# **Current Courses 2018-2019**

# Course Timetables and Exam Schedules

Course timetables and exam schedules are available on the SAO [Current Courses page](https://www.mcgill.ca/law-studies/courses/current).

# Exam Conflicts

Students may not make a course selection that produces an exam schedule conflict. A conflict is defined as two overlapping examinations, or three consecutive examinations in two days. For more information consult the [Accommodations and Conflict website.](https://www.mcgill.ca/law-studies/courses/exams/accommodations-and-conflicts)

# Visual Schedule Builder

Need help building your schedule? Try [McGill's Visual Schedule Builder](https://vsb.mcgill.ca/vsb/welcome.jsp). The Visual Schedule Builder takes information from Minerva to show you what your schedule can look like. Note that courses added to the Visual Schedule Builder are **not**added to your Minerva schedule. You must register for courses on Minerva.

# Questions?

If you have questions about the course offerings or registration, please see our FAQ section below.

# 1L Required Courses

## Constitutional Law/Droit constitutionnel (PUB2 101D1/D2)

**6 credits**

**Full-year**

### Section 001

**Instructor**: Professor Colleen Sheppard

**Language of Instruction**: English

**Description**: This course provides an introduction to fundamental principles, institutions and legal developments in Canadian constitutional law.  The course explores the rule of law, democracy, judicial independence and federalism.  It also examines human rights and freedoms, and constitutional issues affecting Aboriginal peoples and minority linguistic communities.  The course is designed to provide students with a framework for understanding constitutional issues through a comparative lens, as well as thinking critically about the historical and social context of Canadian constitutional law.

**Restrictions/Prerequisites**:

**Format**: Lecture

**Method of Evaluation**: First semester examination: 25% (assist only); Optional written assignment: 25%; Final examination: 50%.

### Section 002

**Instructor**: Professor Mark Walters

**Language of Instruction**: English

**Description**: This course in Constitutional Law provides an introduction to the basic principles, institutions, and legal developments in Canadian constitutional law. Given the number of students, a large part of each class will involve an explanation of assigned reading materials by the instructor; however, ample time will be made for discussion and debate involving students and for questions and comments by students, and students will be expected to have read the assigned materials and be prepared to talk about them.

**Restrictions/Prerequisites**:

**Format**: Lecture

**Method of Evaluation**: 1. Fall Term examination – sit-down, 3 hours, open book – during December exam period (date and time tba) – worth 25% of final grade, but only if it improves the final grade. 2. Optional written assignment – approx. 10 pages double-spaced – Winter Term – to be submitted by email to the instructor in Word format, with student’s name included, before 15:00 on the last day of classes – worth 25% of final grade. 3. Final examination – sit down, 3 hours, open book – date and time tba – worth 50%, 75% or 100%.

### Section 003

**Instructor**: Professeure Johanne Poirier

**Language of Instruction**: Français

**Description**: Un traitement de l’histoire, de la théorie, de la pratique du droit constitutionnel canadien, en partie à la lumière du droit comparé.   Examen des sources du droit constitutionnel ; des principes généraux (État de droit, constitutionnalisme, démocratie, etc.); de la séparation des pouvoirs (législatif, exécutif et judiciaire); du fédéralisme; du droit public relatif aux peuples autochtones; et de la protection des droits fondamentaux, y compris des droits linguistiques. Le cours vise à amener les étudiant.e.s à comprendre la logique historique et institutionnelle du droit constitutionnel canadien, à aborder les sources - y compris la jurisprudence - de manière critique, et à mieux décoder l’actualité constitutionnelle.  Le cours se veut interactif et repose sur la prémisse que les étudiant.e.s ont fait les lectures obligatoires avant le cours et sont prêt.e.s à en discuter.

**Restrictions/Prerequisites**:

**Format**: Lecture

**Method of Evaluation**: Examen du 1er semestre: 20 %; travail d’équipe (15%); examen final (65%).

## Contractual Obligations/Obligations contractuelles (LAWG 100D1/D2)

**6 credits**

**Full-year**

### Section 001

**Instructor**: Professor Helge Dedek

**Language** **of Instruction**: English

**Description**: (LAST YEAR) - Basic concepts of contractual obligations in the Civil and Common Law.  Formation and consent; formalities; cause and consideration. The interpretation of contracts and State control over the formation and the content of contracts. Vitiation of consent. Performance and breach; frustration and hardship; contractual remedies. Relativity of contracts and privity.

**Restrictions/Prerequisites**:

**Format**: Lecture

**Method of Evaluation**: (LAST YEAR) - Midterm exam in December, final take-home exam in April; Optional assignment.

### Section 002

**Instructor**: Professor Rosalie Jukier

**Language of Instruction**: English

**Description**: This course covers basic concepts and theories of contractual obligations in the Civil and Common Law including how to define agreement; examining the kinds of agreements that are enforced; the content of contractual obligations; reasons for setting aside agreements; contractual remedies and rights of third parties.

**Restrictions/Prerequisites**:

**Format**: Lecture

**Method of Evaluation**: ​25% mid-term exam, 25% optional assignment and 50% (or 75%) final exam (depending on whether student did the optional assignment).

### Section 003

**Instructor**: Professeur Fabien Gélinas

**Language of Instruction**: Français

**Description**: Le cours couvre les concepts, discours et arguments fondamentaux du droit des obligations contractuelles dans la tradition du common law et celle du droit civil. The course includes the following topics: the definition of agreement; the kinds of agreements that are enforced; the content of contractual obligations; reasons for setting aside agreements; contractual remedies and rights of third parties. Du point de vue de la méthode, outre l’accès aux notions de base, le cours développe une approche pratique et critique. Pratique : divers exercices sont proposés aux étudiant.e.s afin d’apprendre le maniement du discours juridique. Critique : le cours offre un recul critique afin de faciliter l’appréhension du phénomène contractuel dans le monde contemporain. Remarque : Non-native speakers of French are encouraged to take the course.  A particular effort will be made to render French legal language and terminology accessible.

**Restrictions/Prerequisites**:

**Format**: Lecture

**Method of Evaluation**: mini-assignment in December (20 %), group presentation in the class (20%) during fall or winter term, final take-home exam in April (60%).

## Criminal Justice/Justice pénale (LAWG 102D1/D2)

**6 credits**

**Full-year**

### Section 001

**Instructor**: Me Alexandre Bien-Aimé & Me Mairi Springate

**Language of Instruction**: English

**Description**: (LAST YEAR) - This course is meant to provide students with an overview of the mechanics of the criminal justice system and a firm grasp of the law applicable to criminal liability. It is structured to equip students with the basic tools to think critically about criminal law, its scope, and its use as a means of societal regulation.

**Restrictions/Prerequisites**:

**Format**: Lecture

**Method of Evaluation**: (LAST YEAR) - Fall semester: Group assignment - 20%; Take-home examination - 30%. Winter semester: Court visit report – 20%; Take-home examination – 30%.

### Section 002

**Instructor**: Professor Alana Klein

**Language of Instruction**: English

**Description**: (FROM 2016-2017) - This course will introduce the basis, nature and functioning of criminal justice within and across legal orders, with a focus on Canadian criminal justice. It will examine the main determinants of crime and explore the rationales for criminalizing certain conduct, presenting criminalization as one among a number of possible models for responding to different types of conflicts, behaviours and phenomena.  Further, the course will introduce key substantive, procedural, evidentiary and sentencing aspects of the criminal law, with attention to formal but also informal sources of law, including the exercise of discretionary powers by police, prosecutors, and judges, as well as the role of the different participants in the criminal justice process. Finally, the course will engage closely with the social impact of criminal justice, with particular attention to race, class, gender, indigeneity, ethnicity and power.

**Restrictions/Prerequisites**:

**Format**: Lecture

**Method of Evaluation**: (FROM 2016-2017) - Fall term assignment (30%); Winter term assignment (20%); Final open book exam (50%).

### Section 003

**Instructor**: Professeure Marie Manikis

**Language of Instruction**: Français

**Description**: Ce cours offrira une introduction à la nature et au fonctionnement de la justice pénale au sein de différents ordres juridiques, en mettant l’accent sur la justice pénale au Canada.

**Restrictions/Prerequisites**:

**Format**: Lecture

**Method of Evaluation**: 1) Séance d’observation d’une enquête sur la remise en liberté provisoire à la Cour du Québec et analyse écrite en lien avec les thèmes abordés en classe [Automne : 20%]. 2) Projet de présentation orale et brève analyse explicative écrite (1000 mots) en équipe: La note de ce projet sera aussi une note d’équipe [Hiver: 20%]. 3) Participation en classe [10%]. 4) Examen final (livre ouvert) [Hiver: 50%].

## Ex-Contractual Obligations/Obligations extra-contractuelles (LAWG 101D1/D2)

**6 credits**

**Full-year**

### Section 001

**Instructor**: Professor Jaye Ellis

**Language of Instruction**: English

**Description**: Extra-Contractual Obligations/Torts is a first year law course about human relations and actions, injury, responsibility and repair.  All legal traditions include within them guidelines for human behaviour and, more specifically, provisions regarding reparation for harm suffered.  All students of law study “extra-contractual obligations” as a basic foundational course in order to appreciate how law views and responds to injuries we may suffer, and how it treats us as people who, whether intentionally or not, may harm others through our actions.  At McGill, first year law students engage in the study of “extra-contractual obligations” in an integrated way.  That is, students work within both the Common law and Civil law traditions of Canada to understand how law defines wrongdoing, injury, and the connection between wrongdoing and its harmful consequences.  By doing so, you are invited to develop a sophisticated and critical comprehension of the purposes, contours and consequences of the private law of civil wrongs.

**Restrictions/Prerequisites**:

**Format**: Lecture

**Method of Evaluation**: Mid-term exam– 20% ; Final exam– 50% ; A written assignment - 30%.

### Section 002

**Instructor**: Professor Shauna Van Praagh

**Language of Instruction**: English

**Description**: Introduction to the course: Extra-Contractual Obligations/Torts is a first year law course about human relations and actions, injury, responsibility and repair.  All legal traditions include within them guidelines for human behaviour and, more specifically, provisions regarding reparation for harm suffered.  All students of law study “extra-contractual obligations” as a basic foundational course in order to appreciate how law views and responds to injuries we may suffer, and how it treats us as people who, whether intentionally or not, may harm others through our actions. At McGill, first year law students engage in the study of “extra-contractual obligations” in an integrated way.  That is, students work within both the Common law and Civil law traditions of Canada to understand how law defines wrongdoing, injury, and the connection between wrongdoing and its harmful consequences.  By doing so, you are invited to develop a sophisticated and critical comprehension of the purposes, contours and consequences of the private law of civil wrongs.

**Restrictions/Prerequisites**:

**Format**: Lecture

**Method of Evaluation**: Mid-term exam– 20% of the final grade. Final exam– 50% of the final grade. A written assignment - 30% of the final grade.

### Section 003

**Instructor**: Professeur Richard Janda

**Language of Instruction**: Français

**Description**: Durant le trimestre d'automne, vous serez initié à la responsabilité civile, comme étant l'une des réponses possibles aux besoins de ceux qui ont été lésé par d'autres. Pendant le trimestre d'hiver, nous nous concentrerons sur les manières qu'emploie le droit pour délimiter l'étendue appropriée de la responsabilité individuelle.

**Restrictions/Prerequisites**:

**Format**: Lecture

**Method of Evaluation**: Examen premier trimestre (20%); Examen final (50%); Un court travail obligatoire sera dû pendant le trimestre d’hiver (30%).

## Foundations/Fondements du droit (PUB3 116D1/D2)

**4 credits**

**Full-year**

### Section 001

**Instructor**: Professor Mark Antaki

**Language of Instruction**: English

**Description**: This course aims to help you identify, articulate, and call into question some of your pre-conceptions about law and justice so that you may experience law as historically and culturally located. It aims to help you find law where you least expect it but also to appreciate law differently where you most expect to find it. It invites you to explore and appreciate the burden of judgment that various (‘legal’ and other) actors bear so that you may learn to see and celebrate acts of practical wisdom and not simply sets of objective rules. This course is a foundational one in that it encourages you, in the trans-systemic spirit, to think carefully and critically about the language you not only speak, but also inherit and inhabit.

**Restrictions/Prerequisites**:

**Format**: Lecture

**Method of Evaluation**: Multiple assessments.

### Section 002

**Instructor**: Professor François Crépeau

**Language of Instruction**: English

**Description**: Not available yet

**Restrictions/Prerequisites**: Not available yet

**Format**: Not available yet

**Method of Evaluation**: Not available yet

### Section 003

**Instructor**: Professor René Provost

**Language of Instruction**: Français

**Description**: Arriving at the law faculty always raises questions about the nature of law and the objectives of legal education. The most important questions still lack clear answers, leaving the student (and the jurist) avenues for exploration rather than fully satisfactory explanations. Foundations of Law aims to highlight the importance of going far beyond the simple learning of legal rules, which is only an intermediate step in one’s initiation to the law, in order to seize and master the nature and nuance of legal discourse. It is thus necessary to go beyond the codes, laws, judgements and other rules to question the nature of law, the reason certain areas of human activity are governed by the law but not others, the political choices underlying the content and formulation of norms and legal institutions, the manner in which legal normativity influences behaviour and attitudes, the extent to which certain normative frameworks belong to a given legal tradition, the nature of the interaction between different legal traditions etc. Foundations of Law aims to encourage and multiply these questions, as well as providing the necessary elements that will feed such inquiries over the course of your legal careers, if not beyond.

**Restrictions/Prerequisites**:

**Format**: Lecture

**Method of Evaluation**: 15% Comprehension test Answer four questions to help verify your understanding of the class readings. Students are encouraged to form a team with one other student and submit a joint piece of work.  
25% Take-home Write a response of no more than 2500 words on topics covered by the course in the first semester. The take-home aims to ascertain your understanding of the material and your ability to draw connections between the different concepts so as to go beyond a surface reading of the texts. The questions will be posted on myCourses, and responses must be submitted to the SAO.  
40% Essay Write an essay of no more than 3000 words in which you examine one or more of the theoretical elements studied in the second semester.  
20% Participation The course is based on a participatory model rather than only lectures. 10% of your grade will be based on your class attendance and contribution to class discussions. A second grade, also worth 10%, will be based on a presentation in the second semester.

## Integration Workshop (LAWG 110D1/D2)

**4 credits**

**Full-year**

### Section 001 (Workshop)

**Instructor**: Professor Tina Piper & Me Cristina Toteda

**Language of Instruction**:

**Description**: The purpose of the Integration Weeks and Workshops (IWW) are to introduce you to skills and habits that will aid your integration into law school and give you moments to reflect on your place in the law. The IWW will introduce you to skills and features of law and legal studies. The Weeks focus on orienting you to the texts, institutions and vocabulary of law, while also introducing you to the three major legal traditions on which the curriculum is based. The Workshops are sessions between small groups of students, Tutorial Leaders (TLs) and professors developing further skills such as legal writing, legal drafting and responsive public speaking, among others.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: TBA (no final exam)

### Sections 002, 003, 004, 005, 006, 007, 008, 009, 010 & 011 (Small Group Teaching)

Section 002: Mills  
Section 003: Beaudry  
Section 004: Jodoin (Fall) & Akhavan (Winter)  
Section 005: Farahat  
Section 006: Forray  
Section 007: Havel  
Section 008: Jodoin  
Section 009: Khoury  
Section 010: Klein  
Section 011: Walsh

# 2L Required Courses

## Judicial Institutions & Civil Procedure/Droit judiciaire (PROC 124)

**4 credits**

### Section 001 (Fall)

**Instructor**: Professor Rosalie Jukier

**Language of Instruction**: English

**Description**: This course is intended as an introduction to the basic structure, values and problems of civil procedure. It should be seen as a vehicle for exploring issues arising in most systems of civil procedure in Canada and in the Western world generally, rather than as a survey of the rules of procedure that will dominate the lawyering experience of those who will choose litigation as a career.  It is in this sense that the course is transsystemic. It addresses a broad range of questions, from strategic and financial considerations of litigation all the way to broad principles of the judicial order, as well as the key aspects of pre-trial procedure. The course is meant as an effort to highlight fundamental tensions in the organization and implementation of dispute resolution by state-appointed judges.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: Final examination (sit-down, open book, 75%) and one mid-term assignment (25%).

### Section 001 (Winter)

**Instructor**: Professor Daniel Jutras

**Language of Instruction**: English

**Description**: This course is intended as an introduction to the basic structure, values and problems of civil procedure.  It should be seen as a vehicle for exploring issues arising in most systems of civil procedure in Canada and in the Western world generally, rather than as a survey of the rules of procedure that will dominate the lawyering experience of those who will choose litigation as a career.  It addresses a broad range of questions, from strategic and financial considerations of litigation all the way to broad principles of the judicial order, as well as the key aspects of pre-trial procedure.  The course is meant as an effort to highlight fundamental tensions in the organization and implementation of dispute resolution by state-appointed judges. Much of the course will be taught through problem-based learning, requiring active participation of all students.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: One (short) assignment mid-term (25%) and one (longer) assignment at the end of term (75%), to be submitted  on or before April 25th at 5pm.

### Section 003 (Fall)

**Instructor**: Professeure Geneviève Saumier

**Language of Instruction**: Français

**Description**: Description: Ce cours se veut une introduction aux institutions, à la structure, aux principes et aux défis de la justice civile. Informé par les thèmes contemporains de la « crise de la justice civile » et de «l’accès à la justice », le contenu du cours donnera une vue d’ensemble du système de justice civile au Canada dans une perspective comparative et critique. À la fin du cours, vous devriez être en mesure de (i) vous retrouver dans un système de procédure civile écrite; (ii) identifier les enjeux contemporains de la justice civile au Canada et en faire une évaluation critique; (iii) connaître les principes fondamentaux de la justice et de la procédure civile; (iv) connaître les éléments principaux de la procédure dans un litige civil et développer des instincts par rapport aux enjeux stratégiques liés à la résolution des différends.

**Restrictions/Prerequisites**:

**Format**: Lecture

**Method of Evaluation**: Visite individuelle de la chambre de pratique de la Cour supérieure et rapport écrit – 30%, 1000 mots; Examen final – 70% - examen à livre ouvert.

## Legal Ethics & Professionalism (LAWG 210)

**3 credits**

**Winter**

**Instructor**:Me Cristina Toteda

**Language of Instruction**:

**Description**: The course provides an overview of the ethical principles and rules that are relevant to one’s life as an expert in the law, including ethical requirements for the practice of law. The course will provide students with an overview of what it means to be part of a profession, what it means to be “professional” and how the legal profession is governed. Students will also examine the legal and ethical responsibilities of jurists and ethical issues related to the practice of law, such as competence, confidentiality and conflicts of interest. The course will critically reflect on the adversary system, issues regarding access to justice and the demographics and diversity of the legal profession, as well as the fragmentation of the legal profession. Students will be encouraged to think critically and creatively about the legal profession, professionalism, access to justice and the public interest.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: In-course work and a final exam.

## Property/Les biens (LAWG 220D1/D2)

**6 credits**

**Full-year**

### Section 001

**Instructor**: Professor Kirsten Anker

**Language of Instruction**: English

**Description**: (LAST YEAR) - Property – Les Biens is an introduction to the foundations, principles and mechanisms of property law from a transsystemic point of view. The course examines common law, civil law and indigenous traditions in respect of property, including key relationships in respect of things and services as well as limitations on property rights.

**Restrictions/Prerequisites**:

**Format**: Lecture

**Method of Evaluation**: (LAST YEAR) - Individual Essay (Fall) (20%); Quiz (Fall) – in class (15%); Group Assignment (Winter) (40%); Exam (Winter) (25%).

### Section 002

**Instructor**: Professor Tina Piper

**Language of Instruction**: English

**Description**: In this second year course we will be exploring the foundations, principles and mechanisms of property law. This will be done from a transsystemic point of view that examines common law, civil law and indigenous traditions in respect of property. Guest speakers and plenaries will contextualize the learning in the course. We will also consider the justice of property allocations and novel conceptions of property rights such as the commons.

**Restrictions/Prerequisites**:

**Format**: Lecture

**Method of Evaluation**: 40% Group Project; 20% Essay; 15% Quiz; 25% Final Exam.

### Section 003

**Instructor**: Professeure Yaëll Emerich

**Language of Instruction**: Français

**Description**: 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 services as well as limitations on property rights.

**Restrictions/Prerequisites**:

**Format**: Lecture

**Method of Evaluation**: 20% Individual Essay, 15% quiz, 40% group assignment, 25% open book exam.

# Other Required Courses

## Advocacy (PRAC 200)

**1 credit**

**Fall**

**Instructor**: Me Cristina Toteda

**Language of Instruction**:

**Description**: The course provides an opportunity to critically analyze and develop advocacy skills. Students will be exposed to advocacy in a range of settings, including mediation, trial advocacy and written advocacy. This course is taught using both lectures and small group tutorial session workshops.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: Pass/Fail: To pass this course, students must meet both the Attendance requirement and the Coursework requirement, which are equally weighted. Coursework Requirement: Four (4) assignments evaluated on a Pass/Fail basis: two drafting exercises and two oral advocacy exercises. These assignments are completed during the day. Students will have one assignment per day. If an assignment receives a “Fail” grade, the student will be required to complete a supplemental written assignment. Attendance Requirement: Any student missing more than two (2) hours of class time during this course, for whatever reason, will be required to complete a supplemental written assignment.

## Business Associations/Droit des affaires (BUS2 365)

**4 credits**

### Section 001 (Fall)

**Instructor:**Dr. IgnacioCofone  
**Language of Instruction**: English  
**Description**: We will study the law of business associations through the lens of corporate governance and contract theory. We will see agency law, partnerships, and corporations, with a focus on publicly traded corporations. While doing so, we will highlight the economic incentives involved in different forms of associations and the policy questions triggered by them. By the end of the course, students should be able to (i) understand fact patterns involving different kinds of business associations, (ii) know the content and applications of the relevant law (statutory and case law), and (iii) discuss policy questions involving business associations. Classes will be structured as a discussion, not a lecture. Students are expected to participate in classroom discussion demonstrating engagement with the materials.   
**Restrictions/Prerequisites**: N/A  
**Format**:   
**Method of Evaluation**: Grades will be based on a final exam, class participation, and assignments. Grades will break down as it follows: final exam 70%, class participation 10%, and assignments 20%. The exam will be a 2-hour, in class, open book exam. Class participation credit will be given based on quality, not quantity. Two short take-home assignments, with equal weight on the grade, will replace the midterm. Assignments should be handed in as hard copy during class on Thursday September 27 and Tuesday October 30.

### Section 001 (Winter)

**Instructor**: Professor Victor Muñiz-Fraticelli

**Language of Instruction**: English

**Description**: (LAST YEAR) - This course examines the law relating to Canadian business organizations, focusing on partnerships and especially business corporations. It aims to provide students with a trans-systemic introduction to the basic legal concepts underpinning the creation, management and governance of business associations. The term “trans-systemic” is taken to mean not simply the side-by-side comparison of legal doctrine, although we will do some of that, but rather the attempt to gain insight into the way in which the corporation works across and between legal orders. We will therefore look at the operation of business associations diachronically (across time in the same or in different jurisdictions) and synchronically (across contemporary jurisdictions).

**Restrictions/Prerequisites**:

**Format**: Lecture

**Method of Evaluation**: (LAST YEAR) - Partnership agreement exercise 15%; Corporate constitution exercise 25%; Final Exam 60%.

### Section 003 (Fall)

**Instructor**: Professeur Richard Janda

**Language of** **Instruction**: Français

**Description**: (FROM 2016-2017) - This course explores the predominance of the business association as a mode of social organization. The capitalist economy has become a second nature to us seeming to operate with its own self‐reproducing norms and arrangements. How and why do different business forms arise in this economy? What kind of law is associated with them? How are they governed? How do they vary across the globe in the various existing permutations of capitalism? How are they held accountable? How do they produce law themselves? These broad and difficult questions form the basis for the class, which also seeks to familiarize students with the some of the basic elements of the law of business associations, notably through a series of group drafting exercises.

**Restrictions/Prerequisites**:

**Format**: (FROM 2016-2017) - Lecture with significant class discussion and group work.

**Method of Evaluation**: (FROM 2016-2017) - Group exercises (50%) Class blog contribution (25%) Exam Essay (25%).

# Complementary Civil Law Immersion Courses

## Advanced Civil Law Obligations/Droit civil avancé (PROC 200)

**3 credits**

**Winter**

**Instructor**: Professeur Vincent Forray

**Language of Instruction**: Français

**Description**: (FROM 2016-2017) - Le cours poursuit un double objectif. 1) Acquisition de connaissances approfondies en droit civil des obligations. 2) Développement d’une culture du droit civil en tant que tradition juridique. 1) Les questions étudiées sont choisies dans une matière qui s’étend depuis les sources de l’obligation (contrat, délit, quasi‐contrat) jusqu’au régime des obligations. S’agissant de celui‐ci, seront traitées les variétés, modalités et finalités des obligations ainsi que leurs modes de transmission et de circulation. 2) La culture civiliste pourra s’acquérir à la croisée de questions très diverses qui revendiquent toutes de se rapporter au droit civil : codification, légicentrisme, application de la règle par le juge, centralité du concept d’obligation…  
Du point de vue méthodologique, le cours cheminera de technique en critique, soutenu par la préoccupation constante d’interroger ce que font les juristes.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: (FROM 2016-2017) - Travail écrit de mi-session en groupe 40% , Examen 60% (take-home)

# Complementary Common Law Immersion Courses

NOTE: Stay tuned, we will be offering more Common Law Immersion Courses Fall 2018.

## Advanced Common Law Obligations (PRV3 200)

**3 credits**

**Winter**

**Instructor**: Professor Mark Antaki

**Language of Instruction**: English

**Description**: Advanced Common Law Obligations invites you to better appreciate and understand private law obligations in the common law tradition. We will explore reasoning and reason-giving in the  common law tradition as well as selected issues and problems in the substantive law of obligations.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: Final assignment (likely due at term essay deadline) and other in-term assessments.

# Complementary Social Diversity, Human Rights and Indigenous Law Courses

## Aboriginal Peoples and the Law (CMPL 500)

**3 credits**

**Fall**

**Instructor**: Professor Kirsten Anker

**Language of Instruction**: English

**Description**: Introduction to legal relationships between Indigenous and non‐Indigenous peoples (treaties and negotiated agreements, reconciliation); state regulation of Aboriginal peoples in Canada (constitutional powers, the Indian Act, criminal law and sentencing); and Indigenous rights in domestic and international law (aboriginal rights, consultation and FPIC). Both European‐derived legal traditions and Indigenous legal traditions are relevant to the “law” in this context, and there will be a focus on the diverse forms, institutions and processes of law, and the ways in which they intersect, from different disciplinary perspectives.

**Restrictions/Prerequisites**:

**Format**: Seminar

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

## Insurance (BUS2 561)

**3 credits**

**Winter**

**Instructors:** Jocelyn Aucoin, Nathalie David, Trevor McCann, Prachi Shah

**Language of Instruction**: Français  
**Description**: Objectifs du cours: Le cours couvre les éléments fondamentaux du droit des assurances, tant en droit civil québécois qu'en common law canadienne. Les sujets suivants seront abordés: - le contexte historique de l’assurance;- les différents acteurs et les dispositions législatives et réglementaires; - la formation du contrat d’assurance;- l’interprétation du contrat d’assurance;- les assurances responsabilité, de biens et de personnes;- les questions de couverture d'assurance;- la subrogation. Le cours permettra à l’étudiant d’acquérir des connaissances sur l’industrie de l’assurance et de comprendre le droit régissant ce type de contrat au Canada. Le cours étant enseigné par des praticiens, l’étudiant sera en mesure de saisir la manière dont les règles de droit sont appliquées au quotidien.  
**Restrictions/Prerequisites**:   
**Format**:   
**Method of Evaluation**: Examen(s): L'évaluation se fera sous forme d'un examen à livre ouvert d'une durée de 3 heures qui comptera pour 100% de la note finale. L'examen contiendra quatre questions, chacune avec un poids de 25%. Un maximum de 500 mots sera permis par réponse.

## Law of Persons/Droit des personnes (PRV2 270)

**3 credits**

**Fall**

**Instructor**: Vincent Riendeau

**Language of Instruction**: Français  
**Description**: Le droit des personnes est un domaine singulier du droit civil et du droit privé. Longtemps enseigné conjointement au droit de la famille – ce qui reflète la structure du Code civil du Bas-Canada – le livre Ier « Des personnes » est désormais le point de fuite du Code civil du Québec. Il met en scène le reste du code qui, suivant son préambule, « régit […] les personnes, les rapports entre les personnes, ainsi que les biens. »  
Aujourd’hui, le droit des personnes est formellement et en pratique à la croisée des chemins. Il forme l’identité et nous en informe; il structure le droit de la famille, et inversement évidemment; il narre le droit commercial et ses créatures fictives; il accorde certains droits aux vivants et certains autres aux morts et détermine qui a le pouvoir de les exercer. Par anthropomorphisme, la question de la reconnaissance d’un statut de personne aux biens (par ex.: environnement et robots) est susceptible de poindre périodiquement.  
Ce cours a pour objectif d’offrir une introduction (i) au livre Ier du C.c.Q., (ii) à la Charte des droits et libertés de la personne, (iii) aux autres statuts satellitaires qui s’intéressent à l’état des personnes, (iv) à la tradition civiliste et (v) à la théorie des droits de la personnalité. Il allie survols historiques, exercices pratiques, présentations d’experts et discussions critiques. Ce cours ne porte pas sur le droit public et exclut sciemment de son champ le droit à l’égalité prévu dans la Charte des droits et libertés de la personne.  
**Restrictions/Prerequisites**: Aucun.  
**Format**: Lecture  
**Method of Evaluation**: Examen final à livre ouvert (65 %); essai ou compte-rendu critique d’une audience (35 %).

## Canadian Charter of Rights and Freedoms (PUB3 515)

**3 credits**

**Fall**

**Instructor**: Professor Vrinda Narain

**Language of Instruction**: English

**Description**: This course explores the structure, meaning and impact of the Canadian Charter of Rights and Freedoms, examining in depth selected themes and specific rights issues arising under the Charter including Religious Freedom and Multiculturalism; Equality and Grounds of Discrimination; and Aboriginal Rights and the Charter. The course seeks to provide students with a framework for analyzing the debates that shape Charter jurisprudence. It is designed to assist students in critically evaluating Charter rights from doctrinal, theoretical and practical perspectives.

**Restrictions/Prerequisites**:

**Format**: As far as possible, the course will be run as a lecture/advanced seminar class. Classroom time will be distributed between lectures and seminar discussions. Students are expected to attend class, participate actively and be prepared to discuss the issues raised in the assigned readings.  
Method of Evaluation: Mid-term assignment take-home: 25%, Final Exam take-home: 75%.

## Civil Liberties (CMPL 573)

**3 credits**

**Fall**

**Instructor**: Me Pearl Eliadis

**Language of Instruction**: English

**Description**: Civil Liberties: Dissent and Democracy introduces students to the theory and practice of civil liberties in relation to dissent and advocacy in democratic states with a strong focus on Canada. Students critically analyse the rights to freedom of the press, expression, conscience, religion, association and peaceful assembly as they are negotiated in complex contexts that engage with other rights and interests, including privacy, digital rights, access to information and academic freedom. These dimensions of civil liberties have historically been articulated and claimed in opposition to the government or the state, but increasingly, they are also claimed against or in reference to Academe, the media, social media and civil society. The course uses a critical, interdisciplinary and multimedia approach that situates the spaces and places where dissent and advocacy take place, as well as the identity of the dissenter, as contested issues in law and society.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**:  Research paper: 75% of final grade. Participation, Attendance and Class Engagement: 5%. In-term assignment: Group Presentation or Conference Write-Up/Case Study: 20 %.

## Critical Engagements with Human Rights (LAWG 505)

**3 credits**

**Fall**

**Instructor**: Professor Nandini Ramanujam

**Language of Instruction**: English

**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.

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

**Format**:

**Method of Evaluation**: 15 per cent class participation (rubric attached to the syllabus), 35 per cent – Group project and class presentation (suggested themes, project guideline and group composition attached to the syllabus), 50 per cent final paper and participation in the peer review process (guidelines attached to the syllabus.

## Discrimination and the Law (CMPL 575)

**3 credits**

**Winter**

**Instructor**: Professor Colleen Sheppard

**Language of Instruction**: English

**Description**: The purpose of the seminar is to provide you with an opportunity to do advanced research and writing on a topic related to discrimination and inequality.  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.  We will also examine the importance of developing a contextual and structural approach to equality rights from a micro, institutional and macro perspective.

**Restrictions/Prerequisites**:

**Format**: Seminar

**Method of Evaluation**: Research paper (approximately 8,000 words - excluding footnotes & bibliography) (75 per cent); Research paper outline (5 per cent); Short oral presentation of your research findings (10 per cent); Seminar participation (10 per cent).

## Feminist Legal Theory (CMPL 504)

**3 credits**

**Winter**

**Instructor**: Professor Vrinda Narain

**Language of Instruction**: English

**Description**: This course examines the foundations of feminist legal theory. We will study topics in feminist legal theory including: feminist research methods, feminist theories and jurisprudence, decolonizing methodologies, transnational feminisms, critical race feminism and postcolonial feminism.  We will explore significant developments in the field of feminist jurisprudence, and students will learn how the law is both a powerful force in the construction of women’s subordination and a site of feminist struggle. We will explore how the law is implicated in women’s systemic inequality and the potential of law as a subversive site. Upon completion of this course, students should have gained: - an understanding of basic analytical concepts relevant to feminist legal theory - the ability to engage in critical analysis and discussion of these concepts - experience in feminist legal scholarship through the completion of a scholarly paper.

**Restrictions/Prerequisites**:

**Format**: Seminar

**Method of Evaluation**: 25% mid-term assignment; 75% Final paper – This course will count towards writing requirements of the BCL/LLB Program.

## Immigration and Refugee Law (PUB2 551)

**3 credits**

**Fall**

**Instructor**: Carl Dholandas

**Language of Instruction**: English

**Description**: Not available yet

**Restrictions/Prerequisites**: Not available yet

**Format**: Not available yet

**Method of Evaluation**: Not available yet

## International Criminal Law (PUB2 502)

**3 credits**

**Winter**

**Instructor**: Professor Payam Akhavan

**Language of Instruction**: English

**Description**: This course is an introduction to international criminal law, based on the law and practice of contemporary international criminal jurisdictions. These include the International Criminal Tribunal for the former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), and the International Criminal Court (ICC).

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: Open book exam (70%); writing assignment (20%); participation (10%).

## International Development Law (CMPL 516)

**3 credits**

**Winter**

**Instructor**: Professor Nandini Ramanujam

**Language of Instruction**: English

**Description**: This course will explore evolving understandings on the relationship between the law – domestic, international, transnational, formal or informal – and development. This relationship has been one of the central concerns of both social scientists and development professionals. A significant focus of the course will be on the interaction between laws and institutions in the context of socio-economic development. The course will also provide a forum for students to critically analyse 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 the rule of law, international documentation, and selected case studies.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: 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%).

## International Humanitarian Law (CMPL 565)

**3 credits**

**Fall**

**Instructor**: René Provost

**Language of Instruction**: English

**Description**: International humanitarian law, 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 fifteen 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 during 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.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: 75% Final Essay-25% class participation, two 500-word critiques, present paper and lead discussions.

## International Law of Human Rights (CMPL 571)

**3 credits**

**Winter**

**Instructor**: René Provost

**Language of Instruction**: English

**Description**:  The phrase “Human Rights” often features as a catchy slogan and ultimate point of reference in the discourse of states seeking to justify their policies or attempting to garner support and shore up legitimacy for practices that they are implementing vis-à-vis state and non-state actors. Yet “human rights” have also had an impact that goes beyond mere rhetoric: spearheading developments in the international criminal law enforcement through the creation of international criminal tribunals and special courts. But are human rights really of universal value? Is international human rights law really state law? If so, what is the nature and scope of the application of human rights and how have they been enforced at the international level and within states? To answer this and other questions, the course seeks to introduce students to international human rights law, including its historical development, evolution, sources, standards and institutions. It will trace developments in the substantive protection of human rights before and after the adoption of the Universal Declaration of Human Rights and the two Covenants, and highlight the debate regarding the universality/cultural relativism of human rights as well as arguments regarding the indivisibility and interdependence of rights. In addition, the course will provide an introductory overview of different categories of rights including group rights (self determination, minorities, refugees and indigenous people). A selection of other substantive rights will be examined such as the right to development, women’s rights and the right to the integrity of the person. A substantial part of the course will survey the wide range of instruments and mechanisms promoting and protecting human rights standards and norms at the international (UN) and regional levels (African, European, Inter-American), before addressing current challenges such as the application of human rights in armed conflict; while countering terrorism or by non-state actors.  Another theme that will be briefly addressed is the role of non-governmental organizations (NGOs) in the implementation of human rights.

**Restrictions/Prerequisites**:

**Format**: Lecture

**Method of Evaluation**: Participation (20%), team report (40%) and open-book final exam (40%).

## Labour Law/Droit du travail (LEEL 369)

**3 credits**

**Winter**

**Instructor**: Choko

**Language of Instruction**: Français

**Description**: Le cours a pour objectif de permettre l’identification des concepts clés des rapports collectifs de travail au Québec. Il vise l’étude du régime général encadrant les rapports collectifs de travail, soit le Code du travail du Québec. Il vise à susciter la réflexion quant aux principaux enjeux entourant le régime général, son champ d’application, ses limites.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: Participation dans le cours: 20%; Exercice facultatif: 30%; Examen final: 50 ou 80% (selon que l'étudiant aura ou non complété l'exercice facultatif).

## Public International Law/Droit international public (PUB2 105)

**3 credits**

### Section 003 (Fall)

**Instructor**: Professeur François Crépeau

**Language of Instruction**: Français

**Description**: Ce cours constitue une introduction générale au droit international public, visant à donner aux étudiants non seulement une connaissance de base des éléments du droit international, mais aussi une vision critique de ce système dépouillé de tous les éléments généralement considérés comme fondamentaux à tout système juridique (exécutif, législatif, judiciaire).  Nous examinerons en détail les processus de formation du droit international et le contenu des normes de certains secteurs de ce droit, y compris la juridiction des États, la nationalité, l'emploi de la force, les droit de la personne, la responsabilité étatique, et les Nations Unies.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: L'évaluation s'effectuera au moyen: 1. d'un examen de deux heures à livres fermés, le (date à déterminer), comptant pour 60% de la note finale. Vous n’avez droit qu’à une feuille 8 ½ X 11 recto-verso sur laquelle vous aurez écrit ou imprimé ce que vous voulez. 2. D’un commentaire d’arrêt de 2000 mots AU PLUS d’une décision internationale récente, qui vous sera distribuée vers la mi-octobre, comptant pour 30% de la note finale.  Le commentaire doit être remis au Bureau d’études du premier cycle (USO) au plus tard le (date à déterminer). 3. D’une présentation orale en équipe des lectures d’une séance, comptant pour 10% de la note finale.  Les séances seront distribuées entre les équipes dans les tout premiers cours.

### Section 001 (Winter)

**Instructor**: Professor Payam Akhavan

**Language of Instruction**: English

**Description**: This course is an introduction to the public international legal order, focusing on the complex interrelationship between normative aspirations, power realities, and the globalization process. The concept, viability, and discourse of legal authority in a decentralized system of sovereign States will be explored through the prism of diverse topics ranging from human rights to the use of force. The influence and practical consequences of this peculiar system on the emergence, content, and implementation of norms will also be examined. In addition, the transformation of the elements and attributes of State sovereignty will be assessed in light of the proliferation of diverse non-State actors such as liberation movements, non-governmental organizations, and transnational corporations. Beyond this distinct normative system, a significant part of the course is dedicated to understanding the interrelationship between international law and domestic law, and its far-reaching impact on Canadian constitutional law.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: An open-book exam, worth 70% of the final grade; A concise 500-word writing assignment on a selected topic worth 20% of the final grade; and Active participation in class throughout the course, worth 10% of the final grade.

# Complementary Principles of [Canadian] Administrative Law Courses

## Bankruptcy & Insolvency (BUS1 532)

**3 credits**

**Fall**

**Instructor**: Me Kenneth Atlas

**Language of Instruction**: English

**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.

**Restrictions/Prerequisites**: Secured Transactions recommended

**Format**: Lecture

**Method of Evaluation**: 25% mid‐term, 75 % final exam.

## Communications Law (CMPL 577)

**3 credits**

**Fall**

**Instructor**: Dr. Sunny Handa

**Language of Instruction**: English

**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), Innovation, Science and Economic Development 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 business structures and the role of the Internet will form the backdrop to the course.

**Restrictions/Prerequisites**:

**Format**:

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

## Discrimination and the Law (CMPL 575)

**3 credits**

**Winter**

**Instructor**: Professor Colleen Sheppard

**Language of Instruction**: English

**Description**: The purpose of the seminar is to provide you with an opportunity to do advanced research and writing on a topic related to discrimination and inequality.  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.  We will also examine the importance of developing a contextual and structural approach to equality rights from a micro, institutional and macro perspective.

**Restrictions/Prerequisites**:

**Format**: Seminar

**Method of Evaluation**: Research paper (approximately 8,000 words - excluding footnotes & bibliography) (75 per cent); Research paper outline (5 per cent); Short oral presentation of your research findings (10 per cent); Seminar participation (10 per cent).​

## Employment Law (LEEL 570)

**3 credits**

**Winter**

**Instructor**: Professor Adelle Blackett

**Language of Instruction**: English

**Description**: This course provides a transsystemic study of the individual employment relationship. It examines the historical development of private law notions of the master-servant relationship, and considers the impact of codal reform, protective statutory regimes and human rights law on employment law and practice. Throughout the course, the relationship between economic globalization and the efficacy of existing approaches to governing employment will be explored. Challenges to the territorial regulation of employment law within the nation state will be explored, including the regulation of labour market informality, and of migrant labour.  
Restrictions/Prerequisites: There are no prerequisites for this course.  The companion course is Labour Law, which deals with the collective relationship, characterized by unionization.  Together, the courses seek to give a fair panorama of the “law of work”, but a number of other courses (Labour Arbitration, Contract Negotiation, Occupational Safety and Health Law, Transnational Labour Law) would readily supplement the overview for someone interested in pursuing a career in the field.

**Format**:

**Method of Evaluation**: Class participation (25%); Graduate students are required to complete a written assignment in this course. Undergraduate students will have the opportunity to complete an optional written assignment (25%); Final exam (50%).

## Environment and the Law (CMPL 580)

**3 credits**

**Fall**

**Instructor**: Anne-Catherine Boucher

**Language of Instruction**: English

**Description**: The objective of this course is to provide students with a comprehensive overview of legal mechanisms for regulating various aspects of the environment and the policy considerations inherent thereto. We will review jurisdictional issues underpinning the protection of the environment, civil liability, regulatory instruments, public participation, environmental assessment, enforcement and statutory liability and offences. We will also consider the role of First Nations with respect to environmental protection. In exploring these legal mechanisms, we will consider how they serve the objectives of protecting soil, air and water, plant and animal species and biodiversity. Our focus in the course will be on domestic law at the federal, provincial and municipal levels but we will also consider how efforts to protect the environment at the international level have shaped domestic law.

**Restrictions/Prerequisites**:

**Format**: Given the nature of the subject matter and the objectives of the course, the teaching format implies active engagement of students. Most classes will consist of a lecture, student presentations and discussions commenting on readings. There will be interactive in-class exercises or case studies at appropriate stages in the course to review and synthesize the material. We will also seek to incorporate relevant materials from current events and student contributions are welcome in that regard.

**Method of Evaluation**: Take-Home final exam confirmed; the other methods of evaluation TBC.

## Immigration and Refugee Law (PUB2 551)

**3 credits**

**Fall**

**Instructor**: Carl Dholandas

**Language of Instruction**: English

**Description**: Not available yet

**Restrictions/Prerequisites**: Not available yet

**Format**: Not available yet

**Method of Evaluation**: Not available yet

## Judicial Review of Administrative Action / Contentieux administratifs (PUB2 401)

**3 credits**

### Section 003 (Fall)

**Instructor**: Me Alexander Pless

**Language of Instruction**: Français

**Description**: (LAST YEAR) - Le sujet de ce cours de droit public est la théorie et la pratique du contrôle judiciaire de l’action administrative. Nous nous pencherons donc sur le droit qui émane des décisions juridiques en matière de contrôle judiciaire des décisions administratives. La jurisprudence à l’étude provient de différents domaines du droit, notamment du droit du travail, du droit de l’immigration, du droit environnemental, du droit municipal, du droit des licences commerciales, du droit de la communication, du droit bancaire et du droit des valeurs mobilières. Dans chacun de ces domaines, des agences administratives sont mandatées pour interpréter et implémenter des régimes de droit public complexes. Comme nous le verrons, les administrateurs publics ont développé leur propre compréhension du mandat que leur donne la loi habilitante ; leurs pratiques, directives et décisions illustrent la mise en oeuvre et l’application particulière de cette délégation de pouvoirs.  
Restrictions/Prerequisites: (LAST YEAR) - Il est suggéré d’être inscrit ou d’avoir préalablement suivi le cours de Procédures administratives puisqu’il porte sur le développement du droit interne propre aux agences administratives ainsi que sur le contrôle judiciaire de ce droit. Cela n’est toutefois pas obligatoire : plusieurs étudiants ont excellé dans le cours de Contentieux administratifs sans avoir pris le cours de Procédures administratives.

**Format**:

**Method of Evaluation**: (LAST YEAR) - Option 1 - une évaluation finale de trois questions, à livre ouvert, de trois heures (100%); Option 2 - la même évaluation finale qu’à l’option 1, mais vous pourrez choisir et répondre à deux des trois questions (70%); un court essai ou factum (30%).

### Section 001 (Winter)

**Instructor**: Professor Mark Walters

**Language of Instruction**: English

**Description**: This course introduces the basic rules and principles governing the exercise of executive and administrative power in Canada, focusing upon the law of judicial review of executive/administrative action.  Although statutory reform of this area of law has occurred (in rather piecemeal fashion), basic common law principles—in particular those concerning the rationality, legality and procedural fairness of government decisions affecting peoples’ interests—continue to dominate and are the primary subject of this course.  Attention will also be given to the underlying constitutional values (or unwritten constitutional principles) that inform the evolution of common law in this area, including the Rule of Law, Separation of Powers, Judicial Independence and Legislative Sovereignty, as well as the impact of written constitutional and quasi-constitutional instruments on the exercise of executive and administrative power in Canada, in particular the Canadian Charter of Rights and Freedoms, the Canadian Bill of Rights, 1960, and the Quebec Charter of Human Rights and Freedoms. Classes will involve a combination of lectures, discussion and problem solving. Students will be encouraged to develop the capacity to apply legal doctrine and also to consider the materials in critical, theoretical, historical and comparative contexts.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: 1. Optional written assignment – no more than 10 pages double spaced – to be submitted by email to the instructor in Word format, with student’s name included, before 15:00 on the last day of classes – worth 25% of final grade. 2. Final examination – sit down, 3 hours, open book – date and time tba – worth 75% or 100% of final grade.

## Labour Law/Droit du travail (LEEL 369)

**3 credits**

**Winter**

**Instructor**: Maude Choko

**Language of Instruction**: Français

**Description**: Le cours a pour objectif de permettre l’identification des concepts clés des rapports collectifs de travail au Québec. Il vise l’étude du régime général encadrant les rapports collectifs de travail, soit le Code du travail du Québec. Il vise à susciter la réflexion quant aux principaux enjeux entourant le régime général, son champ d’application, ses limites.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: Participation dans le cours: 20%; Exercice facultatif: 30%; Examen final: 50 ou 80% (selon que l'étudiant aura ou non complété l'exercice facultatif).

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

**3 credits**

**Fall**

**Instructor**: Professor Andrea Bjorklund

**Language of Instruction**: English

**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 current events.

**Restrictions/Prerequisites**: Public International Law (recommended).

**Format**: Lecture

**Method of Evaluation**: 35% Written assignment and 65% take‐home final exam.

## Securities Regulation (BUS2 504)

**3 credits**

**Winter**

**Instructor**: Jakub Adamski

**Language of Instruction**: English

**Description**: (LAST YEAR) - 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.

**Restrictions/Prerequisites**: (LAST YEAR) - Business Associations

**Format**: Lecture

**Method of Evaluation**: (LAST YEAR) - optional mid-term assignment; take-home final exam.

# Transsystemic Courses (2014-2015 & 2015-2016 programs only)

## Commercial Law (LAWG 200)

**3 credits**

**Winter**

**Instructor**: Professor Jeffrey Edwards & Me Nadine Afif

**Language of Instruction**: English

**Description**: The contract of sale in the Civil Law and Common Law traditions; nature and scope of the contract of sale; conditions of formation; sale of property of another; obligations of the seller, including quality and title; obligations of the buyer; product liability; comparative reference made to the rules of the U.N. Convention on the International Sale of Goods and to American U.C.C. rules.

**Restrictions/Prerequisites**:

**Format**: Lecture

**Method of Evaluation**: Final examination for 90% of the grade. There will be a 10% component of the evaluation for active participation in class throughout the course. Students also have the possibility to submit a paper on a subject to be agreed upon with the instructor. The paper will count for 40 % of the final grade and is to assist. A student who submits a paper will have the option to be exempt from completing questions having a weight of 40 % on the final exam.  
Biography: Professor Jeffrey Edwards: Judge of the Court of Quebec (Civil Division), B.C.L. (McGill), LL.B. (McGill), LL.D. (Laval), is a former practitioner who was one of the leading experts in Quebec in the law of product quality and defective workmanship. Adjunct Professor. He is the author of the reference book on the subject: La garantie de qualité du vendeur en droit québécois.    
Me Nadine Afif: LL.B. (Université de Montréal). Attorney at the firm of Tutino Joseph Grégoire, a leading law firm in Quebec in the law of sale, construction law and product liability.

## Employment Law (LEEL 570)

**3 credits**

**Winter**

**Instructor**: Professor Adelle Blackett

**Language of Instruction**: English

**Description**: This course provides a transsystemic study of the individual employment relationship. It examines the historical development of private law notions of the master-servant relationship, and considers the impact of codal reform, protective statutory regimes and human rights law on employment law and practice. Throughout the course, the relationship between economic globalization and the efficacy of existing approaches to governing employment will be explored. Challenges to the territorial regulation of employment law within the nation state will be explored, including the regulation of labour market informality, and of migrant labour.  
Restrictions/Prerequisites: There are no prerequisites for this course.  The companion course is Labour Law, which deals with the collective relationship, characterized by unionization.  Together, the courses seek to give a fair panorama of the “law of work”, but a number of other courses (Labour Arbitration, Contract Negotiation, Occupational Safety and Health Law, Transnational Labour Law) would readily supplement the overview for someone interested in pursuing a career in the field.

**Format**:

**Method of Evaluation**: Class participation (25%); Graduate students are required to complete a written assignment in this course. Undergraduate students will have the opportunity to complete an optional written assignment (25%); Final exam (50%).

## Evidence (Civil Matters)/Preuve civile (LAWG 415)

**3 credits**

**Winter**

### Section 001

**Instructor**: Giacomo Marchisio

**Language of Instruction**: English

**Description**: The law of evidence is concerned with the information used by adjudicative institutions—such as courts and arbitral tribunals—to resolve disputes. As adjudication typically involves the application of legal norms to facts, the law of evidence regulates the acquisition and use of information bearing on conclusions of both fact and law. As this course focuses on evidentiary issues relating to civil and commercial matters, it does not address issues that are specific to penal/criminal or administrative matters. While the emphasis throughout the course will be on the law of evidence in Canada, it will primarily serve as a guide to understanding how evidentiary issues are typically regulated in the common law and civil law traditions. This course pursues three main objectives: first, to understand which issues are addressed by the law of evidence; second, to understand how those issues are regulated in modern legal systems; third, to develop the ability to reflect critically on the rules of evidence.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: Final take-home examination (60%), Presentations (25%), Class participation (15%).

### Section 003

**Instructor**: Patrick Ferland

**Language of Instruction**: Français

**Description**: Le droit de la preuve s’intéresse à la façon dont les tribunaux sont appelés à prendre connaissance des faits pertinents à la résolution des affaires qui leur sont soumises. Il détermine ainsi à quelle partie revient le fardeau de la preuve et de quelle façon les faits ou actes juridiques en cause peuvent être soumis au tribunal – que ce soit par écrit, par la voie de témoignages, par la présentation d’éléments matériels de preuve comme des objets ou des enregistrements, ou encore par l’établissement de présomptions ou le recours à la connaissance d’office du tribunal. Le droit de la preuve établit également plusieurs règles d’irrecevabilité de la preuve, lesquelles sont fondées sur le désir d’assurer la fiabilité de la preuve présentée au tribunal (comme l’interdiction du ouï-dire) ou de préserver certaines valeurs que la société considère importantes (comme le secret professionnel, la protection contre l’auto-incrimination ou le rejet de la preuve obtenue illégalement).  
L’objectif du cours est de permettre aux étudiants d’acquérir une solide compréhension des principes qui gouvernent le droit de la preuve dans les matières civiles au Québec et dans les juridictions canadiennes de common law, de situer ceux-ci dans un contexte plus large en ayant recours au besoin à des sources étrangères, et de permettre aux étudiants de développer une réflexion critique à l’égard du fondement et de la nécessité des règles en place.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: Examen « take-home » optionnel (30%) : Un examen « take home » optionnel de 48 heures sur les sujets couverts dans les six premiers cours comptera pour 30% de la note globale du cours. Examen final (70% ou 100%) : Un examen final portant sur la totalité de la matière dont le résultat comptera pour 70 % de la note pour les étudiants ayant effectué l’examen take-home, et 100 % de la note pour les autres étudiants.

## Family Law/Droit de la famille (LAWG 273)

**3 credits**

**Fall**

**Instructor**: Dean Robert Leckey

**Language of Instruction**: Français

**Description**: Le cours de droit de la famille se veut une étude de l’état civil et des effets extrapatrimoniaux des rapports entre parents et enfants ainsi que ceux entre conjoints. Couvrant à la fois la common law et le droit civil, il examine notamment le contraste entre les rapports familiaux de droit et ceux considérés – à tort ou à raison – comme étant de fait. Le cours comportera un angle historique et se référera à des données empiriques sur les pratiques familiales courantes. Le cours abordera de nombreuses perspectives théoriques, parmi lesquelles se retrouvent les approches féministe, queer, pluraliste et économique. Le cours mettra un accent sur la lecture attentive des jugements et des lois.

**Restrictions/Prerequisites**:

**Format**: Lecture

**Method of Evaluation**: un examen final take home de six heures valant 75% de la note; un travail écrit de 650 mots valant 25% de la note, rédigé en plusieurs étapes (dont la rédaction, l’évaluation par les pairs et la révision).

## Medical Liability (CMPL 522)

**3 credits**

**Fall**

**Instructor**: Professor Lara Khoury

**Language of Instruction**: English

**Description**: Comparative law and transsystemic study of the law of medical liability, including the following topics: the law-science interaction; the relationship between patient and physicians; liability and discipline; 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.

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

**Format**: Lecture

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

## Private International Law (LAWG 316)

**3 credits**

**Fall**

**Instructor**: Professor Catherine Walsh

**Language of Instruction**: English

**Description**: This course is concerned with multi-jurisdictional private law relationships and disputes with a focus on contractual and extra-contractual obligations. We will inquire into how court jurisdiction is established, what law governs transborder legal relationships and disputes, and the effect of court judgments across borders. Sources will focus on the law of Canadian provinces but comparative (e.g. European, American) and international sources will also be examined.

**Restrictions/Prerequisites**: Judicial Institutions and Civil Procedure recommended.

**Format**: Lecture and in-class discussion.

**Method of Evaluation**: Final take-home examination (50%) and minimum of two in‐term written assignments (25% each or best two grades if more than two are submitted).

## Secured Transactions (LAWG 400)

**3 credits**

**Fall**

**Instructor**: Professor Catherine Walsh

**Language of Instruction**: English

**Description**: This course is about the legal institutions by which debtors deploy their assets to secure the payment of an obligation due to their creditors and the relative rights of secured creditors as against other claimants. The course will focus primarily on security over movable property; only passing reference will be made to security over immovable property. Attention will be paid to the underlying economic and political logic of secured transaction regimes in market economies. The secured transactions regimes examined will primarily be the Personal Property Security Acts in effect in the twelve common law Canadian jurisdictions and the regime for hypothecary security and ownership-based security in the Civil Code of Quebec including the interaction of these regimes with federal bankruptcy and insolvency law and other federal law. Passing reference also will be made to international sources and other national sources.

**Restrictions/Prerequisites**: Property recommended

**Format**: Lecture and in-class discussion.

**Method of Evaluation**: Final take-home examination (50%) and minimum of two in‐term written assignments (25% each or best two grades if more than two are submitted).

# Elective Courses

## Advanced Criminal Law (PUB2 501)

**3 credits**

**Fall**

**Instructor**: Me Robert Israel

**Language of Instruction**: English

**Description**: A continuation of the introductory courses in criminal law (Criminal Law and Criminal Justice). Selected topics will be announced in advance.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: in-term assignment(s), final exam (take-home).

## Banking and Payment Law (BUS2 531)

**3 credits**

**Fall**

**Instructor**: Me Marc Lemieux

**Language of Instruction**: English

**Description**: This course focuses on the forms of payment that banks and other source providers 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? 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.

**Restrictions/Prerequisites**: Contracts and Torts.

**Format**: Interactive lectures, class discussions.

**Method of** **Evaluation**: One take-home assignment (worth 50% of the final grade) and one take-home final exam (worth 50% of the final grade).

**Biography**: Me Lemieux has been practicing financial services law for nearly 25 years. He is a member of the Bars of Quebec and Ontario, and acts for clients in court cases, commercial transactions and regulatory compliance matters. He also is a certified mediator and arbitrator.

## Civil Litigation Workshop (PROC 459)

**3 credits**

**Fall**

**Instructor**: Me James A. Woods & Me Sarah Woods

**Language of Instruction**: English & French

**Description**: The course is designed to provide both the technical and practical tools necessary for the advocate in civil litigation including the techniques applicable in discovery, production of exhibits, the examination of expert and ordinary witnesses, legal argument and trial tactics, culminating in a day‐long simulated trial.

**Restrictions/Prerequisites**:

**Format**: Lecture

**Method of Evaluation**: Class Participation: 40%; Final Trial Performance: 60%.

**Biography**: James A. Woods, Ad. E. is the founding partner of Woods LLP. A member of the bar in various Canadian provinces as well as the Law Society of England and Wales and the Paris bar, he is frequently named as one of the best lawyers in Quebec and Canada. He is a fellow of the American College of Trial Lawyers, the Litigation Counsel of America, and the Federation of Defence and Corporate Counsel. For over 30 years, Mtre. J. A. Woods has taught the course on civil litigation at the McGill University Faculty of Law. With over 41 years of experience in the litigation arena, he enjoys a sterling reputation in the courts of Quebec and Ontario, as well as the Federal Court and the Supreme Court of Canada. He was awarded the Advocate Emeritus honorary distinction by the Quebec Bar in 2013. Named by Le Monde Juridique Magazine Litigator of the year in 2016.  
Sarah Woods: is a partner of Woods LLP and a member of the Quebec Bar and of the Law Society of Ontario. She has appeared before all levels of Quebec courts and before the Federal Court. Her diverse practice includes all aspects of commercial litigation, including shareholder disputes, securities litigation, professional liability, defamation and class actions. Mtre. S. Woods has also taught civil litigation as co‐professor with Mtre. J. A. Woods at the McGill University Law Faculty for the past 13 years.

## Commercial Law (LAWG 200)

**3 credits**

**Winter**

**Instructor**: Professor Jeffrey Edwards & Me Nadine Afif

**Language of Instruction**: English

**Description**: The contract of sale in the Civil Law and Common Law traditions; nature and scope of the contract of sale; conditions of formation; sale of property of another; obligations of the seller, including quality and title; obligations of the buyer; product liability; comparative reference made to the rules of the U.N. Convention on the International Sale of Goods and to American U.C.C. rules.

**Restrictions/Prerequisites**:

**Format**: Lecture

**Method of Evaluation**: Final examination for 90% of the grade. There will be a 10% component of the evaluation for active participation in class throughout the course. Students also have the possibility to submit a paper on a subject to be agreed upon with the instructor. The paper will count for 40 % of the final grade and is to assist. A student who submits a paper will have the option to be exempt from completing questions having a weight of 40 % on the final exam.  
Biography: Professor Jeffrey Edwards: Judge of the Court of Quebec (Civil Division), B.C.L. (McGill), LL.B. (McGill), LL.D. (Laval), is a former practitioner who was one of the leading experts in Quebec in the law of product quality and defective workmanship. Adjunct Professor. He is the author of the reference book on the subject: La garantie de qualité du vendeur en droit québécois.    
Me Nadine Afif: LL.B. (Université de Montréal). Attorney at the firm of Tutino Joseph Grégoire, a leading law firm in Quebec in the law of sale, construction law and product liability.

## Comparative Federalism (PUB2 503)

**3 credits**

**Fall**

**Instructor**: Professor Johanne Poirier

**Language of Instruction**: English

**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.   This course is aimed at deciphering the many forms which the “federal phenomenon” may take, as well as at decoding how federalism affects policy-making.  First, a brief introduction will canvass the origins of “the federal idea”, its normative underpinnings and some of the reasons which lead public actors to opt for federal solutions. Secondly, through a largely institutional approach, we will seek to develop – together – a sort of “conceptual vocabulary” of federal institutions and techniques, which can be then recognised/analysed/criticised/altered/modified etc. in a number of settings.  This will allow us to distinguish various dimensions of federal systems (including, mostly federal states). We will thus explore mono-national vs plurinational federalism; dualist vs cooperative federalism; federalism through integration vs. dissociation etc.   Thirdly, we will address specific institutional arrangements and policy challenges in federal systems, from a comparative perspective.  Topics might include bicameralism, divisions of powers, the role of courts, intergovernmental relations, specific policy-development and implementation.  In 2018-2019, the course might be given jointly with the Department of political science (this is still under discussion and explains why the method of evaluation is not entirely determined. But there will be several projects and no final exam).

**Restrictions/Prerequisites**: Constitutional Law.

**Format**: Seminar.

**Method of Evaluation**: Class participation, included some class presentation of readings etc (20 %); Analysis and discussion in class of a specific federal regime, based on a common template (30 %); AND EITHER: 2 “blog” entries (1000-1500 words each – I.CONnect model (25 % each) OR a research paper, 8000 words (50 %).

## Corporate Finance (BUS2 505)

**3 credits**

**Fall**

**Instructor**: Me Marc Barbeau

**Language of Instruction**: English

**Description**: This course aims to introduce students to the relationships between firms 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 materials will be made available providing required and discretionary readings.

**Restrictions/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.

**Format**:

**Method of Evaluation**: (i) a 75% take home final exam during the term’s final exam period to be completed within six hours of having been accessed by the student (3000 words limit in English); and (ii) a 25% mid-term assignment during a one-week mid-term period (to be confirmed) to be completed within six hours of having been accessed by the student (1000 words limit in English).

## Corporate Taxation (PUB2 517)

**3 credits**

**Winter**

**Instructor**: Me Nadia Rusak

**Language of Instruction**: English

**Description**: This course provides an in-depth examination of income taxation of corporations and their shareholders. It covers tax aspects of every stage of a corporation’s life cycle, including formation, capitalization and operation of a corporation; distribution of corporate profits; sale and purchase of a business; corporate combinations; liquidations and wind-ups. If time permits, the course will also include a brief overview of tax-deferred divisive reorganizations and utilization of corporate losses.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: The mode of evaluation for this course is: (i) A 70% 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 30% mid-term assignment, to be available during a one-week mid-term period to be confirmed and to be completed individually within 24 hours of having been accessed by the student or any member of the team (1000 words limit in English). The assignment submission formalities will be worked out with the SAO. Each student must work on the exam or assignment independently. Any student who is unsure what this means is strongly encouraged to consult the Faculty regulations. corporate losses.

## Criminal Procedure/Procédure pénale (PUB2 422)

**3 credits**

### Section 001 (Fall)

**Instructor**: Sara Henningsson

**Language of Instruction**: English

**Description**: This course will provide students with an introduction to the Canadian criminal process, from police powers to detain, question, search, seize and arrest, through pre-trial procedures such as bail, disclosure, admissibility hearings and the trial.  The course will focus throughout on the effects of the Canadian Charter of Rights and Freedoms on criminal procedure. Also, the day to day practical difficulties of criminal procedure will be discussed in light of each stage of the criminal process.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: Final Examination [75%]: There will be a 3-hour open-book examination; In-Term presentation [25%]: Students are asked to visit court sessions at the Montreal court house. Students must link an observation made in court to any procedural issue discussed in class. This visit can be done any time during the semester and students may go more than once. Only one issue will be discussed at the end of the term and briefly with no power point or other material to hand in to the professor (details will follow).

### Section 003 (Winter)

**Instructor**: Me Maxime Hébrard  
**Language of Instruction**: Français  
**Description**: Ce cours porte sur la procédure criminelle canadienne, de l'enquête policière à l'appel en passant par la mise en liberté, l'enquête préliminaire et le procès. Nous nous intéresserons particulièrement à l'interaction entre la procédure criminelle et les droits individuels consacrés dans la Charte canadienne des droits et libertés.  
**Restrictions/Prerequisites**:   
**Format**:   
**Method of Evaluation**: Les étudiants seront évalués par un travail de session optionnel et un examen final.

## European Union Law (CMPL 536)

**3 credits**

**Fall**

**Instructor**: Professor Armand de Mestral

**Language of Instruction**: English

**Description**: An analysis of the institutional and economic provisions of the treaties establishing the European Union creating a homogenous structure for commerce and competition within the Internal Market. This course will stress the law governing the institutions, external relations, the relationship between community and domestic law and the process of judicial review by the Court of European Communities as well as the central principles governing the free movement of goods, services, persons and capital in the internal market as well as the principles of EU completion law. Comparisons are made with federal systems and free trade areas. The current challenges to the integrity of the EU posed by the UK’s Brexit vote, the EURO and the influx of refugees will also be discussed.

**Restrictions/Prerequisites**: Public International Law recommended

**Format**: Lecture and class discussion

**Method of Evaluation**: Students are required to take a 3 hour partial open book examination worth 100% of the final grade. Students are strongly encouraged to also prepare an optional research paper of 15 pages in length (worth 33 1/3% of the final grade. In this case, the final exam is worth 66 2/3%).  
Biography: Emeritus Professor, Jean Monnet Chair in Law;  Co-Director McGill - Université de Montréal, Institute of European Studies 2002- 8; Interim Director, Institute of Air and Space Law McGill University, 1998-2002; Senior Fellow CIGI 2014- ;  Recent publications : (co-author and editor) Second Thoughts: Investor-State Arbitration between Developed Democracies (2017); Improving International Investment Agreements, 2012 (co-author); International Law 7th Ed, 2006 ( co-author), Law and Practice of International Trade (2nd edition; 1999) ; The North American Free Trade Agreement – A Comparative Study,  Hague Academy of International Law , Receuil des cours (2000) Panelist and arbitrator in disputes under WTO, CUFTA  and NAFTA. Member of the Canadian Delegation to the UN Law of the Sea Conference 1973 -80. Consultant to NACEC and Law Commission of Canada.  President, Canadian Red Cross Society 1999-2001. Appointed Member of the Order of Canada December 28, 2007. Awarded the John E. Read Medal of the CCIL in 2017. Teaching: 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.

## Evidence (Civil Matters)/Preuve civile (LAWG 415)

**3 credits**

**Winter**

### Section 001

**Instructor**: Giacomo Marchisio

**Language of Instruction**: English

**Description**: The law of evidence is concerned with the information used by adjudicative institutions—such as courts and arbitral tribunals—to resolve disputes. As adjudication typically involves the application of legal norms to facts, the law of evidence regulates the acquisition and use of information bearing on conclusions of both fact and law. As this course focuses on evidentiary issues relating to civil and commercial matters, it does not address issues that are specific to penal/criminal or administrative matters. While the emphasis throughout the course will be on the law of evidence in Canada, it will primarily serve as a guide to understanding how evidentiary issues are typically regulated in the common law and civil law traditions. This course pursues three main objectives: first, to understand which issues are addressed by the law of evidence; second, to understand how those issues are regulated in modern legal systems; third, to develop the ability to reflect critically on the rules of evidence.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: Final take-home examination (60%), Presentations (25%), Class participation (15%).

### Section 003

**Instructor**: Patrick Ferland

**Language of Instruction**: Français

**Description**: Le droit de la preuve s’intéresse à la façon dont les tribunaux sont appelés à prendre connaissance des faits pertinents à la résolution des affaires qui leur sont soumises. Il détermine ainsi à quelle partie revient le fardeau de la preuve et de quelle façon les faits ou actes juridiques en cause peuvent être soumis au tribunal – que ce soit par écrit, par la voie de témoignages, par la présentation d’éléments matériels de preuve comme des objets ou des enregistrements, ou encore par l’établissement de présomptions ou le recours à la connaissance d’office du tribunal. Le droit de la preuve établit également plusieurs règles d’irrecevabilité de la preuve, lesquelles sont fondées sur le désir d’assurer la fiabilité de la preuve présentée au tribunal (comme l’interdiction du ouï-dire) ou de préserver certaines valeurs que la société considère importantes (comme le secret professionnel, la protection contre l’auto-incrimination ou le rejet de la preuve obtenue illégalement).  
L’objectif du cours est de permettre aux étudiants d’acquérir une solide compréhension des principes qui gouvernent le droit de la preuve dans les matières civiles au Québec et dans les juridictions canadiennes de common law, de situer ceux-ci dans un contexte plus large en ayant recours au besoin à des sources étrangères, et de permettre aux étudiants de développer une réflexion critique à l’égard du fondement et de la nécessité des règles en place.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: Examen « take-home » optionnel (30%) : Un examen « take home » optionnel de 48 heures sur les sujets couverts dans les six premiers cours comptera pour 30% de la note globale du cours. Examen final (70% ou 100%) : Un examen final portant sur la totalité de la matière dont le résultat comptera pour 70 % de la note pour les étudiants ayant effectué l’examen take-home, et 100 % de la note pour les autres étudiants.

## Evidence (Criminal Matters) - LAWG 426

**3 credits**

**Winter**

**Instructor**: Professor Alana Klein

**Language of Instruction**: English

**Description**: (FROM 2015-2016) -  An introduction to principles of evidence with a focus on admissibility in criminal matters. Topics include burdens of proof, relevance, hearsay, opinion, character, similar facts, confessions and illegally-obtained evidence. Critical perspectives on the fact determination process and the impact of rules and principles of evidence on marginalized groups will be considered.

**Restrictions/Prerequisites**: (FROM 2015-2016) - Criminal Law (mandatory); Criminal Procedure and Evidence (Civil Matter) (recommended).

**Format**: Lecture

**Method of Evaluation**:

## Family Law/Droit de la famille (LAWG 273)

**3 credits**

**Fall**

**Instructor**: Dean Robert Leckey

**Language of Instruction**: Français

**Description**: Le cours de droit de la famille se veut une étude de l’état civil et des effets extrapatrimoniaux des rapports entre parents et enfants ainsi que ceux entre conjoints. Couvrant à la fois la common law et le droit civil, il examine notamment le contraste entre les rapports familiaux de droit et ceux considérés – à tort ou à raison – comme étant de fait. Le cours comportera un angle historique et se référera à des données empiriques sur les pratiques familiales courantes. Le cours abordera de nombreuses perspectives théoriques, parmi lesquelles se retrouvent les approches féministe, queer, pluraliste et économique. Le cours mettra un accent sur la lecture attentive des jugements et des lois.

**Restrictions/Prerequisites**:

**Format**: Lecture

**Method of Evaluation**: un examen final take home de six heures valant 75% de la note; un travail écrit de 650 mots valant 25% de la note, rédigé en plusieurs étapes (dont la rédaction, l’évaluation par les pairs et la révision).

## Intellectual and Industrial Property/Propriété intellectuelle (BUS2 502)

**3 credits**

### Section 003 (Fall)

**Instructor**: Professor Pierre-Emmanuel Moyse

**Language of Instruction**: Français

**Description**: Ce cours a pour objectif de présenter les principaux droits intellectuels, soit le droit des marques, le droit d’auteur et, dans une proportion moindre, le droit des brevets, d’introduire les questions fondamentales posées dans les débats actuels concernant la protection des objets immatériels. La participation étudiante sera fortement encouragée. Vous serez invités à prendre part à de nombreux évènements organisés par le Centre des politiques en propriété intellectuelle (CIPP) de la Faculté de droit dont votre professeur est le directeur.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: 60% examen final, livres ouverts. 10 % - IP News : présentation orale en début de classe d'une capsule d’information sur un événement courant concernant la propriété intellectuelle (dans la langue de son choix). Format : 5 diapositives ; durée 8 minutes. Les étudiantes sont encouragées à s’abonner à la section IP News This Month (Jeff Roberts) du site du Centre des politiques en propriété intellectuelle de la Faculté (CIPP). 30% - La présentation orale donnera également lieu à la production d'un essai de 1000 mots, sur le même thème que la présentation orale, format essai. Les meilleurs essais seront publiés sur le site du CIPP : <http://www.cippmcgill.ca/>

### Section 001 (Winter)

**Instructor**: Professor Richard Gold

**Language of Instruction**: English

**Description**: Intellectual property (IP) law provides a means through which to analyze the ways in which legal systems and markets seek to regulate aspects of innovation and creativity. Taking both a transsystemic and interdisciplinary approach, this course will investigate not only IP legislation, but how common law and civil law systems interpret those laws, the politics around IP, especially at the international level, the history of different IP regimes, and other aspects of innovation and creativity. The course will cover patent, copyright and trademark law but will also briefly touch on trade secrets, genetic resources, traditional knowledge and plant variety protection. As patent law will provide a central focus in this course, students ought to be generally familiar with basic biology, genetics and information & communications technologies.

**Restrictions/Prerequisites**: Innovation (or equivalent), Property suggested prerequisite or corequisite.

**Format**:

**Method of Evaluation**: Participation 30% -Paper 25% - Final take home exam 45%.

## International Carriage of Goods by Sea (CMPL 515)

**3 credits**

**Fall**

**Instructor**: Colford

**Language of Instruction**: English

**Description**: An examination of the international carriage of goods by sea as governed by Canadian Maritime Law and International Convention, and of the balancing of rights and responsibilities of carrier and cargo interests. Substantive topics include transport documentation such as bills of lading, charter parties, and multi-modal contracts, concepts of seaworthiness and negligence, and contractual techniques of allocation of risk and the provision of benefits to third party performers of services.

**Restrictions/Prerequisites**: N/A

**Format**: Lecture

**Method of Evaluation**: 100% Written Evaluation, Open Book

## International Environmental Law and Politics (CMPL 546)

**3 credits**

**Winter**

**Instructor**: Professor Sébastien Jodoin

**Language of Instruction**: English

**Description**: This course aims to prepare students to understand and navigate the field of international environmental law and politics. Part I of the course will feature interactive lectures that will introduce students to the history, institutions, actors, processes, principles, and forms of governance that define the field of international environmental law and policy. Part II of the course will feature teams of students presenting a brief overview of key elements of different areas and regimes of international environmental law, including those dealing with pollution, climate change, ozone protection, biodiversity, forestry, oceans and marine resources, wildlife, extractive industries, hazardous and nuclear waste, freshwater resources, and the polar regions. Part III of the course will be comprised of in-depth simulation of international negotiations in the field of climate change. Part IV of the course will conclude with guest lectures and class discussions addressing the interactions between international environmental law and other fields of international law namely those addressing international trade and investment, social and economic development, international criminal and humanitarian law, and human rights.

**Restrictions/Prerequisites**: Public international law is recommended.

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

**Method of Evaluation**: 10% class participation; 20% oral presentation on a particular area or regime of international environmental law and policy (completed in teams of 2-3 students); 30% 2000-word legal memo on the domestic implementation of obligations in a particular area or regime of international environmental law and policy (completed in teams of 2-3 students); and 40% 4000-word individual essay on any topic in the field of international environmental law and policy.

## Jurisprudence (CMPL 501)

**3 credits**

**Fall**

**Instructor**: Professor Evan Fox-Decent

**Language of Instruction**: English

**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.

**Restrictions/Prerequisites**:

**Format**:

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

## Law Innovation (LAWG 560)

**3 credits**

**Fall**

**Instructor**: Professor Richard Gold

**Language of Instruction**: English

**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.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: Final exam: 50%; Individual project (20%); Team project (including oral presentation and peer review): 30%.

## Law Innovation for Non-Law Students (LAWG 570)

**3 credits**

**Fall**

**Instructor**: Professor Richard Gold

**Language of Instruction**: English

**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.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: Final essay: 60%; Team project (including oral presentation and peer review): 40%.

## Legal Theory (CMPL 506)

**3 credits**

**Winter**

**Instructor**: Professor Omar Farahat

**Language of Instruction**: English

**Description**: This course will involve in-depth investigations of central questions of legal thought. We will ask: to what extent is coercion a defining feature of law? What is the relation of law and morality? What is the nature of rules, and how are they different from standards? What are legal obligations, and how are they different form other obligations? What do we mean when we speak of sources of law? Readings will draw primarily, but not exclusively, on Anglo-American analytic jurisprudence.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: Class participation, a collaborative presentation, final paper.

## Medical Liability (CMPL 522)

**3 credits**

**Fall**

**Instructor**: Professor Lara Khoury

**Language of Instruction**: English

**Description**: Comparative law and transsystemic study of the law of medical liability, including the following topics: the law-science interaction; the relationship between patient and physicians; liability and discipline; 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.

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

**Format**: Lecture

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

## Private International Law (LAWG 316)

**3 credits**

**Fall**

**Instructor**: Professor Catherine Walsh

**Language of Instruction**: English

**Description**: This course is concerned with multi-jurisdictional private law relationships and disputes with a focus on contractual and extra-contractual obligations. We will inquire into how court jurisdiction is established, what law governs transborder legal relationships and disputes, and the effect of court judgments across borders. Sources will focus on the law of Canadian provinces but comparative (e.g. European, American) and international sources will also be examined.

**Restrictions/Prerequisites**: Judicial Institutions and Civil Procedure recommended.

**Format**: Lecture and in-class discussion.

**Method of Evaluation**: Final take-home examination (50%) and minimum of two in‐term written assignments (25% each or best two grades if more than two are submitted).

## Resolution of International Disputes (CMPL 533)

**3 credits**

**Fall**

**Instructor**: Professor Fabien Gélinas

**Language of Instruction**: English

**Description**: This seminar deals with current methods of resolving international disputes, with an emphasis on international commercial arbitration. Legal aspects of “Alternative” Dispute Resolution (ADR) mechanisms will be touched upon. The phenomenon of transnational law, substantive and procedural, will be scrutinized. The course will also introduce dispute resolution between states and private parties.

**Restrictions/Prerequisites**:

**Format**: This is a discussion-oriented seminar in which students will expand on the materials and work on practical problems. Students are expected to read the materials and to discuss them in class. Class participation will count for a significant portion of the final grade. A certain number of guest lectures form part of this seminar.

**Method of Evaluation**: Undergraduate programme – final research paper (75%); class participation (15%), paper proposal as presented (10%).  
Graduate programme – Graduate law students may be made responsible for the animation of class discussions based on some of the assigned readings and guest lectures. 40% of the grade will be based on class participation, including presentation to class. For the remaining 60% of the grade, students may take a final oral examination or submit a final paper of approximately 30 pages.

## Secured Transactions (LAWG 400)

**3 credits**

**Fall**

**Instructor**: Professor Catherine Walsh

**Language of Instruction**: English

**Description**: This course is about the legal institutions by which debtors deploy their assets to secure the payment of an obligation due to their creditors and the relative rights of secured creditors as against other claimants. The course will focus primarily on security over movable property; only passing reference will be made to security over immovable property. Attention will be paid to the underlying economic and political logic of secured transaction regimes in market economies. The secured transactions regimes examined will primarily be the Personal Property Security Acts in effect in the twelve common law Canadian jurisdictions and the regime for hypothecary security and ownership-based security in the Civil Code of Quebec including the interaction of these regimes with federal bankruptcy and insolvency law and other federal law. Passing reference also will be made to international sources and other national sources.

**Restrictions/Prerequisites**: Property recommended

**Format**: Lecture and in-class discussion.

**Method of Evaluation**: Final take-home examination (50%) and minimum of two in‐term written assignments (25% each or best two grades if more than two are submitted).

## Sentencing in Canadian Law (PUB2 504)

**3 credits**

**Fall**

**Instructor**: Professor Marie Manikis

**Language of Instruction**: English

**Description**: This course aims to introduce students to the law, theory, policy and practice of sentencing in Canada with comparative perspectives. It will provide students with an introduction to the general objectives, foundations and principles of sentencing in Canada. Further, procedure and evidence in sentencing will be looked at and situated in a broader socio-legal context. A number of critical perspectives will be explored, including victims’ rights, race, indigeneity, and gender. Finally, selected topics of this course will be analyzed and include theories of punishment, mandatory sentences of imprisonment and constitutional considerations, comparative models for controlling judicial discretion, victim participation in sentencing, plea-bargaining, and the impact of sentencing on racialized and indigenous offenders.

**Restrictions/Prerequisites**:

**Format**:

**Method of** **Evaluation**: Final Take-Home Essay [60% or 90% for those who did not write the optional mid-term]: The length of this evaluation should be no more than 3000 words. Optional In-Term Take-Home Reflection [30%]: Students will be instructed to write an optional essay (1000 words maximum) to a question/problem that will be available on MyCourses at a specified date during the term. This should be answered in light of what you learned in class and in other assigned readings. Class participation [10%]: Student grades will incorporate recognition of attendance and participation in class. Students who come to class unprepared and who fail to contribute to the class discussion will be given lower grades.

## Specialized Topics in Law 3 (LAWG 513)

**2 credits**

### Section 001 - Personal Injury Law (Fall)

**Instructor**: Arthur Wechsler

**Language of Instruction**: English

**Description**: The aim of the course will be to expose students to the practical, legal and conceptual principles of Personal Injury Law.  In this regard the course will offer students insight into the legal framework of this area of the law.  The course will explore the practical implications confronting practitioners in terms of dealing with clients, opposing lawyers and the judiciary.  Subject matter will go into detail in the areas of Personal Injury Law involving fault and causation, as well as the assessment of damages.  Various types of personal injury cases will be analyzed involving medical malpractise, sporting injuries, sexual abuse, defamation and psychological damages, injuries involving children and death cases.

**Restrictions/Prerequisites**: N/A

**Format**:

**Method of Evaluation**: based on case analyses and class participation (25%), as well as a final exam (75%).  In the final exam, students will be required to analyze various scenarios, explain the applicable legal regime, provide explanations and courses of action supported by provisions of law, doctrine and caselaw.

### Section 001 - Aviation Finance (Winter)

**Instructor**: Dr. Donal Hanley

**Language of Instruction**: English

**Description**: This course will introduce the student to the main principles of aviation financing and leasing in the context of public and private international air law, with particular reference to the Cape Town Convention. Although leasing now accounts for about 40% of the commercial aircraft fleet worldwide, and many of the remaining aircraft are subject to secured financing, most international air law treaties were drafted before the development of aviation financing and leasing. This fast evolving area of air law, where operation and ownership of the aircraft no longer automatically go together, offers much scope for further research and study.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: A 3 page paper on the main different types of aircraft lease.

## Specialized Topics in Law 5 (LAWG 515)

**3 credits**

### Section 001 - Aboriginal Peoples and Canadian Criminal Justice (Fall)

**Instructor**: Skinner

**Language of Instruction**: English

**Description**: Not available yet

**Restrictions/Prerequisites**: Not available yet

**Format**: Not available yet

**Method of Evaluation**: Not available yet

### Section 001 - Transnational Futures of International Labour Law (Winter)

**Instructor**: Professor Adelle Blackett

**Language of Instruction**: English

**Description**: On 11 April 2019, the International Labour Organization (ILO) - the specialized agency of the United Nations charged with the promotion of social justice and human and labour rights to which Canada is a founding member - will celebrate its 100th birthday.   Created under the Treaty of Versailles in 1919 as part of the League of Nations, the ILO survived to become a specialized agency of the United Nations. Founded on the conviction that “universal and lasting peace can be established only if it is based upon social justice” (ILO Constitution, preamble), the ILO has pursued the improvement of working conditions worldwide, largely – but not exclusively – through international labour standard-setting and monitoring. Canada holds a special place in the ILO’s history: Canada offered the ILO a wartime refuge, from 1940 – 1948; in fact, the ILO was housed in Montreal, at McGill University. During that time, the ILO prepared a post-war future, including paths in which international labour law could accompany decolonization. This work led to the ILO constitutional annex, the Declaration of Philadelphia of 1944 that Franklin D. Roosevelt referred to as “a landmark in world thinking”. It declared that: • Labour is not a commodity; • Freedom of expression and of association are essential to sustained progress; • Poverty anywhere constitutes a danger to prosperity everywhere; • All human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity. The contemporary global environment makes the ILO’s 1944 social justice objectives seem every bit as relevant, urgent and inspiring now.

**Restrictions/Prerequisites**:

**Format**: This seminar is structured as a celebration of the ILO’s centenary and an opportunity to offer critical reflections on the transnational future of international labour law.  It will be taught with leading visiting lecturers on transnational labour law and the ILO.  It is expected that guest lectures will be open to the public, and webcast.

**Method of Evaluation**: 2 short in-class assignments (20 % each), 1 final 15 page paper (40%) and class participation (20%).

## Specialized Topics in Law 6 (LAWG 516)

**3 credits**

### Section 001 - Class Actions (Fall)

**Instructor**: Professor Daniel Jutras

**Language of Instruction**: English

**Description**: This course offers a theoretical and practical exploration of the law and practice of class actions. Although mainly focused on Quebec, the course will address features of the class action regimes of Canadian common law provinces, the United States and other jurisdictions. The course will explore structural, ethical, operational, and political issues arising from the collectivization of claims in private law. At the end of the course, students should have acquired enough insight into class actions to be able to effectively join a team of plaintiff or defendant lawyers working in this field.  Students should also be able to express informed critical views about the place and impact of class actions at the interface of civil justice and public policy. Much of the course will be taught through problem-based learning, requiring active participation of all students.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: Four short assignments (7-10 pages each) over the course of the term, each worth 25% of the grade.

### Section 001 - Arbitration and the Courts (Winter)

**Instructor**: Professor Andrea Bjorklund

**Language of Instruction**: English

**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?  Where would a multilateral investment court (MIC) fit in?

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: Assessment will be based on several short assignments during the term, along with class participation.

## Specialized Topics in Law 7 (LAWG 517)

**3 credits**

### Section 001 - Securities Litigation (Fall)

**Instructor**: Shaun Finn

**Language of Instruction**: English

**Description**: One of the emerging fields in the area of complex commercial litigation is that of securities, particularly cases involving alleged failures to disclose material information. Corporations that were once the darlings of Wall Street and Bay Street have seen their market capitalization drop, their brands tarnished, and their investor relations compromised by allegations of improper reporting and/or misrepresentation. Moreover, the existing statutory regimes provide recourses, legal presumptions, and remedies that facilitate large-scale – at times existential – lawsuits on the part of aggrieved investors. This course provides an overview of the evolution of securities litigation in Québec and common law Canada by analysing the applicable statutory, common law, and civil law regimes, as well as some of the landmark decisions rendered by Canadian courts. This course also aims at introducing students to securities advocacy. Accordingly, students will be called upon to outline and present legal arguments in the context of litigation brought by, and on behalf of, investors. To assist them, a sitting judge and members of the Bar will be invited as guests to discuss written argumentation and oral pleading. Subject to the availability of its courtrooms, the oral pleading that constitutes the final, graded portion of the course will take place at the Québec Court of Appeal in Montréal.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: Written outline of argument: 50%. Students will be required to submit a written outline of argument (20-25 pages, 1.5 spacing, 12 Arial or Times New Roman) in which they will argue opposite sides of a securities litigation case. Oral pleading: 40%. Students will be required to present their outline of argument before one or more judges.  The mock hearings will take place during class hours. Attendance and participation: 10%.  Students are required to participate in class discussions.

### Section 001 - Public Health Law & Policy (Winter)

**Instructor**: Professor Lara Khoury

**Language of Instruction**: English

**Description**: Definition of public health and foundations of public health law. Examination of the power and duty of the state to protect the public’s health as well as the limits to state interventions pursuing the common good. Exploration of challenges in public health law & policy. Consideration of tools available to public health policy-makers, including nudging, regulation, prohibition, and litigation. Contemplation of the effectiveness of the criminal law and of private law in furthering public health goals. Introduction to public health methods with regards to risk, causation and the precautionary principle, and their interaction with legal norms. Analysis of specific case studies in public health law, including in such areas as infectious disease control, nutrition, tobacco, e-cigarettes and cannabis, and genetics.

**Restrictions/Prerequisites**: N/A

**Format**: Lecture and Seminar.

**Method of Evaluation**: Take-home and in-class assignments.

## Specialized Topics in Law 8 (LAWG 518): Banking and Credit Law

**3 credits**

**Winter**

**Instructor**: Me Marc Lemieux

**Language of Instruction**: English  
**Description**: The course focuses on loans and credit facilities, which are extended by banks to individuals and corporations in Canada. The course reviews contracts for the extension of consumer ad corporate loans and credit facilities: personal lines of credit, contracts for the use of credit cards, mortgage loan agreements, and corporate credit facilities extended by a single bank or a group of banks. The course also considers the extent to which the extension of credit by banks is regulated, and the legal liabilities that arise in connection with the extension of credit. Recent developments and emerging issues are discussed in a practical and trans-systemic manner. Class participation is encouraged.  
Restrictions/Prerequisites: Contracts and Torts.  
**Format**:  
**Method of Evaluation**: One take-home assignment (worth 50% of the final grade) and one take-home final exam (worth 50% of the final grade).  
**Biography**: Me Lemieux has been practicing financial services law for nearly 25 years. He is a member of the Bars of Quebec and Ontario, and acts for clients in court cases, commercial transactions and regulatory compliance matters. He also is a certified mediator and arbitrator.

## Specialized Topics in Law 8 (LAWG 518) & 9 (LAWG 519) - Indigenous constitutionalism

**6 credits**

**Full-Year**

**Students must register for both LAWG 518 (Fall) & LAWG 519 (Winter) to take this course.**

**Instructor**: Professor Aaron Mills

**Language of Instruction**: English

**Description**: This course uses Anishinaabe pedagogies to explore Anishinaabe legality, constitutionalism, and law. Through elder’s teachings, stories, material culture, and the works of myriad indigenous writers and orators, we’ll begin to develop an understanding of the logic, structure, and principles of one view of Anishinaabe constitutionalism, what kinds of legal processes and institutions it supports, what kind of law these generate, and how that body of law changes through time and across places. We’ll practise and apply Anishinaabe legal reasoning today, and will reflect upon a number of contemporary indigenous law revitalization projects in Canada, all in the context of contemporary colonialism. In so doing, we shall critically consider how colonialism structures indigenous-settler relationships on Turtle Island, complicating prospects for indigenous constitutional and legal revitalization.

**Restrictions/Prerequisites**: Students who know nothing about indigenous peoples, law, or constitutionalism are not only welcome, but encouraged.

**Format**: Using the format of a sharing circle, this course is highly interactive (although there are many ways to participate effectively). A challenge we’ll take up together is to have the form of our learning and engagement model its content, even as we’re learning it.

**Method of Evaluation**:

## Specialized Topics in Law 9 (LAWG 519) - Media Law

**3 credits**

**Fall**

**Instructor**: Judith Harvie & Dustin Milligan

**Language of Instruction**: French and English

**Description**: This course explores the principles of media law as they apply to the work of the media and others involved in how news and other information can be obtained and presented. It will identify and analyze common legal issues that journalists encounter in their reporting, including defamation, privacy law, access to the courts, protection of confidential sources and copyright law, all through the lens of the fundamental values of freedom of expression and the press. It will also explore new and emerging issues that media lawyers and journalists are confronting in the digital age.

**Restrictions/Prerequisites**: N/A

**Format**: Lecture

**Method of Evaluation**: 30% Take-home Midterm Exam; 70% In-Class Final Exam

## Specialized Topics in Law 10 (LAWG 520) – Language Rights

**3 credits**

**Fall**

**Instructor**: Michael N. Bergman

**Language of Instruction**: English

**Description**: This course studies the origins, nature of, constitutional protections and governmental obligations for language rights in Canada for Canada’s French and English speaking minorities. Notably this course will explore whether or not there exists collective rights for Canadian official language minorities and whether or not such collective rights have priority over individual freedoms in the application of language rights. What is the legal tension between the language rights of the majority and the official language minority? This course will consider the application of relevant provisions of the Constitution Act 1867 and the Constitution Act 1982, such as, for example, Section 133 and Section 23, the use of English and French and the Parliament of Canada Legislature, National Assembly of Quebec and the Legislature of New Brunswick as well as the eligibility right for the French and English minority to attend a minority language school. Consideration will be given to the application of international declarations and treaties. The notion of language rights regimes in terms of territoriality and institutions will be examined. The extent and enforceability of governmental obligations for Canadian official language minorities will be explored. Pleading official language minority rights before the Courts will be considered. The legislative regime for language rights and obligations, such as the Charter of the French Language in Quebec, will be examined.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: 75% a paper; 15% a meeting with me to develop the paper; 10% class participation.

## Specialized Topics in Law 11 (LAWG 530)

**3 credits**

### Section 001 – Anatomy of a Murder Trial (Fall)

**Fall**

**Instructor**: Justice Carol Cohen

**Language of Instruction**: English (although some presentations by students and guests will be in French only). There will be guest speakers, including lawyers and other judges.  
Description: This course will cover jury trials as seen through the eyes of a Superior Court judge, using murder trials as a backdrop, and will include the following topics: getting to a jury trial, murder trials in Superior Court, judicial interim release and other pre-trial matters, jury selection, the voir dire (before and during trial), questions of procedure and trial process, hearsay and other evidentiary issues, appeals from jury trials.

**Restrictions/Prerequisites**: All students registering for this seminar course must have successfully completed the basic course in Criminal law. Criminal Procedure and Criminal Evidence are strongly recommended.  No more than 20 students will be accepted into the seminar.

**Format**: Seminar

**Method of Evaluation**: 10% for class participation, 50% for a paper dealing with one of the topics covered in class (including in-depth research) and 40% for a verbal presentation of each student’s position paper during the final weeks of the course.   
Biography: Madam Justice Carol Cohen was appointed to the Quebec Superior Court in 1997. She sits in all divisions of the Court and also sits ad hoc at the Quebec Court of Appeal. Justice Cohen is an adjunct professor at McGill’s Faculty of Law, and created a prize at the Faculty in Ethical Advocacy. She is judicial representative on the Comité consultatif of the Laboratoire de sciences judiciaires et de médecine légale and is actively involved with numerous legal and judicial organizations, including the International Association of Women Judges, the Lord Reading Law Society and the Canadian Superior Court Judges Association. Madam Justice Cohen was called to the Quebec Bar in 1983, and practiced at the law firm Chait Amyot (now de Grandpré Chait), becoming a partner in 1989.

### Section 001 – Intro to Corporate Transactions (Winter)

**Winter**

**Instructor**: Gaul

**Language of Instruction**: English

**Description**: Introduction to Corporate Transactions.  This course will examine various corporate transactional structures and will take students through the various phases of a corporate transaction - from initial due diligence through to post-closing.  We will also explore approaches to managing transactional risk as well as emerging trends in mergers and acquisitions.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: 40% assignment and 60% final

## Specialized Topics in Law 12 (LAWG 531)

**3 credits**

### Section 001 – Doing Business in and with China

**Fall**

**Instructor**: Jerome Beaugrand-Champagne

**Language of Instruction**: English  
**Description**: This course examines the evolution of China’s business related laws from 1949 froup to now with a focus on practical and cultural issues affecting foreign investors. It will also analyse the recent trends of Chinese companies and State policies on investing outside China and their impact.  Topics will include business structures and regulations for foreign investors, intellectual property laws, taxation laws, outsourcing in China and mergers and acquisitions.  
**Restrictions/Prerequisites**:  
**Format**:   
**Method of Evaluation**: Participation (10%); final research paper of 8,000 words (65%); a short oral presentation of your research findings 25%.

### Section 001 - International and Comparative Securities Litigation

**Winter**

**Instructor**: Dr. Qingxiu Bu

**Language of Instruction**: English  
**Description**: The course examines the legal issues arising out of the operation of the capital markets, in particular, when cross-border disputes arise and where corporate assets and liabilities are located in multiple jurisdictions. It explores legal structures of cutting- edge transactions as well as the underlying policy objectives that shape the law and regulation. The theory of fraud-on-the-market will be discussed along with the recent landmark cases decided by the Supreme Court. The course will focus primarily on China. The topics covered include: disclosure theory; public & private enforcement; reverse mergers, corporate criminal liability, cross-border insolvency, exterritoriality and gatekeep liability.  
**Restrictions/Prerequisites**:  
**Format**:   
**Method of Evaluation**: 20% Portfolio; 80% Essay

## Specialized Topics in Law 13 (LAWG 532)

**3 credits**

### Section 001 - Sexuality, gender and the law (Fall)

**Instructor**: Darren Rosenblum

**Language of Instruction**: English

**Description**: Not available yet

**Restrictions/Prerequisites**: Not available yet

**Format**: Not available yet

**Method of Evaluation**: Not available yet

### Section 001 - Copyright in the Digital Age (Winter)

**Instructor**: Professor Pierre-Emmanuel Moyse

**Language of Instruction**: English

**Description**: Copyright was born during the age of the printed books, will it die with the digital press and 3D printer? From the seminal article written in 1976 by Breyer “The Uneasy Case for Copyright” to the prophetic Declaration of Independence the Cyberspace (1996) of John Perry Barlow (who died in January 2018), where he famously called for the elimination of property in the digital age for reasons that most legal concepts “are based on matters, and there is no matter there”, the foundations of Copyright are under attack. It forces legislators and scholars to revisit its objectives and structure. And indeed, the Canadian Copyright Act is currently under review. It is the 4th major revision of the Act since 1921. The course will examine current issues and challenges that copyright is facing, from the in-depth study of provisions voted in 2012 to respond to the exploitation of work on the Internet (Notice to Notice system, technological neutrality, the Youtube clause, making available right), to the collective management of rights and the role of the Copyright Board in the setting of tariffs for the use of music over the Internet. It aims to provide students with a unique opportunity to explore the complex articulation of one of the most dynamic intellectual property disciplines with new technology, as well as with Canadian culture.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: Final exam : 60%/essay and oral presentation in class 30%, participation 10 %.

## Specialized Topics in Law 14 (LAWG 533)

**3 credits**

### Section 001 - Disability Law (Fall)

**Instructor**: Professor Jonas-Sébastien Beaudry

**Language of Instruction**: English

**Description**: This course will introduce students to fundamental issues in disability law. We will start by asking “who is the ‘disabled subject’?”, “what is disability?”, and what expectations of “normalcy” are implicit in approaching some questions in the field. We will then critically examine legal concepts used in disability law and how they are interpreted (e.g. reasonable accommodation, equality, discrimination, dignity). We will also explore the difficulties that people with disabilities face in relation to access to justice, education and healthcare, as well as other controversial issues, such as political participation, sterilization, assisted dying, and socio-economic rights. We will draw from legal materials from different jurisdictions and from the inter-disciplinary field of disability studies to explore the evolving landscape of disability law and the challenges it continues to pose to law- and policy-makers.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: Students will be evaluated on the basis of an individual paper that they will briefly present in class at the end of the term. The topic and a preliminary bibliography should be approved by the instructor. 90% Individual term project 10% Participation.

### Section 001 - Shakespeare Moot (Winter)

**Instructor**: Professor Paul Yachnin and Dr. Jennifer Drouin

**Language of Instruction**: English

**Description**: The overall aims of the course are to:  
(a) provide an organic and responsive model for the ways in which resources to articulate social values can be developed;  
(b)  explore the ways in which traditions of legal and textual interpretation are created, grown, and modified;  
(c) offer new insights into the normative implications of a body of work of supreme cultural significance;  
(d) explore the particular nature of Shakespeare’s drama, and of literature generally, as an expressive register of normative social values;  
(e) consider how literature and literary thinking might influence and might have already influenced law and legal thinking.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: Factum - 30%, Oral pleading at Moot Court - 30%, Reflection paper - 30%, Participation - 10%

## Specialized Topics in Law 15 (LAWG 534) - The Internet and Privacy

**3 credits**

**Fall**

**Instructor**: Prof. Allen Mendelsohn

**Language of Instruction**: English

**Description**: Internet legal issues are some of the most important and complex problems facing lawyers and scholars alike in the 21st century. The course is broadly divided into two parts, though they mix and match because privacy colours everything that happens on the internet. One half consists of a broad introduction to a number of diverse legal issues facing the internet - these include jurisdiction, defamation, cybersecurity, copyright liability, and more. The other half will focus on diving deeply into the legal questions surrounding online privacy and data protection law, with a particular interest in comparing the legal regimes of Canada, the United States and Europe, and how the regimes interact in the internet’s world without borders.

**Restrictions/Prerequisites**:

**Format**: The course is taught as a mix of lectures, guest lectures, interactive discussions and exercises, and student-led presentations and discussion.

**Method of Evaluation**: 75% final essay, 25% class participation including presentation.

## Specialized Topics in Law 16 (LAWG 535) - Advanced Evidence: Sexual Assault and other offences

**3 credits**

**Winter**

**Instructor**: Paquin & Henningsson

**Language of Instruction**: English

**Description**: (FROM FALL 2016): 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. 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.

**Restrictions/Prerequisites**: Not available yet

**Format**: Not available yet

**Method of Evaluation**: (FROM FALL 2016): Class Participation (attendance and discussion) 20%, Class Presentation 30%,  Term Paper (same topic as your presentation) 50%

## Specialized Topics in Law 17 (LAWG 536) - International Investment Law

**3 credits  
Fall**

**Instructor**: Professor Andrea Bjorklund

**Language of Instruction**: English

**Description**: This seminar will examine the law of investor-State dispute resolution.  We will focus on treaty law as reflected in regional trade agreements such as NAFTA and bilateral investment treaties (BITs), as well as on customary international law that protects investors from expropriation, denials of fair and equitable treatment, and discrimination on the basis of nationality.  We will examine the actual mechanisms for investor-State dispute settlement under arbitral facilities such as the International Centre for Settlement of Investment Disputes as well as under ad hoc rules.  We will also address the environmental and social issues surrounding international legal protection of foreign investment and proposals for modifying or even eliminating agreements due to concerns about regulatory “chill”.  We will examine the proposal by the European Commission to establish a multilateral investment court, and in the interim to include quasi-permanent dispute settlement bodies in the new EU investment treaties.

**Restrictions/Prerequisites**:

**Format**: Seminar

**Method of Evaluation**: The primary method of assessment for the course will be a research paper worth 75 percent of your grade.  The paper should be between 8,000 and 10,000 words and can be used to satisfy the McGill writing requirement. Class participation will account for the other 25 percent of your grade.

## Specialized Topics in Law 18 (LAWG 537) - Tax Practice Seminar

**3 credits**

**Fall**

**Instructor**: Professor Allison Christians

**Language of Instruction**: English

**Description**: This course examines tax practice from a theoretical and practical perspective in five experiential modules featuring local practitioners. The topics will include tax planning for families, analysis of application of general anti-avoidance rules to planned transactions, analysis of tax aspects of new technologies including cryptocurrency, and other planning and compliance topics.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: Grading will be based on four papers (max 2,000 words each). Students will write legal opinions and advice in response to four of five modules over the course of the term. There will be no exam. Because this is a discussion-based course featuring outside participants, preparation, attendance and meaningful engagement in all classes is required.

## Specialized Topics in Law 19 (LAWG 538) - Islamic Law

**3 credits**

**Fall**

**Instructor**: Professor Omar Farahat

**Language of Instruction**: English

**Description**: This course introduces students to the shari’a: the system of law that governed Muslim nations for many centuries until the rise of the modern nation-states. The course will reconstruct an image of the classical shari’a, and proceed to focus on particular areas of Islamic law, guided by two central theoretical concerns: the place of morality in a legal system, and the relation of law to political power. The final part of the course will discuss the tensions and crises generated by attempts to revive the shari’a in colonial and neo-colonial contexts.

**Restrictions/Prerequisites**:

**Format**: The module will be delivered in a format of interactive seminars.  
Method of Evaluation: Class participation, a collaborative presentation, weekly online posts, a final research paper (approximately 4000 words) on a topic agreed upon with the instructor.

## Specialized Topics in Law 20 (LAWG 539)

**3 credits**

### Section 001 - Law and Health Care (Fall)

**Instructor**: Professor Lara Khoury

**Language of Instruction**: English

**Description**: The course explores various points of intersection between law and health care. Students will examine 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: access and 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.

**Restrictions/Prerequisites**: N/A

**Format**: Lecture and Seminar

**Method of Evaluation**: Take-home and in-class assignments..

### Section 001 - Privacy Law (Winter)

**Instructor**: Dr. Ignacio Cofone

**Language of Instruction**: English

**Description**: Not available yet

**Restrictions/Prerequisites**: Not available yet

**Format**: Not available yet

**Method of Evaluation**: Not available yet

## Statutory Interpretation / Interprétation des lois (PUB2 505)

**3 credits**

**Fall**

**Instructor**: Professor Daniel Jutras

**Language of Instruction**: Français

**Description**: Ce cours porte sur les principes, méthodes et pratiques auxquels ont recours les décideurs et les plaideurs dans l’interprétation des textes à vocation normative : les lois ordinaires, les règlements, les textes constitutionnels et même les contrats. Le cours est à la fois pratique et théorique. D’une part, l’interprétation des lois est au cœur de l’activité professionnelle et quotidienne des juges, avocats et notaires. Elle consiste en une série de procédés argumentatifs dont la maitrise fait partie des habiletés fondamentales du juristes. À l’issue du cours, les étudiant.e.s devraient être en mesure de construire un argument persuasif touchant l’interprétation d’un texte normatif dans un contexte litigieux concret. D’autre part, l’interprétation des lois est l’objet de débats théoriques qui touchent aux questions les plus fondamentales de la connaissance du droit. A l’issue du cours, les étudiant.e.s devraient pouvoir exprimer une opinion critique et informée sur la manière dont les juristes déterminent le sens des textes écrits, et sur les fondements théoriques et politiques de cette activité. Une bonne part du cours sera organisée autour de la résolution de problèmes qui feront appel à la participation active des étudiant.e.s.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: Un compte-rendu de lecture critique (50%, maximum de 5000 mots) à remettre au milieu du trimestre, et une argumentation écrite (25%) et orale (25%) sur une question d’interprétation des lois, à la fin du trimestre.

## Student Initiated Seminar (LAWG 521)

**3 credits**

**Fall**

### Section 001 - Cultural Property and Cultural Heritage Law

**Instructor**: Professor Helge Dedek

**Convenors**: Katerina Lagassé and Victoria Woo

**Language of Instruction**: English

**Description**: The course will be designed as an introduction to issues in the field of Cultural Property and Cultural Heritage Law. Specifically, it will address cultural property rights in the context of international obligations, museum practices, and commodity transactions in the marketplace. The practical objectives of the case-studies and the assigned readings are to introduce students to the issues that would be encountered in this area of the law and in museum practices. Furthermore, the course aims to be innovative by visiting museum professionals in Montreal institutions and  also by inviting academics and professionals in the field from Canada and beyond to speak about key issues during the seminar. The seminar will engage with international definitions of cultural property within the UNESCO and UN frameworks and attendant legislation. Case law and legislation will also address looted artwork, restitution, and the repatriation of Indigenous cultural property. At the end of the course, students will be able to: (1) demonstrate knowledge of the international and national legislation of cultural heritage protection and its implementation; (2) demonstrate knowledge of both ethical codes of practice and principles of law involved in cultural protection; (3) integrate ethical and legal concerns into professional practice in archaeology, museology, heritage management and conservation; (4) critically evaluate the multifaceted aspects of the trade of cultural property and its regulation; and (5) critically examine the ideas, theories, methods, and questions that shape the effort to protect and interpret cultural heritage today and how these impact and are impacted by society, historical contingencies, and our role in shaping its future.

**Restrictions/Prerequisites**:

**Format**: Seminar

**Method of Evaluation**: The course will be pass/fail and all evaluations of coursework will be peer based.  Evaluations are tentatively designed as follows: (1) 25% - 20 minute Group Presentation (2 per group), discussion questions, and overall participation; (2) 25 % group assignment (2000 words max) this assignment is a reflection on the group presentation; (3) 50 % individual research paper (2000-3000 words max) drawn on themes from the course.

### Section 002 - Corporate Accountability: Responsible Enterprise in the Age of Globalization

**Instructor**: Professor Andrea Bjorklund

**Convenors**: Sydney Lang and Emilie de Haas

**Language of Instruction**: English

**Description**: In the age  of globalization,  Canadians are increasingly  aware of the “cost of doing  business.” Corporate activity worldwide has significant impacts on the rights of local and Indigenous communities, politics and economics, and the environment. This interdisciplinary seminar will explore answers to the following questions: how can various stakeholders, including industry, government, and impacted communities, work together to hold corporations accountable for their operations in Canada and abroad? And what can businesses gain from incorporating sustainable practices into their operations?

**Restrictions/Prerequisites**:

**Format**: This seminar will combine lectures, guest speakers, and class discussion. Participants will meet with members of communities impacted by Canadian corporate activity, NGOs, and practitioners working in the field, in an effort to connect legal understandings, business perspectives on CSR, and community experiences. Through class exercises and assignments, participants will develop corporate research skills and will gain practical experience solving legal problems and working with diverse stakeholders. Pass/fail.

**Method of Evaluation**:

## Sustainable Development (LAWG 502)

**3 credits**

**Fall**

**Instructor**: Professor Sébastien Jodoin

**Language of Instruction**: English

**Description**: This course aims to prepare students to design and implement initiatives that seek to move the world toward more sustainable institutions and patterns of behaviour. Part I of the course introduces students to key concepts and principles in social innovation, complex governance, and sustainable development. Part II of the course exposes students to the basic skills required for the pursuit of various forms of change, namely design thinking, theory of change, transformative leadership, social skill, teamwork, and story-telling. These sections also provide students with an opportunity to get started in building teams and developing their group projects. 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 policy entrepreneurship, 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 role of social relationships, communities, and markets. Part V of the course features guest speakers discussing case studies of initiatives in the field of sustainability and the presentations of the group projects completed by the students in the course. Ultimately, this course aims to provide students with the skills and knowledge that will enable them to develop a sophisticated understanding of change and use it to craft and implement effective solutions to complex economic, social, and environmental problems.

**Restrictions/Prerequisites**:

**Format**: This class will be taught through a combination of interactive lectures and collaborative learning approaches, including problem-based learning and in-class group discussions.  
Method of Evaluation: 10% 500-word essay on class participation; 10% peer assessment of collaboration skills; 30% 10-minute group oral presentation; and 50% group term project. Students can select one of the following types of group term projects which they will complete in teams of three to five students: (1) the creation of the business plan or model for a new social enterprise; (2) the crafting of an innovative policy proposal; or (3) the production of a two-minute animation or documentary on a social or environmental problem.

## Talmudic Law (CMPL 513)

**3 credits**

**Winter**

**Instructor**: Rabbi Michael Whitman ​

**Language of Instruction**: English

**Description**: We will trace the philosophical, theological, and historical foundations of classical Jewish Law. We will also study the methodology and structure of Jewish Law. We will seek to formulate an understanding of the process of decision making in Jewish Law, as distinct from the process in Civil Law or in Common Law. Then, in the second half of the course, we will apply these principles to specific areas of law including Family Law, estate Law, and other topics.

**Restrictions/Prerequisites**:

**Format**: Lecture

**Method of Evaluation**: class attendance (10%), responses to questions about reading (15%), and a research paper of 8,000 words (75%).

## Tax Policy (PUB2 515)

**3 credits**

**Fall**

**Instructor**: Professor Allison Christians

**Language of Instruction**: English

**Description**: This course examines the foundations of tax policy in Canada and around the world, with a focus on both classical and contemporary writing. The course will integrate a colloquium with invited speakers, who will present works in progress on current issues of national and international tax policy.

**Restrictions/Prerequisites**: Taxation

**Format**:

**Method of Evaluation**: Grading will be based on four papers (max 2,000 words each) to be written over the course of the term in response to selected works of tax scholarship. There will be no exam. Because this is a discussion-based course featuring invited speakers, preparation, attendance and meaningful engagement in all classes is required.

## Taxation (PUB2 313)

**4 credits**

### Section 001 (Fall)

**Instructor**: Me Nadia Rusak

**Language of Instruction**: English

**Description**: This course introduces students to fundamentals of Canadian federal income taxation, with focus on principles governing taxation of individuals. It examines key structural and policy elements of the income tax system by addressing the following questions: who should be taxed; what should be taxed; how much tax should be payable; when tax should be payable; and how the tax system should be administered, and disputes should be resolved between the taxpayers and tax collectors. The relevant legal principles will be explored by reading and interpreting statutory rules, administrative practices of tax authorities and case law.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: The mode of evaluation for this course is: (i) a 70% 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 30% mid-term assignment, that will be held during a one-week mid-term period (exact dates to be confirmed) and required to be completed within 24 hours of having been accessed by the student (1000 words limit in English). The assignment submission formalities will be worked out with the Student Affairs Office. Each student must work independently on the exam or assignment, as the case may be. Any student who is unsure what this means is strongly encouraged to consult the Faculty regulations.

### Section 001 (Winter)

**Instructor**: Professor Robert Raizenne

**Language of Instruction**: English

**Description**: (LAST YEAR) - This course covers the who, what, when, and how of federal income taxation, with a focus on the policy, politics, and administration of the Canadian tax system and its alignment with global standards.

**Restrictions/Prerequisites**:

**Format**: Lecture

**Method of Evaluation**: (LAST YEAR): 25% group drafting problem involving legal opinion, 75% sit-down final exam.

## Trial Advocacy (PUB2 420)

**3 credits**

**Winter**

**Instructor**: McKenzie & Michelin

**Language of Instruction**: English

**Description**: The basic techniques of examination and cross-examination of witnesses in the context of a series of simulated trials. The emphasis is on active participation and on practical exercises in the basic problem areas: the unfolding of the narrative; the use of suggestive questions and the aide-mémoire; cross-examination and contradiction with prior written and oral statements; the production of exhibits and documentary proof. The framework is primarily one of criminal and statutory law, where these techniques are much more tightly defined

**Restrictions/Prerequisites**: N/A

**Format**: Lecture

**Method of Evaluation**: 10% participation, 40% in class assignments, 50% in class oral.

# Law Focus Week Workshops

**The Faculty of Law would like to acknowledge the McCarthy Tétrault Fund for Innovative Legal Education in support of Focus Week Workshops.**

The **one-credit**workshops are taught in an intensive period and offer an opportunity to critically analyze and develop relevant skills for experts in the law, such as negotiation, mediation, project management, community mobilization, policy analysis, empirical research, entrepreneurship, financial analysis, and the like.

Focus Week Workshops are graded **pass/fail**.

All other courses (except 1st year courses) are suspended during the week.  Fall 2018 Focus Week will take place **October 15-19, 2018** & Winter 2019 Focus Week will take place **February 18-22, 2019.**

## Law Focus Week Workshop 1 (LAWG 550)

**1 credit**

### Section 001 - Build your Professional Success with Emotional Intelligence (Fall)

**Instructor**: Jane Reichman Van Toch

**Language** **of Instruction**: English

**Description**: The world of law is changing.  More and more, lawyers cannot rely solely on their cognitive intelligence and traditional skills, such as legal analysis and effective oral and written communication, to fulfill their professional potential.  Increasingly, clients are looking at alternative resources to meet their legal needs.  The “Millenial” generation is bringing a new culture and outlook questioning traditional practices and rules, and rapid changes resulting from technological advances are poised to further impact the practice. The ability to work in stressful situations and adapt to changing norms, to work effectively with others (including teams, clients, colleagues and staff), to understand what is important to clients and how to meet their needs are key success factors.  There is no shortage of bright lawyers who surpass all the academic bars.  What differentiates one from the other are the relationship skills they bring to the table. In this course, students will learn how to increase awareness of their own relationship skills and develop strategies to build and manage them effectively in order to increase their success in law school – and throughout their legal careers.

**Restrictions/Prerequisites**:

**Format**: This will be a highly interactive session – with a combination of lecture and personal participation.  Students will also work with a personalized valid and reliable tool for managing conflict and improving relationships.

**Method of Evaluation**: This Course is Pass/Fail.  The grade will be based on Student’s participation in the session and a short paper (1-2 pages) to be submitted to the Instructor.

### Section 001 - Human Rights Law in Africa (Winter)

**Instructor**: Abbay

**Language of Instruction**: English

**Description**: Not available yet

**Restrictions/Prerequisites**: Not available yet

**Format**: Not available yet

**Method of Evaluation**: Not available yet

## Law Focus Week Workshop 2 (LAWG 551)

**1 credit**

### Section 003 - Techniques de rédaction de contrat, un cours pratique (Fall)

**Instructor**: Me Sylvie Grégoire

**Language of Instruction**: Français

**Description**: This 2 1/2-day intensive interactive course aims to develop drafting skills, which are essential for lawyers, in all fields and practice environments.  It explores the basic rules of legal drafting applied specifically to business contracts.  The instructor, an experienced corporate lawyer and legal trainer, uses a combination of lectures and analysis of existing contract clauses to illustrate best practices for drafting efficient contracts.  Plain language drafting techniques are described and encouraged. Students will have many opportunities to: 1) analyze and discuss contract clauses in view of improving their form and content; 2) negotiate portions of a contract, through role-playing; 3) practice drafting skills.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: an in-class test, multiple choice and short-answer, and contract negotiations role-playing, to be followed by drafting of related portions of a contract.  To be remitted approximately 2 weeks after the last day of class.  Details to be confirmed by the instructor.

### Section 001 - Advanced Labour disputes prevention and resolution (Winter)

**Instructor**: Justice Louise Otis

**Language of Instruction**: English

**Description**: Not available yet

**Restrictions/Prerequisites**: Not available yet

**Format**: Not available yet

**Method of Evaluation**: Not available yet

## Law Focus Week Workshop 3 (LAWG 552)

**1 credit**

### Section 001 - Anatomy of a deal (private equity: tech target) (Fall)

**Instructor**: Sonia Struthers  
**Language of Instruction**: English

**Description**: Not available yet

**Restrictions/Prerequisites**: Not available yet

**Format**: Not available yet

**Method of Evaluation**: Not available yet

### Section 001 - Board of Directors (Winter)

**Instructor**: Baccus  
**Language of Instruction**: English

**Description**: Not available yet

**Restrictions/Prerequisites**: Not available yet

**Format**: Not available yet

**Method of Evaluation**: Not available yet

## Law Focus Week Workshop 4 (LAWG 553)

**1 credit**

### Section 001 - Equity and Trust (Fall)

**Instructor**: Roy Klassen  
**Language of Instruction**: English

**Description**: Not available yet

**Restrictions/Prerequisites**: Not available yet

**Format**: Not available yet

**Method of Evaluation**: Not available yet

### Section 001 - Law and Technology and Applied Innovation (Winter)

**Instructor**: Bonnie Preece  
**Language of Instruction**: English

**Description**: Not available yet

**Restrictions/Prerequisites**: Not available yet

**Format**: Not available yet

**Method of Evaluation**: Not available yet

## Law Focus Week Workshop 5 (LAWG 554) - Climate Change and Energy Law

**1 credit**

**Fall**

**Instructor**: Professor Richard Janda & John Haffner

**Language of Instruction**: English

**Description**:  This course explores legal issues at the intersection of climate change and the future of energy. While scientists contend that the problem of climate change requires an urgent shift to a low carbon economy, the energy system (electricity, transportation, buildings and industry) is slow to change and its emissions continue to rise. This collision between climate science and the traditional energy economy generates a complex and challenging set of questions for jurists and policymakers worldwide. This course examines some of the key issues that are unfolding in the Canadian context, and encourages students to work collaboratively to formulate ideas in response to these issues.  The course will stimulate discussions about market design, regulatory policy, equity, inclusion, and justice. Topics to be addressed include: the science of climate change; energy flows in an economy; emissions reduction pathways; carbon pricing options; clean energy trends; indigenous communities; climate adaptation; and geo-engineering.

**Restrictions/Prerequisites**: N/A

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

**Method of Evaluation**: 100% final small group projects.

**Biography**:  Richard Janda teaches business associations, administrative law, competition law, economic regulation, environmental law, and air transport regulation. He was Law Clerk to Justices Le Dain and Cory of the Supreme Court of Canada and is a past Director of the Centre for the Study of Regulated Industries at McGill. His main current research areas are the legal basis of domestic and global corporate social responsibility and the regulatory regimes governing domestic and global public goods. Apart from his academic contributions, has been involved in work for the WTO, ICAO, OECD, the World Bank, a number of Canadian public agencies as well as work in a number of developing countries.  
John Haffner is a lawyer and consultant based in Hong Kong. As a Registered Foreign Lawyer with Robert Lee Law Offices in Hong Kong (qualified in Ontario, Canada), he works with colleagues in Hong Kong, Singapore and Tokyo to advise small- and medium-sized enterprises on a range of corporate/commercial, compliance and litigation matters. As President of Haffner Group, a consultancy, John advises governments, industry associations and companies on challenges and opportunities related to climate change, cleantech, energy and infrastructure. He previously worked in strategic planning for Ontario Power Generation, and has authored numerous reports and articles related to electricity and environmental policy. John is a 2006 BCL/LLB graduate of the McGill Faculty of Law, a 2008 Yale World Fellow, and a 2011 Asia 21 Young Leader with Asia Society.

## Law Focus Week Workshop 6 (LAWG 555)

**1 credit**

### Section 001 - The Past, present and future of UDHR (Fall)

**Instructor**: Professor Nandini Ramanujam  
**Language of Instruction**: English

**Description**: Not available yet

**Restrictions/Prerequisites**: Not available yet

**Format**: Not available yet

**Method of Evaluation**: Not available yet

### Section 001 - Anatomy of a Deal (Winter)

**Instructor**: Me Kiran Singh, Me Constantinos Ragas & Me David Wilson

**Language of Instruction**: English

**Description**: This course will be taught over 2 ½ days and is designed to introduce students to the basic components of mergers & acquisitions transactions from the initial decision to pursue a transaction, through the due diligence phase, to negotiation and all the way to its conclusion. The first day of the course will focus on M&A theory and the inverse relationship between risk allocation and value at all phases of a deal, all the while balancing the objectives of the parties and the various legal requirements applicable to transaction structures, most notably, tax matters. During the second day of the course, students will be separated into smaller groups, with each group representing either a buyer or seller. Each group will be given specific instructions regarding their client’s objectives for the transaction, and students will then have an opportunity to negotiate with an opposing group. The remaining class time will be allocated to a debriefing session on the previous day’s negotiations, and a comparison how different groups (with identical instructions) arrived at their respective negotiated transactions. Some time for general Q&A will also be allotted.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**:

## Law Focus Week Workshop (LAWG 511 - course number may change) - Labour disputes prevention and resolution

**1 credit**

**Fall**

**Instructor**: Justice Louise Otis

**Language of Instruction**: (LAST YEAR) English and French

**Description**: (LAST YEAR) - This 5-day intensive course explores the basics rules and skills of assisted conflict resolution processes in labour law and admonistrative law. In a dynamic and interactive environment, students will also get an opportunity to reflect on the role of the lawyer assisting a party to a negotiation, conciliation or mediation and the legal norms and ethical guidelines governing all parties involved.   
The course provides an brief overview of the foundations of Quebec, Canadian and International labour law. Then it covers conflict resolution and specifically discusses negotiation, conciliation and mediation: origin, practices and traditions in the context of labour disputes.  
Through role-play exercises, live demonstrations and discussions with experts, students will have the opportunity to practice the basics skills required for effective dispute resolution and learn from the experience of experts in that field.  
At the end of the intensive course the students will have a sound basis to conduct negotiations in Labour law and may use the acquired skills in civil and commercial laws.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: (LAST YEAR) - Students are required to write a final paper no longer than 5 pages. Pass/Failed evaluation.

# Graduate Courses

Graduate courses are open to BCL/LLB students by approval. Students must complete the [Course Change Form.](https://www.mcgill.ca/law-studies/forms/course-change-form)

## Airline Business and Law (ASPL 614)

**3 credits**

**Fall**

**Instructor**: Kuan-Wei (David) Chen

**Language of Instruction**: English

**Description**: This course weaves the legal and regulatory issues airlines face into business principles of economics, finance, planning, operations, marketing, distribution, pricing, labour, cost containment, and inter-corporate alliances.  Relationships with airports, travel agents, computer reservations systems, and government also are explored, as are international dimensions of commercial air transportation. Economic theory and regulatory and policy issues involving safety, antitrust, licensing, securities issuances, aircraft finance, employment, environment, and sustainability are further examined.

**Restrictions/Prerequisites**:

**Format**: Lecture

**Method of Evaluation**: 10% will be based on class participation and a 10 minute in-class presentation on a topic of your choice that is listed in the itinerary below. 20% of the final grade will be based on a Term Paper of at least 10 pages on one of the topics listed in the Outline. Details on the assessment criteria of the Term Paper will be provided. The topic of the Term Paper should be sufficiently different from the topic of the in-class presentation. 70% of the grade in this course will be based on student performance on the final 24-hour take-home examination. The exam period begins on 6 December 2018 and latest to submit a completed take-home examination is 20 December 2018.  
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 previous 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.

## Communication 1 (LAWG 601)

**1.5 credits**

**Fall**

**Instructor**: Hung

**Language of Instruction**: Not available yet

**Description**: Not available yet

**Restrictions/Prerequisites**: Not available yet

**Format**: Not available yet

**Method of Evaluation**: Not available yet

## Communication 2 (LAWG 602)

**1.5 credits**

**Winter**

**Instructor**: Hung

**Language of Instruction**: Not available yet

**Description**: Not available yet

**Restrictions/Prerequisites**: Not available yet

**Format**: Not available yet

**Method of Evaluation**: Not available yet

## Comparative Air Law (ASPL 632)

**3 credits**

**Winter**

**Instructor**: Professor Ludwig Weber

**Language of Instruction**: English

**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.

**Restrictions/Prerequisites**:

**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.

## Government Regulation of Air Transport (ASPL 613)

**3 credits**

**Winter**

**Instructor**: Professor Richard Janda & Joseph Wilson

**Language of Instruction**: English

**Description**: This course focuses on the international and domestic (key jurisdictions US, Europe and Canada) economic regulation of air transport. Key topics  are: bilateral air services agreements, economic regulations pertaining to air carrier licensing and authorization, governmental review of tariffs, competition /anti-trust, dynamics of airline alliances, safety, security, environmental regulation, consumer protection regulations including accessibility requirements, delays, tarmac delays, cancellations, denied boarding, advertising regulations and disclosure requirements, travel agencies and global distribution systems. The contemporary challenges and trends in the regulatory regime of air transport will also be discussed.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: Class Participation: 15%; Simulation Exercise: 35%; Final Examination: 50%. The final examination is a take-home exam (open-book) due 24 hours from picking up the examination.

## Government Regulation of Space Activities (ASPL 639)

**3 credits**

**Winter**

**Instructor**: Kuan-Wei (David) Chen

**Language of Instruction**: English

**Description**: (LAST YEAR) - This course deals with national regulatory regimes and/or policies governing space activities of selected spacefaring nations, with a focus on the national regulation of space activities carried out by private entities for commercial purposes. At the end of the course, students will be able to critically analyse, make recommendations and present on laws and regulations governing the orderly conduct of space activities at the national level.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**:

## International Business Law (CMPL 604)

**3 credits**

**Winter**

**Instructor**: Professor Catherine Walsh

**Language of Instruction**: English

**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 transnational 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 domains of business law, for example, choice of law and choice of forum agreements, international dispute resolution, contract law including sale and carriage contracts, cross-border insolvency, letters of credit and financing.  Additional issues to be examined include anti‐corruption and anti-tax avoidance initiatives as well as the contested link between economic development and law reform and legal traditions.

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

**Format**:

**Method of Evaluation**: 40% participation, 50% research essay, 10% oral presentation of research essay topic.

## Law and Health Care (CMPL 642)

**3 credits**

**Fall**

**Instructor**: Professor Lara Khoury

**Language of Instruction**: English

**Description**: The course explores various points of intersection between law and health care. Students will examine 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: access and 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.

**Restrictions/Prerequisites**: N/A

**Format**: Lecture and Seminar.

**Method of Evaluation**: Take-home and in-class assignments.

## Legal Education Seminar (LAWG 625)

**3 credits**

**Winter**

**Instructor**: Professor Shauna Van Praagh

**Language of Instruction**: English

**Description**: What does the meaningful teaching of law entail?  And what do students of law learn, question, and experience?  This seminar will provide a forum for a sustained 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, we will reflect on the ways in which legal education continues to be challenged, modified, and redefined.  In particular, the objectives of (legal) education, and the connections among law schools, faculties, universities, professional bodies, and broader community organizations will be explored through a series of current and challenging themes.  As the unfolding conversation will show, thinking about legal education is integral to reflection on law’s substance, forms, and participants. 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.

**Restrictions/Prerequisites**: Directed primarily, although not exclusively, to doctoral students in law, the seminar also welcomes students in the BCL/LLB and LLM programs who demonstrate interest in legal education and pedagogy.

**Format**:

**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, excluding table of contents, footnotes, and bibliography).

## Legal Research Methodology (CMPL 610D1/D2)

**3 credits**

**Full-year**

**Instructor**: Professor Omar Farahat

**Language of Instruction**: English

**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.

**Restrictions/Prerequisites**:

**Format**:

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

## Legal Research Methodology for DCL (LAWG 702)

**2 credits**

**Fall**

**Instructor**: Professor Omar Farahat

**Language of Instruction**: English

**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.

**Restrictions/Prerequisites**:

**Format**:

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

## Legal Traditions (CMPL 600)

**3 credits**

**Winter**

**Instructor**: Professor David Howes

**Language of Instruction**: English

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

**Restrictions/Prerequisites**:

**Format**: Seminar

**Method** **of Evaluation**: Class participation (10%); short reflection pieces (30%); seminar presentation (20%); end of term essay (40%).

## Public International Air Law (ASPL 633)

**3 credits**

**Fall**

**Instructor**: Professor Brian Havel

**Language** **of Instruction**: English

**Description**: The gateway course in Public International Air Law examines the relevant principles and rules of public international law that affect the use of airspace and aeronautics.

**Restrictions/Prerequisites**:

**Format**:

**Method of** **Evaluation**: A final take-home exam (open book) will comprise 75% of the final grade.  In-term assignments, including a mock bilateral treaty negotiation, will comprise 25% of the final grade.

## Private International Air Law (ASPL 636)

**3 credits**

**Fall**

**Instructor**: Professor Brian Havel

**Language** **of Instruction**: English

**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 modernize the 1952 Rome Convention. Insurance aspects and implications of the air carrier’s international liability will also be addressed.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: In-term Assignment (20%) and final Examination (80%).

## Space Law: General Principles (ASPL 637)

**3 credits**

**Fall**

**Instructor**: Nyampong

**Language of Instruction**: English

**Description**: Not available yet

**Restrictions/Prerequisites**: Not available yet

**Format**: Not available yet

**Method of Evaluation**: Not available yet

## Theoretical Approaches to Law (CMPL 641)

**3 credits**

**Fall**

### Section 009 (LLM)

**Instructor**: Professor Vincent Forray

**Language of Instruction**: English

**Description**: By the end of this course, students should be able to orientate themselves in legal thinking. That is to situate different theoretical approaches, one relatively to another, and to understand what can lead to favour the one or the other. More specifically regarding the course program, I expect that students will be able to explain why legal positivism a dominating legal theory for the modern ages of law and what kind of issues has been are related to this situation.

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: There will be two evaluations. The first one will take place during the week of October 22. The assessment consists in answering short questions by writing into a limited period of time in the classroom. The questions will focus on what will have been seen at this time of the session. What is evaluated is about the understanding of Hart’s work and the mastering of certain important issues of legal theories. A sample question : why can it be said that Hart’s legal theory is an analytical / positivist one? The second assessment is a take-home essay (3000 words max.) on a text which has to chosen in a short list of precedent readings. A more detailed explanation will be provided by the end of the session.

### Section 010 (DCL)

**Instructor**: Professor Mark Antaki

**Language of Instruction**: English

**Description**: This course aims to help you develop a theoretical sensibility so as to enrich your doctoral - and other - work. Doing so will involve helping you work on both your habits of attention (what and how you see) as well as your habits of articulation (how you speak, what you are able to show).

**Restrictions/Prerequisites**:

**Format**:

**Method of Evaluation**: Several in-term assignments.

# Non-Law courses for Law students

## Accounting for Management (CACC 520)

**3 credits**

**Fall**

**Instructor**: Professor Thierry Cohen and Deirdre Lapointe

**Language of Instruction:**English

**Description:** This course covers financial and managerial accounting. The course provides an understanding of the various financial statements as well as cost behaviour, cost/volume/profit relationships, budgets, responsibility accounting and relevant costing.

**Restrictions/Prerequisites:**

**Format:**

**Method of Evaluation:** Quiz 10%, mid-term exam 40%, group presentation 10%, final exam 40%

# FAQ

## How should I choose which courses to take?

Before you begin the course selection process, it’s important that you fill out a [Degree Audit Form](https://www.mcgill.ca/law-studies/forms#ADVISING). This will help you determine which courses are required and how many credits you should aim to complete each semester. You may also want to try and balance your workload by considering the evaluation methods of the course, your extra-curricular commitments, and any non-course credits you are taking.

## Why is there a limit on the number of credits I am able to enroll in during the first round of course registration?

Priority registration is in place to give students who are in their final semester the chance to enroll in the courses they need to graduate before they are full. It is also an opportunity for upper year students to register for courses that they have been looking forward to taking since they started their program, but may have typically filled up in previous years’ registration.

## Is the current list of course offerings on the SAO website final?

The course offerings that are listed on the SAO website are as complete as possible, as of the date of viewing. If new course offerings are added, students will be informed via email and information will be updated on our website. These later changes are often due to low course enrollment, changes in professors’ schedules, the hiring of new lecturers, etc.

## What does "Not available yet" mean?

"Not available yet" may appear under certain fields in the course offerings information (often for the professor, course time, or evaluation method). This is generally because the hiring of sessional lecturers has not been finalized, or because the professor has not yet communicated details of the course to us. As soon as information becomes available, it is added to the online course offerings page.

## Why does the course description show evaluation information from a previous year?

In some cases, instructors do not submit evaluation information or revised course descriptions to the SAO in time for course registration. This information will be added to the online course offerings page as soon as it is communicated to us, or it will be made available to students during the first week of classes by the instructor.

## Can I take two courses if there is a scheduling conflict between the final exams?

This is not recommended. It’s important that you consult the Final Exam Schedule to ensure that there are no [scheduling conflicts](https://www.mcgill.ca/students/exams/dates/conflicts) between the courses you are enrolling in. Students may not enroll in courses where the final exams are scheduled at the same time. Furthermore, it is the student’s responsibility to meet any and all deadlines. Academic accommodations will not be permitted based on a course conflict.

## Why are there caps on the number of students who can enroll in courses?

We do our best to maximize the number of spaces available in courses. Caps are placed on class sizes because of classroom availability, the specific format of courses (for example, class sizes are smaller for seminar courses that are based on active participation), and professors’ preferences (it’s important to consider how an increased class size increases a professor’s workload).

## The course I want to take is full. What can I do?

Don’t despair if a course that you’re interested in is full. Students often change their schedules around over the course of the summer, and especially during the first few weeks of class before the add/drop deadline. Ensure that you are added to the courses Wait List on Minerva (for courses that have one), and check back on Minerva regularly to see if spots open up.

## Why do certain courses have waitlists, but not others?

Waitlists are dependent on course structure (lecture vs seminar), classroom space and course caps.

## A certain course was offered last year, but it is not being offered again this year. Why is that?

There are a number of considerations that determine which courses are offered each year. Course offerings often depend on the availability of professors, the Faculty’s ability to hire sessional lecturers, and student interest/course enrollment in previous years. Every effort is made to ensure that there is a diverse selection of courses for students to choose from.

## The Faculty does not offer a course on a subject I’m interested in. How can I submit a suggestion for future course offerings?

If you have suggestions or feedback on course offerings, please feel free to complete the [SAO Feedback Survey](https://www.mcgill.ca/law-studies/forms/feedback-sao). Alternatively, you can contact the [Academic Vice President](mailto:vp-academic.lsa@mail.mcgill.ca) of the Law Students’ Association with your suggestions on the types of courses you are interested in taking.

## What can I do if I have questions about required courses, or want to make sure that I’m registering for the correct courses?

Most student questions can be answered by browsing the SAO website or by speaking with the SAO front counter staff. Academic Advisors are also available to assist you with course selection and planning your degree. Appointment requests can be made via [sao.law@mcgill.ca](mailto:sao.law@mcgill.ca).