

## COURS ET CALENDRIER – PRINTEMPS-ÉTÉ 2021

### Cours et calendrier

Les cours ci-dessous seront proposés au trimestre de printemps-été 2021.

### Cours en français

Cote de cours	Titre	Professeur(e)	Horaire
CML2701 E00	<a href="#">Les autochtones et le droit</a>	Darren O'Toole	mardi/jeudi 17:30-20:30
CML2712 E00	<a href="#">Droit administratif</a>	Yan Campagnolo	mardi/jeudi 14:00-17:00
CML2741 E00	<a href="#">Philosophie du droit</a>	Stéphane Séraphin	lundi/mercredi 17:30-20:30
CML3776 E00	<a href="#">Responsabilité professionnelle</a>	Alain Roussy	mercredi/vendredi 9:30-12:30
CML4526 E00	<a href="#">Droit maritime</a>	Marel Katsivela	mardi/jeudi 9:00-12:00

### Cours en anglais

Cote de cours	Titre	Professeur(e)	Horaire
CML2302 S00	<a href="#">Business Organizations</a>	Ian MacGregor	mardi/jeudi 18:00-21:00
CML2305 S00	<a href="#">Introduction to Family Law</a>	Natasha Bakht	mardi/jeudi 9:30-12:30
CML2309 S00	<a href="#">Civil Procedure I</a>	Andrew Lister	lundi/mercredi 18:00-21:00
CML2343 S00	<a href="#">Commercial Law</a>	Marc Hecht	lundi/mercredi 18:00-21:00
CML3112 S00	<a href="#">Social Justice Law</a>	Rupa Karyampudi	mardi/jeudi 9:30-12:30
CML3356 S00	<a href="#">National Security Law</a>	Craig Forcese	lundi/mercredi 9:30-12:30
CML4101 S00	<a href="#">Studies in Constitutional Law: Search and Seizure</a>	Julien Lalande	mardi/jeudi 18:00-21:00
CML4104 S00	<a href="#">Studies in Public Law: Happiness and the Law</a>	Lynda Collins	lundi/mercredi 9:30-12:30
CML 3374 S00	<a href="#">Law and Society: Intersectional Theory and Practice in the Law</a>	Samantha Peters	mardi/jeudi 12:30-15:30

## CML 2741 : Philosophie du droit – Professeur Stéphane Sérafin

**\*\* Ce cours commence le 5 mai 2021 et termine le 23 juin 2021 \*\***

**Horaire prévu : lundi 17:30-20:30 et mercredi 17:30-20:30**

**Description :** Introduction aux grands thèmes de philosophie du droit, par exemple, le concept du droit, le concept d'un système juridique, et le phénomène de décision judiciaire. Introduction aux points de vue critiques. Introduction aux penseurs les plus importants en philosophie du droit.

**Méthode d'enseignement :** Dans un premier temps, le professeur déposera des enregistrements sur Brightspace. Ces enregistrements auront comme objectif de contextualiser les lectures, d'exposer certains concepts de base et d'encourager certaines pistes de réflexion. Dans un deuxième temps, les étudiant(e)s seront appelé(e)s à s'exprimer, à commenter et à échanger sur les textes et les notions à l'étude pendant les sessions de groupe formelles tenues par l'entremise de Zoom Meeting.

**Méthode d'évaluation :** Le cours comportera deux formes d'évaluation distinctes, soit deux travaux de réaction (750 mots chacun) pour 30% de votre note et un travail final (5 000 à 10 000 mots pour les étudiants au JD et 10 000 à 15 000 pour les étudiants aux études supérieures) pour 70% de votre note.

**Note:** Ce cours est obligatoire pour les étudiants qui terminent leur première année au Programme de droit canadien en avril 2021, mais est aussi ouvert à tous.

## CML 2701 : Les autochtones et le droit – Professeur Darren O'Toole

**Horaire prévu : mardi 17:30-20:30 et jeudi 17:30-20:30**

**Description :** Ce cours introductif porte sur divers aspects du droit canadien relatif aux peuples autochtones. Il s'attache, plus précisément, au statut juridique des peuples et des personnes autochtones tel que défini par le droit étatique, plutôt qu'à la production juridique des collectivités autochtones. Le cours sera principalement axé sur un survol des origines historiques du titre indien, des traités, de la *Loi sur les indiens*, et de la doctrine des droits des peuples autochtones. À travers ces thèmes, nous étudierons, entre autres, la portée et les limites de la protection que l'article 35 de la *Loi constitutionnelle de 1982* accordent aux droits des peuples autochtones.

**Méthode d'enseignement :** Le cours sera enseigné à distance. Les exposés magistraux seront en mode asynchrone et seront disponible sur Brightspace. Les enregistrements auront comme objectif de contextualiser historiquement la jurisprudence, d'analyser les décisions, et d'encourager certaines pistes de réflexion. Il y aura également des séances de discussion avec le professeur en mode synchrone sur Zoom.

**Méthode d'évaluation :** Le cours comportera deux formes d'évaluation distinctes. Six fiches de lectures de 1000 mots chacun compteront pour 30% de la note finale. Un travail final (5 000 à 10 000 mots pour les étudiants au JD et 10 000 à 15 000 pour les étudiants aux études supérieures) comptera pour 70% de la note.

## CML 2712 : Droit administratif – Professeur Yan Campagnolo

**Horaire prévu : mardi 14:00-17:00 et jeudi 14:00-17:00**

**Description :** L'objectif du cours consiste à initier les étudiants au droit administratif canadien. À cette fin, nous examinerons : les fondements du droit administratif; le contrôle judiciaire des décisions administratives au niveau procédural; le contrôle judiciaire des décisions administratives au niveau du fond; les limites au contrôle judiciaire; et les recours disponibles. Nous analyserons, sous divers angles, la tension opposant le principe de la primauté du droit et au principe de la suprématie parlementaire. En outre, nous discuterons des approches adoptées par la Cour suprême du Canada pour arbitrer cette tension. Finalement, nous considérerons l'interaction entre le droit administratif et le droit constitutionnel, en particulier la *Charte canadienne des droits et libertés*.

**Méthode d'enseignement :** Le cours sera enseigné à distance. Les étudiants devront préparer trois modules par semaine en mode asynchrone sur Brightspace et il y aura une séance de questions et réponses par semaine avec le professeur en mode synchrone sur Zoom.

**Méthode d'évaluation :** Examen final de trois heures, à livres ouverts (100%).

## CML 3776 : Responsabilité professionnelle – Professeur Alain Roussy

**Horaire prévu : mercredi 9:30-12:30 et vendredi 9:30-12:30**

**Description :** Ce cours permettra d'approfondir la compréhension du rôle et des responsabilités professionnelles, déontologiques et sociales des juristes dans leur pratique et dans la société, d'acquérir une excellente connaissance du Code de déontologie et des autres règles régissant l'exercice de la profession juridique et de mieux comprendre les problèmes et enjeux actuels dans la profession. Des études de cas permettront l'application des connaissances dans des situations concrètes soulevant des questions de déontologie et de responsabilité professionnelle.

**Méthode d'enseignement :** Magistrale via la plateforme Zoom (enregistrements seront disponibles).

**Méthode d'évaluation :** Mémoire de recherche (100%).

## CML 4526 : Droit maritime – Professeure Marel Katsivela

**Horaire prévu : mardi 9:00-12:00 et jeudi 9:00-12:00**

**Description :** Le cours décrit et analyse les principes juridiques nationaux et internationaux applicables à la navigation maritime. Il traite spécifiquement des sujets suivants: la définition du droit maritime canadien, le navire, (définition, construction, enregistrement), les charters-parties, le transport maritime (international) de marchandises et de personnes, l'assurance maritime, la pollution marine, les abordages en mer, l'arbitrage maritime, les privilèges maritimes, l'avarie commune, le sauvetage maritime, les INCOTERMS, la navigation arctique, le pilotage. L'objectif est de familiariser les étudiants avec les lois applicables et les enjeux présents dans ces domaines du droit maritime. Le cours commente sur le droit maritime canadien mais est largement basé sur les conventions applicables au niveau international.

**Méthode d'enseignement :** Magistrale, problèmes, questions-réponses.

**Méthode d'évaluation :** Étudiant(e)s de J.D. : 60% devoir, 40% présentation du devoir ou du travail préparatoire en ligne. Étudiant(e)s diplômés (LL.M./Ph.D.) : 70% devoir, 30% présentation du devoir ou du travail préparatoire.

## CML 2302 Business Organizations – Professor Ian MacGregor

**Schedule: Tuesday 18:00-21:00 Thursday 18:00-21:00**

**Description :** Introduction to the most common methods of carrying on business, including the nature of the interests at stake in a business enterprise (those of owners, directors, officers, employees, creditors and the public); the ways in which the law governing business enterprises mediates among these interests; how to set up a small private corporation; when corporations are liable for contractual, tortious and criminal obligations; when directors and officers have breached their duties to the corporation; and the lawyer's role in advising corporate clients.

**Teaching Method:** This course will be a lecture-based course delivered over Zoom. PowerPoint slides will be circulated to students. Participation throughout the course is encouraged.

**Method of Evaluation:**

Option 1: 100% 2-hour final exam (Brightspace) or

Option 2: 100% paper

**Exam Date:** Tuesday, July 6, 2021 from 9:30 to 11:30

## CML 2309 Civil Procedure – Professeur Andrew Lister

**Schedule: Monday 18:00-21:00 Wednesday 18:00-21:00**

**Description:** This course provides an overview of the law of procedure. Topics included: initial consultation, originating process, service, pleadings, parties, discovery, motions, summary and default proceedings, trials, costs and appeals. Emphasis will be placed on navigating the rules that students are likely to come across during their articles and first few years of practice.

**Teaching Method:** This course will use a combination of lectures, discussion and the completion of individual or small group practical exercises during class time (drafting a statement of claim and notice of motion, etc.). Course content will be delivered using Zoom and Brightspace. Students should also be prepared to use Google Docs for any practical exercises.

**Method of Evaluation:** 100% 2-hour open-book exam (Brightspace).

**Exam Date:** Monday, July 5, 2021 from 9:30 to 11:30

## CML 2343 Commercial Law – Professeur Marc Hecht

**Schedule: Monday 18:00-21:00 Wednesday 18:00-21:00**

**Description:** The objective of this course is to provide a basic understanding of one of the fundamental subjects in commercial law: sale of goods through the study of the Sale of Goods, Factors and Consumer Protection Acts. Throughout the course, the relationship between legal rules and typical commercial transaction settings will be emphasized as well as the role played by lawyers in these settings.

**Teaching Method:** A sixty to ninety (60-90) minute lecture podcast will be uploaded onto Brightspace that students can listen to at their convenience, prior to participating in the live class. There will be a live class via Teams to review the material as a group and answer students' questions.

**Method of Evaluation:** 100% final exam, which will include a series of short essays based on the content covered.

**Exam Date:** Wednesday, July 7, 2021 from 9:30 to 11:30 or 9:30 to 12:30

## CML2305 Introduction to Family Law – Professeure Natasha Bakht

**Schedule: Tuesday 9:30-12:30 pm Thursday 9:30-12:30 pm**

**Description:** This course provides an introduction to themes, issues and problems relating to “families” and “law”. It explores fundamental legal principles in relation to the formation of families, and the dissolution of family relationships. The course examines criteria for assessing policies that affect legislative and judicial choices about the legal regulation of families and family members. Although the primary focus is Ontario, there are references to other provinces in Canada and to other jurisdictions, as well as to interdisciplinary and theoretical perspectives on law and families.

Discussion of assigned readings, problem solving, and completion of the evaluation for the course are intended to permit students to: develop an understanding of basic principles of family law in relation to statutes and cases and their interrelationships; apply these legal principles to disputes among family members; and develop critical skills to assess how legal regulation of families intersects with social, economic and political perspectives and policies.

**Teaching Method:** A combination of synchronous and asynchronous classes. And for the evaluation:

**Method of Evaluation:**

**Option 1:** Mid-term test 20% - Final Exam 80%

**Option 2:** Mid-term test 20% - Critical Case Comment 30% (one can decide to do the case comment after receiving the mid-term test mark) - Final Exam 50%

**Exam Date:** Friday, July 9, 2021 from 9:30 to 11:30 or 9:30 to 12:30

## CML 3112 Theory and Practice of Social Justice Law – Professeure Rupa Karyampudi

**Schedule: Tuesday 9:30-12:30 pm Thursday 9:30-12:30 pm**

**Description:** This course will examine the relationship between law and social justice, and in particular, the role of the law in creating, perpetuating, and eradicating hierarchies of power and privilege in our society. The course explores what we mean by “social justice” and how systemic discrimination based on race, sex, class, sexuality, disability and other locations of identity shapes this concept. The course will also address the role of legal education in preparing students for the practice of law, as well as ethical and practical considerations for social justice lawyering.

This course is required for students who wish to obtain the Social Justice Option notation on their transcript.

**Teaching Method:** TBC

**Method of Evaluation:** TBC

**Exam Date:** Tentative Tuesday, July 6 from 9:30 to 12:30

## CML3374 Law and Society: Intersectional Theory and Practice in the Law – Professeure Samantha Peters

**Schedule: Tuesday 12:30-15:30 pm Thursday 12:30-15:30 pm**

**Description:** This course will examine race, power and the law through the lens of Critical Race Theory (CRT), intersectionality, and feminist legal theory as a means to critically discuss the law, social change and transformative justice. Kimberlé W. Crenshaw, who coined the term “intersectionality”, has been foundational in her work on Black feminist legal theory, critical race theory, and race, racism and the law. Relying heavily on her scholarship and others in the legal academy, we will explore both the role that the law has played in maintaining systems of oppression and legal possibilities via law reform. This course aims to provide critical analytical skills, advocacy skills and practical experience to law students committed to the pursuit of racial and social justice.

**Teaching Method:** TBC

**Method of Evaluation:** TBC

**Exam Date:** Tentative Thursday, July 8, 9:30 to 12:30

## CML 3356 National Security Law – Professeur Craig Forcese

**Schedule: Monday 9:30-12:30 pm Wednesday 9:30-12:30 pm**

**Description:** Critical analysis of the concept of national security, defined as the protection and preservation of a state's values, institutions and the well-being of its citizens in the face of such threats as armed attack, terrorism, natural disasters or other emergencies. Examination of Canadian and international laws governing efforts to preserve national security. The laws of the United States, the United Kingdom and other jurisdictions will also figure in the discussion. The conflict between national security imperatives and human and civil rights at both the international and national level will be a key preoccupation of the course.

**Teaching Method:** As well as focusing on the content of national security law, we will place an emphasis on legal skills relevant for policy-oriented lawyers. Students will learn how to prepare and present effective briefing notes and policy-oriented legal memos. Because of the COVID-19 pandemic, the class sessions for this course will be conducted via Zoom. Participation in these Zoom sessions is mandatory.

**Method of Evaluation:** Evaluation will be done through seminar participation and small writing assignments and presentations geared to public policy lawyering. The balance of the course mark will be determined by a lengthier writing project. Because this is a semi-intensive Spring term course and students will have a more limited window in which to complete their work, the written project will be shorter than a full term paper, and will not generally qualify for a "major paper". However, students who do wish to complete a "major paper" in this course may discuss with the instructor.

**Method of evaluation for graduate students:** Graduate students are expected to complete a book review, in addition to the other work required for this course.

## CML 4104 Selected Topics: Happiness in the Law – Professeure Lynda Collins

**Schedule: Monday 9:30-12:30 pm Wednesday 9:30-12:30 pm**

**Description:** Human happiness is arguably one of the underlying drivers of law and legal systems. Yet legal studies often overlook this central human need and desire and lawyers sometimes fail to cultivate happiness within their own professional lives. This course will examine the role of happiness in legal systems, the scholarship of happiness at work and practical tools for maximizing our own happiness in law school and legal practice. The course will include experiential learning (get ready to meditate!), problem-based learning, and blended learning (with some sessions being delivered on-line

**Teaching Method:** The teaching method will be a mix of synchronous sessions on Zoom and asynchronous sessions through Brightspace.

**Method of Evaluation:** Evaluation is 20% participation (which can be fulfilled through verbal comments on Zoom, written comments in the chat function or Discussion posts in Brightspace), 20% oral presentation (done in groups) and 60% written assignments - the students get to choose either 6 reflection papers or a book review.

## CML 4101 Studies in Constitutional Law: Search and Seizure – Professeur Julien Lalande

**Schedule: Tuesday 18:00-21:00 pm Thursday 18:00-21:00 pm**

**Description:** The Search and Seizure Court will have two objectives: First, it will educate students on the law, including procedural and substantive issues. Second, it will focus significantly on the practical aspects of litigating section 8 issues.

As to the first component, the legal principles of search and seizure will be covered in detail. Some foundational aspects of the law will be reviewed at the outset. Afterwards, students will be instructed on specific procedural and evidentiary issues such as: Who must prove what in a hearing; What evidence is admissible in a section 8 *voir dire*; and how section 8 hearings typically proceed. This will be followed by in-depth examinations of various types of searches and their legal implications. For example, the course will cover types of warrants and warrantless searches and their respective legal requirements. It will also consider surveillance issues as well as locations or items commonly searched (such as lockers, vehicles, etc).

**Teaching Method:** TBC

**Method of Evaluation:** TBC

**Exam Date:** Tentative Thursday, July 9, 2021 9:30 to 12:30