

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

(2021-2022 Bangsund)

**COURSE DELIVERY:** The instructor will post asynchronous lectures online; these will generally take the form of narrated PowerPoint presentations. The instructor will then meet the entire group of students once per week to take questions and to lead students through problem-solving exercises.

**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, the provision of commercial services that give rise to a lien on goods, and suretyship. While the course occasionally touches on consumer issues, its primary focus is commercial transactions and the various relationships that form thereunder.

**Prerequisites/Co-requisites:** NONE

**Detailed Description:** The course is divided into four parts.

Part 1 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 Factors Act* is also briefly canvassed during the first part of the course.

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

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

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

**Course Materials:** The majority of the primary course materials are available in electronic format, and will be posted on the course website. Part 3 of the course will require the

purchase of a book authored by the instructor and published by Publications Saskatchewan (2021, title pending).

**Teaching and Assessment:** The instructor will use various pedagogical techniques. Most topics are covered by lectures, then through examination of the law through its application to factual scenarios (i.e. problem sets). Student performance is assessed through a final open book examination. Five students may elect to write a research paper for 30% of the final grade in the course. Students electing to complete a minor 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****1(3L)**

(2021-2022 Bangsund)

**COURSE DELIVERY:** The instructor will post asynchronous lectures online; these will generally take the form of narrated PowerPoint presentations. The instructor will then meet the entire group of students once per week to take questions and to lead students through problem-solving exercises.

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

**Prerequisites/Co-requisites:** NONE

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

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

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

**Teaching and Assessment:** The instructor will use various pedagogical techniques. Most areas are covered by lectures, then through examination of the law through its application to factual scenarios (i.e. problem sets). Student performance is assessed through a final open

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

**Minor Papers Allowed: 5**

**COURSE DELIVERY: FULLY ONLINE**

**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**

**COURSE DELIVERY: FULLY IN-PERSON**

**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.

In fall 2021, if Bill C-15 requiring harmonization of Canadian law with UNDRIP has been enacted into law (not yet known at the deadline for course descriptions), it will likely be a significant focus within the course since it will have implications across many areas of legal practice in the coming years and decades. Other central topics will likely include the pipelines jurisprudence, implications of Indigenous rights for project finance, and some issues related to applications of Indigenous rights norms to international operations of Canadian resource companies.

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). Students choosing this course should be prepared to engage carefully with readings and to think hard about challenging issues.

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.

The main plan for the course is for it to run fully in-person so long as this is safe. If a “pivot” is needed due to some problem like the emergence of a problematic COVID variant, the professor will teach live on-line sessions. There may be small amounts of asynchronous material (beyond books and cases), but the professor sees more value in classroom engagement and discussion.

**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 2021 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).

**Teaching and Assessment:** The default assessment is a 100% final exam as listed on the exam schedule (i.e. written during a scheduled exam slot). There will be an alternative option for a take-home exam (which will offer more flexibility but obviously have more challenging questions corresponding to the time to think about them). Students writing an exam under either option will also have an option to complete a minor paper (for 40% of the mark), with an amended final exam then focused on just parts of the course, with such a paper to be framed to answer a question from a list to be provided at the start of the course (which will be accompanied by consequences for coverage in the final exam).

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

(2021-2022 von Tigerstrom)

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

**Prerequisites/Co-requisites:** NONE

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

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

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

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

**Minor Papers Allowed:** 5

**LAW 311.3 CONSTRUCTION LAW****2(2S-1R)**

(2021-2022 Epp)

**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 (2<sup>nd</sup> 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.

**Calendar Description:** The course explores the law governing a variety of payment and transfer systems including those furnished under the statutory regimes of the federal *Bills of Exchange Act* (BEA) (pertaining to the transfer of payment rights in bills of exchange, promissory notes and cheques) and the provincial *Securities Transfer Act* (STA) (pertaining to the transfer of rights in financial assets including share certificates, bearer bonds, and electronically held securities). Beyond these two statutes, students will learn about the basic features of the bank-customer relationship along with numerous modern payment systems and mechanisms (e.g. PayPal, Bitcoin, Interac, Credit Card), gaining familiarity with the general infrastructure and processes underlying such systems and mechanisms.

**Prerequisites/Co-requisites: NONE**

**Detailed Description:** The course is divided into five parts:

The first part of the course introduces the relationship between a depository bank and its customer, and focuses on the deposit account as an indispensable item of commerce and unique form of personal property in the modern age. The depository bank's right of set-off, against its customer's deposit account, is a key form of payment mechanism for depository institutions. A basic review of Canada's clearing and settlement systems, for funds transfers, is also warranted. In this regard, a general overview of Canada's statutory and regulatory environment is undertaken in Part 1, and augmented with accounts of the Large Value Transfer System (LVTS) in Part 2 and the Automated Clearing & Settlement System (ACSS) in Part 3.

Canada's LVTS is the first of its kind, and remains unique among national monetary transfer systems. The LVTS is not a gross real-time settlement system, but instead exhibits a deferred-settlement feature supported by a collective collateralization scheme. Part 2 of the course briefly examines the daily LVTS cycle which consists of distinctive periods (phases) during which defined activities are undertaken and mechanisms are engaged to effectuate the transfer of funds. Each business day, the LVTS processes payments worth approximately CDN\$200 Billion. The LVTS is set to be replaced by an updated gross real-time settlement system, tentatively named LYNX. Updates on the transition will be given.

The law of negotiable instruments, set out in the BEA, is examined in the third part of the course. A Victorian statute, the BEA represents a late nineteenth century codification of the common law and the law merchant as it then existed. While modern electronic payment systems have displaced negotiable instruments in most consumer transactions, negotiable instruments continue to be used in a variety of commercial contexts. Many negotiable paper items, including cheques, are presented and cleared through the ACSS, the workings of which will be examined in Part 3 of the course.

The fourth part of the course focuses on the STA, a modern provincial statute which governs the transfer of both tangible and intangible financial assets. The law governing payment and transfer systems has evolved to keep pace with modern technological advances. For

negotiable financial assets with a tangible existence (like certificated securities), the STA substantially replicates the traditional approach of the BEA. The STA, however, has significantly broader application and scope since it also applies to intangible financial assets held through an indirect holding system. The STA, which took force in Saskatchewan (and numerous other provinces) in 2007, largely emulates UCC Article 8, and aims, among other things, at creating substantial uniformity across the highly integrated international financial markets.

The fifth part of the course focuses on a variety of modern payment systems and mechanisms. In this respect, students will undertake a mandatory independent research project which will culminate in the preparation and submission of a brief paper of no more than 500 words.

**Course Materials:** Primary course materials for the course are available in electronic format, and will be posted on the course website or elsewhere. For the 2021-22 edition of the course, students will not be required to purchase any textbooks. Certain key texts will be placed on reserve at the library.

**Teaching and Assessment:** The instructor will use various pedagogical techniques. Most areas are covered by lectures and presentations, then reviewed through an application of the law to various factual scenarios (i.e. problem sets). Students have two options for formal evaluation:

Option A.

Mandatory Independent Research Paper = 10%

Final Examination = 90%

Option B.

Mandatory Independent Research Paper = 10%

Final Examination = 60%

Additional Minor Research Paper = 30%\*

\*Students who choose Option B must submit a written proposal and have their minor research paper topic approved, in writing, on or before a specified date early in the semester. Failing this approval, they are deemed to elect Option A. Five students may elect to write the additional minor research paper. Students electing to complete a minor research paper must state their intention within the first month of the term and have the nature and topic of the paper approved by the instructor. These students are required to write the entire final examination for the remainder of their final grade. Students not electing to write a minor paper will write the final open book examination for 100% of their final grade.

**Minor Papers Allowed: 5**

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

(2021-2022 Patrick)

**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: **Final Exam**

**Major/Minor Papers Allowed: Unlimited**

**LAW 320.3 REGULATION OF PROFESSIONS****1(3L)**

(2021-2022 Ralston)

**COURSE DELIVERY: FULLY IN-PERSON**

**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:**

1. explore how professions are regulated within Canada as compared to internationally;
2. explore key debates regarding the public interest in the self-regulation of the professions;
3. articulate how professional regulatory bodies are structured through enabling statutes, subordinate legislation, and policies;
4. identify the differing roles of professional regulators in Canada (such as registration, investigation, and discipline) and key legal issues that arise in each role; and
5. 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 (Optional):**

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)

**Teaching and Evaluation:****Final Exam**

**Value:** 100% of final grade

**Date:** TBD

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

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

(2021-2022 - TERM 2 Flannigan)

**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*, 9<sup>th</sup> 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

**COURSE DELIVERY: FULLY IN-PERSON**

**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* and s. 35 of the Constitution 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.

**Course Materials: TBA.**

**Teaching and Assessment:** The course will be taught by a combination of lectures and class discussion. Assessment may include a component for class participation. It will include an open-book final exam, and may include an open-book mid-term exam or assignment. A limited number of students also have the option of writing a minor paper.

**Minor Papers Allowed: 5**

**LAW 340.3 ADMINISTRATIVE LAW I**  
(2021–2022 von Tigerstrom)

**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.

**Course Materials:** TBA.

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

**Minor Papers Allowed:** 5

**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.

**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.

**Minor Papers Allowed:** 5

**This section of Administrative Law I will depart from the usual course description in the following ways:**

- a) It will be limited to 20 students;
- b) Preference will be given to Indigenous students and to students whose first language was not English, and students who have regularly attended Academic Success;
- c) Assessment will largely be by a series of assignments with less emphasis on a final exam;
- d) To enrol in the class, students will need to complete an application form (which will be made available on the “Current Students” webpage on the College of Law website), and email it to: Louise Ferguson, [louise.ferguson@usask.ca](mailto:louise.ferguson@usask.ca).

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

(2021-2022 Busch)

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

**Prerequisites/Co-requisites: None**

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

**Course Materials:** Materials will be available online.

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

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

(2021-2022 L. Wihak)

**COURSE DELIVERY: FULLY IN-PERSON**

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

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

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

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

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

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

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

**COURSE DELIVERY: BLENDED (depending on instructor and student availability and preference)**

*\*\*\* Note that the College is still waiting to learn how moots will proceed in 2021-22. It is likely that many will return to in-person, but that is not guaranteed. 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\*\*\**

The Willms & Shier Environmental Law Moot is Canada's first and only national moot court competition devoted to environmental law which takes place every 2 years. Its goal is to promote awareness of the growing role of environmental issues in contemporary legal practice and public life, while enhancing law students' written and oral advocacy skills.

The competition takes the form of an appeal before a Canadian court of last resort, bringing together law students, judges, leading lawyers and legal academics to explore cutting-edge environmental law issues.

Teams consist of two or three, second and third year law students. Each team files a factum for one party. At the oral hearing, teams argue one side of the appeal in their first match and the other side in their second. The playoff and final matches are judged by senior appellate judges. Factums and oral arguments are presented in English.

Try-outs will take place in the fall while the competition is usually held in early March. Further information on the moot can be found at: <http://www.willmsshier.com/moot/>.

**COURSE DELIVERY: BLENDED**

*\*\*\* Note that the College is still waiting to learn how moots will proceed in 2021-22. It is likely that many will return to in-person, but that is not guaranteed. 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\*\*\**

**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 and was held virtually in 2021. Due to COVID-19, the moot may not go ahead and, if it goes ahead, it may proceed virtually or partly 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 public speaking, 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 public speaking, advocacy, exacting research and taxation issues. A team of up to five students (four oralists and up to one additional participant) will be selected to represent the College at the moot competition.

**Prerequisite/Co-requisite: NONE**

**Purpose and Emphasis:** This 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 in the month of October, and the competition takes place in late February or early March. Some work over December break may be required. Work and attendance at meeting 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 appellant representatives, two respondent representatives). Research materials identified by the coach and/or the moot problem make up the bulk of the course materials.

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

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

**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*, 12<sup>th</sup> 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**  
(2021-2022 - Flannigan)

**1(3L)**

**COURSE DELIVERY: FULLY IN-PERSON**

**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 100% open-book final examination.

The use of laptops is not permitted in this section.

**Minor Papers Allowed: 5**

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

(2021-2022 Arvanitis-Zorbas s. 2)

**COURSE DELIVERY: FULLY IN-PERSON**

**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.

**Minor Papers Allowed:** 0

**COURSE DELIVERY: FULLY IN-PERSON**

**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**

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

**Prerequisite/Co-requisite: NONE**

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

In addition to 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 the circumstances in which spousal status is attributed to unmarried cohabitants.

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

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 under the federal *Divorce Act* and the provincial *Family Maintenance Act* and with reference to the *Spousal Support Guidelines*.

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

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

**Minor Papers Allowed: 5**

**COURSE DELIVERY: FULLY IN-PERSON FOR BOTH TERMS**

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

**Minor Papers Allowed: 0**

**LAW 401.3 SECURITIES REGULATION****2(3L)**

(2021-2022 Wright)

**Calendar Description:** An introduction to the principles of securities regulation in Canada. The course will provide an overview of the regulatory system, including prospectus requirements (and exceptions thereto), continuous disclosure, exempt market financing, and certain forms of corporate transactions involving securities (e.g., plans of arrangement, take-over bids, etc.). Special emphasis will be given to the regulatory aspects of advising a public company, including corporate finance, disclosure and governance matters, and exempt market securities offerings.

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

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

**Course and Materials:** Required materials include:

**Canadian Securities Regulation, 5<sup>th</sup> 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****1(3L)**

(2021-2022 Cuming)

**COURSE DELIVERY:** This course will be available on an asynchronous basis with full opportunities for participants to have direct contact with Professor Cuming. The Course Materials will be published in Canvas. Professor Cuming will post in video format lectures relating to the Materials. Arrangements will be made for on-line class meetings on a bi-weekly (every other week) basis during which questions will be addressed by Professor Cuming and the comments of course members will be discussed. Course members should feel free to contact Professor Cuming directly by email or telephone to arrange one-on-one meetings.

**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 address 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. The 2021 proposals of the Law Reform Commission of Saskatchewan for a Reviewable Transactions Act to replace existing fraudulent conveyances and preferences law will be examined.

**Prerequisite:** NONE

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

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 constitutes 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. The 2021 proposals of the Law Reform Commission of Saskatchewan for a Reviewable Transactions Act to replace existing fraudulent conveyances and preferences law is 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 set out in the course materials.

Since, for the most part, this course will be delivered on an asynchronous basis, class participants will examine the course materials and view the associated video lectures at times arranged by each of them. Notices of the bi-weekly on-line meetings with Professor Cuming will indicate the subject-matter that will be the subject-matter of the meetings.

**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**

**COURSE DELIVERY: FULLY IN-PERSON**

**Calendar Description:** This interdisciplinary seminar explores legal culture within the larger culture contexts that it shapes and is shaped by. In studying the ways in which law and cultures intersect in history, theory, and practice, students will enhance their critical understanding of the independence and interdependence of law and justice; the value of cultural theory in reading legal texts; the challenges and opportunities of inter-cultural perspectives; the role of media images of the law and lawyers; issues of race, gender, class commodification and sexuality; the construction of public and private spheres; censorship and intellectual property; agency and accountability; cultural myths and narrative powers.

**Prerequisites/Co-requisites: NONE**

**Purpose and Orientation:** The course is designed to familiarize students with the ways in which law and culture intersect at different times in history and from different theoretical vantages. In exploring this material, students will enhance their critical understanding of the independence and interdependence of law and justice. Through the use of social science, particularly sociological, approaches and practices, the course will explore the cultural bases of law and legal theory, including how a particular (legal) worldview is situated within a larger culture, and how both reinforce, reflect, and alter the other. Theoretical and methodical approaches covered will include: Third World Approaches to International Law (TWAIL), critical race theory, systems theory, spatialized justice, Foucauldian discourse analysis and Indigenous critiques of colonial legal orders. Specific topics discussed will focus on the intersection between law and power, including personhood, race, sovereignty, jurisdiction and the public vs. private sphere.

**Course Materials:** This course will involve readings available from the University of Saskatchewan bookstore and various electronic readings either on PAWS or through the university's electronic journal collections.

**Teaching and Assessment:** This is a seminar course so all students will be expected to attend class meetings, participate in class discussions and keep up with assigned readings. Assessment will include a research paper worth about 70% and 30% for class participation (which may include one presentation based on your research paper).

**COURSE DELIVERY:** This course will be available on an asynchronous basis with full opportunities for participants to have direct contact with the Professor Cuming. The Course Materials will be published in Canvas. Professor Cuming will post in video format lectures relating to the Materials. Arrangements will be made for on-line class meetings on a bi-weekly (every other week) basis during which questions will be addressed by Professor Cuming and the comments of course members will be discussed. Course members should feel free to contact Professor Cuming directly by email or telephone to arrange one-on-one meetings.

**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 25 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 or facilitate liquidation of business assets has become very common. In this course, the central aspects of the structures and effect of the insolvency system contained in this legislation 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.

Since, for the most part, this course will be delivered on an asynchronous basis, class participants will examine the course materials and view the associated video lectures at times arranged by each of them. Notices of the bi-weekly on-line meetings with Professor Cuming will indicate the subject-matter that will be the subject-matter of the meetings.

**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**

**COURSE DELIVERY (TERM 1): FULLY ONLINE**

**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 2021 – 2022 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 tasks related to some small research undertakings such as those involving mandatory writing assignments.

**Assessment:** Student performance will be based on class participation (10% of final grade) and 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 70% of the final grade of students who do not write minor research papers. Students may request authority to write minor research papers, for 40% of their final grades. Authorization requires permission of the instructor, who will assist students identify appropriate topics and supporting materials. If a minor paper is written, the remaining 30% 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****1(2S-1R)**

(2021-2022 Howie)

**COURSE DELIVERY: FULLY IN-PERSON (\*some guest lectures may be conducted online depending on the location and preference of the guest lecturer)**

**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 Canvas.**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**  
(2021-2022 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**

**COURSE DELIVERY: FULLY IN-PERSON**

**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**

**COURSE DELIVERY: REMOTE (100% live in real time)**

**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: Evidence I LAW 351.3 and Criminal Procedure LAW 423.3 as prerequisites or co-requisites (waived for 2021-2022)**

**Purpose and Orientation:** The seminar examines the administration of justice in relation to the interpretation and application of sexual assault laws. The focus is on the criminal legal process, with only limited attention to civil remedies. We analyse cases currently before the courts and the roles 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 current issues in the administration of justice in Canada 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 should it be structured? What factors should be considered in the design process?? (2) What steps can and should be taken to improve police and prosecutorial conduct with respect to enforcement and non-enforcement of the laws regulating sexual activity? (3) What steps are required for an adequate response to gender and racialized violence as documented in the Final Report of the Inquiry into Missing and Murdered Indigenous Women and Girls? (4) Is s. 33.1 of the Criminal Code constitutional?---see *R v Chan* and *R v Sullivan* (ONCA, 2020) and arguments before the SCC in the up-coming appeal. In any event, how is sexual violence by extremely impaired assailants best addressed?? (5) What are the implications of current research on sexual offence prevention and recidivism for law and policy? 6) Constitutionality of recent Code amendments. 7) Evidentiary conundrums.

**Required Course Materials:** selected cases, statutes, articles, and other materials available on-line. The materials are multi-disciplinary and address a combination of 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 work-place, in the military, in and by the RCMP/police generally; low rates of reporting, data suggesting that 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 web-sites and reference materials are posted to assist with research.

**Instruction:** This is a seminar; conducted remotely but live in real time in 2021-2022. Students discuss assigned materials guided by questions raised by the 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 based on a proposal 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. Proposal, due October 1--10 marks; Outline and bibliography, due November 5--10 marks. Final Draft, due December 1--80 marks.
- **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 **prior to** the weekly seminar meeting in 7 weeks out of 12 weeks, commenting on the assigned readings and responding to posts by other students (15%);
- **seminar participation and workshop leadership** (each student plans and leads a 25 minute workshop discussion of unresolved, contested, or potentially controversial issues

related to their own research/writing topic, co-ordinated/organized in consultation with 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 defined by the University and College Assessment Regulations.

**Major Papers Allowed: 15.**

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

**LAW 420.3 CURRENT ISSUES IN INSOLVENCY****2(2S-1R)**

(2021-2022 Arvanitis-Zorbas)

**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 corporate restructuring law will be discussed including: the treatment of cannabis companies experiencing financial difficulty, 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. 2021 brought extreme financial distress to many companies and many of them turned to the CCAA for an opportunity to continue to keep their doors open. We will look at a number of cases throughout the course, including Laurentian University, Target, Sears and Toys 'R' Us.

**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****1(3L)**

(2021-2022 – TERM 1 (s. 1) Cotter)

**COURSE DELIVERY:**

**Note:** The course is a regular 3 credit course, but will be taught primarily through in-person lectures and discussion and, on occasion, through online sessions.

**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, 4th ed., 2021 [required casebook] This is a new edition of the casebook and is being published in August, 2021 Law Society of Saskatchewan, Code of Professional Conduct; Woolley et al, Lawyers' Ethics and Professional Regulation (Third Edition) [required casebook]

**Teaching and Assessment:** The primary teaching method is a combination of lecture and class discussion and dialogue. Assessment, unless by major research paper, is by open book final examination [80%] and a group presentation [20%].

**MINOR PAPERS: [unlimited]**

For students who elect to write a minor paper, if you have selected this course to fulfill your "minor paper" requirement [35%], you are still required to participate in a group presentation [20%], and write the final examination [45%]. With respect to the presentation, you may participate in a group presentation **on your topic or another topic**, with the presentation being worth 20%, your minor paper being worth 35%, and the final two hour

exam worth 45%. The writing of a minor paper is subject to approval, and such approval is to be obtained no later than October 18<sup>th</sup>. The deadline for submission of the paper is midnight on December 1<sup>st</sup>.

**MAJOR PAPERS: [six]**

If you do a major paper, it will be worth 80% of your grade, you will do an individual or group presentation worth 20%, class and you will not take the final exam. With respect to the presentation, you will 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 18<sup>th</sup>. The deadline for submission of the paper is midnight on December 1<sup>st</sup>.

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.

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

(2021-2022 – TERM 2 (s. 2) Buhler)

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

**Prerequisite/Co-requisite: NONE**

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

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

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

**Term 2 – Buhler:** This class will be taught in person in the winter term. Assessment: There will be several options for assessment, with the option of a 100% final exam OR an exam plus one or more assignments.

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

(2021-2022 Watson, J.)

**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 and before a jury
- (5) Pre-trial motions
- (6) Disclosure at trial
- (7) Resolution discussions
- (8) Formalities of information and indictments
- (9) Special pleas and applications
- (10) The appeal process

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

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

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

**Course Materials:** Learning Canadian Criminal Procedure 13th Edition by Don Stuart and Tim Quigley.

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

The final examination will be open book for 100% of the mark. If students choose, they may write a major paper (as per the College's guidelines) on a topic that is approved by the instructor. In that event, the paper will compromise 100% of the final mark.

**Major Papers Allowed: 5**

**COURSE DELIVERY:** The course will primarily be delivered in-person, but one or two sessions may be delivered online.

**Calendar Description:** This seminar 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 primarily be delivered in person, but one or two sessions may be delivered on line. 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 few 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 few classes in the course and use a Saturday - a 'super-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****1(3L)**

(2021-2022 – TERM 1 (s.1) Harradence, Hubbard, Crookshanks)

**COURSE DELIVERY: FULLY IN-PERSON**

**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:** This course is about the law of sentencing and how it applies in practice. The emphasis will be on the practical aspects of sentencing from three different perspectives - the judge, the Crown Prosecutor and the defense counsel. The course will focus on the fundamental principles and purposes of sentencing and their application in a variety of contexts including adult offenders, youth offenders, offenders with mental illness and Indigenous offenders. Students will be expected to participate and the course evaluation will be based on assignments similar to legal practice including the reading of caselaw, preparation of memos and Brief of law and oral sentencing advocacy.

**Course Materials: (2021-2022) TBC**

**Teaching and Assessment:** (2021-2022) Assessment will be based on:

1. 15% Legal Memo – due end of September
2. 35% Brief of Law – due end of October
3. 10% class participation – throughout term
4. 40% Oral Mock sentencing – completed by the end of November

Class Size: 24 students Max.

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 425.3 SENTENCING IN THE CRIMINAL JUSTICE SYSTEM****2(3L)**

(2021-2022 – TERM 2 (s.2) Watson, L.)

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

**Prerequisite/Co-requisite: NONE**

**Purpose and Orientation:** The course is designed to fill a gap in the existing curriculum. It is recognized by many of the participants in the criminal justice system including lawyers, judges, probation officers, parole officers, and police that the sentencing aspect is 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 discussion of the efficacy of achieving the aims sought to be achieved by the criminal justice system.

**Course Materials: (2021-2022):**

1. Danielle Robitaille and Erin Winocur, *Sentencing Principles and Practice*, (Toronto: Emond Publishing, 2020) - ISBN 978-1-77255-517-2
2. Annotated *Criminal Code*

**Teaching and Assessment:** (2021-2022) Assessment will be based on:

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

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

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

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

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

**Minor Papers Allowed: 0**

**LAW 426.3 ADVANCED SECURED TRANSACTIONS**  
(2021-2022 Bangsund)

**2(2S-1R)**

**Calendar Description:** Advanced Secured Transactions (LAW 426) is a seminar that offers students the opportunity to explore features of personal property security law and real property security law that are not addressed or only superficially addressed in survey courses in these areas.

**Detailed Description:** The seminar is divided into two parts:

Part 1 covers a selection of secured transactions topics, to be presented by the professor and discussed among group members. These topics include, without limitation: fixtures, accessions & commingled goods, special issues pertaining to agriculture (namely, after-acquired crops, enforcement against farm equipment & production money security interests), special issues pertaining to purchase money security interests (namely, cross-collateralization, refinancing & consolidation), negotiable collateral & debtor-initiated payments, chattel paper & accounts financing, allocation of payments, time of priority determination, time of perfection in relation to bankruptcy, taxation priorities, security interests in licences and conflict of laws. Students will be evaluated on these select subjects through an open book in-class quiz administered near the end of the semester.

Part 2 requires each student to select a research paper topic early in the semester, complete a minor paper on that topic, and then present the minor paper to the group near the end of the semester, leading discussion during a brief question and answer period.

**Course Materials:** *Bangsund on the Personal Property Security Act: The CCPSL Model* (Thomson Reuters, 2021). Supplementary course materials will either be free access or be posted to the course website in electronic format.

**Teaching and Assessment:** The seminar will be administered using a combination of lectures, group discussions, problem-solving exercises, research projects and student presentations. The various components of assessment will be weighted as follows:

- 10% – Participation
- 50% – Minor Research Paper
- 10% – Research Paper Presentation
- 30% – In-Class Quiz

**COURSE DELIVERY: BLENDED**

A blended approach to course delivery is anticipated. If the competition is announced as in-person, most practices will be in-person as well. If the competition is virtual, most practices will be virtual.

*\*\*\* Note that the College is still waiting to learn how moots will proceed in 2021-22. It is likely that many will return to in-person, but that is not guaranteed. 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:** Participation in the Gale Moot Competition is required. At present, it is uncertain whether the 2022 Gale Cup Moot will be held in-person or virtually. The Gale Cup Moot 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 oral advocacy 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 has historically been held annually at Osgoode Hall in Toronto and attracts teams from law schools across Canada. 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 finals round will be judged by three judges which historically has included at least one 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****2(3L)**

(2021-2022 Ayotunde)

**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.

**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 write a final exam worth 100% of the course mark.

**Minor Papers Allowed: 0**

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

2021-2022 TERM 1 (ss. 1 - 4): Mark Baerg, Madasan Yates (ss. 2, 3), Joe Fingerote

TERM 2 (ss. 5, 6): Mark Baerg, Joe Fingerote

*\*\* We plan to offer two options with this course. 4 out of 6 sections of Negotiation will be offered in-person, with a slight emphasis on blended learning. That is, in those four sections, almost all of the classes will be in-person (with small class sizes). However, to include a blended learning component, it is likely that 1-2 classes during the term will be held on a video platform (synchronous), and assignments will include a range of experiences including virtual platforms. That way, students will do most of their negotiating in-person, but will also experience email and video-based negotiations as well. Because the practice of law has adapted to new communication forums, we believe it continues to be important to include the range of settings where negotiation may occur.*

*At the same time, 2 of 6 sections of Negotiation will be fully virtual. These two sections are being taught by Joe Fingerote, who practices law in Vancouver. Those classes will be LIVE (synchronous) in the scheduled time slot, but you will simply be joining by video, for all of them. None of these class activities will be in-person. We are offering these two sections (one per term) for those who – for practical or pedagogical reasons – would prefer ‘learning from home’.*

**\*\*\* Please select Mark Baerg’s or Madasan Yates’ sections of Negotiation if you prefer a focus on in-person. Please select Joe Fingerote’s section if you prefer all virtual.**

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

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

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

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

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

**LAW 431.3 ADVANCED CONSTITUTIONAL LAW**  
(2021-2022 Carter)

**2(2S-1R)**

**Calendar Description:** This seminar will engage in examination of current issues in constitutional law, including issues of constitutional theory, federalism and the constitutional protection of rights and freedoms.

**Prerequisites/Co-requisites: NONE**

**Purpose and Orientation:** This seminar will examine issues in constitutional law including issues of constitutional theory, federalism and the constitutional protection of rights and freedoms, including an examination of legal and political arguments that are engaged by constitutional interpretation.

**Assessment:** 20% of the final grade will be based on seminar participation. In each seminar, one or two students will be asked to introduce the readings and issues they raise.

80% of the grade will be based on a research paper. Students will have the option of meeting their major paper requirement with this paper.

**COURSE DELIVERY: IN-PERSON WITH THE POSSIBILITY OF SOME CLASSES ONLINE**

**Calendar Description:** An understanding of contemporary debates about universalism and of the meaning of human rights with attention to theory and international underpinnings. The concept of discrimination and the constitutional position of human rights in Canada. Detailed analysis of the concept of equality as it is embedded in the domestic anti-discrimination law and enshrined in section 15 of the Charter.

**Prerequisite/Co-requisite: NONE**

**Purpose and Orientation:** The seminar serves as a vehicle for research and writing in the field of human rights. The range of topics available for papers is very broad. Depending on students' interests and university pre-law backgrounds, questions of the place of rights within liberal and communitarian theory, the concept of group rights, theories of equality, problems of definition and of international and domestic human rights law enforcement may be pursued. There is a wealth of literature available for student papers. The field of human rights has grown at an enormous rate in recent years.

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

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

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

(2021-2022 Loewen Walker)

**COURSE DELIVERY: FULLY IN-PERSON**

**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**

**September – December 2021 – Gender, Sexuality, and Human Rights**

**R. Loewen Walker**

**Description:** This course explores gender and sexuality within 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 how systemic discrimination based on race, sex, class, sexuality, disability and other identities shape concepts of social justice as well as understandings of what constitutes human rights. 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 international human rights cases and contexts as they apply to various 2SLGBTQ communities. Particular areas of focus will include: 1) the inclusion of gender and sexuality rights within international human rights contexts; 2) key international movements as they pertain to 2SLGBTQ communities and as they both sustain and trouble cultural relativism and imperialism; and 3) Canada's national landscape regarding 2SLGBTQ newcomers and refugees, including 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 over the course of the term on a social justice project that relates to gender and/or sexuality. Each group will prepare a proposal, class presentation, and final 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 will complete a final term paper of 5000-6000 words on a social justice law topic. The term papers will satisfy the minor paper requirement. Students will submit an outline for their final paper early on in the course (worth 5%) and will be provided with feedback.

**COURSE DELIVERY: FULLY IN PERSON**

**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 80%). After the mid-point of the term, students will give a short presentation on their proposed paper topics (worth 4%). As well, during the term, students are expected to write three short essays on problems to be assigned (once monthly, each worth 4% for a total of 12%), and they will be evaluated on their participation in classroom discussion (worth 4%).

**LAW 436.3 ABORIGINAL LAW****1(3L)**

(2021-2022 Lavallee)

**COURSE DELIVERY: BLENDED (primarily course delivery will be in-person)**

**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. Proposals for other assessment alternatives may also be considered.

**Minor Papers Allowed: 5**

**LAW 438.3 ECONOMIC INEQUALITY POVERTY AND THE LAW****1(2S-1R)**

(2021-2022 Wiegers)

**COURSE DELIVERY: SOME LECTURE CONTENT MAY BE DELIVERED ONLINE BUT CLASS DISCUSSIONS WILL PROCEED IN-PERSON AT THE REGULARLY SCHEDULED CLASS TIME.**

**Calendar Description:** Examines the causes and impacts of economic inequality and poverty in Canada. Considers various definitions of poverty and inequality and the relationships between poverty and economic inequality and race, gender, disability and class. Explores the role of law in creating, regulating and/or alleviating poverty and economic inequality.

**Prerequisite(s): NONE**

**Purpose and Emphasis:** This seminar will explore the social and economic conditions that give rise to poverty and economic inequality in Canada and engage in a critical discussion of the legal system's response to issues of distributive justice and social inclusion.

The seminar begins by examining various definitions of poverty and empirical assessments of wealth and income inequality globally and in Canada. We will examine and assess different perspectives on the causes of poverty and economic inequality in market economies and consider the relationship between economic inequality and gender, class, race, Indigeneity, and disability-based social inequalities. The role of electoral law, colonial and property law, criminal, welfare, labour and tax law in creating, compounding or alleviating conditions of poverty and inequality will be explored, as will the effectiveness of various strategies for legal change including tax reform, test case and Charter litigation, and, if time permits, civil disobedience. Students will also be encouraged to consider the relationship between economic inequality and other areas of law such as corporations law, environmental law, and consumer protection law. Wherever possible, legal issues particularly relevant to residents of Saskatchewan will be examined.

Some of the conceptual objectives of the seminar are: to increase students' understanding of the incidence and distribution of poverty and the causes of poverty and economic inequality in Canada; to identify distinctive issues in the legal treatment of economic inequality and poverty under welfarist and neo-liberal regimes; to explore the impact of different areas of the law and different forms of legal regulation on people living in poverty and on conditions of inequality more generally; to discuss and consider the potential for law reform and develop a critical analysis of the relevance and role of law and legal action in addressing inequality and social exclusion; and to provide students with an opportunity to develop or refine their skills in research and in the written and oral analysis of the above issues.

**Course Materials:** Reading materials will be placed online on Canvas.

**Teaching and Assessment:** Evaluation will consist of class participation and presentations (25%) and two minor papers OR a major paper (75%).

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

(2021-2022 - TERM 2 (3 sections) Dumonceaux / Yates)

*\*\* Subject to the College's direction, it is expected that this course will be offered in-person in the fall. It will have a "blended" aspect, in that a few activities may occur virtually, but the bulk of the learning will occur in the classroom in-person. The course is capped at a small number, and we will ensure that all activities occur with due respect to safety guidelines.*

**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 or Co-requisite:** 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.

**LAW 440.3 INNOVATION IN JUSTICE: THE DEAN'S FORUM ON ACCESS TO JUSTICE AND DISPUTE RESOLUTION 2(3S)**

(2021-2022 B. Lowenberger)

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

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

Nation-wide conversations about Access to Justice continue to play out, with the Cromwell Report\* an important touchstone. The first nine meetings of the Dean's Forum on Dispute Resolution and Access to Justice were held in September 2013, March 2014, March 2015, February 2016, March 2017, March 2018, March 2019, March 2020, and March 2021: a gathering of a couple dozen leaders in the Saskatchewan legal and justice community. During the last nine 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>.

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

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

The project will continue, with a tenth Forum planned for 2022. The general themes for this year's Forum are currently being developed, and will be assigned near the end of the fall term.

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

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

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

**COURSE DELIVERY: T1- BLENDED (IN-PERSON ELEMENT), T2- FULLY IN-PERSON**

*\*\*\* Note that the College is still waiting to learn how moots will proceed in 2021-22. It is likely that many will return to in-person, but that is not guaranteed. 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. Laskin 2022 will be held in Toronto on February 25 and 26.

**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****2(2S-1R)**

(2021-2022 Peterson)

**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:**Recommended:

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

2) An annotated Criminal Code

Textbooks can be purchased at Turning the Tide Bookstore

**Student Evaluation:** Evaluation based on:

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

- Major Paper (70%)
- Class Presentation (20%)
- Class Participation (10%)

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

- Minor Paper (50%)
- Class Presentation (30%)
- Class Participation (20%)

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

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

*Class presentation:* A presentation on the student's paper topic.

**LAW 444.3 ENVIRONMENTAL LAW****2(3L)**

(2021-2022 Ralston)

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

**Learning Objectives:**

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

**Required Resources:**

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

**Supplementary Resources (Optional):**

- Chris Tollefson & Meinhard Doelle, *Environmental Law: Cases and Materials*, 3rd ed. (Toronto: Thompson Reuters, 2019)
- William A. Tilleman et al, *Environmental Law and Policy*, 4th ed. (Toronto: Emond Montgomery

Publications Ltd, 2020)

**Teaching and Evaluation:**

**Final Exam**

**Value:** 70% of final grade

**Date:** TBD

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

**Minor Paper**

**Value:** 30% of final grade

**Date:** TBD

**Description:** All students will be required to complete a minor paper. This could take the form of a case comment, law reform submission, or research paper. Further details will be set out in the syllabus and discussed at the beginning of the course.

**LAW 446.3 NATURAL RESOURCES LAW****1(2S-1R)**

(2021-2022 Buhler, J.)

**COURSE DELIVERY: FULLY IN-PERSON**

**Calendar Description:** This seminar introduces students to the legal regulation of natural resources. The seminar will explore a variety of legal and policy considerations involved in the exploitation of natural resources. The subjects addressed include: sustainable development of natural resources, the ownership and disposition of natural resources and social and environmental considerations.

**Prerequisites/Co-requisites: NONE**

**Purpose and Orientation:** The regulation and exploitation of natural resources is a major enterprise in Canada generally and Saskatchewan particularly. This seminar is intended to provide a forum for students wishing to advance their understanding in the property / environmental / resources area. The objective is to introduce students to the legal regimes that regulate the allocation and exploitation of natural resources while at the same time challenging students to explore the underlying policy issues. A parallel objective, realized through the preparation of a major paper, is to have students explore in some detail on their own a particular issue or controversy in the natural resources law field.

**Course Material:** Materials for this seminar will be prepared by the instructor.

**Teaching and Assessment:** The research paper written in this seminar will count for 75% of the final mark. The remaining 25% of the mark will be based on student participation, including but not limited to leading class discussions and a presentation regarding your major paper.

**COURSE DELIVERY (TERM 1): IN-PERSON**

*\*\*\* Note that the College is still waiting to learn how moots will proceed in 2021-22. It is likely that many will return to in-person, but that is not guaranteed. 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.

**LAW 448.3 DISPUTE RESOLUTION MOOT****2(3S)**

(2021-2022 Keet)

*\*\*\* Note that the College is still waiting to learn how moots will proceed in 2021-22. It is likely that many will return to in-person, but that is not guaranteed. 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](mailto:m.keet@usask.ca).

**COURSE DELIVERY: BLENDED**

*\*\*\* Note that the College is still waiting to learn how moots will proceed in 2021-22. It is likely that many will return to in-person, but that is not guaranteed. 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\*\*\**

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

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

**Note:** 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****2(3L)**

(2021-2022 (s. 2) Zakreski)

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

**Prerequisite:** LAW 384.3 Civil Procedure

**Purpose and Orientation:** The course is designed to introduce students to the conduct of a civil trial. The emphasis is on making students confident and comfortable in a trial setting. Students will undertake counsel roles including a short trial near the end of the term. Role plays will begin with client preparation, pre-trial steps such as basic pleadings, chambers applications, examinations for discovery and direct and cross-examination techniques. Building on this, students will proceed through evidentiary matters such as the use of exhibits, impeachment of witnesses, the use of experts in a trial and 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 created by the instructor and students. The text used is Stuesser, *An Advocacy Primer*, 4<sup>th</sup> ed., Carswell, 2015.

**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 trial brief.

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

(2021-2022 (s. 3) A. Smith – This section has a criminal jury trial focus)

**(This is an application-based class)****Prerequisite: LAW 351.3 Evidence I****Criminal Procedure is an asset but not a prerequisite.**

**Please note:** This is an application-based class. To apply, students must send an e-mail to the instructor at [ams085@mail.usask.ca](mailto: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 16, 2021. 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](mailto:louise.ferguson@usask.ca)) to receive information on how to register for this class.

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

**Course Materials:** None.

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

Students will be assessed based on their preparation and participation in class, their performance on any advocacy component presented in class and their criminal jury trial. If time permits, students may also be given the opportunity to do a criminal sentencing submission and will also be assessed on this.

**LAW 453.3 ABORIGINAL LAW & POLICY IN CANADA****1(2S-1R)**

(2021-2022 Lavallee)

**COURSE DELIVERY: BLENDED (primarily course delivery will be in-person)**

**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 20<sup>th</sup> 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 on Canvas.

**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.

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

**LAW 456.3 CONFLICT OF LAWS****2(3L)**

(2021-2022 Hansen)

**COURSE DELIVERY: FULLY IN-PERSON**

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

**Prerequisites/Co-requisites: NONE**

**Purpose and Orientation:** Conflict of Laws (a.k.a. Private International Law) is potentially one of the most intellectually demanding but also most important classes of one's law school career. Knowledge of conflict of laws is essential for any practitioner who deals with private law issues involving any "foreign" facts, parties, events, or laws. ("Foreign" here means extra-provincial as well as international.) To take just a few examples, you cannot operate at the required standard of legal competence without knowledge of conflict of laws if you are advising someone on a damages claim concerning a foreign tort, engaged in estate planning where there are assets in more than one jurisdiction, or dealing with a division of spousal property where the spouses have moved from one jurisdiction to another during their relationship. Conflict of laws, of course, takes on an increased importance in a globalizing world, and knowledge of both Canadian and foreign conflict of laws principles is essential in the context of various transnational legal arrangements and transnational litigation. Conflict of laws can raise very challenging conceptual issues, but the instructor works to make the course as accessible as possible.

During the course, we are going to examine at length the traditional doctrinal approach to conflict of laws within Canadian common law, as dramatically modified in recent years. At the end of the course, students will not be experts on conflict of laws, but they should be able to work effectively with the doctrinal principles as applied to fact scenarios of a reasonable level of difficulty. We will also spend some time examining theoretical writings on conflict of laws and reform efforts advanced through the common law, statutes, and international conventions, and students at the end of the course should be able to offer some insightful critiques of possible versions of conflict of laws doctrine. Finally, we will also consider briefly applications of conflict of laws in some selected current areas.

The course is thus aimed at sensitizing students to a range of conflict of laws issues and helping them develop intellectual tools to confront such issues. Some of the instruction will be through lecture format (though with the instructor calling upon students extensively), and some will involve breaking the class down into smaller groups examining particular problem scenarios. The material can be challenging and the expectations within the course are not low, but the understandings and legal intellectual development attained are worth it. Many

past students have indicated that they have used the course extensively in the early years of practice and appreciated that they took the course rather than trying to learn it on their own.

**Course Materials:** The main legal materials will be provided on Canvas. In addition, there is a mandatory text, which students have found very helpful in past years: Stephen Pitel & Nicholas Rafferty, *Conflict of Laws*, 2<sup>nd</sup> Edition (Irwin 2016).

**Assessment:** The current plan (subject to modification based on the ultimate class size) is that students will complete two short assignments together worth 30% of the mark and an open book final exam for the remaining 70%. Students who successfully ballot for a minor paper in this course and identify an appropriate conflict of laws topic that the instructor approves within the first two weeks of class will have that paper count for 40% and will complete just one assignment for 15% of the marks, with the final exam providing the remaining 45%.

**Minor Papers Allowed: 5**

**LAW 457.3 INTERNATIONAL LAW****2(3L)**

(2021-2022 Omoruyi)

**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 458.3 ADVANCED HEALTH LAW****2(2S-1R)**

(2021-2022 Hayton)

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

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

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

**Course Materials:** Articles and other materials will be made available on reserve and/or online.

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

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

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

**COURSE DELIVERY (TERM 1): BLENDED (both in-class and online delivery)**

*\*\*\* Note that the College is still waiting to learn how moots will proceed in 2021-22. It is likely that many will return to in-person, but that is not guaranteed. 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 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 1<sup>st</sup> or 2<sup>nd</sup>, 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, students 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 five practice moots stretching from mid-January and leading up to 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****2(3L)**

(2021-2022 Boving)

**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/>.

**Assessment:** Assessment will be based on five written assignments related to legal issues, laws, and principles of international trade law, and on a 18 - 20 page (approximately 4,000 to 4,500 word) minor research essay related to international trade law. **There will be NO Final Exam.** In order to pass this course, students are required to submit **all assignments and the minor research essay.**

**LAW 463.3 FIDUCIARY OBLIGATIONS**  
(2021-2022 Flannigan)

**1(2S-1R)**

**COURSE DELIVERY: FULLY IN-PERSON**

**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.

**COURSE DELIVERY: FULLY IN-PERSON**

**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:

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

- Major Paper (70%)
- Class Presentation (20%)
- Class Participation (10%)

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

- Minor Paper (50%)
- Class Presentation (30%)
- Class Participation (20%)

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

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

*Class presentation:* A presentation on the student's paper topic.

**Recommended Text:**

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

Textbooks can be purchased at Turning the Tide Bookstore

**LAW 466.3 YOUTH CRIMINAL JUSTICE****2(2S-1R)**

(2021-2022 - TERM 2 (s. 2) Healy)

**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:

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

- Major Paper (70%)
- Class Presentation (20%)
- Class Participation (10%)

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

- Minor Paper (50%)
- Class Presentation (10%)
- Class Participation (40%)

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

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

*Class presentation:* A presentation on the student's paper topic.

**Recommended Text:**

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

2) An annotated Criminal Code

Textbooks can be purchased at Turning the Tide Bookstore

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

(2021-2022 – TERM 1 (s.1) Vallance)

**COURSE DELIVERY: FULLY ONLINE**

**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*, 9<sup>th</sup> 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 467.3 LABOUR AND EMPLOYMENT LAW****2(3L)**

(2021-2022 – TERM 2 (s.2) Stack)

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

**Prerequisite/Co-requisite:** NONE

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

**Course Materials:** Students will be asked to purchase the Labour Law Casebook Group, *Labour and Employment Law: Cases, Materials and Commentary*, 9<sup>th</sup> 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

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

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

**Minor Papers Allowed: 5**

**COURSE DELIVERY: FULLY IN-PERSON FOR BOTH TERMS**

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

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

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

**Learning Objectives for this course:**

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

**Required Text:**

- The required casebook will be available for purchase.

**Student Evaluation:**

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

**LAW 474.3 CHILDREN AND THE LAW**  
(2021-2022 Wiegers)

**1(2S-1R)**

**COURSE DELIVERY: SOME LECTURE CONTENT MAY BE DELIVERED ONLINE BUT CLASS DISCUSSIONS WILL PROCEED IN-PERSON AT THE REGULARLY SCHEDULED CLASS TIME.**

**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 be explored: child poverty, the corporal punishment of children under the *Criminal Code* and the *Charter*, outcomes for children in parenting disputes in the family law system and in the child welfare system, 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%.

**COURSE DELIVERY: BLENDED**

**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 2021-2022, this course will be **delivered through a hybrid of online and in-person instruction**. Most lectures will be delivered asynchronously through pre-recorded lectures on Canvas. The classroom time assigned in the timetable will be used for in-person instruction and activities, primarily by way of going through exam-style problems that students will have prepared answers for in advance. **Attendance and preparation for these sessions will be mandatory**, and preparation in groups will often be encouraged and may occasionally be required. For in-person sessions, students will be assigned to a small group, which will normally meet with the instructor every other week or so during one of the timeslots designated in the timetable. Depending on demand, it is possible one of these groups may be made up of students wishing to meet with the instructor virtually. Assessment is primarily by way of a final examination, with some minor required and optional assignments. Students with questions about the format may contact Professor Larre via email.

**Minor Papers Allowed: 5**

**LAW 481.3 BUSINESS REGULATION****2(2S-1R)**

(2021-2022 Flannigan)

**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.

<b>LAW 482.3</b>	<b>CRIMINAL INTENSIVE SEMINAR</b>	<b>2(2S-1R)</b>
<b>LAW 484.12</b>	<b>CRIMINAL INTENSIVE PRACTICUM</b>	<b>2(12CL)</b>
(2021-2022 Pfefferle/Watson)		

**(This is an application-based class)**

**NOTE: Entry into the intensive criminal law program is by selection by the course instructors. Students who wish to be considered are asked to send an email to Brian Pfefferle, at [brian@pfefferlelaw.com](mailto:brian@pfefferlelaw.com) outlining the reasons for their interest in the course and describing any relevant experience. Students should also attach their cv or resume. The deadline for submission of the email application is September 2, 2021. Applicants will be informed by September 9, 2021 of their acceptance in the program.**

**Prerequisites/Co-requisites: Both Criminal Procedure and Evidence I are prerequisites (to be completed by December 2021)**

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

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

**Learning Objectives:** Students will be exposed to a wide variety of criminal practice issues from the defence of criminal accused to the running of a criminal law practice. The students will be encouraged to reflect upon what they observe and will also learn about several advanced criminal law, ethical, evidence, trial advocacy and criminal procedure issues. *The Charter of Rights and Freedoms* legal rights and procedural issues will also be discussed in depth. The course will be designed so as to represent a culmination of all that a criminal lawyer needs to know and will build on the student's substantive knowledge in the discipline. While entitled the "intensive criminal practicum" the courses will result in students being exposed to many areas of the law which in practice will tend to blur together. This will involve those subjects above listed and a myriad of other issues including insurance law, property law and other areas which will arise as a result of the various criminal matters to which the student is exposed during their placements with the supervising lawyers and Judges. Nonetheless the placements will be with Criminal lawyers and students should be

continually involved in that area of the law rather than be exposed to all areas of the law as generally envisaged in an articling process.

### **The Externship (Lawyer) Placements**

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

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

**Student Evaluation:** The program will be open to 5 students per year. The seminar will constitute three credits of course work. Students will be required to complete the Intensive Criminal Seminar which will involve one major paper (50% of three credits) and one minor paper (25% of three credits) and weekly journals and seminar participation (25% of three credits) and all will be marked by the instructors. The practicum will be worth 12 credits of course work. Together then, the complete program will be the equivalent of 15 credits or one semester’s worth of work.

**COURSE DELIVERY: FULLY IN-PERSON**

**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](mailto:m.halvorson@usask.ca)) by Friday, August 13<sup>th</sup>. The letter of application may include the student's qualifications and commitment, and, where relevant, describing any special experience or expertise in writing or publishing which the student might bring to the Review. Students will be notified in late August whether or not they have been selected. After they have been notified that they have been selected for the class, and have dropped a class in the term they wish to receive credit, students will contact [louise.ferguson@usask.ca](mailto:louise.ferguson@usask.ca) to be registered in Law Review.

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

**INTENSIVE 15 CREDIT CLINICAL LAW PROGRAM AT CLASSIC**

<b>LAW 491.3</b>	<b>CLINICAL LAW SEMINAR</b>	<b>2(2S-1R)</b>
<b>LAW 497.3</b>	<b>LEGAL ETHICS CLINICAL SEMINAR</b>	<b>2(2S-1R)</b>
<b>LAW 492.12</b>	<b>CLINICAL LAW PRACTICUM</b>	<b>2(12C)</b>

(WE ANTICIPATE THAT THIS PROGRAM WILL BE OFFERED IN 2022 WINTER TERM – Buhler)

**This is an application-based class. See note below for important information**

**NOTE: The College anticipates that the 15-credit Intensive Clinical Law program, offered in partnership with Community Legal Assistance Services for Saskatoon Inner City (CLASSIC), will be offered in the winter term. However, due to uncertainties relating to planning, funding and the pandemic, we will confirm the program in September 2021.**

**Entry into the intensive clinical law program is by selection by the course instructor. Interested students should send an email to Professor Sarah Buhler, at [sarah.buhler@usask.ca](mailto:sarah.buhler@usask.ca) by June 30, 2021 to express their interest and to be kept apprised of decisions about the program. Students should enroll for winter term classes and be prepared to drop these classes if they are accepted into the program.**

**PLEASE NOTE: Students can fulfill their Legal Ethics and Professionalism requirement by enrolling in the Legal Ethics Clinical Seminar along with the Intensive Clinical Law Practicum. Students who have already fulfilled their Legal Ethics and Professionalism requirement can enroll in the Intensive Clinical Law Seminar alongside the Intensive Clinical Practicum.**

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

Through their clinic work, students will engage critically with legal problems in the complicated social contexts in which they arise, build relationships with clients and learn about the communities of their clients, develop professional identities, grapple with ethical issues, and develop lawyering skills. Through structured and critical reflection during the seminar, students will analyze and synthesize the various components of their experiences

and reflect on larger issues relating to professional responsibility, the legal system, and the limits and possibilities of legal practice in situations of social injustice.

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

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

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

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

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

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

**Prerequisites:** *Completion of first year law*

**LAW 495.3 INDIVIDUAL DIRECTED RESEARCH****1/2(3S)**

(2021-2022 Various Instructors)

**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. 88) ADVANCED NEGOTIATION AND DISPUTE RESOLUTION IN FAMILY LAW**  
(2021-2022 – TERM 2 Charmaine Panko)

**COURSE DELIVERY: ONLINE**

*\*\* 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](mailto: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, pre-trial conferences, self-representation and coaching.

**Texts:** Materials will be distributed.

**Teaching and Assessment:** Course work includes in-class participation exercises and out-of-class experiences as well as written reflective assignments and in-class debriefings of exercises and out-of-class experiences. The emphasis is on formative assessment (development of skills over time) and collaborative learning. 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. 90) ADVANCED FAMILY LAW**  
(2021-2022 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. 82) ADVANCED LEGAL RESEARCH**  
(2021-2022 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 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 locate, evaluate, select and analyze research results to solve legal problems. Students will be introduced to efficient legal source finding tools, including quantum finding tools, 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 locate sources, analyze research results and improve their ability to communicate those results. Students will have the opportunity to reflect on the lawyer's role as adviser, and how to communicate effectively to different audiences.

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 practice legal research techniques and engage in discussion of results. Student attendance and engagement during class is required. Exercises and assignments will be debriefed through small-group peer-review, class discussion and instructor feedback. Student performance is assessed through in-class exercises, and after class quizzes, assignments and reflective essays. There is no final exam.

**Minor Papers Allowed: 0**

**LAW 498.3 (s. 69 (T1) & s. 78 (T2)) SPECIAL TOPIC: LAW REFORM COMMISSION OF SASKATCHEWAN INTERNSHIP 1&2**  
(2021-2022 Howie)

**COURSE DELIVERY: BLENDED (weekly meetings will be scheduled for a time and in a location (online or in-person) that works for the students and the Director).**

**This is an application-based class.**

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

Weekly Hours: Practicum 6 per week for 12 weeks

T1 and T2 (up to one student per term)

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

The student will work under the supervision of the Director and provide written work and verbal reports on a regular basis. The student will have an orientation session and discuss assigned reading materials with the Director in the first week of the internship. Following this, the student will have weekly meetings with the Director. The student will work 6 hours/week for the Commission in 2 x 3-hour shifts (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).

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](mailto:director@lawreformcommission.sk.ca) by **Friday, August 20, 2021**. 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](mailto:louise.ferguson@usask.ca) to register them in the internship.

**Learning Objectives for this course:**

- Understand the process and roles involved in reform of legislation
- Develop proficiency in legal research, including primary (legislation and case law) and secondary materials
- Develop skills of legal analysis
- Develop writing skills, including presenting the results of research and analysis in memos and other draft documents and drafting materials for the Commission's website

- Develop verbal communication skills, including the ability to summarize the results of research and articulate questions

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

**LAW 498.3 (s. 83) TRANSFORMATION IN PRACTICE: RECONSTRUCTING  
THE FUTURE LAWYER**

**1(3L)**

(2021-2022 C. Zawada)

**COURSE DELIVERY: BLENDED (approximately 20% of the class time will be in-person. The majority will be delivered online)**

**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 are available, 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”.

While some of the course covers what we learned from Covid-19, the major focus will be on problems already evident in the legal system. For example, what do customers need and expect, and how can one build a business or 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.

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, 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:** Most course materials and readings are available through the class Canvas site. Students must obtain one text (*Change by Design* by Tim Brown) and one other text is optional (*Sprint – How to Solve Big Problems and Test New Ideas* by Jake Knapp). Edited versions or excerpts of cases and other materials are provided and students are only responsible for the portions contained in those versions.

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

**Method of student evaluation:**

Assessment of students will be based on:

- 1) (20%) Class participation, including:
  - a) attendance;
  - b) adequate preparation;
  - c) active involvement in classes and workshops; and
  - d) contribution to class discussions.
- 2) (80%) A final exam (open book), based on themes of the course.

**Minor Papers Allowed: 0**

**COURSE DELIVERY: FULLY IN-PERSON**

**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 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**

**COURSE DELIVERY: BLENDED (primarily course delivery will be in-person)**

**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 (although Canadian Aboriginal Law 436 or Aboriginal Law & Policy in Canada LAW 453 are recommended)**

**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 through Canvas.

**Assessment:**

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

**COURSE DELIVERY: BLENDED**

**Calendar Description:** This seminar examines issues relating to housing, homelessness, and law. It will introduce students to the context and policy debates around housing and homelessness in Canada, and examine issues relating to housing and homelessness through multiple lenses. Topics covered will include Indigenous laws and perspectives relating to housing, the international human right to housing, federal and provincial housing legislation, and advocacy and litigation regarding homelessness and the right to housing. The seminar also covers key features of the law and practice relating to residential tenancies, with a special focus on eviction and access to justice in administrative housing law tribunals. Finally, it explores policy and law reform ideas for the future of housing justice in Canada.

**Prerequisite/Co-requisite: NONE**

**Purpose and Orientation:** Housing is a fundamental human need, but affordable, secure housing remains elusive for many, and homelessness persists in Canada. International, federal, provincial, and municipal laws and policies shape housing realities and experiences, and housing also engages multiple substantive areas of law including contract, property, criminal, administrative, human rights, and family law. This course provides students with an in-depth overview of how law intersects with housing, and provides students opportunities to develop critical perspectives about law and legal practice in this area.

**Course Materials:** Readings will be made available electronically and through the law library.

**Teaching and Assessment:** Evaluation is based on:

- OPTION 1: A minor research paper (40%) and creative project or book review (35%)  
OR
- OPTION 2: A major research paper (75%)  
AND
- Attendance and participation (25%)

**COURSE DELIVERY: FULLY IN-PERSON**

**Calendar Description:** This course examines anti-racism by centering race in the landscape of how we analyze and understand the law. The course draws on a wide variety of anti-racist scholarship including critical race and anti-colonial theory to demonstrate how Canadian law has contributed to and countered white structural advantages. Beginning with an historical analysis, students will investigate contemporary Canadian racial injustices, courts cases, and rulings, while exploring their responsibilities as legal professionals.

**Prerequisite/Co-requisite: NONE**

**Purpose and Orientation:** The rationale for this course is to engage students in learning about racism, intersectional oppression, and anti-racist practice within the legal landscape. Specifically, the course aims to raise the race consciousness of law students such that they acquire anti-racist knowledge, skills, and tools that can enable abilities to navigate the practice of law and reimagine the space of racial justice. Student comprehension is assessed through a combination of class participation, a research paper and in-class assignment.

**Learning Objectives:**

- Students will understand how the social construction of race and scientific racism legitimized and authorized specific examples of legalized racism within Canadian historical contexts;
- Students will be able to apply anti-racist analyses to various legal topics presented through class-based discussions and assigned resources;
- Students will examine anti-racist literature as it applies to legal scholarship and identify common themes that can enhance their practice; and
- Students will consider their social positioning as racialized individuals in relation to the legal profession.

**Course Materials:** Readings and resources as assigned.

**Teaching and Assessment:** Students will be evaluated on the basis of:

- 30% participation (details on how this will be assessed will be provided at the start of the class)
- 30% Critical Race Autobiography
- 40% Minor Paper