

## **SECTION B: COURSES**

### **1. GENERAL**

For course requirements and course loads, reference should be made to Faculty of Law Regulations 1(1) - (7) and 4(13) - (16).

In addition to the seven compulsory courses in the upper years, students must take a total of three courses from the compulsory areas (see below for more details), and one course in which the student writes a scholarly paper worth at least 50% of the final grade for the course. The seven compulsory courses are: Law 2213 Civil Procedure, Law 2223 Commercial Law, Law 2243 Evidence, Law 2253 Administrative Law, Law 2273 Business Organizations, Law 2313 Legal Ethics and Professional Responsibility and Law 2323 Conflict of Laws.

Students who entered the program prior to September 2021 must take one course from each of the three following compulsory areas of study: a) Perspectives and Theories; b) Property Rights; and c) Regulating Relationships (see Regulation 1(3) and 1(4)).

Students who entered the program starting in September 2021 must take one course from the Perspectives and Theories compulsory area of study and two courses from the Core Competencies compulsory area of study (see Regulation 1(3) and 1(4)).

### **2. FIRST YEAR COURSES**

#### **a. Course Descriptions**

##### **LAW 1000 CONTRACTS (6 ch)**

Introduction to the kinds of promises legally enforced and remedies for their breach.

##### **LAW 1200 PROPERTY (6 ch)**

Introduction to the concepts and analytical skills necessary to recognize and resolve disputes over interests in personal and real property. Examines meaning of property, concepts of ownership and possession, aboriginal property claims, and rights in land.

##### **LAW 1303 FOUNDATIONS OF LAW (1.5 ch)**

Introduction to the Canadian legal system, its structure and administration. Introduction to the principles of common law and equity and statutory interpretation. Development of skills, including legal analysis, case analysis and problem-solving.

##### **LAW 1323 LEGAL RESEARCH AND ADVOCACY (3 ch)**

Introduction to legal research and written and oral advocacy which reflects legal reasoning. Includes instruction in using print and electronic resources in law in first term. Students learn how to write in legal style and format, including, for example, a case comment or a memorandum of law, during the first and second terms and to prepare written submissions and present oral argument of a hypothetical case on appeal (the moot) in second term. (3 credits, 4 contact hours [2

hours each term]; instruction takes place in both terms; a second term course for purpose of inclusion in GPA).

**LAW 1400 TORTS (6 ch)**

An introduction to torts law, its theory and functions by studying intentional and unintentional torts, various bases of liability, defences, and remedies.

**LAW 1500 CRIMINAL LAW (6 ch)**

Introduction to the criminal law and the criminal justice system; including the general principles of criminal liability, defences, sentencing, certain elements of trial and pre-trial procedure, and relevant provisions of the *Canadian Charter of Rights and Freedoms*.

**LAW 1600 CONSTITUTIONAL LAW (6 ch)**

Examination of Canada's constitutional framework, including the judicial system, the division of powers, the *Charter of Rights and Freedoms*, and treatment and rights of aboriginal peoples.

**3. UPPER YEAR COURSES**

**a. Courses by Name** (alphabetically)

**Note:** Course descriptions for all upper year courses are listed in Subpart d below.

**Note:** The courses listed below are courses which have been offered in the past three years, including the current year. Archived courses (course not offered in the past three years, including the current year) are listed at the end of this list in Subpart b. Indicated after each course is the most recent year, including the current year, in which the course was offered or the year it was added to the curriculum.

Law 4223 Aboriginal Self-Government and Economic Development

Law 2253 Administrative Law (20-21)

Law 4073 Advanced Constitutional Law (20-21)

Law 4233 Advanced Evidence (19-20)

Law 5123 Attorney-General Internship (20-21)

Law 3013 Bankruptcy and Receivership (20-21)

Law 2273 Business Organizations (20-21)

Law 4023 Children's Law (18-19)

Law 2213 Civil Procedure (20-21)

Law 4033 Collective Bargaining and Arbitration (19-20)

Law 2223 Commercial Law (20-21)

Law 5210/5213 Community Clinic Course (20-21)

Law 3053 Competition and Trade Regulation (19-20)

Law 5015-5023 Competitive Moots (20-21)

Law 2323 Conflict of Laws (20-21)

Law 3433 Construction Law (19-20)

Law 3113 Corporate Finance (20-21)

Law 3153 Corporate Taxation (20-21)

## B.3

Law 3573 Criminal Procedure (20-21)  
Law 4243 Cybercrime (20-21)  
Law 4093 Directed Research (20-21)  
Law 4103 Dispute Resolution (20-21)  
Law 3683 Employment Law (20-21)  
Law 3454 Environmental Law (20-21)  
Law 2243 Evidence (20-21)  
Law 3353 Family Law (20-21)  
Law 4124 Gender, Sexuality and Law (20-21)  
Law 3473 Health Law (20-21)  
Law 3908 Human Rights Law (20-21)  
Law 3123 Immigration Law (20-21)  
Law 4193 Indigenous-Non-Indigenous Relations (formally known as Aboriginal People and Law) (20-21)  
Law 3063 Insurance (20-21)  
Law 3453 Intellectual Property (20-21)  
Law 3763 International Law and Organizations (20-21)  
Law 4203 International Taxation (19-20)  
Law 4143 International Trade Law (20-21)  
Law 5113 Judicial Internship (20-21)  
Law 3933 Jurisprudence (20-21)  
Law 3653 Labour Law (20-21)  
Law 4194 Land Claims and Self-Government Agreements (20-21)  
Law 3723 Law and Economics (20-21)  
Law 4163 Law and Social Justice (19-20)  
Law 5063 Law Journal Associate Editors (20-21)  
Law 5073 Law Journal Editor-In-Chief (20-21)  
Law 2313 Legal Ethics and Professional Responsibility (20-21)  
Law 3423 Legal History: Private Law Since 1700 (18-19)  
Law 3424 Legal History: Public Law Since the 17<sup>th</sup> Century (19-20)  
Law 3083 Legislation (20-21)  
Law 4013 Maritime Law (20-21)  
Law 4053 Municipal and Community Planning Law (20-21)  
Law 3443 Natural Resources Law (20-21)  
Law 4094 Negotiation (20-21)  
Law 3463 Patent Law (20-21)  
Law 3143 Personal Taxation (20-21)  
Law 4213 Privacy, Publicity and Reputation (19-20)  
Law 4253 Private Law and Social Justice (19-20)  
Law 4043 Prosecution and Defence of Homicide (20-21)  
Law 5124 Public Interest Organization Internship (20-21)  
Law 5143 Public Prosecutions Internship (20-21)  
Law 5083 Readings In Legal Theory (20-21)  
Law 3233 Real Estate Transactions (20-21)  
Law 3043 Remedies (20-21)  
Law 3114 Securities Regulation (20-21)

## B.4

Law 3801-15 Specialized Legal Topics (20-21)  
Law 5223 Tax Clinic (20-21)  
Law 4183 Trial Practice (20-21)  
Law 3133 Trusts (20-21)  
Law 3293 Wills and Estate Succession (20-21)  
Law 4263 Wrongful Convictions

### **b. Archived Courses**

**Note:** Course descriptions for all upper year courses are listed in Subpart d below.

**Note:** The courses listed below are courses which have not been offered in the past three years, including the current year. Indicated after each course is the most recent year in which the course was offered or the year it was added to the curriculum.

Law 3563 Advanced Criminal Law Seminar (17-18)  
Law 4173 Advanced Torts (15-16)  
Law 4063 Comparative Law (17-18)  
Law 3115 Corporate Crime (15-16)  
Law 3112 Corporate Transactions (16-17)  
Law 4123 Feminist Advocacy (07-08)  
Law 3913 International Human Rights Law (11-12)  
Law 4133 International Humanitarian Law (15-16)  
Law 3903 Multiculturalism and the Law (16-17)  
Law 3033 Secured Transactions in Personal Property (13-14)

### **c. Courses by Area**

**Note:** Course descriptions for all upper year courses are listed in Subpart d below.

**Note:** This list includes archived courses (see Subpart b above). Courses appear only once in this list, although boundaries between these areas are not so rigid in reality. A Directed Research course can be done in any area, if a faculty member is willing to supervise it.

#### Aboriginal Rights

Law 4193 Indigenous-Non-Indigenous Relations (formally known as Aboriginal People and Law)

Law 4223 Aboriginal Self-Government and Economic Development

Law 4194 Land Claims and Self-Government Agreements

#### Administrative Law

Law 2253 Administrative Law

Law 3123 Immigration Law

#### Commercial Law

Law 3013 Bankruptcy and Receivership

Law 2223 Commercial Law  
Law 3063 Insurance

Comparative Law

Law 4063 Comparative Law

Competitive Entry Courses

Law 5123 Attorney-General Internship  
Law 5210/5213 Community Clinic Course  
Law 5014 -5018 Competitive Moots  
Law 5113 Judicial Internship  
Law 5063/5073 Law Journal  
Law 5124 Public Interest Organization Internship  
Law 5143 Public Prosecutions Internship  
Law 5223 Tax Clinic

Corporate Law

Law 2273 Business Organizations  
Law 3053 Competition and Trade Regulation  
Law 3113 Corporate Finance  
Law 3112 Corporate Transactions  
Law 3114 Securities Regulation

Criminal Law/Domestic Public Law

Law 4073 Advanced Constitutional Law  
Law 3563 Advanced Criminal Law Seminar  
Law 3115 Corporate Crime  
Law 3573 Criminal Procedure  
Law 4243 Cybercrime  
Law 3908 Human Rights Law  
Law 3903 Multiculturalism and the Law  
Law 4043 Prosecution and Defence of Homicide  
Law 4263 Wrongful Convictions

Employment and Labour Relations

Law 4033 Collective Bargaining and Arbitration  
Law 3683 Employment Law  
Law 3653 Labour Law

Family Law

Law 4023 Children's Law  
Law 3353 Family Law

Health Law

Law 3473 Health Law

Intellectual Property

Law 3453 Intellectual Property

Law 3463 Patent Law

International Law

Law 4143 International Trade Law

Law 3913 International Human Rights Law

Law 4133 International Humanitarian Law

Law 3763 International Law and Organizations

Law 4013 Maritime Law

\*Jurisprudence and Legal Theory

Law 4124 Gender, Sexuality and Law

Law 3933 Jurisprudence

Law 3723 Law and Economics

Law 4163 Law and Social Justice

Law 4253 Private Law and Social Justice

Law 5083 Readings in Legal Theory

Legal History

Law 3423 Legal History: Private Law Since 1700

Law 3424 Legal History: Public Law Since the 17<sup>th</sup> Century

Natural Resource and Land Use Regulation

Law 3454 Environmental Law

Law 4053 Municipal and Community Planning Law

Law 3443 Natural Resources Law

\*Property

Law 3433 Construction Law

Law 3233 Real Estate Transactions

Law 3033 Secured Transactions in Personal Property

Law 3133 Trusts

Law 3293 Wills and Estate Succession

Procedure and Practice

Law 4233 Advanced Evidence

Law 2213 Civil Procedure

Law 2323 Conflict of Laws

Law 4103 Dispute Resolution

Law 2243 Evidence

Law 4123 Feminist Advocacy

Law 3083 Legislation

Law 4094 Negotiation

Law 2313 Legal Ethics and Professional Responsibility

Law 3043 Remedies  
Law 4183 Trial Practice

Tax

Law 3153 Corporate Taxation  
Law 4203 International Taxation  
Law 3143 Personal Taxation

Torts

Law 4173 Advanced Torts  
Law 4213 Privacy, Publicity and Reputation

\*The courses listed do not necessarily fulfill the Perspectives and Theories and/or Property Rights compulsory areas of study requirement. See Regulation 1(3) and 1(4).

**d. Course Descriptions** (in order of the course number)

**Note:** All upper year courses have an academic value of three credit hours.

**LAW 2213 CIVIL PROCEDURE**

Introduction to court structure and rules of practice in civil litigation. Emphasis on procedure in New Brunswick Court of Queen's Bench and Court of Appeal.

**LAW 2223 COMMERCIAL LAW**

Introduction to law governing commercial transactions. Includes basic debtor and creditor relationships, creation of security interests in real and personal property, enforcement and priority rights of secured and unsecured creditors, enforcement of money judgments, law of commercial paper, bankruptcy and receivership.

**LAW 2243 EVIDENCE**

Introduction to basic concepts and problems of the law of evidence in the adversarial system, including materiality, admissibility, relevance, exclusionary rules, presumptions, burden of proof, judicial notice, and expert witnesses.

**LAW 2253 ADMINISTRATIVE LAW**

Study of administrative decision-making, including delegation of legislative and judicial power, requirements of natural justice and judicial review of administrative action.

**LAW 2273 BUSINESS ORGANIZATIONS**

Introduction to the basic structures and modes of ownership, management and control of business enterprises, with focus on the corporation.

**LAW 2313 LEGAL ETHICS AND PROFESSIONAL RESPONSIBILITY**

This course surveys ethics and professionalism in the practice of law, including the nature and scope of a lawyer's responsibilities to clients, courts, other legal professionals, law societies, and the public. The emphasis is on being able to identify and address ethical issues in various settings

or roles (e.g., private practice, corporate counsel, government) by applying personal ethical thinking, the *Code of Professional Conduct*, the *Law Society Act* and other regulations.

**LAW 2323 CONFLICT OF LAWS**

Introduction to issues of (1) jurisdiction of a court to entertain a claim against a foreign defendant or in respect of foreign events; (2) choice of law principles; (3) recognition and the enforcement of foreign judgments, in the context of substantive law areas including family law, the law of obligations (contract and tort) and the law of property (the *inter vivos* transfer of and succession to both tangible and intangible property).

**LAW 3013 BANKRUPTCY AND RECEIVERSHIP**

Deals with law of insolvency and bankruptcy in Canada and appointment of receivers under security instruments.

Prerequisite: Law 2223 Commercial Law.

**LAW 3033 SECURED TRANSACTIONS IN PERSONAL PROPERTY**

Introduction to theory, concepts, principles and rules relevant to security interests in personal property focusing on Canadian personal property security acts.

Prerequisite: Law 2223 Commercial Law

**LAW 3043 REMEDIES**

Examination of common law and equitable remedies such as damages, injunctions and specific performance with some attention to restitutionary principles of unjust enrichment in law and equity.

**LAW 3053 COMPETITION AND TRADE REGULATION**

Considers the regulation of anti-competitive practices under the Competition Act, with an emphasis on procedural and substantive aspects of merger review, including both criminal and civil remedies, as well as vertical restraints on trade, such as price maintenance and abuse of dominant position. Regulation of deceptive marketing practices under the Competition Act may also be considered.

**LAW 3063 INSURANCE**

Introduction to principles of insurance law and contracts, including indemnity and subrogation; contribution; insurable interests; conditions and warranties; misrepresentation and non-disclosure; concealment; description of risk; special problems in the formation of the insurance contract; the premium; interim coverages; renewal; assignments; procedure after loss.

**LAW 3083 LEGISLATION**

Introduction to legislative process and interpretation of statutes, using illustrative statutory interpretation problems; legislative drafting exercises.

**LAW 3112 CORPORATE TRANSACTIONS**

This practice oriented business law seminar is designed for students interested in corporate, securities and tax law. The course will take students through the practical corporate, securities and



tax law issues and procedures involved in the negotiation, structuring and completion of corporate, securities and tax transactions.

Recommended: Completion of Law 3143 Personal Taxation

Pre- or Co-requisite: Law 2273 Business Organizations

### **LAW 3113 CORPORATE FINANCE**

The course provides an introduction to the basics of corporate finance, including the use and analysis of financial statements, the valuation of debt, equity and derivation instruments, capital budgeting and the valuation and assessment of investment opportunities. The course will also examine the role of securities regulation and the basics of mergers and acquisitions with a particular emphasis on the duties and obligations of directors when responding to an unsolicited takeover bid.

Prerequisite: Law 2273 Business Organizations

### **LAW 3114 SECURITIES REGULATION**

Introduction to securities regulation in Canada with particular reference to the law of New Brunswick and Ontario. The course emphasizes an understanding of securities law through an appreciation of underlying policy rationales. Topics include: the objectives of securities regulation; principal concepts in securities legislation; registration requirements; primary and secondary distribution of securities; prospectus disclosure and continuous disclosure; exemptions and resale rules; regulation of the trading markets; timely disclosure with particular reference to insider trading, mergers and acquisitions; and enforcement.

Recommended: Completion of Law 2273 Business Organizations

### **LAW 3115 CORPORATE CRIME**

This seminar course explores both substantive law and contemporary issues pertaining to imposing criminal sanctions upon corporations and individuals associated with corporations. Topics covered include types of business crimes (such as fraud, competition offences, environmental offences and occupational health and safety) the criminal responsibility of corporations and corporate executives and issues concerning the investigation, prosecution and sentencing of corporate and white collar crime.

Pre- or Co-requisite: Law 2273 Business Organizations

### **LAW 3123 IMMIGRATION LAW**

Introduction to law and social policy, focusing on federal *Immigration Act* and provincial and territorial law and practice. Includes admission to Canada as permanent resident, visitor or refugee, grounds for exclusion or removal from Canada, family unification, inquiry and review process, ministerial permits and offences.

### **LAW 3133 TRUSTS**

Brief survey of origin of Chancery jurisdiction and growth and eventual fossilization of Equity to introduce most important modern creature of Equity, the trust. Detailed study of trusts (including remedial trusts), for persons, trust administration and trusts for purposes, especially charities.

**LAW 3143 PERSONAL TAXATION**

Introduction to federal personal income taxation including liability for tax; the concept of income; permitted deductions and exemptions; rates, returns, and payment of tax; administration and enforcement; tax appeals.

**LAW 3153 CORPORATE TAXATION**

Special emphasis on federal income taxation of corporations and shareholders including the problems of residency, corporate tax rates, associated corporations, dividends and other non-liquidating distributions income, stock redemptions and partial liquidations, and complete liquidations. (Ordinarily offered every other year)

Prerequisite: Law 3143 Personal Taxation.

**LAW 3233 REAL ESTATE TRANSACTIONS**

Analysis of transfer of title to real property, including issues arising from listing agreements, agreements of purchase and sale, financing, defects in title, lawyers' obligations, and remedies of vendors and purchasers.

Prerequisite: Law 2223 Commercial Law

**LAW 3293 WILLS AND ESTATE SUCCESSION**

Introduction to the tools of testate and intestate succession, with particular emphasis on wills and trusts and with reference to other relevant areas of law, including family, devolution of estates, administration of estates and insurance.

**LAW 3353 FAMILY LAW**

Study of legal regulation of intimate relationships, including status of various family forms, requirements for marriage and divorce, obligations and rights of parents, and property rights of intimate partners.

**LAW 3423 LEGAL HISTORY: PRIVATE LAW SINCE 1700**

Seminar on the development of private law. May include such areas as contract, tort, property and family law, and such topics as transformations in property forms and the contingent nature of the public/private divide.

**LAW 3424 LEGAL HISTORY: PUBLIC LAW SINCE THE 17TH CENTURY**

Survey of the "rise of liberty" theme in Anglo-Canadian constitutional theory and criminal law from the English Revolution forward with particular focus on *Charter*-protected rights and evolution of criminal defenses. Attention given to humanitarian revolution in penology and to policing.

**LAW 3433 CONSTRUCTION LAW**

Examination of special legal problems of construction and building projects, including standard form contracts, bonding requirements, financing arrangements, mechanics' liens and labour relations issues.

**LAW 3443 NATURAL RESOURCES LAW**

Examination of public and private law relating to development of natural resources including property interests, legislative jurisdiction and administrative regulation.

**LAW 3453 INTELLECTUAL PROPERTY**

Introduction to law of intellectual property including aspects of copyright, patent, trademark, industrial design and confidential information.

**LAW 3463 PATENT LAW**

Patent law protects new and useful inventions. It plays a major role in various industries, from pharmaceuticals to information and communications technology. This course examines the patent system and the main substantive elements of the law. Topics include the process for obtaining a patent, the pharmaceutical patent linkage system, the requirements of novelty, utility, non-obviousness (inventive step), sufficiency of disclosure, patentable subject matter, claim construction, infringement, and remedies. Policy justifications for the patent system and the various legal doctrines are also considered.

**LAW 3454 ENVIRONMENTAL LAW**

Establishes analytical law and policy framework for evaluating environmental issues. Considers characteristics of environmental problems (cause and effects), the peculiar difficulties these problems pose for the traditional legal system and various responses of legal, economic and administrative institutions.

**LAW 3473 HEALTH LAW**

This is an introductory course in the study of health law. The purpose of the course is to expose students to a wide range of legal issues that arise in the health law area. Topics to be considered include licencing and regulation of health care professionals, malpractice and negligence, consent to treatment, confidentiality and disclosure of health information, and mental disability.

**LAW 3563 ADVANCED CRIMINAL LAW SEMINAR**

Critical examination of emerging issues in criminal law, procedure, evidence, and sentencing from legal and socio-legal perspectives.

Prerequisites: Law 3573 Criminal Procedure, and Law 2243 Evidence.

**LAW 3573 CRIMINAL PROCEDURE**

Analysis of the criminal process from investigation to appeals; including jurisdiction, search and seizure, right to counsel, arrest, constitutional remedies, bail, preliminary inquiries, discovery, requirements of the charge, pleas, verdicts, and post-trial remedies.

**LAW 3653 LABOUR LAW**

Introduction to law of union-management relations including organization of the work place; establishment and termination of the collective bargaining relationship; bargaining in good faith; use of strikes, lockouts and picketing; injunctions.

Recommended: Law 2253 Administrative Law as pre- or co-requisite.

**LAW 3683 EMPLOYMENT LAW**

Examines nature and incidents of the employment relationship from commencement to termination, including common law principles and statutory reforms such as minimum standards, health and safety legislation, workers' compensation and human rights legislation.

**LAW 3723 LAW AND ECONOMICS**

This course applies the tools of economic analysis to the study of legal rules and institutions. Topics and case studies in three core areas of the law - property, contracts, and crime and punishment - are used to develop the main idea that economic theory can be used to increase understanding of the law, leading to improved public policy evaluation and formation in all areas of civil and criminal law. No economics prerequisite is required.

**LAW 3763 INTERNATIONAL LAW AND ORGANIZATIONS**

Introduction to the public international legal system by studying international legal theories, policies and practices; legal personalities; sources of international law; relation to domestic legal systems; jurisdictional claims over territory, persons and activities.

**LAW 3801-15 SPECIALIZED LEGAL TOPICS**

Courses offered from time to time. Particular topics vary depending on availability of faculty and interests of students.

**LAW 3903 MULTICULTURALISM AND THE LAW**

The term multiculturalism is often used to describe a social fact – increasing recognition of diversity along ethnic, cultural, religious, racial sexual, or other lines – and also to describe government policies responding to this social fact. In this course, we will examine how courts, legislatures, and theorists have articulated, and sometimes complicated, conceptions of culture and multiculturalism. At root, these actors are all engaged with the questions of how we can and should best live together in a socially diverse polity, how to best balance communal and individual interests, and the mutual influence of cultural identities and law. This course will explore these challenging theoretical and practical questions.

**LAW 3908 HUMAN RIGHTS LAW**

Examines federal, provincial and territorial legislation, policy and case law affecting the protection of human rights, particularly prohibitions on discrimination. May also consider constitutional and international human rights protections available to Canadians, and comparative case law.

**LAW 3913 INTERNATIONAL HUMAN RIGHTS LAW**

Describes and critically examines the substance and basic mechanisms of international human rights law. Topics include: ancestry and character of treaty and customary law of human rights; the role of texts, processes, and instruments at international and regional levels; the relation between human rights and international humanitarian law which deals primarily with laws applicable during war or armed conflict; the universal or culturally particular nature of human rights; rights-oriented and duty-oriented approaches; the relation between civil-political and

economic-social rights; enforcement of human rights norms and relation to sovereignty and political fragmentation; and the role of non-governmental human rights organizations. International Law is not a pre-requisite.

**LAW 3933 JURISPRUDENCE**

Introduction to philosophical foundations of law and legal institutions.

**LAW 4013 MARITIME LAW**

Focuses on the public international law of the sea. The 1982 *United Nations Convention of the Law of the Sea* (UNCLOS), to which Canada is a party, has established the current legal system governing domestic and international maritime areas. This course will focus on the origins of UNCLOS, its implementation and how the established legal system works today in conjunction with other international treaties and domestic legislation. The class will examine past disputes between States before approaching how current international disputes, such as the Aegean Sea dispute and the Arctic, may be delimited under International Law. Questions, such as what rights and jurisdiction do States have in domestic, foreign and international waters will also be addressed. The course will address particular issues such as, fishing rights, the high seas, the rights of Aboriginal populations, mining on the deep sea bed, shipping, piracy, marine genetic resources and terms such as the ‘common heritage of mankind’ and the ‘tragedy of the commons.’

**LAW 4023 CHILDREN'S LAW**

Study of statutes and common law that construct and regulate childhood and rights and obligations of children. May include new reproductive technologies, rights and obligations of social and natural parents, custody and access determinations, child welfare proceedings, adoption, differing child support and child-care regimes, and young offenders.

**LAW 4033 COLLECTIVE BARGAINING AND ARBITRATION**

Study of practice and process of collective bargaining and labour arbitration. Includes participation in simulated bargaining or arbitration sessions.

Recommended: Law 3653 Labour Law.

**LAW 4043 PROSECUTION AND DEFENCE OF HOMICIDE**

Examines the investigation, prosecution and defence of homicides from a substantive, procedural and practical perspective with a focus on gaining an understanding of how prosecutors attack complex criminal prosecutions and how defence counsel arrange and conduct defences. Students will attend lectures, discuss legal problems and engage in strategic problem-solving through the lens of a fictionalized murder prosecution. During the semester, students will examine the elements of the various homicide provisions in the Criminal Code, consider the manner of investigation of homicides and the legal and ethical issues that arise, examine typical defences, and study procedural and substantive issues from pre-trial to sentencing.

**LAW 4053 MUNICIPAL AND COMMUNITY PLANNING LAW**

Considers the inter-related areas of municipal and community planning law, focussing on municipal authority, jurisdiction and governance, land use regulation and the unique legal status of municipalities as creatures of provincial legislation rather than as a level of government in the constitutional sense.

**LAW 4063 COMPARATIVE LAW**

Seminar course introducing comparative approaches to legal problems, including an examination of the civil law tradition and Quebec's *Civil Code*.

**LAW 4073 ADVANCED CONSTITUTIONAL LAW**

Seminar course in advanced constitutional law. May include such topics as civil liberties, federalism, separation of powers, and/or the role of the judiciary. May involve comparative constitutional law.

**LAW 4093 DIRECTED RESEARCH**

A student, with the approval of the Associate Dean, may elect to fulfill three credit hours by performance of a major independent legal writing program under the supervision of a consenting member of the faculty.

**LAW 4094 NEGOTIATION**

This course explores the theory and practice of negotiation, including development of negotiation skills through analytical and interpersonal work and participation in simulated negotiations.

**LAW 4103 DISPUTE RESOLUTION**

Provides overview of theoretical and practical underpinnings of non-curial dispute resolution, both prior to or as alternatives to the formal court process. Includes skill development in interviewing; negotiating and drafting settlements; mediation and arbitration.

**LAW 4123 FEMINIST ADVOCACY**

Assists students to apply feminist legal analysis to the circumstances of women with different histories and self-definitions and to understand the application of feminist legal analysis to cases, both those already decided and those still to be litigated.

**LAW 4124 GENDER, SEXUALITY AND LAW**

This seminar critically investigates issues at the intersection of law, gender and sexuality. The class will introduce a variety of theoretical frameworks (including feminism and queer theory) which will be used to examine legal issues affecting women and LGBTQ people and to explore the legal construction of those identities.

**LAW 4133 INTERNATIONAL HUMANITARIAN LAW**

Introduction to theories, policies, practices and rules of the law of armed conflict and international humanitarian law.

Prerequisite: Law 3763 International Law and Organizations or permission of instructor.

**LAW 4143 INTERNATIONAL TRADE LAW**

Study of theories, policies, rules and organizations governing international trade and economic relations by examining contemporary issues relating to investment and trade in goods, services and capital.

Prerequisite: Law 3763 International Law and Organizations or permission of instructor.

**LAW 4163 LAW AND SOCIAL JUSTICE**

Interdisciplinary approach to the use of law as a tool to achieve social justice in Canada. Focuses on the history of activism on specific issues, whether by means of lobbying, litigation, civil disobedience or more traditional law reform processes. Includes consideration of the role of lawyers as activists and as advocates and advisors for activist clients.

**LAW 4173 ADVANCED TORTS**

This is an advanced torts seminar that will provide students with the opportunity to explore tort law in greater depth and breadth. The course will introduce specific torts that will be new to many students (e.g., defamation, intrusion upon seclusion) and will examine novel uses of torts (e.g., negligence actions against tobacco companies, use of tort to obtain vindication for victims of terrorism and torture). We will also examine theoretical aspects of tort, including the justification for different standards of fault (negligence, strict liability) in tort and the moral relevance of causation in negligence.

**LAW 4183 TRIAL PRACTICE**

Study of the various elements of the trial including opening statements, examination in chief, cross examination, re-examination and argument. Exercises develop students' skill in trial preparation and performance.

**LAW 4193 INDIGENOUS-NON-INDIGENOUS RELATIONS**

Analyze legal concepts applicable to Indigenous peoples with special emphasis on the history and legacy of residential schools, the United Nations Declarations on the Rights of Indigenous Peoples, Treaties and Aboriginal Rights, Indigenous law, and Indigenous-non-Indigenous relations. The course examines the various ways Indigenous peoples have asserted their rights through direct political action, constitutional negotiation, and litigation including the scope and nature of Treaty Rights, Aboriginal Title, and the Duty to Consult.

**LAW 4194 LAND CLAIMS AND SELF-GOVERNMENT AGREEMENTS**

Examines the reconciliation of Aboriginal rights with the modern Canadian state through the presentation of claims, and negotiation and adjudication of specific and comprehensive land claims agreements including recognition of Aboriginal self-government. Includes a comparison of Canadian models and experience of land and governance restitution processes with those in other countries and with relevant international law.

**LAW 4203 INTERNATIONAL TAXATION**

An increasingly free flow of investments and expansion of businesses across borders highlight the importance of the law and policy of international taxation. This course is designed to provide students with an opportunity to learn the essentials of international taxation, with a specific reference to Canadian experience. The primary emphasis is placed on the provisions of the Canadian Income Tax Act that govern the taxation of non-residents earning income from Canadian sources and Canadian residents earning income abroad. In addition to providing students with exposure to these substantive tax rules, the course will also offer students an opportunity to examine the fundamental concepts and principles relevant to the interpretation and application of

international tax treaties and some selected topics in international taxation such as transfer pricing, tax avoidance and dispute resolution.

Prerequisite: Law 3143 Personal Taxation.

Recommended: Law 3153 Corporate Taxation (may be taken concurrently)

### **LAW 4213 PRIVACY, PUBLICITY AND REPUTATION**

This seminar explores how private law protects individuals' reputation, privacy and publicity interests (i.e. interests in the public use of one's name or likeness). Students will consider the nature and importance of these interests and whether the law achieves an appropriate balance between them and countervailing interests – especially free speech. In addition to learning the substance of defamation law, privacy torts and rights of publicity, students will discuss topics including: speech and privacy on the internet, group defamation/hate speech, private law approaches to cyberbullying, and the right to be forgotten.

### **LAW 4223 ABORIGINAL SELF-GOVERNMENT AND ECONOMIC DEVELOPMENT**

Aboriginal peoples have been exercising self-government (including trade and commerce) since time immemorial. In this seminar, the historical evolution of self-government will be traced including the role of the Indian Act and other statutes that play a role in Aboriginal government processes such as the First Nations Fiscal Management Act. The course will also explore the development of comprehensive modern treaties, self-government agreements and land claim resources. Topics canvassed include: the legal framework for community economic development, economic accommodation of aboriginal rights, impact benefit agreements, corporate social responsibility, Aboriginal Title, treaty federalism, the duty to consult and pluralistic constitutionalism.

Prerequisite: Law 4193 Aboriginal Peoples or permission of the instructor.

### **LAW 4233 ADVANCED EVIDENCE**

Evidence is the study of law's epistemology – the theory of knowledge, methods and scope that separates belief from fact or opinion. In this seminar students will build upon the fundamentals of evidence law such as political philosopher Jeremy Bentham's admonition that "all relevant evidence is admissible." Students will be asked to apply basic evidentiary principles to new and challenging areas such as law and technology, the law of consent in sexual assault, the retention, preservation and spoliation of evidence, expert opinion evidence, and aboriginal litigation.

Prerequisite: Law 2243 Evidence

### **LAW 4243 CYBERCRIME**

This seminar explores the application of the criminal law and the criminal justice system to cybercrime. The reach of cybercrime, cybercrime typology, problems in detecting, investigating and prosecuting cybercrimes, international issues and jurisdictional challenges will be critically examined.



### **LAW 4253 PRIVATE LAW AND SOCIAL JUSTICE**

Can private law be used to advance social justice causes? Should that role be left to public law? Is there even a difference between the two? These are some of the questions explored by this seminar course, which examines the nature of private law and its potential role as a champion of social justice.

Particularly in the first year of law school, private law (such as the law of property, torts, and contracts) can come across as an autonomous and apolitical body of legal principles focused on the resolution of disputes, usually between private individuals. In the time required for learning things like the rules of easements or what constitutes consideration, rarely is there sufficient space in the curriculum to question the origin, purpose, and ramifications of private law's principles. This course will examine the roots of private law and various contemporary views on what it is, what it does and what it should do. By engaging in a broad survey of private law theory accompanied by case studies, the goal of this course is to offer students a critical perspective on private law's neutrality. It also aims to provide a richer understanding to future lawyers and legal scholars of private law's potential as a tool for social change.

### **LAW 4263 WRONGFUL CONVICTIONS**

Wrongful convictions erode public confidence in the criminal justice system, harm those who are unjustly imprisoned, and exacerbate the problem of systemic racism in the judicial system. This course examines the causes and prevention of wrongful convictions, the mechanisms for identifying and remedying them after they have occurred, and potential reforms to address the problem. The approach is comparative, drawing on the experience in Canada and other jurisdictions. It also considers how wrongful convictions may disproportionately impact Indigenous people and other disadvantaged groups. The course may also provide opportunities to partner with other organizations to review and investigate claims of wrongful conviction in Atlantic Canada and prepare appropriate materials in connection with such claims.

### **LAW 4303 EQUITABLE RELIEF AND PRIVATE JUSTICE**

Explore the relationship between equity and the private law doctrines of the common law, as well as the place of equitable relief in a system of private justice. Students examine various bases of equitable relief (including unconscionability, promissory and proprietary estoppel, injunctions in restraint of private nuisances, and relief against penalties and forfeitures) and the way in which each responds to particular common law doctrines. The course also briefly addresses the history of equity as a normative system, the fusion of the courts of law and equity, and considers equitable principles as found in contemporary private law jurisprudence.

### **LAW 5223 TAX CLINIC**

Gain hands-on experience in Canadian tax law and acquire skills in tax research, client communications and case management. Students assist the UNB student community and low-income individuals in the Fredericton area to file their personal income tax returns. They may also provide legal information and advocacy on tax issues through research, writing and client representation.

Prerequisite: Law 3143 Personal Taxation

### **LAW 5015-5023 COMPETITIVE MOOTS**

Students who compete in Moot Court Competitions approved by Faculty Council will receive three credit hours for participating in those competitions. Except with permission of the Office of the Dean, a minimum grade point average of 3.0 in the previous academic year is required to be registered for a competitive moot. These approved Moots are as follows:

**LAW 5015 Gale Cup Moot** (second term) Recently this national Moot has involved a criminal/constitutional issue arising out of the Charter of Rights and Freedoms.

**LAW 5016 Jessup International Law Moot** (first term) This is the leading international law moot. The Canadian Round is part of a US-based competition typically involving teams from 50-70 countries. Canadian winners enter an international finals competition in Washington, DC.

Pre- or co-requisite: International Law and Organizations or the permission of the instructor)

**LAW 5017 Laskin Administrative and Constitutional Law Moot** (second term) This is a national Moot in which at least one UNB representative must moot in French.

**LAW 5018 McKelvey/Sopinka Cup Moot** (second term) The Sopinka Cup Moot is a trial moot sponsored by the American College of Trial Lawyers. Mooters examine and cross-examine witnesses and deliver opening and closing addresses to a jury of evaluators made up of judges and lawyers. UNB competes against University of Moncton and Dalhousie University for the McKelvey Cup (named in honour of E. Neil McKelvey, Q.C. of the Law firm Stewart McKelvey Stirling Scales.) The winner of the regional competition travels to Ottawa to compete nationally for the Sopinka Cup. Students must write a substantial paper on an issue related to current trial practice. Limited to students who have successfully completed not less than sixty credit hours of courses taken for credit towards their law degree.

Pre-requisites: Law 2243 Evidence and Law 4183 Trial Practice

**LAW 5019 Kawaskimhon (Aboriginal) Law Moot** (second term) The Kawaskimhon Aboriginal Rights Moot is a national negotiations moot on issues of aboriginal rights. The moot problem is assigned by the host institution in December or early January, and the factums are due six to eight weeks after the problem is assigned. The moot itself is held in early March, over the course of two days. On the first day participants present oral arguments based on submitted written factums. Kawaskimhon participants are expected to work toward reaching *consensus* on the mooted problems by the end of the second day. Previous moots have addressed such issues as band membership rights, territorial overlaps, the effects of hydro projects, Métis rights and aboriginal heritage.

Pre-requisite: Either Law 4193 Aboriginal Peoples and Law or Law 4223 Aboriginal Self-Government and Economic Development.

**LAW 5020 Canadian National Negotiation Competition** (second term) The Canadian National Negotiation Competition (CNNC) provides a means for law students to learn, practice and improve their negotiating skills. The competition simulates legal negotiations in which law students, acting as lawyers, negotiate a series of legal problems. The simulations deal with the same general topic, but the negotiation situation varies with each round and level of the competition. Students typically get experience in both transactional negotiation and dispute negotiation. A team consists of two students attending the same Canadian law school; generally, a school may send up to two teams. The winners of the CNNC can advance to the International Negotiation Competition, held in various locations around the world, usually in June of each year.

**LAW 5021 Bowman Tax Moot** (second term) The Donald G. Bowman National Tax Moot is Canada's first competitive moot on taxation. Established in 2011 and named in honour of the former Chief Justice of the Tax Court of Canada, the moot promotes advocacy and excellence in the fields of tax law and policy, and provides participants with the opportunity to take part in a simulated tax court proceeding. The students also interact with judges from Federal and Supreme Courts and with experienced practitioners of tax law. The students compete over two days in two preliminary rounds, semi-finals and the final moot before a panel of three judges. The winners are determined based on best team, best appellant factum, best respondent factum, best advocate. The moot is typically held in Toronto in late March or early February every year.

Pre- or co-requisite: Law 3143 Personal Taxation.

**LAW 5022 Davies Ward Phillips & Vineberg Corporate/Securities Law Moot** (second term) This is a national moot that provides students with an opportunity to debate current legal issues in corporate and securities law. Eleven law schools from across Canada participated in the 2011 moot, held in Toronto in early March. Students are tested on their written and oral appellate advocacy. Each student is required to argue twice during the two-day competition, once on behalf of the appellant and once on behalf of the respondent.

**LAW 5023 The Wilson Moot** (second term) The Wilson Moot was established in 1992 to honour the outstanding contribution to Canadian law made by Hon. Bertha Wilson, Justice of the Supreme Court of Canada. The spirit of this moot is to promote justice for those traditionally disempowered within the legal system, and, in particular, to explore legal issues concerning women and minorities. The competition is held in Toronto. The facts are usually due at the end of January and the moot itself is typically held in late February. There are separate team awards for both the written and the oral argument sections of the moot. The oral argument consists of a preliminary round, during which the mooters compete twice against their counterparts from other law schools, and the final round. The top two schools after the preliminary round compete against each other in the final.

Pre-requisite: Law 4073 Advanced Constitutional Law or course that the instructor deems equivalent.

**LAW 5063 LAW JOURNAL ASSOCIATE EDITORS**

Associate Editors of the UNB Law Journal may, with permission of the Faculty members designated for that purpose by the Office of the Dean, elect to have their academic work on the Law Journal count for credit. Evaluation is by the members of the Faculty designated for that purpose by the Office of the Dean. Except with permission of the Office of the Dean, a minimum grade point average of 3.0 in the previous academic year is required to be registered as an Associate Editor.

**LAW 5073 LAW JOURNAL EDITOR-IN-CHIEF**

The Editor-in-Chief of the UNB Law Journal, may, with permission of the Faculty members designated for the purpose by the Office of the Dean, elect to have her/his academic work on the Law Journal count for credit. Evaluation is by the members of Faculty designated for that purpose by the Office of the Dean. Except with permission of the Office of the Dean, a minimum grade point average of 3.0 in the previous academic year is required to be registered as an Editor-in-Chief.

**LAW 5083 READINGS IN LEGAL THEORY**

A student, with approval of the Associate Dean and a member of faculty, may fulfill three credit hours by completing selected readings in philosophy of law and jurisprudence to the satisfaction of the supervising faculty member.

**LAW 5113 JUDICIAL INTERNSHIP**

This course provides students with an opportunity to develop an understanding of advocacy and judicial decision-making by working with members of the judiciary. Students will view the hearings of selected cases, discuss the arguments with judges, and assist judges with research relevant to the preparation of their decisions. Students must agree to be bound by the confidentiality and other relevant obligations governing law clerks. Students must apply to the Associate Dean to be considered for the course, and must give permission to members of the judiciary to access their law transcripts.

**LAW 5123 ATTORNEY-GENERAL INTERNSHIP**

This course provides students with an opportunity to develop an understanding of law reform and the legislative process by working with members of the staff of the Office of the Attorney General of New Brunswick. Under the direction of its officials, students will research identified legal issues, formulate legislative recommendations or draft legislation. Students must apply to the Associate Dean to be considered for the course, and must give permission to members of the Attorney-General's Department to access their law transcripts.

**LAW 5124 PUBLIC INTEREST ORGANIZATION INTERNSHIP**

This course provides students with an opportunity to develop an understanding of public interest issues and advocacy by working with members of an approved public interest organization. Under the direction of the public interest organization students will research legal issues and work on selected cases. Students must apply to the Associate Dean to be considered for the course, and must give permission to members of the public interest organization to access their law transcripts.

**LAW 5143 PUBLIC PROSECUTIONS INTERNSHIP**

This course provides students with an opportunity to develop an understanding of the role of the Attorney General as prosecutor by working with the staff of the Director of Public Prosecutions. Students will be exposed to prosecutorial ethics, advice to investigators, pre-charge screening, disclosure issues, trial issues, sentencing and dealing with witnesses and victims. Students must apply to the Associate Dean to be considered for the course, and must give permission to the Director of Public Prosecutions to access their law transcripts.

**LAW 5210 COMMUNITY CLINIC COURSE (6 credit hours), and;  
LAW 5213 COMMUNITY CLINIC COURSE (3 credit hours)**

These courses provide opportunities for students to gain practical law-related experience while promoting access to justice. Through placements with legal and other service entities (including non-profit organizations, government agencies, legal clinics, and/or legal practitioners), students support pro bono and public interest initiatives involving, as appropriate, legal advice under the supervision of a practising lawyer and/or the provision of legal information. Students also receive practice-oriented instruction coordinated by the Faculty, including in the areas of professional responsibility, practice management, client communication, as well as topics relevant to their placements. In addition to placements and instruction, students may undertake independent legal outreach activities, in which they create and deliver legal information to assist those who do not have access to legal services.

**4. COURSES FOR NON-LAW STUDENTS**

**Note:** The following course is offered to undergraduates enrolled in other UNB faculties and is not available to students in the JD program.

**LAW 3003 READINGS IN LAW AND FEMINIST THEORIES**

Open to students outside the Faculty of Law who want to explore issues involving feminism and law. Requires weekly meetings with instructor to discuss assigned readings in the area of feminist legal theories and preparation of paper on topics selected by student in consultation with instructor. Must have permission of instructor to take course.