

GRADUATE COURSE OFFERINGS

Faculty of Law

2015-2016

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

CMPL 500 Aboriginal Peoples and the Law (009)

Professor Kirsten Anker – English
Fall, 3 credits

Description: Introduction to legal relationships between indigenous and non-indigenous peoples (treaties and negotiated agreements); state regulation of aboriginal peoples in Canada (constitutional powers, the Indian Act, criminal law and sentencing); and claims made by indigenous peoples (aboriginal title and rights, residential schools). The premise is that both the European-derived legal traditions and indigenous legal traditions are relevant to discussions of “law” in this context, and there will be a focus on the diverse forms, institutions and processes of law used by indigenous peoples.

Format: Seminar

Method of Evaluation: Class participation and exercises, quizzes, term paper.

CMPL 580 Environment And The Law (009)

Me Anne Drost – English
Fall, 3 credits

Description: This course is an introduction to federal, provincial, municipal and aboriginal jurisdiction over the environment. In this introductory environmental law course you will learn how judges and legislators try to balance economic development and the protection of ecosystems and human health. During the first half of the semester, we will explore how subjects are compartmentalized jurisdictionally for the purpose of decision-making and regulation. The second half of the semester will explore different kinds of regulatory instruments. There will be a mid-term problem solving exercise and a final open-book exam.

Format: Lecture

Method of Evaluation: TBC

CMPL 575 Discrimination and the Law (002)

Professor Colleen Sheppard – English
Fall, 3 credits

Description: The course is designed to introduce you to key conceptual debates and legal developments surrounding equality rights in both the statutory human rights, international and constitutional domains. We will inquire into the multiple roles that the law plays in both perpetuating systemic inequalities and in promoting social and legal equality. To assist students in their research, we will also examine research methodologies in law, including interdisciplinary and comparative approaches.

Format: Seminar

Method of Evaluation: TBC

PRV4 549 Equity and Trusts (009)

Professor Paul B. Miller – 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: Lecture

Method of Evaluation: Mid-term examination: 25%. Final examination: 75%.

PRV5 582 Advanced Torts (009)

Professor Margaret Somerville – English
Winter, 2 credits

Description: Students in this seminar examine in-depth, undertake a class presentation, and write a paper on a selected problem in the law of torts such as protection of privacy, interference with economic and other relations, defamation, products liability, liability for mental injury, systems negligence, environmental torts, prenatal torts, new areas of tort liability, professional malpractice, strict liability, the future of tort law, liability of statutory authorities, statutory compensation schemes, etc.

Prerequisites: Extra-Contractual Obligations

Format: Seminar

Method of Evaluation: Seminar presentation, class participation, term paper.

BUS2 531 Banking Law (009)

M^e Marc Lemieux – English
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.

Prerequisites: TBA

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: M^e 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.

BUS1 532 Bankruptcy and Insolvency (009)

M^e Kenneth Atlas – English

Winter, 3 credits

Description: Bankruptcy and Insolvency: Federal bankruptcy law, including the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act, corporate restructuring using insolvency legislation, methods of becoming bankrupt, right to a discharge, the nature of claims provable in bankruptcy, impact on the person and his or her rights and on executory contracts, stays of proceedings, avoidance powers of trustees, and receiverships and workouts as alternatives to bankruptcy proceedings.

Prerequisites: Secured Transactions recommended

Format: Lecture

Method of Evaluation: Optional 25% mid-term, 100% or 75% (for those who do the mid-term) final exam.

Biography: <http://www.blg.com/en/ourpeople/atlas-kenneth>

CMPL 565 International Humanitarian Law (009)

Professor René Provost – English

Fall, 3 credits

Description: "If international law marks the outer limits of our concept of formal law, then humanitarian law marks the outer limits of international law" - Hersch Lauterpacht. International humanitarian law or the Law of War, as a set of rules designed to regulate situations and behaviour marked by chaos, challenges our very notion of law. Politically, international humanitarian law has become a significant factor in international relations generally, and for Canada's foreign policy in particular. At a substantive level, international humanitarian law has experienced exponential development in the last twenty years, largely in reaction to a series of armed conflicts in which the belligerents' conduct has been scrutinized by the international community. As a result, humanitarian law has emerged as a complex and unique regime to protect a series of fundamental individual and community interests in wartime. The seminar aims to provide students with an overview of the basic principles of international humanitarian law

while at the same time stimulating critical perspectives on the current state of rules aimed at the protection of the victims of war.

Prerequisites: Public International Law recommended

Method of Evaluation: Participation including two short critiques (25%), and a research essay (75%).

Maximum Enrolment: 20 undergraduates; 10 graduates

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

Method of Evaluation: Mid-term assignment (15%); Class Participation (15%); final take-home examination (70%).

Biography: Marc Gold. Adjunct Professor of Law, has own practice as mediator and arbitrator. Subject areas: Alternative Dispute Resolution; Mediation; Constitutional Law; Human Rights.

CMPL 573 Civil Liberties (009) *HR*

M^e Pearl Eliadis – English

Fall, 3 credits

Description: The course examines the development of civil liberties as historical, social and political norms at the national and international levels. By looking at the role of the State, of civil society, and third party actors as catalysts or "disenablers" of these rights, the course takes students through both traditional and emerging human rights topics from torture, fundamental freedoms and "core" civil liberties to cyber-surveillance, secularism, and the right to die. The intersection between liberties and equality is examined through the lens of marginalized groups like Aboriginal peoples, people with disabilities and trans people. Guest lecturers will offer alternative perspectives. In addition to Canadian and international human rights law, the course will also look at key decisions from Africa, the US and Europe.

Prerequisites: Constitutional 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 has her law office in Montreal where she does mainly advisory and consultancy work with international organizations like the UN and the EU. Areas of research include national human

rights institutions, the intersection between civil and political rights and equality law, the rights of girls and women, national security and identity politics.

PROC 549 Louage (010)

M^e Valérie Mac-Seing –French
Winter, 3 credits

Description: Dans un premier temps, ce cours vise à enseigner les principes de base du louage commercial immobilier québécois sous la perspective tant du bailleur que du locataire, ayant trait à un usage bureau, commerce de détail ou industriel. L'approche adoptée sera éminemment pragmatique et centrée sur la négociation de tels baux commerciaux. Dans un deuxième temps, nous survolerons les règles applicables en droit civil québécois relativement au crédit-bail et à la vente à tempérament d'équipement, incluant l'examen des particularités applicables à la location d'aéronefs.

Format: Seminar

Method of Evaluation: in term assignment and 24h take home exam.

Biography: Valérie Mac-Seing is a partner in the Montreal office of McCarthy Tétrault. She practises commercial law, with broad expertise in real estate acquisitions, dispositions and structured finance. M^e Mac-Seing advises real estate investment funds, pension funds, foreign investors, lenders, and real estate promoters in all aspects of their real estate transactions, and represents lenders and borrowers in the implementation of interim and permanent financing and in the financing of large corporations. She is also involved in the real estate aspect of commercial transactions such as the development and financing of projects in the energy, mining and infrastructures sectors.

CMPL 577 Communications Law (009)

Dr. Sunny Handa – English
Winter, 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.

Format: Seminar

Method of Evaluation: Class participation: 25%, Formal presentation (includes a written component): 15%, written paper: 30% and Quizzes 30 %.

Biography: Dr. Handa is a Partner and Co-Practice Group Leader of Blake, Cassels & Graydon LLP's Technology Practice Group. He has a substantial practice in mergers and acquisitions of technology and communications companies and also deals with information technology, communications (telecommunications and broadcasting), intellectual property, and electronic commerce matters, and a wide range of corporate/commercial matters relating to technology and communications businesses. He also has an active life sciences/health law practice and has worked extensively for some of the world's largest pharmaceutical companies on a wide array of operational drug-related as well as corporate and commercial matters. Dr. Handa has published widely in legal literature and has authored and co-authored a number of books on information technology, communications law, copyright law and business. He has advised various governments and his writings have been cited with approval by many courts, including the Supreme Court of Canada.

CMPL 551 Comparative Medical Law (009)

Professor Margaret Somerville – English
Fall, 2 credits

Description: Students in this seminar examine in-depth, undertake a class presentation, and write a paper on a topic of current interest in medical law. Such topics include euthanasia, aging population, genetics, patient's rights, psychiatry, medical malpractice, reproductive technology, medical research, liability of ethics committees, etc. All aspects of the problems selected must be dealt with from a comparative law point of view and include Canadian law. The class comprises both graduate and undergraduate students. This course is particularly suited for law students with a background in some other field of study such as environmental problems, religious studies, ethics, medicine or paramedical fields, psychology, etc. who wish to undertake some transdisciplinary work. This is not to say that there are not many problems in the area which can be dealt with simply from a legal basis.

Format: Seminar

Method of Evaluation: Seminar presentation, class participation, term paper.

BUS2 505 Corporate Finance (009)

M^e Marc Barbeau – English
Fall, 3 credits

Description: This course focuses on advanced issues in business and corporate law. It provides the opportunity to understand how different areas of law interact in corporate capital structures and the core principles involved in designing these structures. Topics considered include the distinctive features of corporate securities, including shares and debt obligations, as well as their rights and protected expectations in transformative transactions. The course requires students to draw upon their entire legal studies to address practical issues in corporate law.

Prerequisites: Business Associations

Format: Lecture

Method of Evaluation: Mid-term and take-home examination (24 hours)

Biography: Marc Barbeau is a partner and a member of the firm’s Partnership Board. He is also a member of the Montréal Management Committee. M^e Barbeau practices in the areas of mergers and acquisitions, complex reorganizations and corporate governance, including with respect to advising senior management and boards of directors. From 2005 until 2011, he headed the Montréal Business Law Group. M^e Barbeau has lectured in Corporate Finance at the Faculty of Law, McGill University since 1996. He has been a panelist at conferences. M^e Barbeau received the 2012 James A. Robb Award presented by the McGill University Faculty of Law.

PUB2 517 Corporate Taxation (009)

M^e Robert Raizenne – English

Fall, 3 credits

Description: An extensive treatment of the taxation of business entities with an emphasis on the corporation and its shareholders; incorporation; continuance; reorganizations; distributions; some elements of the taxation of corporate finance; specific tax avoidance doctrines and rules; the General Anti-Avoidance Rule; and some consideration of the taxation of partnerships and trusts

Prerequisites: Business Associations and Taxation

Format: Lecture

Method of Evaluation: TBA

LAWG 502 Sustainable Development Law (009)

Professor Sébastien Jodoin – English

Fall, 3 credits

Description: This course aims to prepare students to design and implement initiatives that seek to move the world toward more sustainable forms of development and related patterns of behaviour. Part I of the course introduces students to the key concepts, principles, and indicators of sustainable development and provides an overview of basic causal logics of change at the individual, organizational, and policy scales. Part II of the course exposes students to the basic skills required for the pursuit of various forms of change, namely scenario-planning, entrepreneurship and leadership, story-telling, and negotiations. Part III of the course examines the potential and limitations of different types of interventions that can be pursued to promote meaningful transitions to sustainability, including public interest litigation, policy advocacy, social mobilization, behavioural interventions, corporate social responsibility, and social entrepreneurship. In doing so, it explores multiple theories of change drawn from political science, economics, management, sociology, and social psychology that apply in various domains and at various scales. Part IV of the course focuses on an array of instruments of policy and governance that can be adopted to move the world towards a more sustainable path, including both “old governance” approaches that focus on regulatory enforcement and compliance and “new governance” approaches that emphasize the use of markets, social norms, and learning. Part V of the course is organized around a series of sectoral case studies that focus on climate change, natural resources, urban governance, poverty, and health. Ultimately, this course aims to provide students with the skills and knowledge that will enable them to

develop a sophisticated theory of change and use it to craft and implement effective solutions to complex problems at the intersections of economic, social, and environmental governance.

Format: This class will be taught through a combination of interactive lectures, in-class group discussions, and problem-based learning.

Method of Evaluation: 10% participation and leadership in class discussions; 10% in-class exercises; 20% oral presentation; and 60% group term project. Students can select one of the following types of group term projects: (1) the creation of the business plan or model for a new social enterprise; (2) the crafting of an innovative policy proposal; (3) the drafting of a memo outlining a new avenue of strategic public interest litigation; or (4) the development of a campaign of behavioural, organizational or social change.

Biography: Sébastien Jodoin is an assistant professor at the Faculty of Law of McGill University. His research seeks to understand the production and practice of law in the context of its relationship with processes of policy and social change, new and evolving forms of public and private governance, and the manifold forces associated with globalization. Prior to his appointment at McGill, Sébastien worked for the Centre for International Sustainable Development Law, the Canadian Centre for International Justice, Amnesty International Canada, the United Nations International Criminal Tribunals for Rwanda and the former Yugoslavia, and Aon Risk Services. He is currently completing a PhD in environmental studies (law and public policy) at Yale University and holds a master's in international relations from the University of Cambridge, a master's in law from the London School of Economics and Political Science, and degrees in common law and civil law from McGill.

LAWG 505 Critical Engagements with Human Rights (009)

Dr. Nandini Ramanujam – English
Fall, 3 credits

Description: This seminar examines the connections between the theory and practice of human rights. It explores theoretical, ethical and strategic issues related to human rights discourse, advocacy and activism, and critically examines fact finding, monitoring and reporting, litigation, grass roots mobilization and media engagement in advancing human rights.

The seminar is built upon recognition that students bring knowledge, experience and a diversity of perspectives to the classroom. The seminar draws heavily from students' experiences, which guide the exploration of theoretical, ethical, and strategic issues related to human rights work. It represents part of an innovative clinical education program developed at the Faculty.

The second half of the course is conceived as a writing workshop with the aim of translating field experiences into academic writing. The seminar employs participatory and collaborative learning strategies and the research and writing was guided through a systematic peer review process.

Students who register in the course must have completed a Human Rights Internship, unless permission is granted by the instructor.

Prerequisites: Human Rights Internship Field Placement (open to students who have pursued independent internships).

Format: Seminar

Method of Evaluation: Paper (10% will be drawn from participation in peer review); Participation and Presentation; Podcast.

LEEL 570 Contrat d'emploi (010)

M^e François Longpré – French
Winter, 3 credits

Description: This course proposes a pragmatic approach to the study of the individual contract of employment, beginning with an analysis of the relevant provisions of the *Civil Code of Quebec* and of the teachings of the Common Law. We will then turn our attention to employment standards, occupational injuries, workplace health and safety and human rights issues in the employment context. This course complements the Labour Law course.

Format: Lecture

Method of Evaluation: Optional paper, final sit down exam.

Biography: In private practice at Borden Ladner Gervais LLP and predecessors since 1989. Partner since 1998. Specializes in Labour & Employment Law, Workers' Compensation, Occupational Health & Safety, Workplace Human Rights and Privacy

LEEL 570 Employment Law (009)

Professor Adelle Blackett – English
Fall, 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 and Labour Law would be an asset.

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 or essay: 25%.

CMPL 536 European Union Law 1 (009)

Professor Armand de Mestral – English
Fall, 3 credits

Description: An analysis of the institutional and economic provisions of the Treaties establishing the European Union and current projects in 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 and the 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

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

Biography: Emeritus Professor, Jean Monnet Professor. International Trade Law; Public International Law; International Arbitration; Law of the Sea; International Environmental Law; Constitutional Law and Comparative Constitutional Law; European Community Law; The Law of International Economic Integration; International Humanitarian Law.

PUB2 500 Law and Psychiatry (009) *HR*

Me Derek Jones – English

Winter, 3 credits

Description: For centuries mental health conditions have bedeviled law and society. From the lunacy statutes and insanity defense of the 19th century, to the asylum laws and deinstitutionalization rulings of the 20th century, to human rights and therapeutic justice-inspired laws of the 21st century, the law has played a diversity of roles with psychiatry. This seminar explores the dynamic dimensions of law and mental health. We begin with an overview of evolving scientific knowledge and understanding, the scientific basis and social construction of mental “disorder,” and their treatment by institutionalization, surgical and shock therapy, drugs, counseling, etc. The overview is intended to advance critical reflection on the roles of law as its interfaces with psychiatry/mental health sciences and modern interdisciplinary thought. We then draw on diverse sources of mental health law – e.g., human rights, equality and disability law; health law, torts and administrative law; criminal law -- to examine traditional and novel issues: informed consent and rights to (non)treatment, provider-client relations, competency/capacity, civil commitment and community treatment, human research, medical liability, forensic psychiatry, stigmatization theory and disability discrimination. The analyses draw on international and comparative norms to contrast the strengths, limits and voids of Canadian law.

The course is open to 25 students. While preference for entry is given to law students, students from relevant interdisciplinary domains -- e.g., social work, humanities, nursing, medicine, bioethics, psychology – are welcome)

Format: Lecture

Method of Evaluation: Students will be evaluated on the basis of class participation, a take home mid-term assignment, and a paper.

PUB2 501 Advanced Criminal Law (009)

Justice Patrick Healy and Me Elena Haba – English
Fall, 3 credits

Description:

Format: Lecture

Method of Evaluation: TBC

PUB2 551 Immigration and Refugee Law (009)

Professor François Crépeau – English
Fall, 3 credits

Description: Immigration and refugee law concerns the fundamental question of who gets to be a member of a particular political community and how States regulate the crossing of borders. This course will examine how international law and domestic law deal with several migration issues: territorial sovereignty, border controls, immigration policies, temporary migrant workers policies, refugee status determination, temporary protection status, internally displaced persons, migrant smuggling, human trafficking, anti-terrorism policies, the role of administrative law in domestic immigration policies, the role of domestic courts and tribunals in protecting the human rights of migrants, identity politics and nationalist populist discourses, and the extent to which the rule of law generally can protect the human rights of migrants, wherever they are, as they lack status as citizens or permanent residents.

Format: Lecture

Method of Evaluation: Class presentations and papers (50%); final exam (50%).

PUB2 503 Comparative Federalism (009)

Professor Johanne Poirier – English
Winter, 3 credits

Description: Despite the mishaps of some of its real-life incarnations, the “federal idea”, often summarised by the slogan “unity within diversity”, is frequently presented as one of the most effective ways of maintaining a degree of territorial and social cohesion in a state-like structure, without the disadvantages of forced homogeneity. Nearly 40 % of the world population lives in a federal country (there are around 25 of them). And an increasing number of states are considering federal-type solutions to accommodate ethnic/linguistic/religious/cultural diversity.

Format: Seminar

Method of Evaluation: TBC

BUS2 500 Copyright and Trademark Theory (009)

Professor David Lametti – English
Winter, 3 credits

Description: This course consists of an examination and critical assessment of the some issues in copyright and trademark. The first part of the course will focus on current issues in copyright, for example, copyright reform, fair dealing/use, digital rights management, technological protection measures, and infringement in the internet context.

The second part of the course will focus on more specific issues in trademark. These include issues associated with the changing nature of the market and the (perhaps changing) role that trademarks play in the market.

Prerequisites: Intellectual and Industrial Property

Format: Seminar

Method of Evaluation: Two short thought papers worth 75%; seminar presentation/introduction of class reading: 15%; Class attendance and participation: 10%

BUS2 502 Intellectual and Industrial Property (009)

Professor Richard Gold – English
Fall, 3 credits

Description: Intellectual property law provides a means through which to analyze the ways in which legal systems and markets seek to regulate aspects of innovation and creativity. The course will provide students with a general knowledge of the basic laws of copyright, trademark and patents, and a foundation upon which to build a deeper knowledge of intellectual property law.

Prerequisites: Common Law Property

Format: Lecture

Method of Evaluation: Final Exam and other in-term assessments

BUS2 502 Intellectual and Industrial Property (009)

Professor David Lametti – English
Winter, 3 credits

Description: Intellectual property law provides a means through which to analyze the ways in which legal systems and markets seek to regulate aspects of innovation and creativity. The course will provide students with a general knowledge of the basic laws of copyright, trademark and patents, and a foundation upon which to build a deeper knowledge of intellectual property law.

Prerequisites: Common Law Property

Format: Lecture

Method of Evaluation: Final Exam and other in-term assessments.

BUS2 502 Propriété intellectuelle (010)

Professor Pierre-Emmanuel Moysé – Français
Winter, 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: 25% mid-term assignment and 75% final

BUS2 504 Securities Regulation (009)

Me Jakub Adamski and Me Marc Barbeau - English
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: TBC

PUB2 502 International Criminal Law (009) *HR*

Professor Frédéric Mégret – English
Winter, 3 credits

Description: Pinochet, Milosevic, Hussein, Kambanda, Taylor, Habré, Lubanga... The worldwide trend which is bringing former heads of states to account for some of their crimes is one of the most noteworthy in the recent development of international law. Drug trafficking, Money laundering, corruption, organized crime, cybercrime... Simultaneously, there seems to be no end to the need for the criminal law to internationalize itself.

Together, these two trends – the criminalization of international law and the internationalization of criminal law – form part of the burgeoning discipline of international criminal law. This seminar proposes

to discuss the main stakes begins the emergence of international criminal law. Both substantive international law (the actual crimes) and its enforcement mechanisms (domestic and international trials but also prevention and judicial cooperation) will be studied. The course will seek to provide a broad critical overview that merges the conceptual and the technical.

Prerequisites: Criminal Law and Public International Law (Recommended)

Format: Seminar

Method of Evaluation: Class assignments (50%); final exam (50%)

CMPL 571 International Law of Human Rights (009)

Professor Frédéric Mégret – 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 (25%); final exam (75%)

CMPL 539 International Taxation (009)

Professor Allison Christians – English

Winter, 3 credits

Description: This course explores how Canada's income tax regime deals with global economic capital and labour flows and how Canada's tax regime interacts with the tax regimes of other countries. It

considers as well the transnational legal order that both influences, and is influenced by, Canadian tax policymaking choices.

Prerequisites: Taxation

Sequence: Upper Year

Format: Lecture

Method of Evaluation: TBA

PUB2 505 Statutory Interpretation (009)

Professor Frédéric Bachand – English

Fall, 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).

CMPL 501 Jurisprudence (009)

Professor Daniel Weinstock – English

Winter, 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 selections from 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 it 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. While the text is challenging, there will be no presupposition of familiarity with legal or political theory. We will work through the material at a pace seldom quicker than glacial.

Prerequisites: None

Format: Lecture

Method of Evaluation: TBC

LEEL 582 Law and Poverty (009)

Professor Alana Klein – English

Fall, 3 credits

Description: This course investigates the law's relationship with poor and socially marginalized people. It examines the potential and limits of international law, constitutional law, and administrative law for addressing poverty related issues through case studies in areas that have a significant effect on poor and marginalized people, such as the criminal law, family law, and the law related to health care, housing, employment, and social welfare. Major themes include the meaning and usefulness of rights-based approaches; access to justice and participation in lawmaking; the relationship among international, domestic, local and community legal orders; problems of enforcement and accountability; and the impact of globalization, decentralization and privatization. Theoretical perspectives from critical legal studies, critical race theory, feminist approaches, and law and economics will be considered.

Prerequisites: Criminal Law; Administrative Law; International Law (recommended)

Format: Seminar

Method of Evaluation: TBA

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.

LAWG 525 Legal Education Seminar (009 for LLM) (010 for DCL)

Professor Shauna Van Praagh – English
Winter, 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: 40% In-term Writing and Participation (15% Leading a Session (with associated documents prepared), 10% General Engagement, 15% Observation/Critique Memo), 60% Final Essay (5000 words)

BUS2 501 Patent Theory and Policy (009)

Professor Richard Gold – English
Winter, 3 credits

Description: This seminar examines the theory and policy behind the awarding of patent rights. The seminar takes on a transdisciplinary approach to patent systems, examining them from not only a legal, but also an economic, philosophical and social perspective. Students should be prepared to engage in substantial reading and be prepared to actively participate in class discussions, bringing a critical perspective.

Prerequisites: Intellectual and Industrial Property

Format: Seminar

Method of Evaluation: Research paper and participation

CMPL 512 Theories of Justice (009)

Professor Victor Muniz Fraticelli – English
Winter, 3 credits

Description: The course will focus on developments in post-Rawlsian analytical theories of distributive justice. The particular focus of the course this year will be on the application of theories of distributive justice to issues surrounding health equity and the just distribution of health resources.

Format: Seminar

Method of Evaluation: TBC

CMPL 515 International Carriage of Goods by Sea (009)

Me David Colford – English
Winter, 3 credits

Description: A study of the law governing carriage of goods by sea contracts in the context of the evolving framework of international conventions (Hague-Visby Rules, Hamburg Rules, Rotterdam Rules 2009) Substantive topics include the law governing marine transport contracts, bills of lading and waybills, the balancing of interests between carriers and shippers, mandatory obligations and exculpations, and commercial allocation of risk, exclusion, limitation and indemnity clauses.

Format: Seminar

Method of Evaluation: TBC

CMPL 533 Resolution of International Disputes (009)

Professor Andrea Bjorklund – English
Winter, 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

PUB2 504 Sentencing in Canadian Law (009)

Marie Manikis – 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

LAWG 537 SP Topics in Law 18: Class Actions (009)

Me Shaun Finn (assisted by Me Benedicte Martin) – English
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 France. 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.

Format: Seminar

Method of Evaluation: 10% for class participation; 40% for a written outline of argument; 50% for a verbal presentation of the argument.

LAWG 537 SP Topics in Law 18: Interdisciplinary Course on Aboriginal Constitution Making (009)

Professor Kirsten Anker – English
Winter, 3 credits

Description: TBC

Format: TBC

Method of Evaluation: TBC

LAWG 539 SP Topics in Law 20: Banking and Credit Law (010)

Me Marc Lemieux – English
Winter, 3 credits

Description: TBC

Format: TBC

Method of Evaluation: TBC

LAWG 516 SP Topics in Law 6: Law and Popular Culture (010)

Professor Wendy Adams – English
Winter, 3 credits

Description: The objective of this seminar is to examine both theoretical accounts and specific experiences of relationships between law and popular culture. Much research and teaching in this area analyzes law *in* popular culture, *e.g.*, representations of state law in movies and novels, or popular culture *in* law, *e.g.*, how media representations of law affect jury expectations in criminal trials. A more recent and far-reaching approach is to examine popular culture and law as mutually constitutive discourses, an emancipatory perspective that elides familiar disciplinary borders. Throughout the course, we seek to understand the full range of our normative possibilities, and the many different ways we consider ourselves bound by law.

Format: Seminar

Method of Evaluation: Final assignment and in-term assessments.

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

Professors Véronique Bélanger & Geneviève Saumier – English
Winter, 3 credits

Description: 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. The course will also touch on some aspects of negotiation. The course will include numerous role-playing exercises and will also welcome mediation practitioners as guest speakers.

Format: Lecture

Method of Evaluation: Participation, group project and final exam.

LAWG 517 SP Topics in Law 7: Critical Race Theory (009)

Professor Adelle Blackett – English
Winter, 3 credits

Description: This course will explore the evolving contours of a theoretical approach to law that has developed both a substantive challenge to legal liberalism and critical legal studies, as well as an alternative literary style built on the use of narrative. It will examine the foundational writings in the field, and consider recent developments of CRT in the Quebec and Canadian contexts, as well as in other selected settler colonial states. Students will be encouraged to develop a close understanding of CRT's intellectual commitments, possibilities and challenges.

Format: Seminar

Method of Evaluation: paper (75%) and class participation (25%)

LAWG 517 SP Topics in Law 7: Chinese Business Law (009)

Professor Guanghua Yu – English
Fall, 3 credits

Description:

Format: Seminar

Method of Evaluation: TBC

LAWG 518 SP Topics in Law 8: Agency Law (010)

Professor Evan Fox-Decent – English
Winter, 3 credits

Description: TBC

Format: TBC

Method of Evaluation: TBC

LAWG 518 ST in Law 8: Political Law (009)

Dr. Gregory Tardi – English
Fall, 3 credits

Description: There are specific characteristics in the current practice of democracy in Canada. The electoral system is increasingly more partisan and contested. The government has become more powerful, seemingly at the expense of Parliament. The attachment of the courts to legality is being questioned. In this context, Political Law is best defined as the study of democratic governing from a specifically legal perspective. Within the legal system proper, it 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, Political Law also analyzes the interaction among legal, public policy and political instruments and seeks to understand the 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 2015-16 edition of the course will pay particular attention to the 42nd federal general election and its aftermath.

Format: Seminar

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

LAWG 535 SP Topics in Law 16: International Human Rights Amicus Brief (009)

Professor René Provost - English/French/Spanish

Winter, 3 credits

DESCRIPTION: This course will be a selected-enrolment seminar in which we will collaboratively prepare one or two amicus briefs that will be filed before an international human rights tribunal. At this stage, it is too early to definitely determine which tribunals and which cases will be chosen, but it is likely that one amicus brief will be prepared in relation to a case before the Inter-American Court of Human Rights (San José, Costa Rica), and possibly a second amicus brief in relation to a case before the European Court of Human Rights (Strasbourg, France).

Selection of students: Students will be invited to submit an application in the fall. Candidates will be chosen on the basis of superior research and writing skills, ability to work in a team, demonstrated interest in international human rights, coursework completed in human rights law, and ability to write in English, French or Spanish (depending on the cases and tribunals selected).

Prerequisites: Public International Law and International Law of Human Rights will be an asset.

Format: Seminar

Method of Evaluation: Contribution to the research and writing of the briefs, graded Pass/Fail.

Maximum Enrolment: 8 students (undergraduate and graduate)

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

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

Professor Paul B. Miller – English

Fall, 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%.

LAWG 536 SP Topics in Law 17: Éthique, déontologie et droit professionnel (010)

Justice Louise Provost, J.C.Q. – French

Fall, 3 credits

Description: Ce cours est destiné principalement au futur praticien du droit au Québec. À une époque où le mot éthique est prononcé et cité quotidiennement, ce cours traitera de la distinction entre l'éthique et la déontologie, traitant de cette dernière tant sous l'angle judiciaire que disciplinaire. Seront également examinés les diverses instances judiciaires, quasi-judiciaires et administratives ainsi que les codes et principes de déontologie. Vous connaîtrez les modes de sélection des juges fédéraux et provinciaux. Le droit professionnel, surtout l'Ordre professionnel des avocats du Québec, sera étudié en détail ainsi que le comportement attendu de l'avocat tant à la Cour qu'à l'égard de ses confrères et clients. Des sujets connexes seront aussi abordés. Ce cours vous permettra donc de mieux connaître les exigences, les devoirs et les qualités requises pour exercer votre future profession. Enfin, des conférenciers dont des juges, avocats, syndics, etc. seront également invités.

Prerequisites: Pour les étudiants ayant déjà suivi un cours de procédure civile. Cours de droit criminel et administratif seraient également utiles.

Format: Lecture

Method of Evaluation: Débats contradictoires (seul ou en groupes) et/ou présentation orale 30%, participation 10% et examen final (sit down) 60%.

Biographie : Nommée juge à la Cour du Québec à Montréal, chambre criminelle et pénale, en mai 1991, Madame la juge Louise Provost est nommée juge en chef adjointe en matière criminelle et pénale pour l'ensemble du Québec, le 31 août 1995, pour un mandat de sept ans. En mars 2003, elle est désignée membre du Tribunal des professions, un tribunal d'appel siégeant principalement en matière disciplinaire des décisions rendues par les conseils de discipline des 45 corporations d'ordre professionnel. Le 12 décembre 2003, le juge en chef la nomme Vice-présidente de ce tribunal et, à compter du 31 décembre 2005, Présidente du Tribunal des professions pour un mandat d'une durée de sept ans. En vertu de la Loi sur les tribunaux judiciaires, elle a également siégé à titre de membre du Conseil de la magistrature du Québec de 1995 à 2002 ainsi que de 2009 à 2012. Durant son mandat, elle a examiné plus de 800 plaintes et a siégé sur de nombreux comités d'enquête dont certains à titre de présidente. Elle s'intéresse à l'éthique et à la déontologie judiciaire. Elle est conférencière sur ce sujet depuis de nombreuses années. En novembre 2013, Madame la juge Provost devient juge suppléante à la Cour du Québec. À l'automne 2014, elle sera chargée de cours à la faculté de droit de l'Université McGill en «Éthique, déontologie et droit professionnel».

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.

LAWG 538 SP Topics in Law 19: Sports Law (009)

Me Benoit Girardin – French and English

Winter, 3 credits

Description: This course is an introduction to sport law. The following themes will be discussed and presented during the course. Generally, the course presents the legal issues in both amateur (or Olympic sports) and professional sports.

1. Sport systems (/Olympic Movement, pro sports systems)
2. ADR in sport (national and international ADR in sport)
3. Doping in sports (WADA and National Anti-Doping Programs,)
4. Liability and Violence in sports
5. Commercial issues in amateur and Pro sports
6. Legal issues in major sporting events (sports issues, risk management, marketing issues, and other commercial issues) (Legal issues at Olympic Games)
7. Professional Sports CBA and SPC in Pro Sports (Collective Bargaining Agreement and Standard Players Contracts for professional players)-Agents and professional and amateur athletes
8. Sports law in Canada and Careers in sport law

This introductory sport law course will consist of lectures by Professor Girardin and invited guests, simulation exercises (arbitration simulation), intensive class discussion and debate, business cases in sports law. Students will be invited to participate in sports law debates presented by our guest.

The student will gain a good overview and understanding of the sport law issues on a national and international scale along with a new body of knowledge of specific sports related issues and topics. The course is practical, dynamic and diversified, but hard work will be required to obtain the maximum benefit of it.

Format: Seminar, jurisprudence analysis, arbitration simulation, paper presentation guest speakers.

Method of Evaluation: Participation 25%, In-term assignments 75%

LAWG 538 SP Topics in Law 19: Regional Trade Agreements and the Law of the WTO (009)

Professor Armand de Mestral – English
Fall, 3 credits

Description: This seminar will focus on the rapidly expanding phenomenon of regional trade agreements - bilateral and plurilateral. Particular agreements (concluded such as: NAFTA, China - New Zealand, ASEAN, MERCOSUR, SADAC; and under negotiation: TIPP, Canada-EU, TTIP, AFTA etc.) will be reviewed. Particular emphasis will be placed on evolving institutions and dispute settlement as well as their relationship to the law of the World Trade Organisation.

Format: Seminar

Co-requisites: students should have a knowledge of international law and international trade law.

Method of Evaluation: Evaluation to be on the basis of a paper both written and presented in class.

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

LAWG 539 SP Topics in Law 20: Negotiation and Mediation (009)

Justice Louise Otis – English
Fall, 3 credits

Description: This intensive course explores the skills of assisted conflict resolution processes namely negotiation and mediation. In a dynamic and interactive environment, students will learn the role of counsels and neutral parties in negotiation and mediation processes, as well as experience the skills necessary to be effective in those roles. Students will also get an opportunity to reflect on the role of the lawyer assisting a party to a negotiation or mediation and the legal norms and ethical guidelines governing all parties involved.

The course provides an overview of the foundations of assisted conflict resolution and specifically discusses mediation, its origin, practices and cultural traditions in the context of national disputes (civil, commercial, labour, and community) as well as international ones.

Through role-play exercises, live demonstrations, case studies and discussions with renowned negotiators and mediators, students will have the opportunity to practice the skills required for effective dispute resolution and learn from the experience of experts in that field.

Pre-requisites: Must have completed two years in the program.

Format: Seminar

Method of Evaluation: Practical exercises and simulations 75%, final paper 25%

PUB2 515 Tax Policy (009)

Professor Allison Christians – English
Fall, 3 credits

Description: This course examines the foundations of tax policy in Canada and around the world. The course will integrate a colloquium with invited speakers. This year, the Colloquium will concern itself with the policy grounds for corporate income taxation, including whether and how corporations can and should be the subject of taxation, what criterion should be used to make that decision, and how corporate tax can be implemented in the context of economic globalization.

Prerequisites: Taxation

Format: Seminar

Method of Evaluation: Bi-weekly writing assignments

ASPL 614 Airline Business and the Law (009)

David Chen – English
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

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.

Teaching and research interests: air law; space law; public international law; international relations

ASPL 632 Comparative Air Law (009)

Adjunct Professor Ludwig Weber – English
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.)

ASPL 613 Government Regulation of Air Transport (009)

M^e Martine De Serres - English
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.

Prerequisites: Public International Air Law recommended

Format: Lecture

Method of Evaluation: Oral Presentation: 25%; Final Examination: 75%. The take-home exam is an open-book examination due 24 hours from picking up the examination. You may not discuss the examination, nor collaborate with, any other student on the examination. Option to write a paper instead of a take-home exam.

Biography: Martine De Serres is Counsel, Regulatory and International at Air Canada. Her practice ranges through a variety of legal issues the airline is exposed to in the course of its business in

international markets, including complex regulatory, administrative, competition and international law matters. Amongst other things, she is in charge of obtaining international air service licenses, litigating tariff-related complaints, ensuring compliance with growing consumer protection regulation world-wide, and negotiating legal aspects of code share, interline and slot exchange agreements. Before working at Air Canada, she practiced commercial litigation at Woods LLP, one of Canada's top litigation boutique. Me De Serres is a graduate of the Institute of Air and Space Law at Mc Gill University.

ASPL 639 Government Regulation of Space Activities (009)

Professor Ram S. Jakhu - English

Winter, 3 credits

Description: This course deals with national public and private laws and regulatory regimes of some space-faring nations governing space activities, particularly those that are carried out by private entities for commercial purposes.

Format: Seminar

Method of Evaluation: Class participation: 25%; Formal presentation (including a written component): 25%; and Written term paper: 50%.

CMPL 604 International Business Law (009)

Me Sébastien Jodoin - English

Winter, 4 credits

Description: This seminar course aims to prepare students to understand and navigate the changing nature, scope, modes, and strategies of business law in a globalizing world. Part I of the course introduces students to the myriad of ways in which globalization has reshaped the creation and practice of business law in the contemporary world. Part II of the course focuses on the range of international and transnational initiatives, both formal and informal, that seek to harmonize various domains of business law, including contracts, bankruptcy, finance, intellectual property, and corporate governance. Part III of the course examines the growing array of national, international, and transnational instruments and mechanisms that seek to increase the social responsibility and accountability of corporations in various domains such as the environment, human rights, poverty, and transnational crime. Part IV of the course features a set of regional case studies that examine the opportunities and challenges of business law and legal reform in the developing world, with a special emphasis on the emerging economies of Brazil, India, China, Russia, and South Africa. Part V of the course explores the strategies of internationalization, disruption, and cross-cultural management that students must master to apprehend and manage the future directions of business law in a globalizing world.

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

Format: This seminar will be taught through a combination of in-class group discussions and problem-based learning.

Method of Evaluation: 10% participation and leadership in class discussions; 10% in-class exercises; 20% oral presentation; and 60% individual term essay or project.

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%).

CMPL 610 Legal Research Methodology (009)

Professor Angela Campbell - 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

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.

ASPL 633 Public International Air Law (009)

Professor Paul Dempsey – English
Fall, 3 credits

Description: The course in Public International Air Law examines the relevant principles and rules of international law that affect the use of air space and aeronautics. The following topics are reviewed:

- sources of international air law;
- the relevant international aviation organizations and their law-making functions;
- the law-making institutions and processes affecting the regime of air space and international air navigational and air transport;
- the legal regime of the national and international air space;
- the international standards and recommended practices regulating safety, security, air navigation, airports, and the environment;
- aircraft accident investigation;
- the concept of civil and state aircraft;
- State certification and licensing of aircraft and airmen under international standards;
- the exchange of air traffic rights; and
- dispute resolution.

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.

ASPL 636 Private International Air Law (009)

Professor Paul Dempsey- English
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.

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.

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%).

CMPL 641 Theoretical Approaches to Law* (009)

Professor Kirsten Anker - 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.

*Please note: This fall section of Theoretical Approaches to Law is open to **LL.M.** students only.

CMPL 641 Theoretical Approaches to Law* (010)

Professor Mark Antaki – English
Fall, 4 credits

Description: Introduction to theoretical reflection on law, legal scholarship, and legal education. The seminar will emphasize the importance of theoretical concerns in all legal scholarship, including 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

*Please note: This fall section of Theoretical Approaches to Law is open to **Doctoral** students only.

CMPL 656 Research Project 2 (009)

Fall, Winter or Summer, 2 credits

Description: Annotated bibliography that critically assesses five relevant secondary sources for the student's research project and an additional 3,000 words for the Non-Thesis Research Project.

Prerequisites: Permission from the Associate Dean (Graduate Studies)

Method of Evaluation: Annotated bibliography; Additional 3,000 words for Research Project

***Note: This course is open to students in LL.M. (Non-Thesis Option), within the Faculty of Law (general program) or within the Institute of Comparative Law. Special permission from the Associate Dean (Graduate Studies) is required.**

CMPL 657 Research Project 3 (009)

Fall, Winter or Summer, 1 credits

Description: Annotated bibliography that critically assesses five relevant secondary sources for the student's Non-Thesis Research Project.

Prerequisites: Permission from the Associate Dean (Graduate Studies)

Method of Evaluation: Annotated bibliography

***Note: This course is open to students in LL.M. (Non-Thesis Option), within the Faculty of Law (general program) or within the Institute of Comparative Law. Special permission from the Associate Dean (Graduate Studies) is required.**

WRIT 520 Writing and Drafting Project (009)

Winter or Summer, 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, with the permission of the Associate Dean (Graduate Studies) and the Associate Dean (Academic). 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.

It is the responsibility of applicants to arrange with a full-time member of the Faculty to act as a Supervisor for their essays. Supervisory resources are limited, so it is best to approach potential supervisors as early as possible.

Applications are to be submitted to the SAO **on or before January 15, 2016 for the Winter Term and May 6, 2016 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 **April 25, 2016** (Winter term) and **August 15, 2016** (Summer term). [Application forms](#) are available on the SAO website.

BUSA 664 Creating the Small Business (002)

Fall, 3 credits

Description: The Dobson Centre extends to MBA students in the Faculty of Management, as well as to Graduate-level students across the campus including LLM students, Course Offerings which focus on the strategies and planning policies of small business enterprises. These Offerings are designed for individuals who are seeking an insight into entrepreneurial activity and mindset. It provides a practical approach to the many challenges, and solutions likely to be encountered in the ownership and/or management of a small business or professional enterprise.

In this manner, the students will be exposed to the many principals, practices, originality, inner-thinking, drive, devotion, foresight, and general dedication which characterizes the business and professional life of these experienced individuals. Furthermore, the students are exposed to the outside real world of business while they undertake their Term Project, which is a Diagnostic Analysis of a start-up or early-stage enterprise to whom they are introduced. This two month long project is concluded with the Students’ Presentation of a Business Plan on the Target Enterprise. For detailed information for this course, please visit the [course outline](#).

Registration: Interested students must email sao.law@mcgill.ca before August 5, 2015, attaching a completed [Minerva form](#).

Method of Evaluation: Class attendance (20%), Participation and peer evaluation (20%), Team Project – business plan (60%)

BUSA 665 Managing the Small Enterprise (002)

Winter, 3 credits

Description: The Dobson Centre extends to MBA students in the Faculty of Management, as well as to Graduate-level students across the campus including LLM students, Course Offerings which focus on the strategies and planning policies of small business enterprises. These Offerings are designed for individuals who are seeking an insight into entrepreneurial activity and mindset. It provides a practical approach to the many challenges, and solutions likely to be encountered in the ownership and/or management of a small business or professional enterprise.

In this manner, the students will be exposed to the many principals, practices, originality, inner-thinking, drive, devotion, foresight, and general dedication which characterizes the business and professional life of these experienced individuals. Furthermore, the students are exposed to the outside real world of business while they undertake their Term Project, which is a Diagnostic Analysis of a start-up or early-stage enterprise to whom they are introduced. This two month long project is concluded with the Students' Presentation of a Business Plan on the Target Enterprise. For detailed information for this course, please visit the [course outline](#).

Registration: Interested students must email sao.law@mcgill.ca before August 5, 2015, attaching a completed [Minerva form](#).

Method of Evaluation: Class attendance (20%), Participation and peer evaluation (20%), Team Project (60%)
