



## First Year Courses

2017 – 2018

### CONSTITUTIONAL LAW (LAW106H1F) Yasmin Dawood

**First term: 5 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:** will be by a limited open book, final 3 hour examination during the scheduled examination period in December (worth 90%), and a 10% participation score.

### 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) Ian Lee

**Both terms: 6 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:** Written assignments (90%) and class participation (10%).

## CONSTITUTIONAL LAW B (LAW137Y1Y) Lorraine Weinrib

**Both terms: 6 credits**

This course provides an introduction to the law of the Canadian Constitution. It examines the federal structure of government, the Charter of Rights and Freedoms, and Aboriginal and treaty rights, with attention to fundamental constitutional principles, institutional roles and questions of constitutional stability and change.

**Evaluation:** Written assignments (75%) and class participation (25%). Class participation grade allocation is both quantitative and qualitative:

- Attendance (5%). Students are expected to attend all classes. Students should notify Professor Weinrib by email in advance if unable to attend class.
- Active class engagement, e.g., contribution to discussion based on careful reading of assignments; class presentations and 'on call' performance; contribution to in-class exercises (10%).
- Substantive contributions to Blackboard discussion forum, e.g., analysis of reading assignments, comments on class discussions or responses to other students' postings, or relating 'constitution in the news' items to course material. Students should post to Blackboard about twice per month, with a minimum word count of 500 words per month. (10%).

## CONSTITUTIONAL LAW C (LAW138Y1Y) 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 (85%) and class participation 15% (10% participation in class and electronic discussion board and 5% attendance).

## CONSTITUTIONAL LAW D (LAW139Y1Y) Patrick Macklem

**Both terms: 6 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:** Written assignments (80%) and class participation 20% (10% participation in class discussion and 10% attendance).

## **CONTRACT LAW (LAW101H1F) Catherine Valcke**

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

## **CONTRACT LAW (LAW101H1S) Brian Langille**

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

## **CONTRACT LAW A (LAW120Y1Y) 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%).

## **CONTRACT LAW B (LAW121Y1Y) 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 in both ordinary and boilerplate agreements, and the relation between contract law on the one hand and tort law as well as property on the other hand. Our aim in the course is, through detailed and in-depth discussion, to explore the unity that may underlie these many doctrines and to see whether they express morally acceptable notions of rights in a modern liberal state.

**Evaluation:** The evaluation process will consist of three written assignments, done at appropriate intervals during the year, that will count respectively 20%, 30%, and 50%. 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.

## **CRIMINAL LAW (LAW102H1F) Malcolm Thorburn**

**First term: 5 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:** Students will be evaluated by a closed-book final examination (100%).

## **CRIMINAL LAW (LAW102H1S) Hamish Stewart**

**Second 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 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) Kent Roach**

**Both terms: 6 credits**

This course is an examination of the basic concepts of criminal law in the broad context of the entire criminal justice system, including certain procedural and pre-trial aspects, the Charter and the problem of the disposition of convicted offenders. The general principles of criminal liability are analyzed and applied to both Criminal Code and provincial offences. This is followed by an examination of general and specific defences that an accused may raise in criminal cases.

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

## **LEGAL METHODS AA (0101) (LAW111H1F) Edward Iacobucci**

### **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) Martha Shaffer**

### **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) 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 PROCESS AA (0101) (LAW100H1S) Albert Yoon**

### **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. 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 class proceedings, which provide a relatively new means of addressing certain harms for which conventional litigation may be 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, class participation, and a short writing assignment (10%); and a closed-book final examination (90%) not to exceed two hours, which may include multiple-choice questions as well as a fact pattern followed by a series of questions.

## **LEGAL PROCESS BB (0102) (LAW100H1S) Albert Yoon**

### **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. 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 class proceedings, which provide a relatively new means of addressing certain harms for which conventional litigation may be 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, class participation, and a short writing assignment (10%); and a closed-book final examination (90%) not to exceed two hours, which may include multiple-choice questions as well as a fact pattern followed by a series of questions.

## **LEGAL PROCESS CC (0103) (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. 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 summary judgment, 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, and confidentiality. Last, we will discuss class proceedings, which provide a relatively new means of addressing certain harms for which conventional litigation may be 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, class participation, and a short writing assignment (10%); and a closed-book final examination (90%) not to exceed two hours, which may include multiple-choice questions as well as an essay to be completed in advance and turned in with the final exam.

## **PROPERTY LAW (LAW103H1F) Abraham Drassinower**

### **First 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 LAW (LAW103H1S) Jim Phillips**

### **Second term: 5 credits**

This course introduces students to the basic concepts needed for understanding the common law of property. We begin by asking what lawyers mean by the word 'property', and by looking at why and how the common law conceives of some things as property. We then examine the links between possession and ownership, and at how interests in land are arranged (estates in land, concurrent ownership, servitudes). There are also sections on de facto expropriation, aboriginal title, and landlord-tenant relations.

**Evaluation:** There will be a final exam, divided into two parts.

(1) A 1-hour closed book test which will require you to provide answers to multiple choice questions or very short answers (definitions, explanations etc.) and the like. It will take place on the day and at the time scheduled for the Property final exam in April. As of the time of writing this will be in the morning. This test will be worth 40% of your exam grade.

(2) A take home exam, consisting of one or two problem questions. At the conclusion of (1) above, the question(s) will be distributed to you. There will be a word limit for your answers. The time allotted to the take home will be 6 hours, the rest of the same day on which you write the closed book in-class test. The take home exam will be worth 60% of your exam grade.

If you prefer to be wholly evaluated by exam, you may choose to do so.

If you prefer to diversify your evaluation, you may choose to also write a paper. The paper must be chosen from a set of questions/topics which will be distributed to you early in the semester. The paper must be a maximum of 4,000 words, and will be worth 35% of the final grade. The exam component described above will thus be worth 65% of your grade. Thus the closed book test will be worth 26% of your final grade, the take home 39%. The final date on which the paper may be handed in is the last day of classes in April.

## **PROPERTY LAW A (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), 10% contributions to class discussion and 5% attendance.

## **PROPERTY LAW B (LAW129Y1Y) Larissa Katz**

**Both terms: 6 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:** Written assignments (90%) and class participation (10%).

## **PROPERTY LAW C (LAW130Y1Y) Jim Phillips**

**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 first, and the course thereafter covers possession and ownership, the doctrine of estates in land, concurrent ownership, servitudes, landlord-tenant relations, and aboriginal title.



**Evaluation:** 85% written assignments (no test or exam), 10% contributions to class discussion and 5% attendance.

## **TORT LAW (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.

## **TORT LAW (LAW104H1S) Bruce Chapman**

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

## **TORT LAW 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%).

## **TORT LAW B (LAW133Y1Y) Ernest Weinrib**

**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: 2 credits**

Legal research and writing introduces students to the way lawyers read, write, analyze and frame legal arguments. Students learn research and writing skills by engaging in numerous in-class exercises and preparing as assignments various legal documents including a legal memorandum and a factum. To maximize the pedagogical benefit to students, active engagement and participation in class is encouraged.

**Evaluation:** n/a