



## **GRADUATE COURSE OFFERINGS**

**Faculty of Law**

**2016-2017**

## Key Dates 2016-2017

<b>Fall term begins:</b>	<b>Friday, September 2, 2016*</b>
Labour Day:	Monday, September 5, 2016
Thanksgiving:	Monday, October 10, 2016
<b>Classes end:</b>	<b>Monday, December 5, 2016</b>
Examination Period:	Wednesday, December 7 - Tuesday, December 20, 2016 - inclusive
McGill closed:	Friday, December 23, 2016 - Monday, January 2, 2017 - inclusive
Christmas Day:	Sunday, December 25, 2016
New Year's Day:	Sunday, January 1, 2017

\*In the Fall 2016 term, Friday September 2<sup>nd</sup> will follow a **Monday schedule** (to make up for the loss of Monday classes on Labour Day).

<b>Winter term begins:</b>	<b>Wednesday, January 4, 2017</b>
Study Break:	Monday, February 27 - Friday, March 3, 2017 - inclusive
<b>Classes end:</b>	<b>Tuesday, April 11, 2017</b>
Examination Period:	Thursday, April 13 - Friday, April 28, 2017 - inclusive
Good Friday:	Friday, April 14, 2017
Easter Monday:	Monday, April 17, 2017

McGill Universal Deadlines can be found under Important Dates: [www.mcgill.ca/importantdates](http://www.mcgill.ca/importantdates)

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**MOST UP-TO-DATE COURSE SCHEDULE INFORMATION IS AVAILABLE ON [MINERVA](#).**

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**CMPL 500 Aboriginal Peoples and the Law (009)**

Prof. Evan Fox-Decent – English  
Fall, 3 credits

**Description:** The course will examine critically the relationship between Indigenous peoples and Canadian law. Much of the seminar will focus on the leading cases from the Supreme Court of Canada that deal with Aboriginal peoples and issues related to them. These issues include: Aboriginal title, treaties, Aboriginal rights, the Crown's fiduciary duties to First Nations, Inuit rights, Métis rights, governance issues, the special vulnerability of Aboriginal women, the legacy of the residential school system and the Truth and Reconciliation Commission, and some comparative and international dimensions of Aboriginal rights. These issues will be discussed against the backdrop of a question that will animate discussion throughout the term: What is the legal and political basis of the Crown's claim to sovereignty over Aboriginal peoples and the lands they occupied prior to contact with Europeans? Implicated in this inquiry is the further and equally important question of whether an Aboriginal right of self-determination has survived Crown assertions of sovereignty, and if so, what its content might be.

**Method of Evaluation:** TBC

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**BUS2 505 Corporate Finance (009)**

Me Marc Barbeau  
Fall, 3 credits

**Description:** This course introduces students to the relationships between corporations and the principal participants in their financial capital structure. Corporations raise capital essentially in one of two ways: they either borrow money or issue debt obligations (debt) or issue shares (equity). These forms of financing create rights, obligations and expectations. In this course, we will carefully examine related considerations. A table of content materials will be made available providing required and discretionary readings.

**Prerequisites:** This course presupposes an understanding of the nature and governance of corporations. As such, Business Associations (or its equivalent) is a requirement, although derogations have been agreed to on a case-by-case basis.

**Method of Evaluation:** The mode of evaluation for this course is: (i) a 75% take home final exam, to be available during the term's final exam period and to be completed within six hours of having been accessed by the student (3000 words limit in English); and (ii) a 25% mid-term take-home test, to be available during a one-week mid-term period to be determined and to be completed within six hours of having been accessed by the student (500 words limit in English). (Alternatively, instead of a mid-term test, a 25% mid-term assignment may be proposed by the lecturer which could be completed individually or in teams of up to four students on or before a date to be specified and with a word limit to be determined. If such a mid-term assignment is proposed, the submission formalities will be worked out with the SAO.) Each student (or team, if applicable) must work independently on the exam, test or assignment, as the case may be. Any student who is unsure what this means is strongly encouraged to consult the Faculty regulations.

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**CMPL 580 Environment and the Law (009)**

Professor Richard Janda – English  
Fall, 3 credits

**Description:** Our capacity to protect and preserve the environment using legal tools in the Anthropocene is proving to be a failure. We will explore the inadequacy of Canadian environmental law observing its constitutional fragmentation and only partial regulatory oversight. After reviewing the roles of the various actors in Canadian environmental law (federal, provincial, aboriginal, municipal, self-regulatory) and the different types of tools used (including command-and-control regulation; environmental assessment; incentives; and contractual mechanisms) we will conclude with an effort to reconceive environmental law in the face of the challenge of climate change.

**Format:** Class discussions

**Method of Evaluation:** TBD but tentatively Group exercise (30%); Class blog (20%); mid-term exam (25%); final exam (25%)

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**PRV4 549 Equity and Trusts (009)**

Professor Lionel David Smith – English  
Winter, 3 credits

**Description:** This course examines the common law trust, which is a mode of holding property. Topics will include the historical foundations of the trust as a creature of equity; the nature of the trust; its many applications in the modern world; the creation and conditions of validity of the trust; powers and obligations of trustees; breach of trust and its consequences; trusts arising by operation of law; and the termination of trusts. A theme underlying the whole course is the practical and theoretical implications of the juridical nature of the common law trust as a relationship with respect to property.

**Prerequisites:** Common Law Property

**Format:** Lectures, discussion and student presentations (individuals and/or groups)

**Method of Evaluation:** Individual and/or group presentations; mid-term assignment; final examination

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**CMPL 522 Medical Liability (009)**

Professor Lara Khoury – English  
Fall, 3 credits

**Description:** Comparative law and transsystemic study of the law of medical liability, including the following topics: the law-science interaction; the relationship between patient, physicians and healthcare establishments; physicians' duties; medical negligence; medical and scientific causation; wrongful birth, conception and life, prenatal injuries; consent to care and treatment refusal; access to services and lack of resources; healthcare-associated infections; and, compensation funds.

**Prerequisites:** None, but *Contractual Obligations* and *Extra-contractual Obligations* strongly recommended.

**Format:** Lecture

**Method of Evaluation:** Take-home Assignments and Take-home examination

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### **CMPL 573 Civil Liberties (009)**

Me Pearl Eliadis – English  
Fall, 3 credits

**Description:** The course examines civil liberties from a legal, historical, and social perspective. The roles of the State, civil society, and the media, are examined as catalysts or, conversely, "disenablers" of these rights and freedoms. The course takes students through both traditional and emerging topics, from torture and fundamental freedoms, to cyber-surveillance, secularism, prisoners' rights, and the right to die. A key theme is the intersection between civil liberties and equality law which is examined through the lens of Indigenous peoples, people with disabilities and trans people who have historically been excluded from the protections of civil liberties. Guest lecturers will offer alternative perspectives and different voices to the perspectives raised in the course. In addition to Canadian and international human rights law, the course will also look at key decisions from other jurisdictions.

**Prerequisites:** Constitutional Law. Graduate students should have a strong background in public law and international human rights law.

**Method of Evaluation:** Research paper (fulfills faculty writing requirement - 75%) and combined alternative methods (presentations, short research reports) for the remaining 25%

**Biography:** Pearl Eliadis is a Montreal-based human rights lawyer with an International human rights law practice. A member of the Quebec and Ontario bars, Pearl is a graduate of McGill and Oxford universities. She has been retained by NGOs, national institutions, the UN, the European Commission, and other multilateral organizations to work throughout sub-Saharan Africa, and throughout Asia, as well as in Canada.

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### **LEEL 570 Employment Law (009)**

Professor Adelle Blackett – English  
Winter, 3 credits

**Description:** This course provides a transsystemic study of the individual employment relationship. It examines the historical development of private law notions from the master-servant relationship, and considers the impact of codal reform, protective statutory regimes and human rights law on contemporary employment law and practice. Throughout the course, the relationship between economic globalization and the efficacy of existing approaches to governing employment will be explored. This course is the companion course to Labour Law.

**Prerequisites:** None, although Administrative Process is recommended.

**Seminar:** No, although students are invited to participate extensively and thoughtfully in classroom discussion.

**Method of Evaluation:** Class participation: 25%; final examination: 50% or 75%; optional assignment: 25

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### **PUB2 551 Droit des migrations et des réfugiés (010)**

Professor François Crépeau – Français  
Hiver, 3 credits

**Description :** L'histoire de l'humanité est celle d'une grande migration vers plus de prospérité et de stabilité. Au cours des cinquante dernières années, la migration a considérablement augmenté, en nombre et en distance. L'adoption de politiques migratoires proactives par le « Nouveau Monde » contraste avec la vision nationaliste d'une « Forteresse Europe », par exemple. Le 20<sup>e</sup> siècle fut le siècle des réfugiés, le 21<sup>e</sup> siècle sera celui des migrants. Comprendre les

multiples facteurs des dynamiques migratoires, en explorer la complexité, articuler le cadre conceptuel des droits humains des migrants, analyser les causes et les effets des politiques migratoires contemporaines : tels sont les objectifs de ce cours.

**Format:** Lecture

**Method of Evaluation:** TBC

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**PUB2 551 Immigration and Refugee Law (009)**

Dr. Peter Szigeti - English

Winter, 3 credits

**Description:** Immigration and refugee law determines who has the right to live in Canada, who gets to visit and who can never set foot in the country. The course will focus both on the fundamental controversies of immigration policy and the procedures of immigration and refugee law. We will start with questions of ethics such as the fairness of immigration controls versus a policy of open borders, and end with the details of how temporary and permanent residents are selected, how refugee proceedings are conducted, and how immigration decisions are enforced. We will examine how the basic questions of immigration -- such as how much immigration is right; to what criteria can and should the state set before immigrant; and what balance to strike between economic, family-based and humanitarian immigration -- are reflected in immigration law, including such procedural questions as how permanent residents can become citizens, and what procedural safeguards should deportation proceedings contain.

**Method of Evaluation:** TBC

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**BUS1 532 Bankruptcy and Insolvency (009)**

Me Kenneth Atlas – English

Winter, 3 credits

**Description:** Canadian federal bankruptcy and insolvency laws, including the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act. Contrasting Canadian and other laws. Purpose of bankruptcy and insolvency laws. Voluntary and involuntary bankruptcy. Nature of claims provable in bankruptcy. Priorities. Workouts and corporate restructuring, both as an alternative to and using insolvency laws (proposals and Plans of Arrangement). Effects on creditors, property, individual bankrupts. Avoidance powers. Discharges from bankruptcy. Current events and implications.

**Prerequisites:** Secured Transactions recommended

**Format:** Lecture

**Method of Evaluation:** TBD

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**BUS2 502 Intellectual and Industrial Property (009)**

Professor Tina Piper – English

Winter, 3 credits

**Description:** This course aims to provide an introductory sampling of key principles of intellectual property law by considering some of the legal rules constituting copyright and patent law. We examine the implications of those legal rules in practice in select subject areas. At the policy level, the course asks how the law can best contribute to regulating creativity and innovation and will provide you with a general knowledge of the basic intellectual property regimes and a

broad understanding of the policy issues engaged by intellectual property law. This course lays the foundation for interested students to pursue specialized courses in copyright, patent or international IP. It will also enable you to speak in an informed way about intellectual property law to generalist audiences.

**Prerequisites:** None

**Sequence:** Upper Year

**Seminar:** No

**Method of Evaluation:** 65% project; 25% assignment; 10% quiz(zes)

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### **BUS2 502 Propriété intellectuelle (010)**

Professor Pierre-Emmanuel Moyse – Français

Automne, 3 credits

**Description:** Introductory course in intellectual property law with an emphasis on trademark and copyright law. It also provides basic coverage of patent law. The course focuses on the interface and tensions between commercial & competition law and the special regimes prescribed by intellectual property statutory laws. The course reflects upon the notion of monopoly in a technologically-driven but increasingly non-egalitarian society, providing an open forum to discuss culture, access to culture, technology, progress and innovation.

**Prerequisites:** Civil Law Property

**Format:** Lecture

**Method of Evaluation:** 40% mid-term assignment and 60% final

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### **CMPL 571 International Law of Human Rights (009)**

Professor Payam Akhavan – English

Fall, 3 credits

**Description:** Human rights have become the ubiquitous discourse of the international community. But what lies behind the rhetoric? Is there such a thing as international human rights law? How does it relate to state sovereignty? Are international human rights part of international law? Do they have special value? Do international human rights make a difference in the practice of states? Should international human rights law be different than it is? How is it enforced? Who benefits? What status, if any, does it have under domestic law?

This course seeks to provide an introduction to international human rights law. It will examine the birth of the international human rights regime, from minority protection in the inter-war to the drafting of the Universal Declaration and the Covenants, and various regional sources embodying human rights principles. It will provide an introductory analysis of different generations of rights, their content and relation to each other, as well as the impact of inter-civilizational dialogue on the formulation of the global human rights regime. It will assess the role of universal (United Nations) and regional (American, European and African) human rights mechanisms whether judicial or not, in promoting and protecting human rights as well as some of the tensions that may arise with states as a result. The course will also consider a selection of cross-cutting human rights issues (e.g.: terrorism, refugees, conditionality in development assistance, multinational corporations, transnational human rights litigation).

**Prerequisites:** Public International Law

**Format:** Lecture

**Method of Evaluation:** Participation (10%); writing assignment (20%); final exam (70%)

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### **CMPL 577 Communications Law (009)**

Me Sunny Handa  
Fall, 3 credits

**Description:** This course deals with both the carriage and content dimensions of communications law and with regulatory institutions and regimes; it also touches upon related areas of law such as copyright law and other laws that apply to the distribution of content on the Internet. The central jurisdictional example used throughout the course will be Canada and the role of the CRTC (telecommunications and broadcasting), Industry Canada (telecommunications and radiocommunications) and the Department of Canadian Heritage (broadcasting). The course will track the tension between economic regulation in telecommunications and cultural policy in broadcasting and the new paradigm being brought forward by the Internet. Technological and business convergence, rapid change in business organizations, international alliance structures and the role of the Internet will form the backdrop to the course.

**Method of Evaluation:** Participation (25%), Quizzes (30%), Presentation (15%), Paper (30%)

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### **PUB2 505 Statutory Interpretation (009)**

Professor Frédéric Bachand – English  
Winter, 3 credits

**Description:** This transsystemic course will explore theoretical, doctrinal and practical questions relating to the interpretation of domestic and international normative instruments (codes, statutes, constitutional texts, international treaties, contracts, wills, etc.). In addition to reflecting on the nature and theories of legal interpretation, as well as on the effect of interpretive rules on courts and tribunals, students will be invited to undertake a critical analysis of traditional and contemporary interpretive approaches followed by domestic courts and international adjudicative bodies.

**Format:** Lecture

**Method of Evaluation:** Participation and Final Exam (the Final Exam will be a take-home exam).

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### **CMPL 501 Jurisprudence (009)**

Professor Evan Fox-Decent – English  
Fall, 3 credits

**Description:** This is a course about the purpose, nature and legitimacy of law. The course's method will be to read closely and discuss critically Hobbes's *Leviathan*. Hobbes is regarded as the greatest English-language political and legal philosopher of all time. *Leviathan* is his masterpiece. The arguments and ideas contained within *Leviathan* still resonate through disciplines such as law, philosophy, political science and economics. Over the term we will focus on Hobbes's discussion of law and the state. More specifically, we will explore Hobbes's views on the nature of authority, liberty, legal obligation, the duty to obey the law, the role of the judge, the role of legal institutions and legal principles within legal order, and the limits (if any) on the sovereign's authority to announce and enforce law.

**Prerequisites:** None

**Format:** Seminar/group discussion

**Method of Evaluation:** Ethics Lab (20%); group presentation and group assignment (30%); 2-hour open book final exam (50%).

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### **CMPL 543 Law and Practice of International Trade (009)**

Professor Andrea Bjorklund – English  
Fall, 3 credits

**Description:** This course will concentrate on the fundamental aspects of the law governing international economic relations between states in the global economy. The course will primarily focus on the World Trade Organization and the Agreements that states have undertaken by virtue of their membership in that body. We will analyze the principal obligations found in the WTO Agreements, with particular focus on trade in goods and services and on the dispute settlement processes states can invoke when they allege violations of the covered agreements. We will look at the rise in regional trade agreements and assess their interaction with the multilateral trading regime of the WTO. We will also study the intersection between WTO law and domestic law and become familiar with domestic trade law remedies. We will discuss the overlap between investment-related protections found in the WTO and those found in the international investment regime. Special attention will be paid to the implications of the rise of new actors (such as China and India) in the global economy and international economic law.

**Prerequisites:** Public International Law (recommended)

**Format:** Lecture

**Method of Evaluation:** 25% written assignment and 75% take-home final exam.

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### **LAWG 525 Legal Education Seminar (009) (010)**

Professor Hoi Kong – English  
Fall, 3 credits

**Description:** What does the meaningful teaching of law entail? And what do students of law learn, question, and experience? Participants in this seminar will engage in a discussion of the structures, institutions, objectives, and pedagogical possibilities connected to the learning and teaching of law. By delving into examples found across time and space, they will reflect on the ways in which legal education continues to be challenged, modified, and redefined. Written work for the seminar will explore different perspectives on the governance and pedagogical frameworks associated with the teaching of law. Opportunities for teaching experience and for providing constructive evaluation of pedagogical techniques will be incorporated into the classroom sessions, and participants will be encouraged to pursue publication of their papers.

**Prerequisites:** Note that the seminar will meet once a week for three hours, and is directed primarily, although not exclusively, to doctoral students in law. Students in the BCL/LLB and LLM programs who wish to take the seminar should have demonstrated substantial preparation in the form of relevant experience, writing, or study, and may wish to consult the professor or respective Associate Deans before registering.

**Format:** Seminar

**Method of Evaluation:** To be determined in consultation with the class in the first week of instruction

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### **PRV3 534 Remedies (009)**

Professor Stephen Smith – English  
Fall, 3 credits

**Description:** This course is a study of private law remedies, such as injunctions, specific performance, damages, and constructive trusts. Because the law of remedies cannot be understood separately from the substantive law, the course materials range across nearly the entirety of private law. The course could be called 'advanced advanced common law'. Thus the course examines both personal and proprietary remedies, and does so in the context of claims based not just

on contract and tort, but also fiduciary obligations, unjust enrichments, and other sources of obligations. Special emphasis is given to understanding the role of remedial rights within the broader structure of private law. Other themes will include the appropriateness of proprietary remedies, the desirability of giving judges discretion when awarding remedies, and the (alleged) distinctiveness of both equitable remedies and remedies for the breach of equitable duties. Some reference will be made to the civil law.

**Format:** Lecture

**Method of Evaluation:** Final examination, assignment.

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### **CMPL 506 Legal Theory (009)**

Professor Mark Antaki

Fall, 3 credits

**Description:** Most law courses, including legal theory courses, tend to be survey courses in which students read excerpts of various texts but do not get the chance to engage carefully with one long text in its entirety. This focused seminar aims to complement other law courses by providing students a privileged space to engage in a close reading of one of the key texts in the history of Western thought: Plato's Republic. By way of the question of justice, the Republic asks after the proper constitution of the human soul and of politics. In so asking, it inquires into the role of what we call education, art, and the family in a well-constituted polity. What is more, engaging with the Republic is a, perhaps surprisingly, eminently trans-systemic or integrated endeavour. Among other things, the question of translation from – and into – the Greek, the dialogic form of the work, and the ways in which the Republic raises the question of what it is to theorize, make it a text that speaks directly and profoundly to the concerns of our trans-systemic or integrated programme. I welcome the diversity of student backgrounds we are likely to have in the classroom. No background in philosophy is necessary.

**Format:** Seminar

**Method of Evaluation:** multiple evaluations, TBD (no examination)

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### **CMPL 512 Theories of Justice (009)**

Professor Victor Muniz Fraticelli – English

Fall, 3 credits

**Description:** The course will be an examination of the concept and principles of distributive justice, that is, of the way that major social institutions (the state, the family, the market, etc.) make various social goods (from civil liberties to economic opportunities to health care and beyond) available across societies. The course will focus on John Rawls' *A Theory of Justice*, arguably the major work on the subject in the last century, and on criticisms and developments of Rawls' theory.

**Format:** Seminar

**Method of Evaluation:** Presentations, class discussion, final paper.

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### **CMPL 533 Resolution of International Disputes (009)**

Professor Fabien G linas – English  
Fall, 3 credits

**Description:** A seminar dealing with current methods of resolving international disputes, with an emphasis on international commercial arbitration. Alternative Dispute Resolution (ADR) mechanisms will also be examined in their international aspects. The course will address the issue of transnational rules of law and the interplay between rules of public and of private international law, notably in the context of dispute resolution between states and private parties. The programme will feature several high-profile speakers.

**Prerequisites:** Public International Law, Private International Law (recommended)

**Format:** Seminar

**Method of Evaluation:** BCL/LLB students: Participation, paper; LLM students: Participation, with class presentation, paper/oral exam option

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### **CMPL 536 European Union Law 1 (009)**

Professor Armand de Mestral – English  
Fall, 3 credits

**Description:** An analysis of the institutional provisions of the Treaties establishing the European Union creating a homogenous structure for commerce and competition within the Single Market. This course will stress the law governing the institutions, the relationship between community and domestic law and the process of judicial review by the Court of European Communities, external relations as well as covering some of the central principles governing the free movement of goods, services, persons and capital. Comparisons are made with federal systems and free trade areas.

**Prerequisites:** Public International Law recommended

**Format:** Lecture and class discussion

**Method of Evaluation:** Optional paper (33 1/3%) and examination

**Biography:** International Trade Law; European Union Law; The Law of International Economic Integration; Public International Law; International Arbitration; Law of the Sea; International Environmental Law; Constitutional Law and Comparative Constitutional Law; International Humanitarian Law.

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### **CMPL 546 International Environmental Law and Politics (009)**

Professor Jaye Ellis – English  
Fall, 3 credits

**Description:** This course examines efforts at the international and transnational levels to bring law to bear on transboundary environmental impacts. The course addresses the general architecture of international environmental law, examining fundamental principles, procedural obligations, and issues of state responsibility and liability before turning to sector-specific regimes, including non-state regimes. Cross-cutting themes to be addressed include compliance mechanisms, market-based mechanisms, collisions with other regimes, and the interface between science and law.

**Prerequisites:** Public international law

**Format:** Lecture

**Method of Evaluation:** Participation, written assignment, and take-home examination

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**CMPL 568 Extrajudicial Dispute Resolution (009)**

Professor Marc Gold – English

Fall, 3 credits

**Description:** This is a trans-systemic course on so-called alternative dispute resolution (ADR) in civil and commercial matters. It is concerned with the law and practice relating to the extrajudicial means, i.e. negotiation, mediation/conciliation and arbitration, through which the majority of civil and commercial disputes are nowadays resolved in both common law and civil law jurisdictions. Selected topics will include the effective drafting of mediation and arbitration agreements, the relationship between extrajudicial means of dispute resolution and the judicial process as well as the enforcement of settlements and arbitration awards.

**Prerequisites:** Judicial Institutions and Civil Procedure

**Seminar:** Yes

**Method of Evaluation:** Mid-term assignment (20%); Class Participation (15%); final take-home examination (65%)

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**PUB2 504 Sentencing in Canadian Law (009)**

Justice Patrick Healy – English

Fall, 3 credits

**Description:** This course reviews the general principles and aims of sentencing in the criminal process, procedure and evidence, and review by appellate courts. An examination of selected topics includes mandatory sentences of imprisonment, comparative models for controlling judicial discretion, victim participation in sentencing, plea bargaining, restorative justice, aboriginal offenders, and youth offenders.

**Prerequisites:** Recommended, but not obligatory, one basic course in criminal law or evidence such as -Criminal Law, Criminal Procedure, Evidence (Civil Matters) or Evidence (Criminal Matters).

**Format:** Seminar

**Method of Evaluation:** TBA

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**LAWG 518 SP Topics in Law 8: Seminar in Property Law (009)**

Professor Yaëll Emerich - bilingual

Fall, 3 credits

**Description:** Study of selected themes in comparative property with a view of designing a Transsystemic Property Course, described as “The foundations, principles and mechanisms of property law from a transsystemic point of view. Examination of common law, civil law and indigenous traditions in respect of property. Key relationships in respect of things and limitations on property rights”. Potential themes of interest: transsystemism and comparative law; history of property; theory of property; possession; property; limited interests in property; limits of property; aboriginal title and modes of appropriation; trust.

**Prerequisites:** None

**Seminar:** Yes

**Method of Evaluation:** Seminar presentation and either two short essays or a term paper (if chosen the term paper

would meet the faculty writing requirement)

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### **LAWG 518 SP Topics in Law 8: Arbitration the Courts (009)**

Professor Andrea Bjorklund and Catherine Kessedjian  
Winter, 3 credits

**Description:** While international arbitration is described idealistically as an a-national means of adjudication free from the control of municipal governments, in practice arbitration frequently intersects with national courts. When do these intersections come about, and why? How is this interface regulated by international treaties, by international practice, and by municipal laws themselves? Is the relationship one of complementarity, one of competition, or a bit of both? When and why might arbitrations intersect with supra-national courts, such as the Court of Justice of the European Communities, and with the E.U. legal order more generally? Where does the investment “court” outlined in the Canada-E.U. Comprehensive Economic and Trade Agreement (and proposed for inclusion in other E.U. treaties) fit in?

**Method of Evaluation:** Assessment will be based on several short assignments during the term and on one final short project, along with class participation; alternatively students can write a longer term essay to satisfy the writing requirement in addition to actively participating in class.

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### **LAWG 535 SP Topics in Law 16: Governance of the Corporation: Contemporary Issues (009)**

Professor Paul Miller  
Fall, 3 credits

**Description:** The course addresses issues in contemporary corporate governance from both law and management perspectives. It provides students with an introduction to core theories of corporate governance; offers students opportunities to consider the role of law, markets, managers, investors and other stakeholders in influencing governance practices and firm behaviour; and requires students to confront difficult questions of governance as they arise in concrete settings. The dominance of the corporation in economic life has generated significant challenges for civil society and for boards of directors responsible for overseeing corporate activities. Case-based and problem-oriented analysis of governance issues in the contexts of environmental regulation, international human rights, and workplace safety and labour standards in developing countries will require students to consider whether and to what extent corporate law may facilitate or frustrate achievement of social justice and other objectives; as well as whether and to what extent extra-legal mechanisms (e.g. private regulation, voluntary codes of conduct) may be appropriate for eliciting desirable behaviour from firms. Students will consider the role of organizational form in structuring the ends of management by reflecting on alternative organizational forms, including cooperatives and benefit corporations.

**Method of evaluation:** Participation - 25%, Individual Presentation - 40%, Group Presentation - 35%

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### **LAWG 535 SP Topics in Law 16: Business and Human Rights (010)**

Catherine Kessedjian  
Winter, 3 credits

**Description:** The seminar deals with a subset of Corporate Social Responsibility in international and comparative law. For a long time, International law has had difficulties regulating the activities of transnational corporations. In the 1970s, the OECD added guidelines to its declaration on investment, while the discussions within the UN did not succeed. It is only in 2011 that the Ruggie Guidelines adopted within the UN finally added a soft law instrument to the field. Is soft law appropriate to regulate corporations’ activities? How do the national contact points (provided for by the OECD

Guidelines) work in practice? Is due diligence a new obligation for corporations? If so, how does that work? How can a corporation control its value chain? Is contract law an appropriate tool to monitor sub-contractors' activities? Is access to justice for victims of human rights violations by corporations appropriately safeguarded? Is arbitration, mediation or other ADR appropriate means of dispute resolutions in the field?

**Method of Evaluation:** Assessment will be based on class participation and short assignments during the term.

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### **LAWG 536 SP Topics in Law 17: Restorative Justice (009)**

Professor Ronald Niezen

Winter, 3 credits

**Description:** This course will introduce students to the philosophy, history, guiding principles, and practice of restorative justice (RJ). It offers a comparative approach, with material drawn from Canada, the U.S.A. Great Britain, continental Europe, Africa, Latin America, and elsewhere, to consider the ways that RJ is being integrated into the study and practice of criminology, sociology, social work, and transitional justice. The contrast between retributive and restorative approaches to crime and conflict resolution will be the foundation for a critical examination of the RJ movement, with a focus on its potential to reduce crime rates while providing alternatives to prison systems.

**Format:** Seminar

**Method of Evaluation:** Research paper; take-home final exam.

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### **LAWG 536 SP Topics in Law 17: Class Actions/Recours collectif (010)**

Me Shaun Finn - bilingual

Fall, 3 credits

**Description:** This course consists of a practical and comparative approach to class actions. Although mainly focused on Quebec, we will also look at the class action regimes of the common law provinces, the United States and other jurisdictions. Particular attention will be paid to class action practice from the perspectives of both plaintiff and defendant counsel, notably with regard to how a class action is brought, analysed and pleaded. Students will be expected not only to attend class, but to participate actively by expressing their views, drafting pleadings and, at the end of the term, helping to argue a motion for authorization of a class action. Experts in the field will also be invited to comment on key issues.

Ce cours préconise une approche pratique et comparative aux actions collectives. Bien que principalement axé sur le régime d'actions collectives du Québec, le cours tiendra compte également de ceux des provinces de common law, des États-Unis et d'autres juridictions. Une attention particulière sera portée à l'analyse de cette procédure tant du point de vue de l'avocat en demande que de celui de l'avocat en défense. Les étudiants seront appelés non seulement à assister aux rencontres hebdomadaires, mais à participer activement en exprimant leurs opinions, rédigeant des plans d'argumentation et plaidant pour ou contre une demande en autorisation à la toute fin de la session. De plus, des experts dans le domaine viendront commenter des questions d'intérêt particulier.

**Format:** Seminar/séminaire

**Method of Evaluation:** 10% for class participation; 40% for a written outline of argument; 50% for a verbal presentation of the argument. 10% pour la participation; 40% pour une plaidoirie écrite; 50% pour une plaidoirie orale.

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### **LAWG 537 SP Topics in Law 18: Innovations (009)**

Professor Richard Gold  
Fall, 3 credits

**Description:** The rhetoric around innovation is everywhere. Despite its ubiquity, what it is and what it means varies by audience; its relevance to economic growth and income disparity remains controversial; its history and place in society is too often underanalysed. This course provides an introduction to the concept of Innovation, its role in the economy, the institutions that foster or hinder it, the laws that promote or undermine it and its historical, psychological and social context. Through interactive lectures students will explore the complexity of the subject and its connections with law, the economy, history, sciences and technology and government and firm policies. In addition, through small group assignments, students will deploy and extend their knowledge through the exploration of case studies.

**Method of Evaluation:** Final exam: 60%; Team project (including peer review): 40%

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### **LAWG 538 SP Topics in Law 19: Empirical Methods (009)**

Professor Sébastien Jodoin  
Winter, 3 credits

**Description:** This course aims to provide students with the foundational knowledge and practical skills to carry out and evaluate empirical research in the context of legal scholarship and practice. It will be especially helpful to undergraduate and graduate students that are considering using empirical research methods in their essays, theses or dissertations. The course will also be useful to students who may encounter empirical research in their eventual careers in law or public policy. Part I of the course addresses key concepts and techniques underlying the use of empirical research, covering foundational debates in the philosophy of science and knowledge, the difference between qualitative and quantitative research, the elements and principles of research design, the basics of fieldwork, and ethical considerations. Part II of the course introduces students to a range of empirical research methods, specifically process-tracing, historical and archival research, discourse and narrative analysis, statistical methods, experimental methods, content analysis, ethnography, and survey methods. Throughout this part of the course, students will be given the opportunity to practice with, and reflect upon, these research methods. Part III concludes with a discussion of the opportunities and challenges associated with the use of empirical research in society, particularly in litigation, judicial decision-making, and policy-making.

**Format:** This course will be taught through a combination of two formats. Parts I and III will be taught as a series of discussion seminars. Part II will be taught through class-based exercises that will give students an opportunity to practice with, and reflect upon, the design and use of empirical research methods.

**Method of evaluation:** Class participation, including presentation of a paper employing empirical research (20%); two 750-word Field Experience Reports (30%); and a Final Essay (50%).

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### **LAWG 539 SP Topics in Law 20: Political Law (009)**

Me Gregory Tardi  
Fall, 3 credits

**Description:** There are notable developments in the current practice of Democracy in Canada. The electoral system is presently under review, leading to partisan and contested discussion. The principal institutions of the state, in particular the Senate, are seemingly in need of reform. The government has become more powerful, seemingly at the expense of Parliament. The legitimacy of the courts and their attachment of the courts to legality is being questioned in some

quarters. In this context, Political Law is best defined as the study of Democratic governing from a specifically legal perspective. Within the legal system proper, Political Law comprises the comprehensive study of the legal instruments used in the architecture of the state and in the conduct of Democratic governing. On an interdisciplinary level, it also analyzes the interaction among legal, public policy and political instruments and seeks to understand the role, influence and impact of law in government. This is an examination of the role of law and therefore of the rule of law in the relations among the Legislative, Executive and Judicial Branches. It is also an exploration of accountability to law on the part of public officials, especially heads of state and government. This course seeks to impart specific skills: comparative analysis of Democracies, observance of the requirements of legality, choice of instruments in governing, proper motives in the use of law, and decisional factors in litigation and prosecution. The 2016-17 edition of the course will pay particular attention to the reforms flowing from the 42<sup>nd</sup> federal general election of 2015.

**Format:** Seminar

**Method of Evaluation:** One paper, effective class participation and a short "Lessons Learned" document.

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**LAWG 539 SP Topics in Law 20: Questions Approfondies de Droit Constitutionnel (010)**

Johanne Poirier – French

Winter, 3 credits

**Description:** TBC

**Method of Evaluation:** TBC

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**LAWG 516 SP Topics in Law 6: Mediation (009)**

Professor Kun Fan – English

Winter, 3 credits

**Description:** Mediation is "a facilitative process in which disputing parties engage the assistance of an impartial third party, the mediator, who help them try to arrive at an agreed resolution of their dispute". This course will examine Mediation as a method of dispute resolution in civil matters. Students will be exposed to the theoretical foundations of mediation and to different schools of mediation practice. Through numerous role-playing exercises, the course will also provide students with an opportunity to develop proficiency as mediators and advocates taking into account the legal, ethical and public policy issues surrounding the practice of mediation.

**Method of Evaluation:** A team project and a participation component

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**LAWG 517 SP Topics in Law 7: Slavery and the Law (009)**

Professor Adelle Blackett

Fall, 3 credits

**Description:** This course will offer a survey of the law pertaining to the trans-atlantic slave trade, and will consider its contemporary legacies for the study of law.

**Method of Evaluation:** Participation 25%, essay 75%

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### **CMPL 516 - International Law & Development (009)**

Professor Nandini Ramanujam

Winter, 3 credits

**Description:** The course will explore evolving understanding about the relationship between the law – domestic, international, or transnational – and development. This relationship has been one of the central concerns for both social scientists and the development professionals. A significant focus of the course will be on the interaction between rule of law and institution-building in context of socio-economic development. The course will also provide a forum for students to critically analyze concepts such as the right to development, and the human rights approach to development more generally. The course will be interdisciplinary in nature, drawing upon literature from economic, cultural, and legal theories of development, as well as contemporary literature on the concept of rule of law, international documentation, and case studies from countries which have undergone systemic transformation in the last 20-25 years.

**Evaluation methods:** This course will count towards writing requirements of the BCL/LLB Program. One 8,000-word paper (75%) - you will have the choice between preparing a case study analysis, a normative policy paper based on material studied in the course, or working on a novel topic in the field of law & development; Class participation (15%); MyCourses blog entry (10%).

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### **LAWG 517 SP Topics in Law 7: Agency and Mandate Law (009)**

Professor Evan Fox-Decent – English

Winter, 3 credits

**Description:** Were the horrific atrocities committed recently in Paris and Brussels acts of war, or something else? The answer to this question, under a wide conception of international law, depends on whether the perpetrators were acting on behalf of a regime that has standing to represent a certain population in international affairs. The answer to the question, then, depends on one's analysis of two issues: (i) the nature of the relationship between the perpetrators and the regime alleged to be behind the Paris atrocities, and (ii) whether international law attributes international standing to that regime. By the end of this course, you will understand the legal presuppositions and implications of both issues, because at the core of both is the question of whether there exists, under the law's construction of the relevant facts, a relationship of *agency*.

Understood broadly, agency relations exist whenever one party (the agent) is authorized by law to act on behalf of another (the principal) so as to change the legal position of the principal. For example, when an agent signs a contract on behalf of her principal, her principal's legal position is changed because the principal is now bound to a third-party by the terms of the contract the agent signed on the principal's behalf. Lawyers, directors and officers of corporations, partners, joint venturers, parents, guardians, trustees, persons holding powers of attorney or mandates, municipalities, provinces, states, government officials, diplomats and international institutions are all, in a broad sense, agents. Understanding the law of agency and mandate is crucial to understanding the law that governs these decision-makers, because it establishes or reflects structurally the legal framework within which their decisions and actions are assessed for legal validity.

The first part of the course will investigate transsystemically the common law's law of agency and the civil law's law of mandate. Questions to be discussed include: Under what conditions do relationships of agency or mandate arise? What is the best justification of the agent's legal power to bind her principal to an obligation owed to a third-party? What are the consequences when an agent exceeds her mandate and an innocent third-party relies on the agent's apparent authority to bind her principal?

The second part of the course will consider how the law of agency and mandate helps us understand the authority of states and international institutions at international law. Questions to be discussed include: Are states properly considered the only entities entitled to represent groups or individuals under international law? Can sub-state or transnational entities, such as the authorities of indigenous or minority peoples, represent their people internationally? Are states the agents of their people only, or are they also, in some cases—such as the case of climate change—agents or trustees of humanity at large? If corrupt state officials acquire a large debt in the state's name, are the state's people liable to repay the debt? In whose name do international institutions such as the U.N. Security Council speak, and why?

**Prerequisites:** None

**Seminar:** Yes

**Method of Evaluation:** 20% participation; 30% group presentation and short assignment; 50% 2-hour open-book final exam. The basis of the legal authority international institutions purport to have?

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### **LAWG 535 SP Topics in Law 16: Governance of Corporation: Contemporary Issues (009)**

Professor Paul B. Miller – English

Fall, 3 credits

**Description:** The course addresses issues in contemporary corporate governance from both law and management perspectives. It provides students with an introduction to core theories of corporate governance; offers students opportunities to consider the role of law, markets, managers, investors and other stakeholders in influencing governance practices and firm behaviour; and requires students to confront difficult questions of governance as they arise in concrete settings. The dominance of the corporation in economic life has generated significant challenges for civil society and for boards of directors responsible for overseeing corporate activities. Case-based and problem-oriented analysis of governance issues in the contexts of environmental regulation, international human rights, and workplace safety and labour standards in developing countries will require students to consider whether and to what extent corporate law may facilitate or frustrate achievement of social justice and other objectives; as well as whether and to what extent extra-legal mechanisms (e.g. private regulation, voluntary codes of conduct) may be appropriate for eliciting desirable behaviour from firms. Students will consider the role of organizational form in structuring the ends of management by reflecting on alternative organizational forms, including cooperatives and benefit corporations.

**Method of Evaluation:** Participation - 25%. Individual Presentation - 40%. Group Presentation - 35%

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### **LAWG 535 SP Topics in Law 16: Corporate Law Theory (009)**

Professor Paul B. Miller – English

Winter, 3 credits

**Description:** This course addresses foundational questions of corporate law theory from economic, philosophical, historical and other perspectives. The thematic focus of the course varies from year to year, but amongst other things we may consider questions concerning the nature of the corporation; the historical and contemporary relationship between business, non-profit, governmental, and hybrid forms of corporation; the ways in which corporations implicate and impact fundamental categories of private law (especially property and contract); the ways in which corporations are situated within, and/or problematize, conventional accounts of the relationship between private and public law; and the roles respectively for law, corporate constituents, markets, and formal and informal social norms in shaping the structure, governance, and regulation of corporations.

**Prerequisites:** Business Associations

**Format:** Seminar

**Method of Evaluation:** Participation: 30%. Presentation: 30%. Final paper: 40%.

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**LAWG 536 SP Topics in Law 17: Restorative Justice (009)**

Professor Ronald Niezen – English

Winter, 3 credits

**Description:** This course will introduce students to the philosophy, history, guiding principles, and practice of restorative justice (RJ). It offers a comparative approach, with material drawn from Canada, the U.S.A. Great Britain, continental Europe, Africa, Latin America, and elsewhere, to consider the ways that RJ is being integrated into the study and practice of criminology, sociology, social work, and transitional justice. The contrast between retributive and restorative approaches to crime and conflict resolution will be the foundation for a critical examination of the RJ movement, with a focus on its potential to reduce crime rates while providing alternatives to prison systems.

**Format:** Seminar

**Method of Evaluation:** Research paper; take-home final exam.

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**LAWG 538 SP Topics in Law 19: Sexual Assault Offences (010)**

Me Sara Henningsson, Me Carolyne Paquin – English

Fall, 3 credits

**Description:** This course will cover substantive and evidentiary considerations relating to sexual assault offences with a focus on the application of those principles in a courtroom setting. Topics will include the preparation for trial, elements of the relevant offences and the defences available, recognizing and demonstrating credibility of a witness, the practical difficulties of examination and cross-examination of children and the burden of proof. There will also be particular attention given to conjugal violence cases. The objective of this course is for students to achieve a clear understanding of the practical questions of law that arise during a sexual assault trial. Some of these questions are well established in theory but difficult to recognize and resolve in practice.

**Format:** Seminar and Lecture

**Pre-requisites or Co-requisites:** Evidence, Criminal Matters or Evidence, Civil Matters, Criminal Law

**Method of Evaluation:** Class Participation (attendance and discussion) 20%, Term Paper (same topic as your presentation) 50%, Class Presentation 30%

**Biography:** Sara Henningsson is a practicing litigation attorney since 2003. She is currently a crown prosecutor at the Québec Provincial Crown Office in Montréal and has been since 2007. Her practice is focussed on all crimes of violence but particularly on sexual assault offences and crimes against children. Me Henningsson has also been a visiting lecturer at the McGill Faculty of law for the past few years.

**Biographie:** Carolyne Paquin est détentrice d'un baccalauréat en droit, de même qu'une maîtrise en droit international. Elle est procureure aux poursuites criminelles et pénales depuis 2003, et à ce titre s'est spécialisée sur les crimes de nature sexuelle. Elle a enseigné par le passé à l'université Mc Gill le cours de droit criminel avancé: crimes sexuels. Elle a donné des conférences et des formations, autant ici qu'à l'étranger, sur ce sujet auprès de la communauté juridique

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### **BUS2 531 Banking Law (009)**

Me Marc Lemieux  
Fall, 3 credits

**Description:** This course focusses on the forms of payment that banks and other participants make available for use in Canada: cheques and drafts, letters of credit, credit, debit and prepaid cards, automated fund transfers (direct deposits and pre-authorized debits), electronic fund transfers and e-wallets. The main themes to be studied include: How is the payment industry regulated in Canada? What rules govern the various forms of payment? How are bank accounts and other payment and collection accounts instrumental in payment transactions? What legal relationships, statutory duties and other liabilities arise in payment transactions? Recent developments and emerging issues are discussed in a practical and trans-systemic manner. Class participation is encouraged.

**Format:** TBA

**Method of Evaluation:** One take-home assignment (worth 33 1/3% of the final grade) and an open-book final exam (worth 66 2/3% of the final grade).

**Biography:** Me Lemieux is counsel at Dentons Canada and has been practicing banking and payment law for nearly 25 years. He is a member of the Bars of Ontario and Quebec, a former law clerk to Mme Justice L'Heureux-Dubé, a former Editor in Chief of the McGill law Journal and a graduate of the former National Programme of the Faculty of Law of McGill University

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### **BUS2 504 Securities Regulations (009)**

Jakub Adamski  
Winter, 3 credits

**Description:** This course will introduce students to the regulatory regime governing the distribution of securities in Canada; the disclosure and governance requirements entities that issue such securities have imposed on them Canada by virtue of making such a distribution; the making of takeover bids and merger transactions; and the regulation of securities intermediaries.

**Prerequisites:** Business Associations

**Format:** Lecture

**Method of Evaluation:** optional mid-term assignment; take-home final exam

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### **LAWG 516 SP Topics in Law 6: Law in the Anthropocene (010)**

Professor Richard Janda  
Winter, 3 credits

**Description:** We are in the Anthropocene: the geological era in which human activity leaves its trace everywhere on the surface of the earth and in the biosphere. The mounting impacts of that activity are traversing the boundary conditions for maintaining life. Modern law is not equipped to regulate and coordinate human activity in the Anthropocene. Drawing on the work of Bruno Latour and setting it as a foil, the course will consider hypotheses about the kind of law called for in the Anthropocene.

**Method of Evaluation:** Students will make pre-class contributions to a blog on our readings (25%) and will write a paper concerning one of the hypotheses about law in the Anthropocene (75%).

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**LAWG 517 SP Topics in Law 7: Modern Chinese Law Reform and the Rule of Law (010)**

Tianlong Hu  
Winter, 3 credits

**Description:** TBC

**Method of Evaluation:** TBC

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**LAWG 538 SP Topics in Law 19: Estate Planning (010)**

Jordan Waxman – English  
Winter, 3 credits

**Description:** Estate Planning will be a seminar course, exploring the practical application of trust, wealth transfer and estate planning tools with substantial private multi-generational families. As estate planning touches on tax, cash flow, retirement and investments, this course will be part undergraduate-level Investments and part sophisticated current techniques using fiduciary, trust, insurance and philanthropic advice. In addition, participants will hone their client

advocacy and presentation skills. Students will be expected to prepare and present case studies and readings ahead of class and to participate actively in class. Timeliness and preparation are paramount. The class will likely have practitioner guests on a variety of subjects.

**Method of Evaluation:** TBA

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**LAWG 537 SP Topics in Law: Anthropologie juridique (009)**

Norbert Rouland – French  
Winter, 3 credits

**Description:** Ce cours débutera par une introduction à l'anthropologie juridique et sera ensuite consacré à l'étude des droits des peuples autochtones dans diverses parties du monde. Il sera illustré par la projection de divers DVD<sup>1</sup> et accompagné d'une bibliographie. La partie introductive comportera des développements sur l'histoire de l'anthropologie juridique, les principales écoles, l'enquête sur le terrain et les recherches d'anthropologues français comme Claude Lévi-Strauss, Maurice Godelier, Françoise Héritier, Jean Malaurie ; la distinction entre minorités et peuples autochtones en droit international. Ensuite seront abordées diverses thématiques. Le cas des Inuits du nouveau Québec et la Convention de la baie James. Il est prévu des interventions croisées avec des personnalités québécoises. L'anthropologie juridique russe. Les autochtones des outre-mer français : essentiellement Polynésie et Nouvelle-Calédonie. Les peuples autochtones au Maroc (et éventuellement quelques exemples africains). Peut-être seront ajoutés des développements sur le cas des Oïghours, dans le Xinjiang

**Method of Evaluation:** TBA

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**LAWG 532 SP Topics in Law 13: Advanced Issues in Securities Law (009)**

Me Robert Yalden  
Fall, 2 credits

**Description:** TBA

**Method of Evaluation:** TBA

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**LAWG 519 SP Topics in Law 9: Education & Disability (009)**

Shivaun Quinlivan - English

Fall, 1 credit

**Description:** TBA

**Method of Evaluation:** TBA

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**LAWG 539 SP Topics in Law 20: China's Investment and Trade Governance Regime (010)**

Cliff Manjiao Chi – English

Fall, 3 credits

**Description:** This course gives a skeletal review to China's international trade and investment governance regime, through discussing the various pertinent aspects of this regime mainly from legal perspective. The course explores, inter alia, the general legal framework of the regime, China's experience with WTO membership and dispute settlement,

China's investment agreements and its policy and practice with regard to investor-state dispute settlement. Besides, the course also discusses some topical issues that are "China-unique", such as the "One Country Two Systems" policy and the recent "Belt and Road" initiative, and their implications on China and the world. The course is designed to provide students with necessary knowledge of China's international trade and investment governance regime to facilitate their understanding some important legal issues pertinent to China and to help them assess more objectively China's role in global economic governance.

**Course Arrangement**

1. General introduction of China's legal system and culture: actors and rules
2. China's WTO experience: accession, compliance and implications
3. WTO decisions and China: enforcement and spillover effects
4. The legal framework of China's foreign trade governance: transnational business
5. China's investment treaties: past, present and future
6. China's and investor-state arbitration: existing disputes and hidden problems
7. The legal framework of China's foreign investment governance: foreign enterprises
8. China's regulation of outbound investments
9. China's FTA strategy and the "Belt One Road" initiative
10. Certain outstanding issues (market economy status, trade and human rights, investment and environment, etc.)
11. China's commercial arbitration regime: from state control to party autonomy
12. The "One Country Two Systems" policy and international arbitration
13. The future of China's participation in global economic governance

**Method of Evaluation:** Class attendance and presentation 50%, final examination 50%

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### **ASPL 613 Government Regulations of Air Transport (009)**

Me Martine De Serres  
Winter, 3 credits

**Description:** This course focuses on the domestic and international economic regulation of air transport. Key subjects are: open sky and other bilateral air services agreements, economic regulation of domestic and international air transport including air carrier licensing and authorization, governmental review of tariffs, competition and anti-trust regulations, dynamics of airline alliances, safety, security, environmental regulation, and a wide variety of consumer protection regulations including accessibility requirements, delays, tarmac delays, cancellations, denied boarding, advertising regulations and disclosure requirements, travel agencies and global distribution systems. It also examines why governments regulate or deregulate markets for air transport, how the economics of the aviation sector impact regulatory policies, whether there is a need to harmonize new types of regulations over aviation and how such harmonization could be achieved. The present challenges and trends in the regulatory regime of air transport also are discussed.

**Method of Evaluation:** Oral Presentation and in-class participation: 25%, in-class participation will be evaluated based on in-class discussions around selected articles and cases. Oral presentations are prepared and delivered in teams of two, using one of the topic distributed in class. Teams and topics are to be selected by students and confirmed by the 3<sup>rd</sup> week of class, otherwise they will be assigned randomly. Approximate duration of oral presentation: approximately 30 minutes

Dates of presentations: Mid to end of March 2017

Final Examination: 75% The final examination is a take-home exam (open-book) due 24 hours from picking up the examination. You may not discuss the examination, nor collaborate with, any other student on the examination

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### **ASPL 614 Airline Business and Law (009)**

Me Kuan-Wei Chen  
Fall, 3 credits

**Description:** This course provides an interdisciplinary overview of the legal, regulatory, business, and managerial issues the fascinating yet challenging airline industry is confronted with. What differentiates the airline industry from other industries, and how has government deregulation impacted the industry? How are prices determined, and how is the airline "product" marketed and distributed? Why has there been a growth of airline partnerships and alliances in recent years? What are the different safety and security measures and consumer and labour laws an airline must comply with? Through interactive lectures and guest speakers from the industry, students will gain understanding of the myriad issues and factors that determine whether an airline flies... or fails.

**Format:** Lecture

**Prerequisites:** None.

**Method of evaluation:** 10% will be based on class participation and a 10 minute presentation on a topic of your choice that is listed in the Outline. 20% of the final grade will be based on a 7-10 page essay on one of the topics listed in the Outline. 70% of the grade in this course will be based on student performance on the final 24-hour take-home examination.

**Biography:** Kuan-Wei (David) Chen obtained his undergraduate degree in Law and Politics from the University of

London's School of Oriental and African Studies. Later, he obtained an LL.M. (*cum laude*) in Public International Law from Leiden University and an LL.M. in Air and Space Law from McGill's Institute of Air and Space Law, where he was also the Boeing Fellow in Air and Space Law (2008-2010) and recipient of the Nicolas M. Matte Award. He has previously worked at as a Teaching and Research Assistant at the Van Vollenhoven Institute for Law, Governance and Development, Leiden University, and was the Co-ordinator of the Telders International Law Moot Court at the Grotius Centre for International Legal Studies. Since 2009, he has worked as a Research Assistant at the Institute of Air and Space Law, and in 2012, he became the Editor of the *Annals of Air and Space Law*, published by McGill's Centre for Research in Air and Space Law.

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### **ASPL 632 Comparative Air Law (009)**

Dr. Ludwig Weber  
Winter, 3 credits

**Description:** The first part of the course provides an introduction to the comparative law approach and applies some basic concepts of the civil and common law traditions to the field of air law. The second part of the course deals with selected topics where applicable law has not, or only partially, been unified by private international air law conventions and where a comparative approach, based on national laws, must be used to find solutions. The selected topics include: the nature of the contract of carriage, product liability principles, aircraft manufacturers' liability, State liability for negligent certification of aircraft, liability of air navigation service providers, and liability for damage caused by aircraft on the ground.

Format: Lecture

**Method of Evaluation:** In-term assignments (25%) and final examination (75%).

**Biography:** Senior Civil Aviation Policy and Management Adviser / Project Coordinator, International Civil Aviation Organization (ICAO), and Adjunct Professor of Law (McGill University). Formerly Director of the ICAO Legal Bureau, 1995-2004; formerly Legal Counsel of the International Air Transport Association (IATA), 1982-1995. (Comparative Air Law, Private International Air Law, Government Regulation of Air Transport, Aviation Security Law, Aircraft Finance Law, Public International Law, International Aviation Organisations).

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### **ASPL 633 Public International Air Law (009)**

Dr. Ludwig Weber  
Fall, 3 credits

**Description:** The first part of the course provides an introduction to the sources of public international law relating to the air space and its aeronautical uses, including air transport. It also covers the relevant provisions of the Convention on International Civil Aviation. The second part of the course deals with international aviation organizations and their law-making functions, including those of ICAO. The third part of the course deals with selected topics which include legal responses to aviation terrorism and related issues of aviation security, the ICAO audit programmes, and settlement of aviation disputes.

**Format:** Lecture

**Method of Evaluation:** In-term assignments (25%) and final examination (75%)

**Biography:** Senior Civil Aviation Policy and Management Adviser / Project Coordinator, International Civil Aviation Organization (ICAO), and Adjunct Professor of Law (McGill University). Formerly Director of the ICAO Legal Bureau, 1995-2004; formerly Legal Counsel of the International Air Transport Association (IATA), 1982-1995. (Comparative Air Law,



Private International Air Law, Government Regulation of Air Transport, Aviation Security Law, Aircraft Finance Law, Public International Law, International Aviation Organisations.

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### **ASPL 636 Private International Air Law (009)**

Instructor: TBA

Fall, 3 credits

**Description:** This course examines the unification of private international air law through the adoption of international conventions. In particular, it reviews the liability of the air carrier towards passengers and shippers under the Warsaw Convention, as amended and supplemented by several other international legal instruments, including the Montreal Convention of 1999. The course also examines the basic framework of several other conventions, such as the Rome Convention on surface damage done by aircraft, and ICAO's recent initiatives to revise the 1952 Rome Convention in the Montreal Conventions of 1999, as well as the liability exclusions for airlines and crew set forth in the Tokyo Convention and amendments thereto. Insurance aspects and implications of the air carrier's international liability will also be addressed.

**Method of Evaluation:** 75% of the grade will be based on the student's performance on a 24-hour take-home exam. The remaining 25% will be based on the student's performance in an in-class moot court presentation.

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### **ASPL 637 Space Law: General Principles (009)**

Professor Ram S. Jakhu – English

Fall, 3 credits

**Description:** The objective of the course is to examine the role of international law in the regulation of outer space activities. Specifically, the course examines the current and potential future uses of outer space; the law-making process relating to space activities and the international institutions that are involved in this process; the legal regime of outer space and celestial bodies including the exploitation of space natural resources; the legal status of spacecraft including their registration; liability for damage caused by space activities; assistance to astronauts and spacecraft in distress; legal controls governing activities harmful to the environment and to peaceful uses of outer space; settlement of space-related disputes, etc.

**Method of Evaluation:** Evaluation will be based on either (a) the end of term open-book examination (100%) or (b) the end of term open- examination (50%) and paper (50%). The criteria for determining each score-grade in examination are based on, or directly related to, the above-mentioned expected "Learning Outcome." The Paper should book be on a topic selected with the prior approval of the instructor for which each student must submit by email ([ram.jakhu@mcgill.ca](mailto:ram.jakhu@mcgill.ca)) a short paragraph outlining his/her intended topic (1 page maximum). The Paper must be written double-spaced and contain (a) Title page, with the name of the author and course title and number, and a word count (number); (b) Table of contents; (c) Introduction that clearly states the rationale and objectives of the research; (d) Detailed discussion of the subject (issue) of the Paper and review of the literature (material used - official documents, cases, acts and regulations, journal, etc. - must be properly cited using "Canadian Guide to Uniform Legal Citation"); (e) Conclusion; and (f) Bibliography or reference list. The length of the Paper must be between 5,000-6,000 words, exclusive of footnotes and bibliography. A word count (number) *must* be placed on the title page of the Paper. You may submit your Paper in Word or PDF format. The Paper will be evaluated to assess the student's ability to analyze and synthesize the material with which he/she works and to exercise legal judgment in applying it to the issues involved in the subject of the Paper. This evaluation is sub-divided into research and analysis (20%), organization and quality of the material presented (20%), and comprehension of subject matter (20%) and awareness of the relevant literature (15%).

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**ASPL 638 Law of Space Applications (009)**

Professor Ram S. Jakhu – English

Winter, 3 credits

**Description:** This course deals with the international legal aspects of various space applications. In particular, the course examines the international law related to satellite telecommunications (including satellite broadcasting) and the role therein of various international organizations; remote sensing by satellites; space stations; space travel; navigational services by satellites; military uses of outer space; space-based solar power; and international space technology transfers and international trade in space products and services, etc.

**Prerequisites:** None (however some knowledge of Public International Law is assumed).

**Format:** Lecture

**Method of Evaluation:** Examination (100%) (or examination 50% and optional paper 50%)

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**ASPL 639 Government Reg of Space Activities (009)**

Winter, 3 credits

INSTRUCTOR TO BE ANNOUNCED

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**CMPL 600 Legal Traditions (009)**

Me David Howes – English

Winter, 4 credits

**Description:** The concept of a legal tradition. Nature of particular legal traditions, both secular and religious, including the civil and common law. Philosophical foundations of different traditions. Comparative method. Relations between traditions (colonialism, legal pluralism, cross-cultural jurisprudence).

**Format:** Seminar

**Method of Evaluation:** Class participation; short reflection pieces; seminar presentation; end of term essay.

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**CMPL 604 International Business Law (009)**

Prof. Catherine Walsh – English

Winter, 4 credits

**Description.** This foundational seminar aims to introduce students to the legal and practical issues relevant to the transaction of business by private actors across borders. The first sessions will focus on the concepts, sources and institutions of internationally harmonized business law, the reasons for the persistence of local differences despite the pressures of globalization, and thus the continued importance of harmonization of private international law rules (in the traditional sense). The focus will then shift to recent developments in specific substantive domains of business law including contracts, insolvency and secured financing, financial market transactions, and intellectual property. Additional issues to be examined include anti-corruption and rule of law initiatives as well as the contested link between economic development and law reform and legal traditions.

**Prerequisites:** Open to graduate students and to undergraduate students who have completed four terms in the Faculty of Law.

**Format:** Teaching and learning will take place through a combination of instructor and student led presentations and in-class discussions.

**Method of Evaluation:** 15% participation and leadership in class discussions; 10% individual oral presentation; 50% individual research essay or project; 25% final exam.

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**CMPL 610D1/D2 Legal Research Methodology (009)**

Professor Frederic Megret – English  
Fall & Winter, 4 credits

**Description:** Exploration and critique of various methodological approaches to the pursuit of a research inquiry within the context of legal scholarship. Graduate students will develop familiarity with research methods and strategies and will be afforded with opportunities for developing and sharpening their legal research, writing and analytical skills.

**Format:** Seminar

**Method of Evaluation:** Multiple assignments, graded on a Pass/Fail basis

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**CMPL 641 Theoretical Approaches to Law (009) (For LLM Thesis and Non-Thesis Students only)**

Professor Vincent Forray – English  
Fall, 4 credits

**Description:** Introduction to theoretical reflection on law, legal education, and legal scholarship. The seminar will emphasize the importance of theoretical concerns in all legal scholarship, especially in the definition of research objectives, the choice of research methods, and the framing of conclusions. The seminar is designed to support students' research by directing their attention to theoretical concerns, and encouraging them to subject their own methodological assumptions to re-evaluation.

**Format:** Seminar

**Method of Evaluation:** Multiple assessments.

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**CMPL 641 Theoretical Approaches to Law (010) (For DCL students only)**

Prof. Daniel Weinstock – English  
Fall, 4 credits

**Description:** This course will consist of close readings of texts representing some of the main theoretical traditions in the study of law. The course will be run in a seminar style, with students leading off discussions of assigned materials. In 2016, we will be studying texts in analytical jurisprudence (Liam Murphy and Frederick Schauer), Feminism (Jennifer Nedelsky) and Critical Theory (Jurgen Habermas).

**Method of Evaluation:** There will be a short take-home exam at the end of each segment of the course. Additionally, each student will select a work drawn from a list that will have been provided at the beginning of term, and representing theoretical approaches not covered in depth during the course, and will write a critical analysis of that work.

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**CMPL 642 Law & Healthcare (009)**

Professor Lara Khoury  
Winter, 3 credits

**Description:** The course explores various points of intersection between law and health care. Students will examine ethical and legal dilemmas that arise at these points of convergence and the principles and institutions that have been developed to address them. Particular topics covered may include: bioethical principles that ground and challenge legal responses to health care issues; the delivery of health care services and the allocation of health care resources; the regulation of health care professionals; the law of consent and substituted consent; the law pertaining to minors and incapable adults; privacy issues arising in the medical context; legal and ethical questions related to biomedical research; patient safety; and end of life care.

**Prerequisites:** None

**Format:** Seminar

**Method of Evaluation:** Take-home assignments.

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### **WRIT 520 Writing and Drafting Project**

Summer, Fall, or Winter, 1 credit

**Description:** A one-credit add-on to existing substantive courses in the Faculty of Law. Students undertake one or more writing exercises, e.g. drafting opinion letters or research memoranda. This add-on may be used once only, **in the final year of study**, with the permission of the Associate Dean (Academic). For undergraduate students, the project must relate to a course successfully completed **in a previous term** and must be supervised by a Faculty instructor with expertise in the area.

Applications are to be submitted to the SAO **on or before September 9, 2016 for the Fall Term, January 13, 2017 for the Winter Term and May 12, 2017 for the Summer Term.**

**Registration:** Selected students will be assigned a "Permit to Register" that will allow registration on Minerva. The permit is assigned by the SAO.

Essays are due on or before the fifth working day prior to the last working day of the examination period for the term in which the essay is being written. Final essays are due **December 14, 2016** (Fall term), **April 24, 2017** (Winter term), and **August 14, 2017** (Summer term).

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