First Year Courses
2015 – 2016

CONSTITUTIONAL LAW (LAW106H1F) David Schneiderman

First 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 December.

CONSTITUTIONAL LAW (LAW106H1S) Carol Rogerson

Second 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 April.

CONSTITUTIONAL LAW A (LAW136Y1Y) Anver Emon

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 B (LAW137Y1Y) 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%).

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 (100%).

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 (85%) and class participation (15%).

CONSTITUTIONAL LAW E (LAW140Y1Y) Lorraine Weinrib

Both terms: 6 credits

This course provides an introduction to the law of the Canadian constitution. It examines the constitutional framework for the federal-provincial division of legislative authority, the Charter of Rights and Freedoms, and Aboriginal and treaty rights with emphasis on fundamental constitutional principles, institutional roles and questions of stability and change.

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

CONTRACTS (LAW101H1S) Anthony Niblett

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.

CONTRACTS A (LAW120Y1Y) 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)

CONTRACTS B (LAW121Y1Y) 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) Vincent Chiao

First term: 5 credits

This course examines the basic concepts of the criminal law through sustained attention an array of common offenses. We will also consider a range of defenses, inchoate and group crimes, procedural issues and the impact of the Charter on the substantive criminal law.

Evaluation: Final open-book examination (90%) and course participation (10%).

CRIMINAL LAW (LAW102H1S) Martha Shaffer

Second term: 5 credits

This course examines the basic principles of the criminal law, including the concepts of acts reus (the physical element of an offence) and mens rea (the mental element). We will also examine different forms of participation (as a principal, an aider and abettor, and through common intention) and the kinds of claims that give rise to defences (mistake of fact, intoxication, mental disorder, self-defence, duress and necessity). Along the way, we will examine the impact of the Canadian Charter of Rights and Freedoms, and in particular the principles of fundamental justice, on the development of the criminal law.

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%).

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) 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, PROFESSIONALISM AND ETHICS 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, 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 open book 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) 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, 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 open book 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 open book final examination (90%), which may include an essay to be completed in advance and turned in with the final exam.

**PROPERTY (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 (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 think examine the links between possession and ownership. A good deal of the course involves looking at how interests in land are arranged (estates in land, concurrent ownership, covenants, and easements). There are separate sections on regulatory takings, aboriginal title, and landlord-tenant relations.
**Evaluation:** There will be a final exam in April, based on most, but not all, of the course materials. The final exam will be in two parts.

1) A 1-hour closed book test designed to examine students' understanding of basic concepts. This will count for 30% of the final exam grade.

2) Two problem questions designed to test students' ability to analyse issues more deeply. This is for 70% of the final exam grade. The second part of the exam will begin shortly after the first, and will be either a 24-hour take-home or a 'rest of the day' exam, ending at 5:00 p.m. The decision on which of the two it will be will depend on class consultation and on the final exam schedule.

Students also have the option of doing a case comment, maximum 4,000 words, worth 35% of the total grade. The final date on which this may be submitted to the Records Office is the last day of classes in April. It may be also be submitted on any day previous to that. Students will be given a choice of cases on which to comment. Students electing the case comment option will have their final exam count for 65% of the course grade.

**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) 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%).

**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) Arthur Ripstein

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) 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%).

TORTS B (LAW133Y1Y) Denise Réaume

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