

- **a major paper** (70% - approximately 8750 words)---a research paper on a topic approved by the instructor, based on extensive research and demonstrating significant analytic engagement with one or more problems or issues related to the topic selected. Papers that are predominately expository and descriptive are not acceptable. Community based projects may be undertaken if they are initiated early in the term.
- **with permission of the instructor, students may substitute two minor papers** (70%) with a combined total of about 8750 words. Minor papers analyze specific materials and issues approved by the instructor, do not require extensive research, and may take the form of case comments or memos on a specific point of law. Minor papers must be primarily analytic, not expository and descriptive.
- **posts** on the discussion board, in 7 of the 12 weeks **prior to** the weekly seminar meeting, commenting on the assigned readings and responding to posts by other students (15%);
- **seminar participation and workshop leadership** (each student plans and leads one workshop discussion of unresolved, contested, or potentially controversial issues related to their own research/writing topic, organized in consultation with the instructor) (15%).
- **criteria and weight for assessment of the major paper and on-line comments:** 1/3 - style and efficacy in communication/expression; 2/3 - content (demonstrated familiarity with research materials, originality and insight in defining, framing, and analyzing the issues).
- Successful completion of the seminar fulfills the seminar requirement; successful completion of the major or minor paper satisfies the major or minor paper requirement. "Success" for marking purposes is as defined by the College Assessment Regulations.

Major Papers Allowed: 15.

Minor Papers Allowed: maximum of 2 per student with permission of the instructor.

Law 419.3 REMEDIES I
(2020-2021 Ezeani)

2(3L)

Calendar Description: Examination of the principles and rules for remedying breaches of contract, tortious wrongs, and invasions of property rights. It will consider issues arising in the assessment of compensatory and non-compensatory damages, as well as equitable remedies like injunctions and specific performance.

Prerequisites/Co-requisites: NONE

Detailed Description: This course introduces students to the general principles governing legal and equitable remedies in a private law setting and how they are applied by the courts. It explores the relationship between rights and remedies, the principles that inform remedial selection, and the assessment of damages. It examines different equitable remedies and the factors considered by Canadian courts in awarding them. All the points to be examined in the course are essential for legal practice because lawyers need to understand how and when to seek each remedy and the factors that the courts consider before granting remedies in particular cases.

Course Materials: The casebook for the course is J. Berryman et al., Remedies: Cases and Materials (Toronto: Emond Montgomery, 7th ed., 2016) – this might be switched to the 8th edition if it becomes available before Term 2. Other books that students may find useful as **optional** supporting materials include J. Cassels & E. Adjin-Tettey, Remedies: The Law of Damages (Toronto: Irwin Law, 3rd ed., 2014) J. Berryman, The Law of Equitable Remedies (Toronto: Irwin Law, 2nd ed., 2013) R.J. Sharpe, Injunctions and Specific Performance (Toronto: Thomson Reuters, 5th ed., 2017) S.M. Waddams, The Law of Damages (Toronto: Canada Law Book, 5th ed., 2012).

Teaching and Assessment: The course will extensively engage discussions on the legal and equitable remedies. Therefore, students will be encouraged to participate extensively in class. Students will be assessed by way of a 100% open book final examination.

Minor Papers Allowed: NONE

Law 420.3 CURRENT ISSUES IN INSOLVENCY
(2020-2021 Arvanitis-Zorbas)

2(2S-1R)

Calendar Description: In our world of growing corporate structures and technology, the practice of insolvency law is changing and adapting. This seminar will examine new and emerging legal issues that today's companies face when they reorganize under the *Companies' Creditors Arrangement Act*. Various issues of restructuring law will be discussed including: the treatment of encrypted digital currencies ("cryptocurrencies" or the "bitcoin"), critical suppliers, mass tort claims (i.e. the Red Cross tainted blood scandal), the use of the CCAA to liquidate companies rather than reorganize, and other issues. The recent reorganizations of Target, Sears and Toys 'R' Us will also be examined.

Prerequisites/Co-requisites: NONE

Course Materials: Readings will be available electronically. Materials will be primarily in the form of journal articles and legal cases.

Teaching: The first few classes will be lecture based to introduce to the students to the *Companies' Creditors Arrangement Act*. Thereafter the students will make a 20-30 minute presentation on their major paper topics and the class will discuss the issues that arise from the presentation, case law, and articles that they have read for that week's topic. Every student will write a major paper for this class.

Assessment:

Presentation 10%
Participation 15%
Major paper 75%

Law 421.3 LEGAL ETHICS AND PROFESSIONALISM
(2020-2021 – Term 1 (s. 3) Buhler)

1(3L)

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 (Third Edition) [required casebook]

Term 1 – Buhler: This course will be online in the fall term using methods that will encourage active and effective learning and communication. Assessment: 2-3 assignments during the term and a final exam.

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

(2020-2021 – Term 2 (s. 5) Chiang)

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* (available online)
- Law Society of Saskatchewan, *Rules* (available online)
- Woolley *et al*, *Lawyers' Ethics and Professional Regulation* (required casebook)

Teaching and Assessment: The primary teaching method is by lecture and class discussion. Assessment is by open book final examination (50%) and either (i) two closed memos (25% each) or (ii) a minor research paper (50%).

Minor Papers Allowed: Unlimited

Law 421.3 LEGAL ETHICS AND PROFESSIONALISM
(2020-2021 – Term 1 (ss. 1 & 2) Cotter)

1(3L)

Note: The course is a regular 3 credit course, but will be taught in part through on line lectures and in part through on line seminar sessions. For the seminar portion, students will select the seminar session each week that they will 'attend'.

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, 3rd ed. [required casebook]

Teaching and Assessment: The primary teaching method is a combination of lecture and seminar discussion and dialogue. Assessment is by open book final examination [75%] and paper. In addition, each student will be required to prepare materials for and participate in a group presentation to his or her seminar group [25%].

For students who elect to write a minor paper, If you have selected this course to fulfill your "minor paper" requirement, you are still required to prepare and do a presentation, participate in class and write the final examination. With respect to the presentation, you may participate in a group presentation **on your topic or another topic**, with the presentation being worth 25%, your minor paper being worth 35%, and the final two hour exam worth 40%. The writing of a minor paper is subject to approval, and such approval is to be obtained no later than October 18th. The deadline for submission of the paper is midnight on December 6th.

MAJOR PAPERS: [unlimited]

If you do a major paper, it will be worth 75% of your grade, you will do an individual or group presentation worth 25%, class and you will not take the final exam. With respect to the presentation, you have two options: a) you may participate in a **group** presentation on your paper topic or another topic, or b) you may make an **individual** presentation on your paper topic. The writing of a major paper is subject to approval and such approval, including the topic, is to be obtained no later than October 18th. The deadline for submission of the paper is midnight on December 6th.

The course is offered in part-lecture, part-seminar format. The first class of the week will be in the form of a lecture or presentation on a designated topic or theme to all sections of the course. The second class is in the form of a seminar in which the week's topic or theme will be explored in greater detail through discussion and a consideration of problems and scenarios.

Major and Minor Papers Allowed: unlimited

Law 423.3 CRIMINAL PROCEDURE
(2020-2021 Roe)

1(3L)

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

- (1) Arrest and release on bail
- (2) Elections and re-elections for trial
- (3) Role of Crown and defence counsel
- (4) The trial process before judge alone
- (5) The trial process in a jury trial
- (6) Pre-trial motions
- (7) Disclosure at trial
- (8) Plea bargaining
- (9) Formalities of information and indictments
- (10) Special pleas
- (11) The appeal process

The class will also deal with the Canadian Charter of Rights and Freedoms, jurisdiction and remedies and the study of the Charter will be a very significant part of the class. We will discuss remedies under Section 24(1) and 24(2) of the Charter. Charter violations, applications for relief and potential remedies will be reviewed, including:

- (1) Abuse of process
- (2) Unreasonable delay
- (3) Search and seizure
- (4) Detention and arrests
- (5) Right to counsel
- (6) The 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: Students taking the class will be required to purchase the text, Stuart, Delisle, & Quigley, Learning Canadian Criminal Procedure (11th ed.), Carswell, 2010 and a current Criminal Code, annotated.

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. If students choose, they may write a minor paper 15 to 25 pages in length on a topic that is approved by the instructor. In that event, the paper will comprise 50% of the final mark, and the examination will comprise the other 50%.

Minor Papers Allowed: 0

Law 424.3 SPORTS LAW
(2020-2021 Cotter)

1(2S-1R)

Calendar Description: This course examines the application of various aspects of law to the field of sports.

The course will examine the role played by sports in our culture and our society. We will look at the application of contract law and collective bargaining in professional sports, including arbitration, and the role of anti-trust legislation to the sports industry, including comparative approaches to the regulation of sport. The course will also examine issues of the right to participate, ethics in sports, including drugs in amateur and professional sports and the role of sports agents in professional sport. The application of tort law and criminal law to violence in sports will also be examined.

Students will have the opportunity to identify specific research topics related to the subject of sports law, and will make individual or group presentations to the class.

Prerequisite/Co-requisite: NONE

Purpose and Orientation: The purpose of this course is to encourage discussion, research and reflection on the role of sports in our society, and to examine the ways in which different legal concepts apply to the field of sports. This will occur through lectures, simulations and the opportunity for directed student research.

By the end of the course, students should:

- have a greater appreciation of the role of sports in society, and the many dimensions of law that interact with amateur and professional sports;
- be able to take knowledge and skills learned from other courses and apply them to the specifics of sports, and begin to develop an appreciation for the ways that certain legal concepts have been moulded in their application to the field of sports;
- have become up to date on developments in sports law, and become acquainted with the legal dimensions of current developments;
- develop skills of critical analysis in relation to dominant paradigms in the area of sports law, with a view to being able to engage in informed discussion and debate on these issues and to challenging their legitimacy and value, as appropriate;
- be able, in their research, writing and performance in simulations, to exhibit skills of high quality legal analysis and insight.

Course Materials: Course Materials developed by professor - assigned readings. Sets of problems and topics for class discussion and presentation.

Teaching and Assessment: The primary teaching method is a combination of lecture and seminar-style discussion and dialogue. The course will address a series of specific topics that will provide a foundation for further sessions, some selected by the instructor, some selected by the class. After the first four weeks of the course, led by the instructor, we will examine

four or five topics selected by the class. During these classes, following a brief introduction, five students, designated in advance, lead approximately 10 to 15 minutes' discussion on an example or situation in the world of Sports and the Law that is related to that week's topic. The leading of this discussion will be assessed as part of the student's class participation. The remainder of the class participation assessment will be based on the quantity and quality of his or her interventions and contributions throughout the course. The final two or three weeks will be dedicated to a series of 20-minute presentations by students on their paper topics. Alternatively, if collectively agreed, the class will forego the last two or three classes in the course and use a Saturday near the end of the term to have presented many or most of the student presentations.

Assessment in the course is primarily by major paper. In addition, each student will be required to present his or her research paper. There will also be a small component of the assessment based on class participation and engagement, part of which will include leading part of the discussion on a specific topic [noted above]

Students will be evaluated on the basis of:

- i A major paper [70%];
- ii Performance in the presentation of your paper topic [20%];
- iii Class participation and engagement [10%]

Major Papers Allowed: unlimited

Law 425.3 SENTENCING IN THE CRIMINAL JUSTICE SYSTEM
(2020-2021 E. Kalenith)

1(3L)

Calendar Description: Selected topics relevant to sentencing in the criminal justice system combining theory, doctrine and practice. Theoretical aims of punishment and their translation into current legal doctrine and practice will be discussed, with particular emphasis on the Canadian and Saskatchewan context.

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 and parole officers, and police that the sentencing aspect is the most important part of the process. It is therefore important to have at least one course dealing with this in the curriculum. More important, 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 much discussion of the efficacy of achieving the aims sought to be achieved by the criminal justice system. New developments especially those being developed in the Aboriginal community, will also be a major focus

Course Materials: (2020-2021) TBC

Teaching and Assessment: (2020-2021) Assessment will be based on:

1. 50% for written sentencing brief
2. 50% for oral sentencing submissions

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.

Minor Papers Allowed: 0

Law 427.3 GALE MOOT
(2020-2021 Watson)

1/2[Nov.-Feb](3S)

**** Note that the College is still waiting to learn how moots will proceed in 2020/21. It is hoped that most competitions will move online, and that the training program will adjust accordingly. More information will be available in early September about which moots are available and what the training and competition will look like. Watch for further information/announcements about this****

(Decisions as to what moots will be offered will be made annually. More information will be available in the Fall)

Calendar Description: Participation in the Gale Moot Competition is required. It is anticipated that the 2021 Gale Cup Moot will be held virtually. 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 at Osgoode Hall in Toronto and attracts teams from law schools across Canada. It is anticipated that the competition will take place virtually in 2021. 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 at the College 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.

Law 428.3 WILLS
(2020-2021 den Hollander)

2(3L)

Calendar Description: This course examines:

- the law surrounding the execution, construction and revocation of wills, powers of attorney, and advanced health care directives;
- 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;
- pre and post-mortem tax planning opportunities relating to wills and estates.

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 to order their personal and financial affairs in the event of incapacity and in the event of death. Or 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, to determine the validity of wills, and to determine exactly how property is distributed upon death whether or not the individual had a will.

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 to 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.

Finally, this course provides an introductory overview of the tax implications of death, and a discussion of some pre and post-mortem planning opportunities that can be taken advantage of to minimize the same.

Course Materials: There is no text. 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.

Teaching and Assessment: Instruction is by lecture, discussion and classroom activities. Classroom activities will be unmarked. Students will have the option to: a. complete an assignment for 40% of the course mark with remainder of the mark for the course to be determined by the final exam OR b. choose to have the final exam comprise 100% of the course mark.

Minor Papers Allowed: 0

<p>Law 430.3: NEGOTIATION AND DISPUTE RESOLUTION</p> <p>2020-2021 Term 1 (ss. 1 - 4): Michaela Keet, Madasan Yates, Mark Baerg, Léa Lapointe</p> <p> Term 2 (ss. 5, 6): Mark Baerg, Léa Lapointe</p>	<p>1/2 (3L)</p>
<p><i>** Adjustments for online course delivery: In the past few months, the practice of law has adapted to new communication forums. This year, we will take advantage of our online course to focus particularly on negotiation via video and text – but will continue to explore the skills and concepts which apply more generally to negotiation.</i></p> <p>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.</p> <p>Prerequisite: <i>First-Year Dispute Resolution Program*</i> (Or, for exchange students, equivalent prior training.)</p> <p>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.</p> <p>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.</p> <p>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 <i>not eligible</i> for either the major or minor paper credit. Class size is limited to 20.</p>	

Law 433.3: SALLOWS SEMINAR IN HUMAN RIGHTS
(2020-2021 Loewen Walker)

2(2S-1R)

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-requisites: NONE

January to April 2021 – Gender, Sexuality, and Human Rights
R. Loewen Walker

Description: This course explores gender and sexuality within local and national human rights movements. Students will explore the relationship between law and social justice, and in particular, the role of the law in creating, perpetuating, and eradicating hierarchies of power and privilege in society. Students will learn about and explore what is meant by "social justice" and how systemic discrimination based on race, sex, class, sexuality, disability and other identities shape this concept. As well, students will be introduced to postcolonial, queer, and feminist theoretical approaches and this foundation will then be applied to a variety of specific human rights cases and contexts as they apply to the Two Spirit, lesbian, gay, bisexual/pansexual, and trans (2SLGBTQ) community as well as to women, and the rights of people living with HIV/AIDS. Particular areas of focus will include: 1) the inclusion of gender and sexuality rights within human rights contexts; 2) historical movements within Saskatchewan and nationally; 2) cultural relativism and imperialism in human rights; and 3) governmental and legal regulation of gender and sexuality.

Course Objectives: By the end of this course, students should be able to critically analyze the Canadian legal system from the perspective of social in/equity and their own roles and responsibilities as professionals in their respective chosen fields. More specifically, students should be able to:

1. Understand the relationships between gender, sexuality, and human rights
2. Interpret and assess Canadian law through critical theoretical frameworks
3. Recognize how multiple systems of oppression operate to produce unique experiences of social injustice
4. Apply theoretical learning to develop strategies for professional practice in the pursuit of social justice

Class Attendance and Participation (15%) – 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.

Group Assignment (35%) – An important component of this course is thinking about how to bridge social justice theory to practice. Social justice practice requires collaborating with others and engaging with your local community in pursuit of a common goal. For these reasons, students will work in groups of five over the course of the term to formulate an action plan for a social justice project that relates to gender and/or sexuality. Each group will present its plan in class, garner feedback, and then submit a written outline of the project (maximum of 10 pages double-spaced). Students will be encouraged to incorporate any feedback from the class discussions that would improve the project. Every member of the group will receive the same grade for the project. I will consider both the oral and written components of the project to determine this grade.

Final Paper (50%) – Students must complete a final term paper of 15 – 20 pages (double-spaced, excluding footnotes) on a social justice law topic. Students will submit an outline for their final paper early on in the course (worth 5%) and will be provided with feedback.

Law 435.3 LAW AND ECONOMICS
(2020-2021 Donald)

1(2S-1R)

Description: This seminar will apply economic principles to analyze legal principles. Topics covered will include the economic analysis of major areas of the common law, namely, property law, tort law and contract law. Other topics include:

- (i) the economic approach to corporate law
- (ii) behavioral economics; and
- (iii) competition law.

As the various topics are covered, students will see how the law might be addressing certain kinds of recurring economic problems, including prisoners' dilemmas, transactions costs, externalities, asymmetric information, principal-agent problems, and free-rider problems. A previous background in economics is not required.

Prerequisite/Co-requisite: NONE

Course materials: Certain textbooks are recommended. Other textbook materials will be made available on reserve. Other materials will be downloaded from Hein Online, jstor.org and case law databases.

Teaching and Assessment: Meetings will typically include a lecture component by the instructor on certain technical aspects of reading materials. Students are expected to participate with each other and the instructor in a general discussion about the readings assigned for any specific meeting. Students will write a paper due at the end of term (worth 75%). As well, during the term, students are expected to write three short synopses (once monthly), each about a theoretical aspect of Law and Economics (each worth 3% for a total of 9%), and they will be evaluated on their participation in classroom discussion (worth 16%).

Law 436.3 CANADIAN ABORIGINAL LAW
(2020-2021 Lavallee)

1(3L)

Calendar Description: The Aboriginal peoples of Canada; Aboriginal title and Aboriginal rights, treaties and the treaty-making process, including hunting and fishing rights, Natural Resources Transfer Agreements; the Metis; land claims; federal and provincial jurisdiction over Aboriginal peoples and lands; Indian Act, including membership and Bill C-31; constitutional recognition and protection of the rights of Aboriginal peoples; Aboriginal self-determination.

Prerequisite/Co-requisite: NONE

Purpose and Emphasis: The course is a survey of Canadian law as it relates to Aboriginal people 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: Borrows and Rotman, *Aboriginal Legal Issues: Cases, Materials and Commentary*, 5th ed. Butterworths, 2018. Other materials will be provided.

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 70% final examination and 30% for class participation. Students may elect to write a minor paper in lieu of a final exam. I will also consider proposals for other assessment alternatives.

Minor Papers Allowed: 5

Law 439.3 MEDIATION

(2020-2021 - Term 2 (3 sections) Dumonceaux / Yates)

2(3L)

*** Adjustments for online course delivery: In the past few months, the practice of law has adapted to new communication forums. This course is adapted to teach students particularly about mediation conducted online (through video and text, etc.) – as well as concepts and skills which transfer to a face-to-face setting*

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 paper credit. Class size is limited to 20.

<p>Law 440.3 INNOVATION IN JUSTICE: THE DEAN'S FORUM ON ACCESS TO JUSTICE AND DISPUTE RESOLUTION (2020-2021 B. Lowenberger)</p>	<p>2(3S)</p>
<p>It is our intent to offer - for an eighth 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.</p> <p>JUSTICE INNOVATION: DEAN'S FORUM ON DISPUTE RESOLUTION AND ACCESS TO JUSTICE</p> <p>Nation-wide conversations about Access to Justice continue to play out, with the Cromwell Report* an important touchstone. The first eight meetings of the Dean's Forum on Dispute Resolution and Access to Justice were held in September, 2013, March 2014, March, 2015, and February 2016, March 2017, March 2018, March 2019, and March 2020: a gathering of a couple dozen leaders in the Saskatchewan legal and justice community. During the last seven 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: http://law.usask.ca/deansforum.</p> <p>A video by previous Dean's Forum students is published on YouTube: https://www.youtube.com/watch?v=sbJY9gQb6wU.</p> <p>The project will continue, with a ninth Forum planned for 2021. The general themes for this year's Forum are currently being developed, and will be assigned near the end of the fall term.</p> <p>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.</p> <p>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 (at b.lowenberger@usask.ca).</p> <p>*The Cromwell Report can be found at http://www.cfcj-fcjc.org/collaborations.</p>	

Law 441.3 LASKIN MOOT
(2020-2021 Sembalerus)

1/2[Oct.-Mar.](3S)

**** Note that the College is still waiting to learn how moots will proceed in 2020/21. It is hoped that most competitions will move online, and that the training program will adjust accordingly. More information will be available in early September about which moots are available and what the training and competition will look like. Watch for further information/announcements about this****

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. **Please note, as a result of Covid-19, the Laskin Moot organizers intend to host the moot in a virtual format for the 2020-2021 year.**

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 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.

Law 443.3 INDIGENOUS PEOPLES AND THE CRIMINAL PROCESS
(2020-2021 Peterson)

2(2S-1R)

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* and *Ipeelee*. 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: Required:

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

Recommended:

2) An annotated Criminal Code

Textbooks can be purchased at Turning the Tide Bookstore

Student Evaluation: Evaluation based on:

- major research paper (80%) and
- attendance and participation in class (20%)

Major paper: See academic regulations for the College of Law

Paper must be on a topic relating to the substantive content of the course, to be approved by the course instructor in advance.

Class participation: Attendance, engaged discussion based on assigned readings and thoughtful consideration of the issues and the insights of other students is worth 10%.

A class presentation on the student's paper topic is worth 10%.

Law 447.3 ABORIGINAL RIGHTS MOOT
(2020-2021 Lafleur)

1/2[Oct.-Mar.](3S)

**** Note that the College is still waiting to learn how moots will proceed in 2020/21. It is hoped that most competitions will move online, and that the training program will adjust accordingly. More information will be available in early September about which moots are available and what the training and competition will look like. Watch for further information/announcements about this****

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 Indian lands, Metis rights and the history of missing Indigenous women in Canada are some of the topics this moot has explored.

**** Note that the College is still waiting to learn how moots will proceed in 2020/21. It is hoped that most competitions will move online, and that the training program will adjust accordingly. More information will be available in early September about which moots are available and what the training and competition will look like. Watch for further information/announcements about this****

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. Typically, students who make it on the team take course credit for it in Term 2.

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 450.3 WESTERN CANADA MOOT\SOPINKA CUP
(2020-2021 Johnson)

1/2[Oct.-Mar.](3S)

**** Note that the College is still waiting to learn how moots will proceed in 2020/21. It is hoped that most competitions will move online, and that the training program will adjust accordingly. More information will be available in early September about which moots are available and what the training and competition will look like. Watch for further information/announcements about this****

Calendar Description: This course involves preparation and participation in a trial advocacy moot initially involving the six 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 and cross examinations and closing arguments. In addition, there is research on various evidentiary points which arise during the course of argument.

Note: there are no prerequisites for this course although it is desirable that students will have completed a course in either evidence or criminal procedure.

Law 452.3 TRIAL ADVOCACY
(2020-2021 Zakreski)

2(3L)

Calendar Description: Advocacy techniques, practice and tactics in trial fora. 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 civil and criminal trials. 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 eye witness testimony. Other topics will include trial tactics, objections and responding to objections, procedural matters, opening statements and closing addresses.

Course Materials: Case files are contained in Course Materials on Trial Advocacy (Shapiro). The text used is Stuesser, An Advocacy Primer, Carswell, 1990.

Teaching and Assessment: The instructor gives an introduction to 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 on the basis of advocacy roles, class participation including a short trial. The remainder of the mark is based on a short paper on an advocacy related topic and/or a trial brief. Guest speakers supplement class instruction as time permits.

Law 452.3 TRIAL ADVOCACY (2020-2021 (s. 3) A. Smith – This section has a criminal jury trial focus)	2(3L)
<p>(This is an application-based class)</p> <p>Prerequisite: <i>Law 351.3, Evidence</i></p> <p>Criminal Procedure is an asset but not a prerequisite.</p> <p>Please note: This is an application-based class. 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) or are intending on meeting the prerequisite requirement in Term 1. The application deadline is Friday, July 17, 2020. Students will receive notification of selection approximately a week after the deadline. Students who have been selected for this class should then contact Louise Ferguson (louise.ferguson@usask.ca) to receive information on how to register for this class.</p> <p>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.</p> <p>Course Materials: None.</p> <p>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.</p> <p>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. If time permits, students may also be given the opportunity to do a criminal sentencing submission and will also be assessed on this.</p>	

LAW 453.3 ABORIGINAL LAW & POLICY IN CANADA
(2020-2021 Zlotkin)

1(2S-1R)

Calendar description: An overview of historical and contemporary legal and policy developments affecting Indigenous peoples and their interests in Canada, and an examination of the relationship between colonialism and law and policy in this area. The emphasis will be on developments since the second half of the 20th century. Both Aboriginal Law (Canadian law) and Indigenous Law (laws of Indigenous Nations) will be considered.

Prerequisite or Co-requisite: NONE

Purpose and Orientation: The aim of this course is to give students an overview of the main historical and contemporary legal and policy developments affecting Indigenous peoples and their interests in Canada, and to examine the relationship between colonialism, and law and policy in this area. Legal and policy institutions and processes will be examined, as well as the social and political context in which the law and policy operate. Students will gain an enhanced understanding of the law by examining its context, its effects and the relationship between the functions of the various branches of government in respect to the interests of Indigenous peoples. Specific topics covered in past sessions included a Cree perspective on treaties in Saskatchewan, consultation issues, Treaty Land Entitlement in Saskatchewan, modern treaties and treaty processes, residential schools, and alternative approaches to child welfare and the criminal justice system.

Materials: Borrows & Rotman, *Aboriginal Legal Issues: Cases, Materials & Commentary*, 5th ed, (Markham: LexisNexis Butterworths, 2018). Further materials will be available in the course bin.

Teaching: This seminar is conducted as a colloquium designed to promote discussion and debate. Initial sessions will be led by the instructor, often joined by a guest speaker, and based upon assigned readings. Subsequent sessions will be led by students on topics related to their research. Sessions may be live via Zoom or similar technology or pre-recorded.

Assessment: 1. Major paper (approximately 35-40 pages): 80% of the final grade.
2. Class participation and presentation: 20% of the final grade.

Law 455.3 OIL AND GAS LAW
(2020-2021 Heavin)

1(3L)

Calendar Description: This course introduces students to oil and gas 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.

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 Papers Allowed: unlimited

Law 457.3 INTERNATIONAL LAW
(2020-2021 Omoruyi)

2(3L)

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, 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 and persons, sovereign immunity, United Nations system and other international institutions, state responsibility for breaches of international law, and some discussion on the use of force.

Course Materials: International Law, 2/e Doctrine, Practice, and Theory by John H. Currie, Craig Forcese, Joanna Harrington and Valerie Oosterveld. Irwin Law Inc. January, 2014.

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 but may include a mid-term examination or assignment. A limited number of students also have the option of writing a minor paper.

Minor Papers Allowed: 5

Law 459.3 JESSUP MOOT
(2020-2021 Memauri)

1/2[Nov.-Feb.](3S)

**** Note that the College is still waiting to learn how moots will proceed in 2020/21. It is hoped that most competitions will move online, and that the training program will adjust accordingly. More information will be available in early September about which moots are available and what the training and competition will look like. Watch for further information/announcements about this****

(Decisions as to what moots will be offered will be made annually. More information will be available in the Fall)

Calendar Description: This seminar is designed for students who wish to compete in the Jessup International Law Moot Court world competition. Students receive three course credits to be designated towards term one or two. Students are also invited to propose topics for independent directed research, which will earn them another three-course credits to be designated towards term two. The seminar takes place over first and second semester, with the former designed to prepare students for written submissions to the International Court of Justice and the latter emphasizing on oral advocacy training in preparation for the oral rounds of the competition. The seminar involves; discussion of contemporary issues in public international law matters relevant to the Jessup Moot problem; instruction and focus on the necessary research tools related to public international law to solve the Jessup Moot problem; and extensive oral advocacy training. A team of five students encompassing four oralists and one designated research counsel will be selected to represent the College at the competition. The seminar is recommended mainly for those with an aptitude for oral advocacy, exacting research and interest in international law matters.

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 at the national rounds and if placed 1st or 2nd, at the international rounds in Washington D.C. The content of the seminar depends on the issues raised by the Jessup problem. The problem is typically available by September and the national round of the competition takes place in late-February or early-March, with the international rounds typically in April. Work over the Christmas break is a required component of the seminar.

The Dean invites students to participate in the seminar but students who are not invited may indicate their interest and compete for a place on the team. No more than 5 students may participate. Students are selected on the basis of their academic record, mooting or public speaking experience and other relevant experience. Interested students will be interviewed as a part of the selection process and are invited to submit a letter outlining any relevant experience they would like considered.

Course Materials: The materials covered depend on the issues raised by the Jessup problem. The competition itself provides basic materials which serve as a starting point. Students are expected to identify the issues in the Jessup problem and then the issues are divided amongst team members to be researched. Research materials identified in this process make up the bulk of the course materials, in addition to the basic materials provided by the competition.

Teaching: In accordance with the rules of the competition, faculty assistance is limited to a general discussion of public international law as it relates to the issues of the Jessup problem, guidance as to sources for research and instructions on how students can improve their oral advocacy skills. Students will prepare and exchange informal memos on their research, which will form the basis for discussion at each seminar meeting in term one. In addition, student will jointly prepare several drafts of Applicant and Respondent memorials (factums) with the final memorials submitted to the competition in early January. In addition to seminar discussions of the issues and research sources, students will participate in at least four practice moots stretching from mid-January and leading up the national rounds.

Teaching and Assessment: Students will receive a mark worth 33% of their grade based on their individual work on the research memos. They will receive a group mark worth 33% of their grade based on the final draft of the memorials submitted to the competition. The other 33% of each student's grade will depend on their individual performance in the oral component of the seminar. The seminar will not satisfy the major paper requirement but students are invited to propose topics for independent directed research for second semester.

Law 460.3 INTERNATIONAL TRADE LAW
(2020-2021 Boving)

2(3L)

Calendar Description: This course examines principles and obligations contained in international and regional trade agreements and the use of dispute resolution to uphold and enforce such commitments. The agreements to be addressed are World Trade Organization Agreements, including the GATT 1994, the USMCA (the United States – Mexico – Canada Agreement of 2019) succeeding NAFTA (the North American Free Trade Agreement of 1994), CETA (The Comprehensive Economic and Trade Agreement) between Canada and the EU, and the Canadian Agreement on Internal Trade.

Prerequisite/Co-requisite: NONE

Purpose and Orientation: The course examines the fundamental principles of international trade law as set forth in trade agreements. The course focuses primarily on the fundamental principles and obligations contained in international trade agreements including: non-discrimination obligations, non-tariff barrier regulations and disciplines on the use of domestic trade remedies (including anti-dumping and countervailing duties). It also considers the relationship between international trade law and domestic law/international law. These topics will be examined through reference to trade agreements containing such commitments, case law generated through international and regional dispute resolution systems and Canadian courts, as well as academic and/or institutional commentary on the agreements and international dispute resolution systems.

Materials: The casebook used will be Simon Lester, Bryan Mercurio & Arwel Davies, World Trade Law: Text, Materials and Commentary, 3rd ed., 2018 (Oxford and Portland: Hart Publishing). This edition is available in an electronic version on the publisher's website at <https://www.bloomsburyprofessional.com/uk/world-trade-law-9781509915965/> The price of this e – version in pdf format is £ 25 or \$ 45 CDN as of June 19, 2020.

Assessment: Assessment will be based on two short assignments and quizzes related to legal issues, laws, and principles of international trade law, on a 15 page (approximately 3,500 word) essay related to international agreements, and a final open-book examination.

Law 461.3 BUSINESS ORGANIZATIONS II
(2020-2021 Flannigan)

2(3L)

Calendar Description: An examination of the different vehicles that may be employed as alternatives to the corporation for the purpose of carrying on a business. The structures examined include proprietorship, agency, employment, partnership, co-ownership, joint venture, non-profit corporation, limited partnership, business trust, cooperative corporation, limited liability partnership and franchise. The characteristics of these structures and other factors that influence the choice of business vehicle are explored in detail.

Prerequisite: *Law 361.3*

Purpose and Emphasis: This is an advanced course. It examines alternatives to the standard business corporation introduced in Business Organizations I. The purpose of the course is to acquaint students with the distinguishing features of these alternative vehicles. The common law, and relevant legislation, is closely analyzed so that students will thereafter be prepared to advise on the suitability of different vehicles given the needs of clients. No commerce background is required in order to do well in this course.

Course Materials: The casebook is Business Organization II: Cases and Materials by Professor Flannigan. There are numerous texts and other materials available for reference for each type of business structure.

Teaching and Assessment: Instruction is by lecture and class discussion. The form of assessment may vary from year to year. Normally there will be a 90% final open book examination with a 10% class participation mark.

The use of laptops is not permitted in this course.

Minor Papers Allowed: 5

Law 463.3 FIDUCIARY OBLIGATIONS
(2020-2021 Flannigan)

1(2S-1R)

Calendar Description: The seminar introduces students to the law regulating the actions of fiduciaries. The content of fiduciary accountability is addressed in detail.

Prerequisite/Co-requisite: NONE

Purpose and Orientation: The purpose of the seminar is to introduce students to a developing area of substantive law in a principled fashion. Fiduciary responsibility is now recognized as a general head of obligation affecting both individuals and institutions. It extends to every facet of human endeavour, from family to commercial relations. The general rule is that persons engaged to act for others must not allow their own interests to conflict with the interests of those who trusted them. Certain persons, such as trustees, agents, solicitors, guardians, priests, directors and partners, are fiduciaries as a matter of status. Others are fiduciaries because they satisfy the abstract criteria that courts have identified. Recent attempts to reconfigure the jurisdiction will be examined.

Teaching and Assessment: Students will prepare a major paper for 75 percent of their mark. Class participation will account for the remaining 25 percent.

Law 465.3 LAW DEVELOPMENT AND THE INTERNATIONAL SYSTEM
(2020-2021 Odumosu-Ayanu)

1(2S-1R)

Calendar Description: This seminar explores the interaction between law and socio-economic development (with some emphasis on international law). The seminar engages the theoretical underpinnings of the law and development discourse as well as practical aspects of the development enterprise. It explores the meaning and the historical ascendance of the development concept; its continued metamorphosis into good governance and other related concepts; and the differing approaches to effecting development and the place of law therein. While the seminar includes consideration of the roles of international organizations such as the World Bank and the International Monetary Fund in fostering development, students will also be introduced to some of the alternatives to the approaches of these international institutions that scholars, activists, grassroots movements and civil society organizations have advocated in recent times.

Students are encouraged to have taken or be taking International Law 457.3. However, International Law is not a prerequisite or co-requisite. Students with credit for LAW 865 will not receive credit for this course.

Prerequisite/Co-requisite: NONE

Purpose: The law and development discourse and some international legal perspectives provide important tools for analyzing socio-economic development around the world. Socio-economic development is particularly relevant given ongoing economic changes. In the course of this seminar, students will be introduced to the law's contributions to socio-economic development around the world and Canada's approaches. The study will proceed through readings and analysis of the core literature in this area and some primary materials that are germane to the development discourse and enterprise. It is anticipated that some topics will feature brief but effective debates/discussion via teleconferencing, by authors/professionals usually on different sides of an argument. This will allow students to interact with and benefit from discussions by scholars and practitioners that constantly engage with the development discourse and enterprise. In addition, the participatory nature of the seminar and the individual paper component should encourage students to explore and develop their own perspectives on the subject.

Course Materials: Course materials as compiled by the instructor. Required course material will be available online.

Teaching and Assessment: Like other courses and seminars offered during the fall 2020 term, this seminar will be delivered online using platforms and resources that will foster effective instruction, learning, discussion and other communication. Evaluation is based on a major research paper worth 75% and class participation worth 25%. The participation mark comprises several elements including regular contributions to seminar discussions, presenting/leading discussion on a selected topic, and posting points or questions for discussion based on assigned readings. **The paper completed in this seminar will fulfill the major writing requirement.**

Law 466.3 YOUTH CRIMINAL JUSTICE

(2020-2021 - Term 1 (s. 1) Peterson; Term 2 (s. 2) Healy)

1/2(2S-1R)

Calendar Description: The *Youth Criminal Justice Act (YCJA)* acknowledges that members of society share a responsibility to ensure that young persons are provided support to successfully transition into adulthood. The provisions of the *Criminal Code*, except to the extent that they are inconsistent with or excluded by the *YCJA*, apply to young persons. This course examines the *YCJA* and how it fits within Canadian criminal law, how it corresponds to international practices, how it has responded to the inherent challenges of adolescence especially for those described as marginalized, and how successfully (or unsuccessfully) it has achieved its goal of reducing crime through a multidisciplinary approach.

Rationale for Introducing this Course: This seminar is meant to help students understand the fundamental principles of the *YCJA* and their relationship with the special circumstances of youth. The criminal justice system for young persons must be based on a principle of diminished moral blameworthiness; therefore, in certain circumstances youth will be treated differently than adults. Areas in which youth are treated differently due to their unique circumstance include police arrest, bail hearings and sentencing. These areas will be considered in detail, preparing students to practice in the area of youth criminal justice from both a prosecution and defense perspective.

Learning Objectives for this Course: Students should have an understanding of the unique sentencing, procedural, evidentiary and constitutional issues inherent in the relationship between the *YCJA* and criminal law. Students should also have an understanding of how adolescence and the special circumstance that adolescents experience affects youth criminal justice.

Student Evaluation: Evaluation based on:

- major research paper (80%) ***and***
- attendance and participation in class (20%)

Major paper: See academic regulations for the College of Law

Paper must be on a topic relating to the substantive content of the course, to be approved by the course instructor in advance.

Class participation: Attendance, engaged discussion based on assigned readings and thoughtful consideration of the issues and the insights of other students is worth 10%.

A class presentation on the student's paper topic is worth 10%.

Required Text:

1) Brock Jones, Emma Rhodes, Mary Birdsell, *Prosecuting and Defending Youth Criminal Justice Cases, 2nd Edition* (Toronto: Emond Publishing, 2019)

Recommended:

2) An annotated Criminal Code

Textbooks can be purchased at Turning the Tide Bookstore

Law 467.3 LABOUR AND EMPLOYMENT LAW
(2020-2021 Vallance)

2(3L)

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: 5

Law 471.3 FAMILY LAW II
(2020-2021 Wieggers)

1(3L)

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.

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 brief 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 orders, child protection and adoption. We then canvas issues specifically pertaining to parentage including paternity testing and the use of reproductive technologies. 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. We also briefly address enforcement procedures for support and parenting orders.

If time permits, cases related to the removal of children from their parents by state officials will be reviewed, as well as cases related to the adoption of children.

The course materials will be 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 will be examined. Students will be 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 online.

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 through the compromise of the claims of 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 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 (affidavits, briefs 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:

- Casebook: Duggan, Ben-Ishai, Telfer, Wood & Ziegel, Canadian Bankruptcy and Insolvency Law, 3rd edition

Student Evaluation:

- Presentation of a topic to the class (oral and written component): 10%
- Class Participation: 10%
- Court Application (oral submission) 20%
- Court Application (written submission): 30%
- Negotiation Strategy Outline: 15%
- Final Negotiation Analysis: 15%

Law 474.3 CHILDREN AND THE LAW
(2020-2021 Wieggers)

1(2S-1R)

Calendar Description: This seminar will explore the legal status and treatment of children from a historical, cross-cultural and multi-disciplinary perspective.

Prerequisite(s): NONE

Purpose and Emphasis: The purpose of this seminar is to encourage discussion, research and reflection on topics related to the experience and treatment of children under the law.

The seminar will begin with an historical account of changes in the meaning and social significance of childhood over time and across cultures. We will then examine the status of children under Canadian, British and Indigenous law and consider the significance of the international movement in favour of children's rights which culminated in the United Nations *Convention on the Rights of the Child*. In the first half of the seminar, legal and policy issues in some or all of the following areas will also be explored: the corporal punishment of children under the *Criminal Code* and the *Charter*, child poverty, child abuse and child welfare systems, child custody awards and youth justice. Guest speakers will be invited to participate in the discussion of some of these issues.

In the second half of the seminar, students will be required to present their papers on specific legal issues relevant to children.

Course Materials: Selected readings of a multi-disciplinary nature will be assigned.

Teaching and Assessment: The paper will comprise 75% of the final grade; class participation, including presentation of the student's paper, will make up the remaining 25%.

Law 477.3 TAXATION I
(2020-2021 Larre)

1(3L)

Calendar Description: This course deals with federal income taxation which focuses on basic tax principles and underlying theoretical concepts. The taxation unit concentrated upon is the individual. Topics normally covered in the course include procedure, statutory interpretation, the tax base, measurement of income, deductions, exemptions, and capital gains.

Prerequisite/Co-requisite: NONE

Purpose and Orientation: The course is designed to introduce students to income tax law with an emphasis on the underlying policy considerations which are manifested in the Federal Income Tax Act. It is hoped that the student will achieve an appreciation of the Income Tax Act as an important document of social policy. The course focuses upon the taxation of the individual, but 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, but 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: Recommended and required books and supplemental material for this course will be available for purchase through the Bookstore, available online, or placed on the course website.

Teaching and Assessment: For 2020-2021, this course will be delivered online through the combination of asynchronous and synchronous teaching and learning activities. Assessment is primarily by way of a final examination and may also include some minor required or optional assignments.

Minor Papers Allowed: 5

Law 478.3 TAXATION II
(2020-2021 Larre)

2(3L)

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 477.3, knowledge of the basic concepts covered in that course is essential.

Prerequisite/Co-requisite: Taxation I 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 practise 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.

Course Materials: Recommended and required books and supplemental material for this course will be available for purchase through the Bookstore, available online, or placed on the course website.

Teaching and Assessment: For 2020-2021, it is anticipated the course may be delivered online. In this case, it will be taught through the combination of asynchronous and synchronous teaching and activities. In the case in-person instruction is possible, class time will be used for lectures interspersed with questions, problem solving, and other active learning exercises. Assessment will be primarily by way of final and a midterm exams. Students will also be assessed on their participation (through very short assignments) and/or attendance in the course.

Minor Papers Allowed: 5

Law 481.3 Business Regulation
(2020-2021 Flannigan)

2(2S-1R)

Calendar Description: Students in this seminar will investigate the norms and principles that inform the public and private regulation of business activity. Issues of legitimacy, scope, efficacy and enforceability are addressed.

Prerequisite/Co-requisite: None. This is an introductory course. No business education or background is required.

Purpose: The seminar will introduce students to the principles and instruments of business regulation. Students will:

- Explore competing/complementary models of regulation
- Review the arguments for and against the public regulation of business
- Examine public and private standard-setting
- Assess the practical deficiencies/excesses of public and private regulation
- Explore rationales for different levels of regulation intensity
- Explore regulator liability
- Assess the trajectory of future regulation
- Develop research skills
- Develop oral/written communication skills

Teaching and Assessment: Students will prepare a major paper for 75% of their mark. Class participation will account for the remaining 25%.

The use of laptops is not permitted in this course.

Law 486.3 LAW AND PSYCHIATRY
(2020-2021 G. Luther and M. Mela)

1(2S-1R)

Calendar Description: Introduction to psychiatric theory; the methodology of psychiatric diagnosis and modern psychiatric treatment; the role of psychiatrists in the legal process. Psychiatry and the criminal process: remand for mental examination, fitness to stand trial, sentencing, automatism, insanity and dangerous offenders. The concept of competency: contractual and testamentary capacity. Civil commitment of the mentally ill: a comparative study. The psychiatrist as expert witness and issues in malingering.

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. This is most obvious in criminal law and evidence. On the other hand, the area of Contract and Wills are also affected in important ways by issues surrounding capacity. The seminar will be supported by the Department of Psychiatry and it is expected that Professor Mansfield Mela will be involved together with a group of Psychiatric resident doctors. If we are allowed to have in person classes, the seminars will likely be held off site at the medical school and elsewhere which may result in a late return to the College. Therefore, flexibility will be required in the student's schedule. Students will be expected to produce a major paper, be active participants in the seminar and to produce a course journal.

Required Course Materials: Students will be required to purchase this book:
<https://store.lexisnexis.ca/en/categories/product/law-and-mind-mental-health-law-and-policy-in-canada-skusku-cad-6569/details>

Additional readings will appear on PAWS.

Law 490.3 LAW REVIEW
(2020-2021 Phillipson)

1&2(3S)

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 paper under the supervision of a faculty member who has expertise in the topic selected. The minor 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 paper writing requirement.

The Law Review class is **not** a vehicle for the writing of a major 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 papers and law journal articles, and to enhance their skills in the writing of legal memoranda and opinions. Although major 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 (60%); Book Note or Abstracts (10%); Minor Paper (30%). 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.

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 Michelle Halvorson, Administrative Coordinator, (m.halvorson@usask.ca) by Friday, August 14th. 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. Students will be able to self-register in the class after they have been notified that they have been selected for the class. They will then have to drop a class and add Law Review in the term in which they wish to receive credit.

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

Law 495.3 INDIVIDUAL DIRECTED RESEARCH
(2020-2021 Various Instructors)

1/2(3S)

Calendar Description: This seminar allows interested students to undertake a substantial research project. Enrolment is limited to two students for each of the professors 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. All proposals must be approved by the Studies Committee

Prerequisite/Co-requisite: NONE

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

Law 498.3 (s. 79) ADVANCED NEGOTIATION AND DISPUTE RESOLUTION IN FAMILY LAW
(2020-2021 – Term 2 Charmaine Panko)

*** Adjustments for online course delivery: In the past few months, the practice of law has adapted to new communication forums. This course is adapted to teach students particularly about negotiation and dispute resolution in family law, conducted online (through video and text, etc.) – as well as concepts and skills which transfer to a face-to-face setting*

(This is an application-based course)

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.

Applications: Students will apply to participate in this course. Applications will be accepted on a first-come, first-served basis, and students will be accepted into the course as long as they have completed the prerequisites. To apply, please email the instructor at cpanko@commonsenselawyer.com.

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, coercive relationships 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, judicial settlement 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. There are weekly quizzes but no exam. The course is *not eligible* for either the major or minor paper credit. Class size is limited to 20.

Law 498.3 (s. 25) DONALD G. H. BOWMAN NATIONAL TAX MOOT
(2020-2021 Sittler)

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

**** Note that the College is still waiting to learn how moots will proceed in 2020/21. It is hoped that most competitions will move online, and that the training program will adjust accordingly. More information will be available in early September about which moots are available and what the training and competition will look like. Watch for further information/announcements about this****

(Decisions as to what moots will be offered will be made annually. More information will be available in the Fall)

Description: Up to five students will be selected annually to participate in the Donald G. H. Bowman National Tax Moot, which has been held in Toronto in the past. Due to COVID-19, the moot may not go ahead and, if it goes ahead, it may proceed virtually. 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 seminar is recommended to those with an interest in advocacy, exacting research and taxation issues.

Calendar Description: This seminar 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 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. The seminar is recommended mainly for those with an aptitude for public speaking and exacting research.

Prerequisite/Co-requisite: NONE

Purpose and Emphasis: This seminar is designed to prepare students for participation in the Donald G.H. Bowman National Tax Moot. The content of the seminar depends on the issues raised by the moot problem. The problem is usually available by the end of November, and the competition takes place in late February or early March. Some work over Christmas may be required and work 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 interviewed as a part of the selection process and will be invited to submit application materials including an updated CV and cover letter.

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 appellants, two respondents). Research materials identified by the coaches 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 mooting style. In addition to seminar discussions of the issues and research sources, students will participate in at least four practice moots in the month of 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 seminar will not satisfy the major paper requirement nor will it meet the seminar program requirement.

Law 498.3 (s. 35) FIRST NATIONS ECONOMIC DEVELOPMENT
(2020-2021 Busch)

2(2S-1R)

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 498.3 (s. 41) ADVANCED FAMILY LAW
(2020-2021 Walen)

2(2S-1R)

Calendar Description: This seminar course will allow those students who have taken one or more classes in Family Law to expand upon and research many current trends and themes relating to law and the family. Critical evaluation of the many issues in family law will be directed by the instructor and supplemented with guest lecturers from other professional disciplines. Students will be required to write a major paper with an expectation that they will present their research and paper to the class.

Prerequisite: *Family Law I 372.3*

Course Materials: There will be no text requirement. Students may be assigned readings authored by prominent academics/professionals in somewhat discrete areas.

Teaching and Assessment:

- i) Major paper (70%)
- ii) Performance in one presentation (20%)
- iii) Class participation and engagement (10%)

Law 498.3 (s. 80) INTERNAL ENVIRONMENTAL LAW MOOT
(2020-2021 L. Howie)

1&2(3S)

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. However, because the moot problem will always be different, students who take both courses 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. Professor Howie 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 Professor Howie 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 Professor Howie (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 Professor Howie and the class on their research memos. Following these briefings, Professor Howie 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:

1. Notice of Appeal;
2. Research Memoranda;
3. Factum;
4. Reflective Exercises; and
5. Moot Competition.

Law 498.3 (s. 82) ADVANCED LEGAL RESEARCH AND ADVISING
(2020-2021 Jensen)

2(3L)

Calendar Description: Legal research is fundamental to providing legal analysis and advice. This course focuses on advanced application of practical legal research and writing skills, including locating and updating relevant case law, legislation and commentaries, for the purpose of providing professional support to client decision-making. Building on skills students acquired in their introductory research and writing instruction, this course focuses on application of legal research and analysis to solve problems and support client decision-making. Students will formulate and use research plans, find and select relevant primary law sources using a variety of strategies, use secondary sources efficiently, interpret and work with legislation, and identify and analyze options using professional decision-making processes and strategies. This course will be a hands-on and experiential learning class.

Prerequisites/Co-requisites: LAW 243.0 Legal Research and Writing

Detailed Description: This course focuses on deploying and applying research strategies to solve problems and provide advice to a client or other decision-maker. Developing legal research, communication and client advising skills is a progressive process. The course is designed to extend rather than duplicate the research and writing skills introduced in the first year course.

Through practical simulations, students will develop advanced skills in evaluation, selection and analysis of research results to solve legal problems. Students will become more effective in legal research by selecting efficient legal source finding tools, including quantum, annotated statutes, subject-specific research guides, and secondary sources. The course will also provide students with advanced legislative interpretation tools, and techniques for researching Aboriginal law sources, Indigenous legal sources, legal sources from non-Canadian jurisdictions, and International Law legal sources.

Using scenarios based on practical legal problems and questions commonly encountered in articling, clerking and legal practice, students will analyze research results and improve their ability to communicate those results and provide professional advice. Students will be introduced to frameworks for analyzing and communicating risk assessment. Students will have the opportunity to reflect on the lawyer's role as adviser, and how to support client decision-making.

Good writing can be better. The course will provide students with tools to recognize, correct and avoid writing problems. The writing and editing principles in this course fit into a continuum of improving communication and writing skills throughout one's legal career.

The overall aim of this course is to provide students with practical skills to enhance their ability to find and analyze appropriate legal sources and communicate research results in a client-focused manner.

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 and Assessment: The instructor will use various pedagogical techniques. Most weeks, students would be expected to view 40-60 minutes of video lecture or research demonstration videos in advance of class. Some weeks will have readings instead of video instruction. During scheduled class time, students are expected to engage in legal research and discuss 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. Student performance is assessed through in-class exercises, quizzes and assignments, reflective essays, and legal research and writing assignments.

Minor Papers Allowed: 0

<p>Law 498.3 (s. 69 (T1) & s. 78 (T2)) SPECIAL TOPIC: LAW REFORM COMMISSION OF SASKATCHEWAN INTERNSHIP</p> <p>(2020-2021 Howie)</p>	<p>1&2</p>
<p>This is an application-based class.</p> <p>Total Hours: 72 (6 per week x 12 weeks)</p> <p>Weekly Hours: Practicum 6 per week for 12 weeks</p> <p>T1 and T2 (up to one student per term)</p> <p>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.</p> <p>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 3-hour shifts (with meetings between the student and Director normally to be held during these shifts). 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).</p> <p>Students will be selected for this course based on their applications. Students who wish to be considered are asked to submit their applications to Leah Howie, at director@lawreformcommission.sk.ca by Friday, August 21, 2020. 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 louise.ferguson@usask.ca to register them in the internship.</p> <p>Learning Objectives for this course:</p> <ul style="list-style-type: none"> • 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 498.3 (s. 72) TRANSFORMATION IN PRACTICE: RECONSTRUCTING
THE FUTURE LAWYER**
(2020-2021 C. Zawada)

2(2S-1R)

Calendar Description: This course combines online presentations and resources, group activities and hands-on training, including design thinking principles, for students to manage and exploit current and future challenges affecting the legal profession.

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 markets;
- b) Effective implementation of current and emerging technological tools is mandatory if lawyers and other providers are to remain relevant; and
- c) Design thinking principles are important, if not obligatory, when overcoming current and future impediments to access to justice.

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 learn to use and think about the actual technologies which have been brought to the forefront by social isolation, and consider how they can be applied or modified for maximum effectiveness.

Design thinking principles are a core feature of the course, so students can apply and use these techniques when evaluating choices. Through online presentations and resources, labs and workshop style sessions, students will create and assess personas representing many of the major stakeholders in the delivery of legal services. This includes different customer types, service providers, regulators, governments and others. These personas help bring home the often-competing interests which the legal system tries to balance.

Design thinking usually involves personal group work, using in-person workshopping to ideate, experiment and test. Personal contact is not going away, but the shelter-in-place measures implemented during the Covid-19 pandemic show that mechanisms must exist which permit collaboration even when people cannot meet physically. Technology cannot be a complete substitute for in-person groups, but this course will explore how to substitute such work through tools like video conferencing. The class itself will iterate from these techniques, creating a continuous improvement environment, and a resource for other courses.

This class is designed from the outset to integrate online resources and teaching techniques, rather than convert existing classroom lectures to online delivery. This will be a part of the learning process, since the pandemic period made it clear that different ways of congregation

were necessary. There will, however, be different techniques employed to ensure that social distancing does not mean “social separation”.

A major portion of the course will be what we learned from Covid-19, but there will still be much consideration of the problems already evident in the legal system. For example, what do customers need and expect, and how can one build a business or one’s career around fulfilling those expectations? Have the players in the legal industry, ranging from trainers to providers, either ignored or failed to understand the real needs of their customers? The assumptions and consequences of this will be explored.

Technology was crucial in dealing with the pandemic disruption, so there will be emphasis on mandatory digital literacy and skills for legal service providers. Current technology will be discussed, along with emerging trends such as artificial intelligence and blockchain.

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

Design thinking demands an attitude of experimentation. This will be an underlying, 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 who will pursue 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 video conferencing, 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 Microsoft Teams 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 Microsoft Teams 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 major paper, based on themes of the course, with guidelines distributed separately.

Minor Papers Allowed: none

Law 498.3 (s. 81) CHILD PROTECTION LAW AND PRACTICE
(2020-2021 Patrick)

1(3L)

Calendar Description: Child Protection Law and Practice

Prerequisites/Co-requisites: NONE

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.

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 historically faces following the TRC's Calls to Action, the federal and provincial legislative frameworks as well as practical realities. 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: Final Exam

Minor Papers Allowed: Unlimited

LAW 498.3 (s. 84) INDIGENOUS NATION BUILDING
(2020-2021 Lavallee)

2(2S-1R)

Calendar description:

This course explores critical nation-building issues of Indigenous peoples in North America. It will primarily focus on the Harvard Project on American Indian Economic Development (HPAIED) theory. 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: NONE

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. 2007. Rebuilding Native Nations: Strategies for Governance and Development. Tucson: University of Arizona Press.

Other materials will be available either online or provided through Canvas.

Assessment:

- Participation: 30%
- Minor research paper: 70%