First Year Courses
2014 – 2015

CONSTITUTIONAL LAW (LAW106H1F) Patrick Macklem

First term: 5 credits

This course provides an introduction to the law of the Canadian constitution. It examines federalism, the Charter of Rights and Freedoms, and Aboriginal and treaty rights. The course considers the structure of the Canadian constitution, the role of judicial review, and general principles of interpretation with regard to the distribution of legislative authority, constitutional rights and freedoms, and Aboriginal and treaty rights. Selected federal and provincial powers, Aboriginal and treaty rights, rights guaranteed by the Charter will be examined.

Evaluation: will be a limited open book, final 3 hour examination during the scheduled examination period in December.

CONSTITUTIONAL LAW (LAW106H1S) David Schneiderman

Second term: 5 credits

This course provides an introduction to the law of the Canadian constitution. The course examines the law of federalism, Aboriginal and treaty rights, and the Charter of Rights and Freedoms. We consider such things as the origins and structure of the Canadian constitution, the role of judicial review, general principles of interpretation with regard to the distribution of legislative authority, key principles arising under Aboriginal and treaty rights, and a selection of rights and freedoms under the Charter.

Evaluation: will be by a limited open book, final 3 hour examination during the scheduled examination period in April.

CONSTITUTIONAL LAW A (LAW136Y1Y) Yasmin Dawood

Both terms: 6 credits

This course provides an introduction to the law of the Canadian constitution. It examines the Charter of Rights and Freedoms, federalism, and Aboriginal rights. The course considers the structure of the Canadian constitution, the role of judicial review, and general principles of interpretation with regard to the distribution of legislative authority, constitutional rights and freedoms, and Aboriginal rights. Selected federal and provincial powers, Aboriginal rights, and rights guaranteed by the Charter will be examined.

Evaluation: Written assignments (85%) and class participation (15%).

CONSTITUTIONAL LAW B (LAW137Y1Y) Ariel Katz

Both terms: 6 credits

This course provides an introduction to the law of the Canadian constitution. It examines the Charter of Rights and Freedoms, federalism, and Aboriginal rights. The course considers the structure of the Canadian constitution, the role of judicial review, and general principles of interpretation with regard to the distribution of legislative authority, constitutional rights and freedoms, and Aboriginal rights. Selected federal and provincial powers, Aboriginal rights, and rights guaranteed by the Charter will be examined.
**Evaluation:** Written assignments (80%) and class participation (20%).

**CONSTITUTIONAL LAW C (LAW138Y1Y) Richard Stacey**

**Both terms: 6 credits**

This course provides an introduction to the law of the Canadian constitution. It examines the Charter of Rights and Freedoms, federalism, and Aboriginal rights. The course considers the structure of the Canadian constitution, the role of judicial review, and general principles of interpretation with regard to the distribution of legislative authority, constitutional rights and freedoms, and Aboriginal rights. Selected federal and provincial powers, Aboriginal rights, and rights guaranteed by the Charter will be examined.

**Evaluation:** Written assignments (80%) and class participation (20%).

**CONSTITUTIONAL LAW D (LAW139Y1Y) Anna Su**

**Both terms: 6 credits**

This course provides an introduction to the law of the Canadian constitution. It examines the Charter of Rights and Freedoms, federalism, and Aboriginal rights. The course considers the structure of the Canadian constitution, the role of judicial review, and general principles of interpretation with regard to the distribution of legislative authority, constitutional rights and freedoms, and Aboriginal rights. Selected federal and provincial powers, Aboriginal rights, and rights guaranteed by the Charter will be examined.

**Evaluation:** Written assignments (80%) and class participation (20%).

**CONTRACTS (LAW101H1F) Anthony Niblett**

**First term: 5 credits**

This course examines the enforcement of promises and agreements. The matters considered include the requirements of enforceability, remedies for breach, the effect of contracts on third parties, the effect of writing, and excuses for non-performance. These excuses include unfairness, unexpected circumstances, and public policy.

**Evaluation:** will be evaluated by a 3 hour open-book final examination in December worth 100% of your grade.

**CONTRACTS (LAW101H1S) Catherine Valcke**

**Second term: 5 credits**

This course examines the enforcement of promises and agreements. The matters considered include the requirements of enforceability, remedies for breach, the effect of contracts on third parties, the effect of writing, and excuses for non-performance. These excuses include unfairness, unexpected circumstances, and public policy.

**Evaluation:** A closed-book three-hour final examination (100%).

**CONTRACTS A (LAW120Y1Y) Peter Benson**

**Both terms: 6 credits**

This course examines the main principles of basic contract law. These include remedies for breach of contract, the requirements of contract formation, the theory of interpretation, implied terms, conditions, and excusing doctrines, principles of contractual fairness, and the relation between contract law and tort
law. A basic aim of the course is to explore the unity of these doctrines and to uncover the conception of contractual relation which they express.

Evaluation: The evaluation process will consist of three written assignments, done at appropriate intervals during the year, that will count respectively 10%, 35%, and 55%. I will announce and discuss well in advance the timing and nature of each assignment. The aim will be to help students to learn to research on their own and to go into more depth about interesting and fundamental issues in contract law.

CONTRACTS B (LAW121Y1Y) Stephen Waddams

Both terms: 6 credits

This course examines the enforcement of promises and agreements. The matters considered include the requirements of enforceability, remedies for breach, the effect of contracts on third parties, the effect of writing, and excuses for non-performance.

Evaluation: three assignments of equal value (90% in total) and class participation (10%).

CONTRACTS C (LAW122Y1Y) Angela Fernandez

Both terms: 6 credits

This course examines the enforcement of promises and agreements. The matters considered include the requirements of enforceability, remedies for breach, the effect of contracts on third parties, the effect of writing, and excuses for non-performance. These excuses include unfairness, unexpected circumstances, and public policy.

Evaluation:
First Term assignment (20%)
Second-Term assignment (30%)
Third end-of-year assignment (30%)
Participation (20%, 10% each semester)

CRIMINAL LAW (LAW102H1F) Hamish Stewart

First term: 5 credits

This course examines the basic concepts of the criminal law through sustained attention to several core criminal offenses, notably the varieties of homicide and sexual assault. Along the way, we will also spend significant time considering excuse and justification-based defenses, inchoate and group crimes, and a smattering of related procedural issues. Themes of the course include the impact of the Charter on the substantive criminal law and the scope of criminalization in a liberal society.

Evaluation: Students will be evaluated by an open-book final examination (100%).

CRIMINAL LAW (LAW102H1S) Vincent Chiao

Second term: 5 credits

This course examines the basic concepts of the criminal law through sustained attention an array of common offenses. Along the way, we will also spend significant time considering excuse and justification-based defenses, inchoate and group crimes, and a smattering of related procedural issues. A significant amount of the course will be devoted to examining the impact of the Charter on the substantive criminal law.

Evaluation: Final open-book and open note examination (90%) and course participation (10%).
CRIMINAL LAW A (LAW124Y1Y) Alan Brudner

Both terms: 6 credits

This course examines the central concepts of criminal law—culpable act, culpable mind, outcome responsibility, justification, and excuse—as shaped by the interaction between statute, common law, and the Charter of Rights and Freedoms.

Evaluation: Three written assignments (90%) and class participation (10%).

CRIMINAL LAW B (LAW125Y1Y) Malcolm Thorburn

Both terms: 6 credits

This course examines the basic concepts of criminal law with particular emphasis on the elements of culpability and the conditions of excuse and justification. It seeks to understand the general part of the criminal law from the point of view of various perspectives on the aims and justification of punishment. Right-based and utilitarian theories of punishment are discussed and their implications for doctrine examined. The intersection of criminal law and the Charter forms another central theme of the course as does the distinction between criminal and public welfare offences. The aim is to understand the penal law as an integrated whole composed of several diverse but interconnected parts.

Evaluation: Three written assignments (90%) and class participation (10%).

Legal Methods AA (0101) (LAW111H1F) Benjamin Alarie

First Term: 2 credits

One of the central goals of our JD program is to train students to “think like lawyers.” The Legal Methods intensive course is designed to introduce students to the foundational information and reasoning needed to make the most of the JD program from the outset.

The course will provide general background information on the foundations of the Canadian legal system, such as the important legal institutions, the distinction between private and public law, the sources of law, and the relationship between core first year courses.

The course will emphasize legal analytical methods and techniques used by law students. The course provides an introduction to analyzing and briefing cases, teaching students to identify key elements of a case and how to use precedents. The course also introduces students to statutory interpretation, the interaction between courts and the legislature, and an introduction on to how to prepare for and write law school exams.

Evaluation: This class is evaluated on a credit/no credit basis. To receive credit for the course, a student must attend all classes and satisfactorily complete two assignments: (1) a take-home briefing exercise; and (2) an in-class legal writing exercise.

Legal Methods BB (0102) (LAW111H1F) Yasmin Dawood

First Term: 2 credits

One of the central goals of our JD program is to train students to “think like lawyers.” The Legal Methods intensive course is designed to introduce students to the foundational information and reasoning needed to make the most of the JD program from the outset.

The course will provide general background information on the foundations of the Canadian legal system, such as the important legal institutions, the distinction between private and public law, the sources of law, and the relationship between core first year courses.
The course will emphasize legal analytical methods and techniques used by law students. The course provides an introduction to analyzing and briefing cases, teaching students to identify key elements of a case and how to use precedents. The course also introduces students to statutory interpretation, the interaction between courts and the legislature, and an introduction on to how to prepare for and write law school exams.

**Evaluation:** This class is evaluated on a credit/no credit basis. To receive credit for the course, a student must attend all classes and satisfactorily complete two assignments: (1) a take-home briefing exercise; and (2) an in-class legal writing exercise.

**Legal Methods CC (0103) (LAW111H1F) Anthony Niblett**

**First Term: 2 credits**

One of the central goals of our JD program is to train students to “think like lawyers.” The Legal Methods intensive course is designed to introduce students to the foundational information and reasoning needed to make the most of the JD program from the outset.

The course will provide general background information on the foundations of the Canadian legal system, such as the important legal institutions, the distinction between private and public law, the sources of law, and the relationship between core first year courses.

The course will emphasize legal analytical methods and techniques used by law students. The course provides an introduction to analyzing and briefing cases, teaching students to identify key elements of a case and how to use precedents. The course also introduces students to statutory interpretation, the interaction between courts and the legislature, and an introduction on to how to prepare for and write law school exams.

**Evaluation:** This class is evaluated on a credit/no credit basis. To receive credit for the course, a student must attend all classes and satisfactorily complete two assignments: (1) a take-home briefing exercise; and (2) an in-class legal writing exercise.

**LEGAL PROCESS, PROFESIONALISM AND ETHICS AA (0101) (LAW100H1S) Simon Stern**

**Second Term: 4 credits**

This course provides an introduction to civil legal process. We will focus on legal thinking, rules and processes of civil procedure and dispute resolution, and professionalism and ethics. After a short introduction to the legal system, pleadings, and some theories of procedure, we will consider the rules, statutes, and common-law doctrines governing parties and proceedings in three stages. First we will discuss the grounds on which parties and claims may be heard or excluded as a threshold matter. This section of the course deals with standing, justiciability, intervention, limitation periods, and relitigation. Next, we will discuss strategic interaction in the course of litigation. This section of the course deals with jurisdiction, preliminary relief, discovery, confidentiality, and summary judgment. Last, we will discuss perhaps the most revolutionary form of litigation to emerge in the last century—class proceedings, which provide a means of addressing certain harms for which conventional litigation is inappropriate. The focus, during all of these discussions, will be on the rationales for the rules, standards, and doctrines that govern legal procedure, in light of the various interests that must be accommodated: the plaintiff’s desire to be heard, the defendant’s wish to avoid needless litigation, the efforts of non-parties to have their interests represented, the needs of potential future litigants to have the law clearly set out on the basis of accurate information, and the public’s demand for an effective and efficient system. Not all of these demands can be accommodated at the same time. We will discuss the rationales for the current system and the potential for reform.
**Evaluation:** Attendance and class participation (which will include each student being on-call at least once during the term) (10%) and a two-hour final examination (90%), which may include an essay to be completed in advance and turned in with the final exam.

**LEGAL PROCESS, PROFESSIONALISM AND ETHICS BB (0101) (LAW100H1S) Vincent Chiao**

**Second Term: 4 credits**

This course provides an introduction to civil legal process. We will focus on legal thinking, rules and processes of civil procedure and dispute resolution, and professionalism and ethics. After a short introduction to the legal system, pleadings, and some theories of procedure, we will consider the rules, statutes, and common-law doctrines governing parties and proceedings in three stages. First we will discuss the grounds on which parties and claims may be heard or excluded as a threshold matter. This section of the course deals with standing, justiciability, intervention, limitation periods, and relitigation. Next, we will discuss strategic interaction in the course of litigation. This section of the course deals with jurisdiction, preliminary relief, discovery, confidentiality, and summary judgment. Last, we will discuss perhaps the most revolutionary form of litigation to emerge in the last century—class proceedings, which provide a means of addressing certain harms for which conventional litigation is inappropriate. The focus, during all of these discussions, will be on the rationales for the rules, standards, and doctrines that govern legal procedure, in light of the various interests that must be accommodated: the plaintiff’s desire to be heard, the defendant’s wish to avoid needless litigation, the efforts of non-parties to have their interests represented, the needs of potential future litigants to have the law clearly set out on the basis of accurate information, and the public’s demand for an effective and efficient system. Not all of these demands can be accommodated at the same time. We will discuss the rationales for the current system and the potential for reform.

**Evaluation:** Attendance and class participation (which will include each student being on-call at least once during the term) (10%) and a two-hour final examination (90%), which may include an essay to be completed in advance and turned in with the final exam.

**LEGAL PROCESS, PROFESSIONALISM AND ETHICS CC (0101) (LAW100H1S) Simon Stern**

**Second Term: 4 credits**

This course provides an introduction to civil legal process. We will focus on legal thinking, rules and processes of civil procedure and dispute resolution, and professionalism and ethics. After a short introduction to the legal system, pleadings, and some theories of procedure, we will consider the rules, statutes, and common-law doctrines governing parties and proceedings in three stages. First we will discuss the grounds on which parties and claims may be heard or excluded as a threshold matter. This section of the course deals with standing, justiciability, intervention, limitation periods, and relitigation. Next, we will discuss strategic interaction in the course of litigation. This section of the course deals with jurisdiction, preliminary relief, discovery, confidentiality, and summary judgment. Last, we will discuss perhaps the most revolutionary form of litigation to emerge in the last century—class proceedings, which provide a means of addressing certain harms for which conventional litigation is inappropriate. The focus, during all of these discussions, will be on the rationales for the rules, standards, and doctrines that govern legal procedure, in light of the various interests that must be accommodated: the plaintiff’s desire to be heard, the defendant’s wish to avoid needless litigation, the efforts of non-parties to have their interests represented, the needs of potential future litigants to have the law clearly set out on the basis of accurate information, and the public’s demand for an effective and efficient system. Not all of these demands can be accommodated at the same time. We will discuss the rationales for the current system and the potential for reform.
**Evaluation:** Attendance and class participation (which will include each student being on-call at least once during the term) (10%) and a two-hour final examination (90%), which may include an essay to be completed in advance and turned in with the final exam.

**PROPERTY (LAW103H1F) Larissa Katz**

**First term:** 5 credits

The purpose of the course is to introduce students to the core concepts that lawyers use in dealing with competing interests in land, chattels and other forms of wealth. The concept of "property" is examined as are the concepts of possession and ownership, and the consequences flowing from these concepts. The doctrine of estates in land, takings, concurrent ownership, findings, covenants, easements, adverse possession, and aboriginal title are among the other topics which may be covered.

**Evaluation:** will be evaluated through a 3 hour closed-book final examination worth 100% of the grade.

**PROPERTY (LAW103H1S) Abraham Drassinower**

**Second term:** 5 credits

The purpose of the course is to introduce students to the concepts that lawyers use in dealing with competing interests in land, chattels and other forms of wealth. The concept of "property" is examined as are the concepts of possession and ownership, and the consequences flowing from these concepts. Adverse possession, finders, bailment, gift, estates, easements, appropriation of personality, and intellectual property are among the other topics which may be covered.

**Evaluation:** will be evaluated by 3 hour closed-book final examination (100%).

**PROPERTY A (LAW130Y1Y) Douglas Sanderson**

**Both terms:** 6 credits

The purpose of the course is to introduce students to the concepts that lawyers use in dealing with competing interests in land, chattels and other forms of wealth. The concept of property is examined as are the concepts of possession and ownership, and the consequences flowing from these concepts. The doctrine of estates in land, takings, concurrent ownership, landlord-tenant relations, findings, future interests, covenants, easements, licenses, adverse possession, Aboriginal title and intellectual property are among the topics that may be covered.

**Evaluation:** Written assignments (90%) and class participation (10%).

**PROPERTY B (LAW128Y1Y) Lisa Austin**

**Both terms:** 6 credits

The purpose of the course is to introduce students to the concepts that lawyers use in dealing with competing interests in land, chattels and other forms of wealth. The concept of "property" is examined as are the concepts of possession and ownership, and the consequences flowing from these concepts. The doctrine of estates in land, takings, concurrent ownership, landlord-tenant relations, findings, future interests, covenants, easements, licenses, adverse possession, aboriginal title and intellectual property are among the other topics which may be covered.

**Evaluation:** 85% written assignments (no test or exam) and 15% attendance and participation.
PROPERTY C (LAW131Y1Y) Douglas Sanderson

Both terms: 6 credits

The purpose of the course is to introduce students to the concepts that lawyers use in dealing with competing interests in land, chattels and other forms of wealth. The concept of property is examined as are the concepts of possession and ownership, and the consequences flowing from these concepts. The doctrine of estates in land, takings, concurrent ownership, landlord-tenant relations, findings, future interests, covenants, easements, licenses, adverse possession, Aboriginal title and intellectual property are among the topics that may be covered.

Evaluation: Written assignments (90%) and class participation (10%).

PROPERTY D (LAW129Y1Y) Lisa Austin

Both terms: 6 credits

The purpose of the course is to introduce students to the concepts that lawyers use in dealing with competing interests in land, chattels and other forms of wealth. The concept of “property” is examined as are the concepts of possession and ownership, and the consequences flowing from these concepts. The doctrine of estates in land, takings, concurrent ownership, landlord-tenant relations, findings, future interests, covenants, easements, licenses, adverse possession, aboriginal title and intellectual property are among the other topics which may be covered.

Evaluation: 85% written assignments (no test or exam) and 15% attendance and participation.

TORTS (LAW104H1F) Bruce Chapman

First term: 5 credits

The law of torts deals with the sorts of disputes which arise when one person has caused injury or property loss to another. The largest part of the course will deal with the tort of negligence, but intentional torts, strict liability torts, and nuisance will also be discussed. Different theoretical perspectives on tort law will be analyzed and some consideration given to alternative methods of compensating for personal injuries.

Evaluation: Students will be evaluated by way of an open-book 3 hour final examination worth 100% of the course grade.

TORTS (LAW104H1S) Denise Réaume

Second term: 5 credits

The law of torts deals with the sorts of disputes which arise when one person has caused injury or property loss to another. The largest part of the course will deal with the tort of negligence, but intentional torts, strict liability torts, and nuisance will also be discussed. Different theoretical perspectives on tort law will be analyzed and some consideration given to alternative methods of compensating for personal injuries.

Evaluation: a 3 hour closed-book final examination worth 100% of the course grade.
TORTS A (LAW132Y1Y) Sophia Reibetanz Moreau

Both terms: 6 credits

The law of torts deals with the sorts of disputes which arise when one person has caused injury or property loss to another. The largest part of the course will deal with the tort of negligence, but intentional torts, strict liability torts, and nuisance will also be discussed. Different theoretical perspectives on tort law will be analyzed and some consideration given to alternative methods of compensating for personal injuries.

Evaluation: Written assignments (100%).

LEGAL RESEARCH & WRITING (LAW149H1F)

First Term: 0 credits

These Legal Research and Writing Tutorials will introduce first-year students to the conventions of legal writing, and using rule-based reasoning, analogical reasoning, and policy reasoning. Students will become familiar with the standard tools and techniques of legal research, perform writing exercises, write a short memorandum, and revise it based on instructor feedback.

Evaluation: n/a