

# COLLEGE OF LAW

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## FACULTY AND ACADEMIC STAFF

R. P. MacKinnon, President  
M. Atkinson, Vice-President (Academic)  
A. J. Whitworth, Vice-President (Finance and Resources)  
M. E. Corcoran, Vice-President (Research)  
M. D. Evered, Associate Vice-President (Academic)  
R. B. Bunt, Associate Vice-President (Information and Communications Technology)  
V. Pezer, Associate Vice-President (Student Affairs and Services)  
B. R. Bilson, Dean of Law  
R. E. Fritz, Associate Dean of Law  
J. Y. Henderson, Research Director, Native Law Centre  
R. G. Kachanoski, Dean of Graduate Studies and Research  
F. Winter, Director of Libraries  
G. Barnhart, University Secretary  
K. M. Smith, Registrar

### Professors

C. S. Axworthy, R. E. Bilson, M. A. Bowden,  
R. B. Buglass, K. D. Cooper-Stephenson,  
R. C. C. Cumming, R. D. Flannigan,  
D. M. Greschner, D. R. Ish,  
R. P. MacKinnon, K. E. Norman,  
T. L. Quigley

### Associate Professors

M. L. Benson, T. Buckwold, R. E. Fritz,  
L. A. Vandervort, W. A. Wiegiers,  
N. K. Zlotkin

### Assistant Professors

S. Anand, M. Keet, M. Phillipson, S. Venne

### Sessional Lecturers\*

M. Annand, A. Boving, M. Brayford,  
L. Caron, R. Danyliuk, C. Farbacher,  
K. Fenwick, N. Fisher, G. Gardner,  
R. Gibbins, P. Grant, W. H. McConnell,  
K. Prisciak, D. Purich, B. Roe,  
T. Rosenberg, T. Sarkar, D. Surtees,  
R. Thompson, N. Turcotte, C. Zawada

### Law Foundation of Saskatchewan Professor\*

T.B.A.

### Ariel F. Sallows Professor in Human Rights\*

F. Martin

## MEMBERS FROM OTHER FACULTIES

H. J. Michelmann, Professor of Political Studies

\*Denotes non-members of faculty.

## HISTORY OF THE COLLEGE

The College of Law was established as the third independent college at the University in 1912, with the first students being admitted in the academic year 1913-14. Professor Moxon and Dr. MacKay formed the nucleus of the faculty, other lecturers being drawn from the ranks of the local legal fraternity. On February 3rd, 1920, the Board of Governors formally appointed Professor Moxon as first Dean of the College. Prior to 1922, attendance at a law school had not been a requirement for admission to the Bar; however, in that year the Society's Rules changed by which they would require that a student seeking admission complete an LL.B. program or its equivalent in an accredited law school.

The College's first decade was spent in buildings downtown, although after 1922 the focus of legal education shifted from the law offices to the University. Throughout its early years, the University housed the College in several temporary locations, but in 1967 it moved into a new building designed to be its permanent home.

During the same period College programs began to expand. In 1968-69 the College began a graduate program leading to a LL.M. degree. As the result of a program aimed at providing legal advice to indigent persons, the Legal Assistance Clinic came into existence in June, 1970. In 1971 the College created a committee for legal education for Native people. The first summer course in Saskatchewan to prepare Native students for entrance into law schools across Canada was initiated in 1973. Moreover, the faculty undertook to organize a Native Law Centre. The objectives of the Centre were to help in the development, adjustment and possible alteration of the law and the legal system in ways that would better accommodate the development of Native communities within Canadian society. The close relationship between the Law Society of Saskatchewan and the College was developed further in the spring of 1975. The Law Society created the office of Director of Continuing Legal Education (now known as the Saskatchewan Legal Education Society Inc.). This office is responsible for the development of continuing legal education and the administration of the Bar Admission Course.

In 1979 the College introduced a half-time program. In the same year, students embarked on a newly revised program of studies enabling them in second and third years to elect most of their courses. Curriculum changes in 1987 allowed for the upper year program to be totally elective with the only restriction for student choices being to certain group areas and with research and writing requirements. In 1990, the half-time program changed to allow upper-year students to complete a course load between a half load and a full load.

The College counts among its many distinguished graduates people who have made important contributions provincially, nationally and internationally. The College can boast a prime minister, a governor-general, provincial premiers, many

provincial and federal judges, and many business leaders.

## ADMISSION AND REGISTRATION

### IMPORTANT DATES

#### September 4

Registration and first day of classes

#### September 19

Last day for making changes in registration for first-term classes and for classes extending over both terms

#### November 15

Last day for withdrawing from first-term classes without academic penalty in courses and programs not on U-STAR

#### December 4

Last day of classes for second and third year

#### December 6

Last day of classes for first year

#### December 7 - 20

First-term examinations

#### January 3

Classes resume

#### January 16

Last day for making changes in registration for second-term classes

#### February 1

Closing date for applications

#### February 15

Last day for withdrawing without academic penalty from classes extending over two terms

#### March 15

Last day for withdrawing from second-term classes without academic penalty

#### April 9

Last day of classes

#### April 12 - 30

Second-term and two-term examinations

## GENERAL

The matters covered in this section of the *Calendar* are subject to change from time to time before and after a candidate's admission.

## APPLICATION FOR ADMISSION

Application for admission must be on the prescribed form which can be obtained from the College of Law. All correspondence related to admissions should be directed to: Admissions Committee, College of Law, University of Saskatchewan, 15 Campus Drive, Saskatoon SK S7N 5A6

Enquiries can also be directed by telephone: (306)966-5045.

The College of Law accepts 110 students into first-year law each academic year. Application should be made well in advance of the date of intended enrolment and, in any case, postmarked on or before **February 1** (this deadline is strictly adhered to).

Applications will be considered by the Admissions Committee after the February 1 deadline as documentation is completed. Each applicant will be advised in writing whether his or her application is accepted, denied or deferred. However, if an applicant's file is incomplete it will not be considered. **It is the applicant's responsibility to ensure that the file is complete.**

## APPLICATION/TRANSFER FEE

All applicants *must* submit a \$50.00 non-refundable application/transfer fee. This fee, either a *certified cheque or money order* payable to the University of Saskatchewan, must be submitted with the application. *Those applications submitted without the prescribed fee will be returned to the applicants.*

## TRANSCRIPTS

Students who have completed all of their university studies at the University of Saskatchewan are not required to submit transcripts. Transcripts must be submitted for any part of an applicant's studies taken elsewhere.

All applicants, including those from the University of Regina, who are currently attending colleges or universities other than the University of Saskatchewan must arrange to have the Registrar of their university or college forward directly to the Admissions Committee, College of Law, one *official* transcript of marks up to the end of first term (i.e. including results of December examinations administered immediately preceding the application deadline). In addition, *two official* transcripts of *final* marks must be submitted after the end of second term. Applicants from universities other than the University of Saskatchewan, who are no longer attending classes, must have *two official* transcripts of *final* marks sent directly to the Admissions Committee, College of Law, at the time of application.

All applicants, except those with a University of Saskatchewan student number, are encouraged to submit official certificates equivalent to senior matriculation of the Province of Saskatchewan indicating the subjects completed and the standing obtained in each subject.

*Note:* Transcripts from *all* universities previously attended must be submitted or documentation will be considered incomplete and the application will not be considered. A cumulative transcript from the last university attended is not sufficient. Statements of standing will not be accepted as official transcripts. *Transcripts will not be accepted directly from applicants. Photocopies of documents will not be accepted.*

## REGULAR APPLICANTS FOR ADMISSION

To be eligible for admission to the first-year program of the College of Law, an applicant must have:

- a university degree from a recognized institution; or
- successfully completed at least two years of academic work beyond senior matriculation, including at least 12 credit units in the Humanities or Social Sciences, at a recognized university, or the equivalent of such work.

Enrolment is limited to approximately 110 students, and the number of applications greatly exceeds the number of places available. Admission is decided on merit, taking into account the academic record, the Law School Admission Test score, and special circumstances. Past experience indicates that, as a general rule, successful applicants must have a grade point average of 3.4 or better on a 4-point scale (approximately a B+ average or 80% average) in pre-law studies and a LSAT score of 159 or higher.

If an applicant feels there are personal circumstances of which the Admissions Committee should be aware, application should be made as a Special Applicant as outlined below. A student whose LSAT score may be prejudiced because of language difficulties should also apply as a Special Applicant.

Applicants must complete and submit the application form to the College of Law by the **February 1** deadline and write the LSAT.

*Note:* The February sitting of the LSAT is the last available date for admission in September but it is strongly recommended that applicants write the test earlier.

## ADMISSION DECISIONS

Admission to the College of Law is at the discretion of the Admissions Committee of the College. In exercising its discretion, the Committee considers academic background and LSAT score, and gives a slight preference to applicants who are Saskatchewan residents or residents of the Yukon, Northwest and Nunavut Territories, Prince Edward Island and Newfoundland (these being provinces or territories with no law college).

## SPECIAL APPLICANTS FOR ADMISSION

### GENERAL INFORMATION

In selecting applicants for the first-year class, the College of Law considers it important that the student body reflect a variety of backgrounds and experiences.

**Equity in Access:** The College of Law recognizes that exclusive reliance on the normal criteria for admission would unfairly prejudice the prospects of applicants whose academic record, for reasons beyond their control, does not reflect their true potential to pursue successfully the study of law. Accordingly, special consideration will be given to applicants whose educational opportunities have been hindered by circumstances such as cultural or economic disadvantage, physical

impairment or learning disability, or significant interruption of the pursuit of post-secondary education.

Examples of relevant educational disadvantages might be:

- barriers resulting from ethnic or racial background;
- first language other than English;
- devotion of substantial time to earning an income while pursuing formal education;
- employment or domestic obligations preventing earlier application;
- physical impairment hampering access to or effective use of educational opportunities.

**Criteria for Special Admission:** The admission decision for special applicants will be determined by the Admissions Committee's assessment of the applicant's ability to cope successfully with the requirements of the LL.B. program. The applicant's LSAT score will usually be given significant weight. There is no formal quota for special applicants, but the number of such admissions is necessarily limited.

**Supporting Material:** To ensure that the Committee has adequate information to make an informed decision, an applicant seeking special consideration on any material ground should submit with the application:

- a statement identifying and explaining the nature of his or her educational disadvantage or interruption of studies;
- any relevant supporting documentation, such as medical reports;
- details of any relevant occupational experience or community involvement;
- supporting letters of reference from persons unrelated to the applicant who could comment on the applicant's aptitude and potential for law studies.

**Native Applicants:** In the case of Native persons, successful completion of the Program of Legal Studies for Native People, held in the summer months at the College of Law, will be considered by the Admissions Committee as a special supplementary predictor of success in law school. For information concerning this Program, interested applicants should write to: The Director, Program of Legal Studies for Native People, University of Saskatchewan, 101 Diefenbaker Place, Saskatoon SK S7N 5B8, email: kotschd@duke.usask.ca, or telephone (306)966-6189.

Besides submitting the required information to the Native Law Centre, applicants *must* complete and submit the prescribed application form to the College of Law, write the Law School Admission Test, and provide transcripts and other documentation as set out above for "Special Applicants." To be considered for admission in the fall of any year, applicants must write the LSAT by the February of that year test date. However, it is strongly recommended that applicants write the test earlier.

## LAW SCHOOL ADMISSION TEST (LSAT)

All applicants for admission to the College of Law are required to take the Law School Admission Test.

The Law School Admission Council, which is responsible for the test administered by the Law School Admission Services (LSAS), is composed of representatives of all law schools accredited by the American Bar Association or by the Association of American Law Schools and Canadian Law Schools using the LSAT.

The LSAT is designed to measure certain mental abilities important in the study of law and, accordingly, to aid law schools in assessing the academic promise of their applicants.

Before June, 1991, the LSAT was scored across the range of 10 to 48, with an average score of 37 to 38 for admissions. As of June, 1991, the LSAT changed in format and is scored across the range of 120 to 180. An average admissions score using the new scale is 159, ranging from 150 to 174. Test scores are valid for four years and repeater scores are averaged. Scores on the 10 to 48 scale cannot be averaged with scores on the 120 to 180 scale, and the latter will be used. The writing sample portion of the exam is not scored by this law school.

Information on this examination may be found in the *LSAT Registration and Information Book, Canadian Edition*. This book contains details concerning registration, fees, testing dates, and testing centres and may be obtained at the College of Law or at the Office of the Registrar, 105 Administration Place, or by writing to: Law School Admission Council/Law School Admission Services, PO Box 2000, 661 Penn Street, Newtown PA 18940-0998 U.S.A., e-mail: Lsacinfo@LSAC.org, or telephone (215)968-1001.

The LSAT Registration and LSAT Law School Report Order Form, found in each Canadian Edition Information Book, must be used when initially applying to write the LSAT.

If an applicant is not a *current* LSAT registrant (it has been more than one year since their most recent LSAT Registration) they must contact Law School Admission Services.

Test dates vary for different centres. The LSAT is written in Saskatoon in the months of June, October, December and February. The test centre in Regina is available in October, December and February. Check the LSAT Information Book for other test centre locations and test dates. The postmark closing dates for registration for test centres in Canada are generally some four weeks prior to the date of the test.

Usually special arrangements can be made for those persons with disabilities. As well, special individual test administrations and additional test centres may also be established under special circumstances. See the LSAT Information Book.

## HALF-TIME PROGRAM

The half-time program has been developed to assist both regular and special applicants who meet the ordinary admission requirements. It is intended to accommodate those whose family commitments, financial necessity, or occupational involvement prevent full-time study. It would also apply to those who have not been in an academic institution for a significant number of years, making a half-time program at the outset necessary to re-acquire and develop educational skills.

Persons wishing to be admitted to the half-time program must submit a written statement setting out details of the reasons why they may be unable to pursue a full-time program in the study of law. Applicants must also be prepared to be interviewed prior to acceptance.

The program is not intended for those who want to test their interest in law or who would prefer a light course load. It requires a commitment to *at least* half of the workload of full-time law students. Credits cannot be accumulated on a part-time basis.

Students taking a half-time program are required to attend courses at the ordinarily scheduled times. Such persons must be flexible enough to accommodate the study of law during the daytime when the bulk of the courses offered in the College are scheduled.

Students admitted to the first year half-time program are committed to two years in the half-time program before they can change their status to full-time.

In First Year Part I, students are required to take a course which involves small group instruction, plus either one other full year course or the two half-courses in Constitutional Law [Constitutional Law (Charter of Rights and Freedoms) and Constitutional Law (Division of Powers)]. In addition, students must complete the memorandum, factum and moot court requirements assigned and are responsible to participate in the Orientation Program of first year.

In First Year Part II, students must complete the remaining three courses. Students can only take one course involving small group instruction.

The other years remain elective apart from the requirement to complete one course in legal theory during the second year and of meeting the research and writing requirements of the full-time program.

Half-time students can elect the speed at which their program can be completed. In First Year Part I, students are allowed to complete an additional large group course. In First Year Part II, students who have completed at least five half-courses in Part I are allowed to complete an additional upper year course, to a maximum of six half-courses per year, in each term subject to the following requirements:

- that the recording of credit for the upper-year courses be subject to successful completion of the first-year requirements.

- that the upper-year courses which half-time first-year students are allowed to take in Part II be courses related to those already taken in Part I and be subject to the approval of the Associate Dean. For example, students who took Criminal Law in Part I should be allowed to take Criminal Procedure or Sentencing in Part II; students who took Personal Injuries Compensation in Part I should be allowed to take Torts II in Part II; students who took Contracts in Part I should be allowed to take Sale of Goods in Part II; furthermore, all students in Part II should be allowed to take Civil Procedure, a course required by the Law Society of Saskatchewan and included as a required first-year course in many faculties of law.

- students in Part II may not take upper year seminars or theory courses.

Half-time students, in their second and third years, are permitted to spread the normal two-year load (full-time) over two and one-half years, three years, or three and one-half years, as well as the existing four years half-time period. In the selection of their courses, half-time students are subject to the following requirements:

- all three years of study must be completed within a period of six years;
- not less than two half-course equivalents must be completed in any term, and not less than five half-course equivalents must be completed in any given year.

*Note:* If a student needs fewer than two courses in a term, or fewer than five courses in a year to graduate, the student may take the number of courses necessary for graduation.

Should the circumstances which necessitated election of the half-time program change, students must convert to full-time status upon completion of first year or at the appropriate times in upper years.

## ADVANCED STANDING, CERTIFICATE OF EQUIVALENCE, LETTER OF PERMISSION, QUALIFYING YEAR AND TRANSFER OF CREDITS

Students wishing to attend another law school for a portion of their LL.B. program should contact the Dean's Office. The content of the program followed elsewhere must be approved by the Dean's Office. Students are reminded that they must satisfy all degree program requirements for the degree from the University of Saskatchewan, including successful completion of two years at the University of Saskatchewan Law School. Regulations in force at the College of Law, University of Saskatchewan, will be applicable in determining whether a student graduates.

First year law students wishing to transfer from common law LL.B. programs at other universities to the College of Law, University of Saskatchewan, must satisfy certain academic requirements. Official transcripts of pre-law and law school marks must be submitted to this College directly from the issuing institutions. A completed

application form, a \$50.00 non-refundable application fee (certified cheque or money order), and a copy of the LSAT score (if written) must also be submitted.

An application by "letter of permission" can be arranged for students wishing to take one year at this University for credit towards a degree from another Canadian university. Both the transfer and the program of studies must be approved by the Dean of the law school. Official transcripts of pre-law and law school marks must be submitted to this College directly from the issuing institutions. A completed application form, a \$50.00 non-refundable application fee (certified cheque or money order) and a copy of the LSAT score are also required.

Students wishing to transfer with advanced standing or certificates of equivalence from foreign law schools may apply for admission on that basis. However, applicants are requested to have their academic credentials evaluated by the National Committee on Accreditation, Faculty of Law, Common Law Section, University of Ottawa, 57 Louis Pasteur, Ottawa, ON Canada K1N 6N5, email: frusso@uottawa.ca, or telephone (613)562-5204.

Applicants are ordinarily required to take the LSAT (Law School Admission Test) and may also be required to take the TOEFL (Test of English as a Foreign Language), CanTEST (Canadian Test of English for Scholars and Trainees), IELTS (International English Language Testing System) or MELAB (Michigan English Language Assessment Battery). For further details on the English proficiency requirement, please refer to the General Information section of the Calendar. After receiving this assessment and supportive documentation, including the student's application form and official transcripts from all universities attended, along with scores from any academic testing services, the Admissions Committee at the College of Law, University of Saskatchewan, will be able to consider the applicant's qualifications. A \$50.00 non-refundable application fee (certified cheque or money order) is also required.

A special program may be arranged for students receiving their legal education outside the province and wishing to qualify for the Saskatchewan Bar, but not having fulfilled the academic requirements to do so. In these circumstances, a "qualifying year" can be arranged. However, applicants are required to have their academic credentials evaluated by the National Committee on Accreditation (Ottawa) - see above. The regular admissions procedure of providing official transcripts, completed application form, a \$50.00 non-refundable application fee (certified cheque or money order) and scores from any academic testing services must be followed.

Approval of all transfers will depend largely on the quality of legal studies previously demonstrated and the number of spaces available. Preference normally will be given to Saskatchewan residents. The deadline for receipt of requests to transfer is **February 1**; required documentation must be completed by **July 1**. Decisions will not be available until after **August 1** of any given year.

## STUDENT EXCHANGES

The College currently participates in two student exchange programs, one in North America and one in Europe. The North American exchange permits our students to study one term in either the United States at Capital University Law School in Columbus, Ohio or in Mexico at the Instituto Tecnológico y de Estudios Superiores de Monterrey (ITESM) in Monterrey, Nuevo Leon, Mexico.

In collaboration with the Centre for Studies in Agriculture, Law and the Environment (CSALE), students from the College of Law can also participate in the Canada-European Community Programme for Cooperation in Higher Education and Training offered by Human Resources Development Canada and the European Commission Directorate General XXII Education, Training and Youth.

The University of Saskatchewan, led by CSALE, with the University of British Columbia, University of Guelph, Université de Leige, Université de Montpellier, and the Swedish University of Agricultural Sciences joined forces to present the proposal "Exploring Canadian and European Practices and Policy Options for Sustainable Agriculture" to this competition. This is the first agricultural proposal to be accepted by the Canada-European programme.

Contact the Dean's office for further information.

## SECOND DEGREE PROGRAMS

The University of Saskatchewan offers a number of second degree programs. The program in Commerce and Law results in a graduating student being granted a B.Comm. and an LL.B. in six years. The Second Degree Program in Arts and Science and Law, leading to a B.A. or B.Sc. and an LL.B. can usually be completed in five years. For more details see Second Degree Programs in the College of Arts and Science section of the *Calendar*.

The University of Regina and the University of Saskatchewan offer a Second Degree Program in Administration and Law which results in the student being granted a B.Admin., LL.B. in six years, and a Second Degree Program in Arts and Law which results in the student being granted a B.A., LL.B. in five years.

A student entering a second degree program is not guaranteed a place in the College of Law but must compete with other students applying in the year in which the student becomes eligible to enter the College of Law.

## REGISTRATION

Registration takes place at the College of Law on the first day of classes in September.

To register late, students must obtain permission from the Dean's Office. Registration will not be permitted beyond two weeks from the scheduled date. A late enrolment fee will be charged if a student registers after the scheduled time, irrespective of whether permission to register late has been obtained.

## RECOMMENDED READING BEFORE ENTERING FIRST-YEAR STUDIES

S. M. Waddams: *Introduction to the Study of Law*, Carswell Co. Ltd., fifth edition - \$26.00.

This publication, in paperback edition, can be ordered by Mastercard, Visa or C.O.D. from the University Bookstore.

## ENTRANCE SCHOLARSHIPS

With one exception, it is not necessary to submit applications for entrance scholarships. A preliminary screening of the pre-law records of all students registered in first year results in a number of students being invited to provide additional information. Winners of the scholarships are ordinarily informed in October. For a list of awards, refer to the Scholarships and Prizes section, below.

*Note:* Students will be invited to apply for the J. Barrie Thomson Scholarship in early September.

## SCHOLARSHIPS AND PRIZES

**Entrance Scholarships (Amounts are approximate)**

Thomas P. & Peter S. Deis World War II Memorial Scholarship.....	\$1,000
William Elliott Scholarship.....	\$7,500
Law Society of Saskatchewan Scholarship.....	\$2,000
P. E. Mackenzie Entrance Scholarship.....	\$800
MacPherson, Leslie and Tyerman.....	\$4,000
J. H. Maher Memorial Scholarship.....	\$1,400
Harris & Lauretta & Raymond Earl Parr Memorial Scholarships(3).....	each \$3,750
Morris & Jacquie Shumilcher Scholarship in Law.....	\$2,900
James M. Stevenson Scholarships(2).....	each \$400
J. Barrie Thomson Scholarship.....	\$1,950
Law Foundation of Saskatchewan 25th Anniversary Scholarship.....	\$2,300

For details on upper-year scholarships, prizes and bursaries, please consult the Office of the Dean of Law or the *Awards Guides* available at the Office of the Registrar.

## CAREER POSSIBILITIES

Most graduates of the College of Law enter private practice as barristers and solicitors; however, an increasing number enter government services at all levels, legal assistance clinics and corporate legal departments. In addition, a law degree is considered a valuable background for many administrative, commercial and industrial positions.

# LAW

## PROGRAM OF STUDY - LL.M.

The College offers specialized programs in the areas of Aboriginal Law, Commercial Law, Constitutional Law, Human Rights and Criminal Law. For details on the LL.M. program, please refer to the College of Graduate Studies and Research section of the *Calendar*.

## FEES, PAYMENT OF FEES, CANCELLATIONS AND REFUNDS, AND COURSE CHANGES

See the General Information section of the *Calendar*.

## MOOT COURT PROGRAMS

The Moot Court program is designed to give students experience both in the preparation of cases for argument and in the actual presentation of such arguments before appellate courts.

First-year moots are organized by the Legal Research and Writing Co-ordinator in consultation with the first-year class and the Moot Court Committee.

Upper-year moot programs are also carried out each year. The Western Canada Moot Court Competition involves student counsel from the six law schools in the four Western provinces. The Jessup Moot Court Competition in International Law involves a Canadian round attended by a large majority of Canadian and international law schools, with the winner competing in the international final against universities from a number of countries. In 1991, the team from the College of Law finished first in the final competition in Washington, D.C. Students also compete in the Gale Moot Court Competition, the Laskin Moot Court Competition and a non-competitive moot, the Aboriginal Rights Moot (Kawaskimhon - "Speaking with Knowledge").

## THE SASKATCHEWAN LAW REVIEW

The *Saskatchewan Law Review* is one of Canada's oldest and most respected legal periodicals. Since 1936, the *Law Review* has published scholarly writing on legal topics pertinent to our world, our country, and our province. Authors have included influential judges, such as the Chief Justices of Canada and Saskatchewan, and prominent scholars in many different areas.

The *Law Review* presents ideas and analysis that you will find helpful in your legal studies. In the past several years, the *Law Review* has published a number of issues that focus on particular areas, including business law and agricultural law. In the latest volume, one issue addresses themes in law and literature, and another contains a number of articles examining the Supreme Court's *Marshall* decision. In the fall of 2000, the *Law Review* welcomed Professor Rod MacDonald, McGill University, who delivered the third annual *Law Review*

Lecture. The theme of the lecture was the changing role of the legal profession. Beyond these special events, the *Law Review* always presents stimulating ideas through thought-provoking papers – many of which are written by this College's own professors and students.

Our college's students play a key role in the *Saskatchewan Law Review*. The *Law Review* has a Board of second- and third-year students, supervised by a Faculty Editor, who set policy, edit the *Review*, and prepare it for publication. In the process, these editors have an unparalleled opportunity to learn about legal publishing and to improve their own legal writing. Their involvement is for credit now, but it will be an asset for the rest of their lives. Each summer, students who have excelled in their studies receive invitations to join the Board.

## UNIVERSITY OF SASKATCHEWAN NATIVE LAW CENTRE

The Native Law Centre, established in September 1975, is Canada's principal training and research program for Aboriginal law and lawyers. The University of Saskatchewan created the Centre to promote the development of the law and legal system in ways that would better fit the advancement of Native communities in Canadian society. The Centre undertakes many activities in fulfilling its objective, including: a pre-law orientation and screening program. The program prepares Aboriginal students for first year in property law, legal writing and study skills.

The Centre also has an active research and publication program; provides library services, seminar series, or acts as a community resource Centre; and facilitates a youth international internship program. Research activities focus on issues in aboriginal, human and treaty rights both in the national and international contexts. National policy organizers often call upon staff members to attend conferences. The Centre publishes the *Canadian Native Law Reporter*, *Justice As Healing*, and many technical monographs, and organizes interventions in major cases on aboriginal and treaty rights in the courts.

## PROGRAM OF LEGAL STUDIES FOR NATIVE PEOPLE

This is an eight-week pre-law orientation and screening program which many students take as a condition of their admission to law school under a special admissions category for Native students. Unconditionally admitted Aboriginal students may take the program if space is available. The program is designed to introduce students to the process, substance and demands of the first year of law school, with particular emphasis on the skills required to succeed in law school. Skills are taught in the context of Property Law curriculum. Successful students may receive credit for first-year Property dependent on individual law school policies.

In order to be considered for admission to the program, a student must have successfully completed two years of academic work at a recognized university or its equivalent. This requirement is flexible.

An applicant who lacks the above requirement but who, by reason of maturity and experience, possesses the potential and ability to successfully complete a law program, may be considered for admission.

Registered Indian students may be eligible to receive financial assistance to attend the program and law school through the Department of Indian Affairs or band education authorities. Metis and non-status students may receive student loans in some provinces, and are encouraged to apply for any scholarships and bursaries for which they qualify, including the Federal Department of Justice's LSAP funding.

For further information on the Program for Legal Studies for Native People and funding, contact:

The Native Law Centre  
Program of Legal Studies for  
Native People  
University of Saskatchewan  
101 Diefenbaker Place  
Saskatoon SK S7N 5B8  
Telephone: (306) 966-6189  
Fax: (306) 966-6207  
Email kotschd@duke.usask.ca

## ROGER CARTER SCHOLARSHIP TRUST FUND

Four scholarships, valued at \$250 each, are awarded annually to students of Native Canadian ancestry entering second or third year law at a Canadian law school. The fund was established in honour of Roger Carter, Q.C., the founder of the Native Law Centre and the Program of Legal Studies for Native People.

## HARVEY BELL MEMORIAL PRIZE

It provides one or more awards up to \$1,000 to one or more students of Native Canadian ancestry receiving his or her L.L.B. degree in Canada. The scholarships are in memory of the late Harvey Bell who practiced law in North Battleford, Saskatchewan for many years.

## LAW LIBRARY

At the heart of the law school is its library. Effective teaching, research, and scholarship are dependent upon easy access to a wide variety of legal information.

At present the Law Library houses some 160,000 volumes including microform and audio-visual items. The collection consists primarily of legal sources from Canada, Britain, the Commonwealth, and the United States; however, materials from other jurisdictions around the world are also represented.

Comprehensive collections have been developed in the areas of criminal law and criminology, administrative law, constitutional law, consumer protection, co-operative law, forensic psychiatry, critical legal studies, alternative dispute resolution, civil liberties, and feminist legal theory. The Law Library now holds a leading position in the fields of native law and international human rights.

An electronic information service called U-SEARCH provides easy access to the

catalogue, other library collections on campus and around the province, journal indexes, electronic journals and CD-ROMs, as well as access to the Internet and the World Wide Web.

The Law Library also subscribes to the major legal information retrieval systems such as *Quicklaw*, *LEXIS/NEXIS*, and *WESTLAW*. The ultimate goal is to provide faculty and students with most of the information they require through computers in their offices and homes or in the computer lab.

A highly-trained and knowledgeable staff is available to help students and faculty with their research requirements. Students are also encouraged to use the facilities of the other campus libraries or the University Libraries' inter-library loan service.

## THE LAW STUDENTS' ASSOCIATION

The Law Students' Association is a co-ordinating student body which represents its members within the College of Law, the University and the community as a whole. Its executive is empowered to organize and direct activities and functions deemed to be in the interest of its members.

The L.S.A. is represented on Faculty Council and continually strives to broaden the area of student participation in decisions made by the faculty. In this way, and by initiating action in areas which are of interest to both students and faculty, the L.S.A. provides students with an opportunity to take a meaningful part in the administration of the College.

The Association is extremely active in promoting social, cultural, athletic and law related events and activities.

"Legal Follies" is another example of the manner in which total student involvement is encouraged within the College. This annual variety show is produced and performed by law students with all proceeds donated to charity.

The Aboriginal Law Students' Association provides a support network for Aboriginal students, a voice to faculty and the law student body as a whole and sponsors various social activities.

Women and the Law, a directorate of the L.S.A. and member body of the national organization of Women and the Law, concerns itself with matters of public legal education and legal issues involving women and families. The organization is open to both men and women.

On a volunteer basis, students provide free legal help to members of the University community through Campus Legal Services. This serves to aid law students in developing interviewing techniques and practical legal skills.

## ADMISSION AS LAWYERS

In their third year, students should apply to the Law Society to be admitted as Students-at-law to be eligible to article. To avoid potential delays in attending the Bar Admission Course and completing their

articles, students are strongly advised to apply for Students-at-law status if there is any possibility of them articling in Saskatchewan. Forms are available from the Saskatchewan Legal Education Society Inc. or from the Secretary of the Law Society of Saskatchewan.

The Law Society of Saskatchewan requires Students-at-law to articulate for twelve months with a practising lawyer and to complete the Bar Admissions Course. (The time spent at the Bar Admission Course counts towards the twelve month articling period.) Articling students must have an LL.B. from a Canadian university, although in some cases a different degree can be approved by the National Committee on Foreign Accreditation of the Federation of Law Societies of Canada.

Students may also serve as Law Clerks to the judiciary as part of their articling time. A student who serves as a Law Clerk to the Court of Queen's Bench or the Court of Appeal for Saskatchewan must serve ten months as a Law Clerk and

- (a) two months with a practising lawyer, OR  
(b) one month with a practising lawyer and one month with Saskatchewan Justice or the Legal Aid Commission.

Special time requirements also apply if a student serves as a Law Clerk to the Supreme Court, the Federal Court of Canada, or the Law Reform Commission. For details regarding these requirements, students should contact the Secretary of the Law Society of Saskatchewan.

No service in a law office may be counted in any case as articles unless the student already possesses an LL.B. degree, or equivalent academic qualifications.

The Bar Admission Course is in two 4-week segments, with each segment being offered once per year. The First Segment focuses on teaching students important legal skills and is held in August. The Second Segment consists of lectures on substantive and procedural law and is held in May. Students must be admitted as Students-at-law in order to attend the Course and must take the two segments of the Course in sequence.

During the Bar Admission Course, the student will be required to pass various assessments and examinations designed to ensure that the student has attained entry level competence to practice as a lawyer. The assessments and examinations are carried out under the direction of the Law Society of Saskatchewan.

Admission to the Bar of Saskatchewan is governed by the Legal Profession Act and the Rules of the Law Society of Saskatchewan. Generally, candidates must:

- (a) successfully complete the Bar Admission Course  
(b) serve 12 months of articles, including the Bar Admission Course  
(c) be of good character; and  
(d) be a Canadian citizen or permanent resident.

A law degree does not automatically entitle the recipient to become a member of the Law Society. Anyone who wishes to practice law in Saskatchewan should be aware that the Law Society may not accept all applicants (for example, those with criminal records may be refused). While the Law Society is not in a position to give formal or binding rulings on the student's potential admissibility, students are invited to contact the Law Society of Saskatchewan to discuss the matter.

For complete details concerning the procedures for admission as Students-at-law and admission to the Bar, students should contact: The Secretary, Law Society of Saskatchewan, 1100 - 2500 Victoria Ave., Regina SK S4P 3X2 or telephone (306) 569-8242.

*A student registering for the LL.B. degree and contemplating practice in a province other than Saskatchewan should communicate with the Secretary of the Law Society in that province in order to determine the requirements for admission to the Bar in that province.* Of particular note is the province of Alberta, which has enshrined its requirements in Statute. The rule is that for admission as an articling student in Alberta, a student - in addition to an LL.B. - must have at least two years of pre-law work at a university or its equivalent.

## PROGRAM OF STUDY - LL.B.

### PROGRAM REQUIREMENTS

The program of studies leading to the degree of Bachelor of Laws (LL.B.) requires three years of study in the College of Law at the University of Saskatchewan.

In order to obtain the degree of Bachelor of Laws, a student must satisfy the requirements for admission; register annually for the prescribed courses; pay the required fees; attend classes and participate in the first year orientation; pass examinations as prescribed; participate satisfactorily in the legal research and writing course; complete a legal theory course; successfully complete the writing requirements and fulfill such other requirements as may from time to time be designated by the faculty. Students may not take additional courses in other faculties without the permission of the Dean's Office.

Students are required to attend classes in courses in which they are registered. Persistent failure to attend may lead to exclusion from the examinations.

The faculty believes that success in the study of law requires full-time application by the student; therefore, a student is advised to avoid outside employment during the term.

A leave of absence during the school year is not permitted except in unusual circumstances. Students who only complete

one term are considered half-time students for promotion or supplemental purposes. Students who withdraw from the College can only return (1) first year students - by applying for re-admission in competition with other students applying for admission in that year; (2) second or third year students - with permission of the faculty.

A leave of absence of one year or more is permitted upon notification to the Dean's Office before the commencement of the academic year. Students ordinarily must complete the LL.B. requirements within five years in order to receive that degree. Students wishing to complete the LL.B. requirements beyond the five year period must obtain permission from the Dean's Office.

## MANDATORY COURSES

### FIRST YEAR

- (1) LAW 201.6 Contracts
- (2) LAW 204.6 Criminal Law
- (3) LAW 208.6 Property I
- (4) LAW 212.6 Personal Injuries Compensation
- (5) LAW 231.3 Constitutional Law (Division of Powers)
- (6) LAW 233.3 Constitutional Law (Charter of Rights and Freedoms)
- (7) LAW 243.0 Legal Research and Writing

### SECOND AND THIRD YEARS

Every full-time student in second and third year must choose a program of courses each term which ensures a weekly course load of 15 credit units. In special cases a student may be given permission to undertake a program involving a load in excess of 15 credit units. All students are required to include a theoretical component in their upper year programs by electing, in their second year, at least one course from a cluster of theoretical courses. In addition, there will be a mandatory writing requirement in each of the upper years in which students must achieve a grade of 60% or better. The fulfillment of this requirement must include the completion of at least one research paper; therefore, one seminar class must be elected in either second or third year. However, students who elect to complete the research paper in second year will still be required to complete a writing assignment in third year. Other than these requirements, no upper year courses are mandatory.

Students in the College of Law may be permitted to take 6 credit units given by another College, during either second or third year, for credit in the College of Law. The course(s) must be approved by the Dean's Office. Applications are assessed from the standpoint of the course's relevance to the law program or the student's career goals.

Students should be advised that the Law Society of Saskatchewan recommends the following courses for practitioners in Saskatchewan:

- Contracts
- Evidence
- Criminal Law

- Wills and Administration of Estates - Including Trusts
- Property
- Torts
- Business Organizations
- Legal Research and Writing
- Family Law
- Administrative Law
- Taxation
- Sale of Goods
- Lawyering Process
- Secured Transactions and Negotiable Instruments
- Constitutional Law
- Civil and Criminal Procedure

The Federal Department of Justice sponsors a ten-week summer French-language program where students spend seven weeks studying the fundamentals of the civil-law system and three weeks examining comparative aspects of the common- and civil-law systems. Students who are selected by the National Selection Committee and who successfully complete the program will receive 3 credit units to be applied, at the option of the student, in either term of the following academic year.

## EXAMINATION REGULATIONS

For complete details and regulations governing re-reads, special examinations, aegrotat standing, supplemental examinations, and the half-time program, students should consult the *University Council Regulations on Examinations* section of the *Calendar*.

Examination is the normal method of assessment although certain courses require a substantial paper. Where grades are assigned by examination, a portion of those grades may be allocated by alternate modes of assessment.

A student who misses a final examination through illness may, at the discretion of the faculty, be granted aegrotat standing provided (a) a proper medical certificate is submitted, (b) the student is recommended by the instructor for pass standing, and (c) the student's academic performance has otherwise been satisfactory.

## GRADES

Grade categories are as follows: 90-100% - Exceptional; 80-89% - Excellent; 70-79% - Good; 60-69% - Satisfactory; 50-59% - Minimal Pass; < 50% - Failure.

## PROMOTION

For complete details on promotion, consult the *College Regulations on Examinations* available in the college office.

## LL.B. DEGREE WITH DISTINCTION

A student who attains a cumulative weighted average of 75% in courses credited towards a degree in the college will be awarded the degree with Distinction. A student who attains a cumulative weighted

average of 80% credited towards a degree in the college will be awarded the degree with Great Distinction provided, in each case, that all work was completed to the satisfaction of the faculty.

## COURSE DESCRIPTIONS

See the General Information section of the *Calendar* for an explanation of the format used in course descriptions.

### FIRST YEAR

#### LAW 201.6 Contracts 1&2(3L)

An introduction to the law of contracts, including formation of contractual obligations, consideration, privity, contract formalities, capacity, contractual terms, misrepresentation, mistake, illegality, discharge and remedies.

#### LAW 204.6 Criminal Law 1&2(3L)

Basic concepts and procedures, principles of criminal liability, physical and mental elements of a crime, common law and statutory defences, the *Canadian Charter of Rights and Freedoms*, capacity, justification, parties to offences, and specific offences.

#### LAW 208.6 Property I 1&2(3L)

A survey of the law of personal property. The forms and methods by which interests in personal property are created, used and transferred. A survey of English land law and its introduction to, and use in, Saskatchewan.

#### LAW 212.6 Personal Injuries Compensation 1&2(3L)

An introduction to the legal processes through which an injured person can seek compensation either from the state, from insurance schemes or in a tort action. Detailed consideration will be given to the Saskatchewan Criminal Injuries Compensation Scheme, the tort of negligence, and the *Saskatchewan Automobile Accident Insurance Act*. Preliminary treatment will also be given to civil procedure, ethical issues, and access to justice considerations, together with a critique of Canada's legal response to personal injury.

#### LAW 231.3 Constitutional Law (Division of Powers) 1/2(3L)

Principles of federalism and of constitutional interpretation. The judicial system. Detailed examination of the distribution of legislative power between Parliament and the Provincial Legislatures. Constitutional amendment. Policy issues will also be addressed.

#### LAW 233.3 Constitutional Law (Charter of Rights and Freedoms) 1/2(3L)

An examination of the Charter of Rights and Freedoms. Emphasis will be placed on general principles of interpretation and theories of judicial review and human rights, general provisions of the Charter (s. 24, 12, 5, etc.) and issues concerning selected charter rights and freedoms, such as section 2, 7 and 15.

#### LAW 243.0 Legal Research and Writing 1&2(1L)

An introduction to the methods of legal research and writing. Students will be required to complete a number of legal memoranda as well as bibliographical and research assignments. The first year moot court program forms part of this course.

### SECOND AND THIRD YEARS

#### LAW 302.3 The Sale of Goods 1/2(3L)

Identification and analysis of legal issues related to the distribution of goods in both consumer and commercial contexts. Addresses the practical problems arising in connection with transactions of sale of goods, including problems involving parties to the contract of sale and those involving persons in the chain of distribution who are not in a contractual relationship with one another. The application of the *Sale of Goods Act* and the *Consumer Products Warranties Act* to the resolution of these issues is examined in some detail.

#### LAW 303.3 Secured Transactions and Negotiable Instruments 1/2(3L)

*Prerequisite(s): LAW 302.*

The basic features of secured transactions law and negotiable instruments law are examined. Students are given the opportunity to examine, principally in the context of consumer-level credit transactions, the basic concepts and practical application of *The Personal Property Security Act*. In addition, peripheral statutory measures affecting secured transactions such as *The Limitation of Civil Rights Act*, *The Saskatchewan Farm Security Act* and *The Exemptions Act* are examined. In the second part of the course, the concept of negotiability is examined in the context of the provisions of the *Bills of Exchange Act*. The practical application of negotiable instruments law are addressed in the context of the banking system.

#### LAW 326.3 Trusts 1/2(3L)

The creation and administration of the express trust are covered. Resulting or implied trusts are dealt with. The constructive trust, both in its classical form and as a remedial device, is examined. Breach of trust, remedies of a beneficiary and trustees defences are considered. The

termination of a trust, both at common law and under statute, is dealt with. The charitable trust is briefly examined.

#### LAW 331.3 Constitutional Law III 1/2(3L)

This course canvasses important areas of constitutional law that the mandatory first-year course does not address. It examines, *inter alia* current federalism issues, including the social union negotiations; constitutional amendment, including the process or succession; the judicial branch of government, and in particular the impact of the *Judges Reference*; the internationalization of domestic constitutional law and changing notions of sovereignty; and the *Charter's* mobility rights, language rights, and democratic rights. Overall, it identifies underlying themes in constitutional law and explores different approaches to constitutional adjudication.

#### LAW 340.3 Administrative Law I 1/2(3L)

A survey of the role of administrative agencies within the Anglo-Canadian legal system focusing primarily upon consideration of the extent to which agency and executive action is subject to judicial review and control.

#### LAW 351.3 Evidence I 1/2(3L)

Examination of the foundations of the law of evidence in civil and criminal trials in Canada. The principles, rules, statutes and procedures are examined from a critical perspective with emphasis on the history, rationale and reform of rules and statutes affecting the admissibility of evidence. The topics examined are admissibility, relevance, character evidence, opinion evidence, hearsay evidence, competence, privilege and confessions.

#### LAW 361.3 Business Organizations I 1/2(3L)

Examination of the basic features of business corporations. The following topics, among others, are considered: corporate personality, the process of incorporation, the powers and duties of directors and officers, shareholder rights and remedies.

#### LAW 363.3 Agricultural Law I 1/2(3L)

*Prerequisite(s): Successful completion of first year law.*

Agriculture is a highly regulated industry in most jurisdictions: Canada and Saskatchewan are no exception. Farmers have historically claimed that common law rules of property and contract do not meet their needs. Governments have seen it to be in their interest to intervene in a way that ensures stability in both the agriculture and consumer communities. The result is a complex set of legal institutions regulating the relationships among farmers and the financial, marketing, and transportation organizations with which Saskatchewan

agriculture operates, as well as the relevant federal statutes and the case material interpreting both provincial and federal statutes will be examined.

#### LAW 372.3 Family Law I 1/2(3L)

Examination of the maintenance and property rights as between husbands and wives and also spousal claims for the maintenance and custody of the children of the marriage on marriage breakdown. These issues are canvassed by having regard to both the federal and provincial legislation in force in the area of family law.

#### LAW 384.3 Civil Procedure 1/2(3L)

A chronological study of the procedural steps, rules and related substantive law in a civil action from the moment of the decision to sue to the trial of the matter. The context of the adversarial process in an action is examined by reference to the policies underlying civil procedure, the role and authority of the lawyer, the organization and jurisdiction of the courts, limitations of actions and costs. The civil action is examined through a focus on principles of jurisdiction and venue, type and manner of commencement of proceedings, pleadings, multiple claims and parties, and discovery. The course will involve the drafting of documents.

#### LAW 390.3 Critical Legal Studies 1/2(3L)

This is a "Legal Perspectives" course intended to introduce students to the literature and approaches of what is presently known as "critical legal studies". Major themes developed in the work of "crits" and "fem-crits" include: the artificiality and arbitrariness of formal legal systems, the indeterminacy of rules, the duplicity of the public/private distinction, the use of myths of legal neutrality and objectivity to maintain hierarchy and conditions of social inequality, and the role of images and rhetoric of freedom and equality in obtaining compliance with institutional mechanisms of control and oppression. Many of these themes and problems were previously analyzed by the legal realists.

#### LAW 392.3 Dworkin and His Critics 1/2(3L)

A "Legal Perspectives" course, examining some of the principle writings of Ronald Dworkin and the leading critics of his views. The course will examine Dworkin's critique of Legal Positivism, his theory of adjudicative decision making and its epistemological underpinnings, and the relationship between legal theory and liberal theories of rights and equality in his writings. Each topic will be examined in the context of the debates between Dworkin and his critics generated by these issues.

#### LAW 393.3 Feminist Legal Theory 1/2(3L)

This is a "Legal Perspectives" course which examines feminist critiques of law.

**LAW 394.3  
Jurisprudence  
1/2(3L)**

A "Legal Perspectives" course examining the nature and function of law, focusing particularly on the relationships between law and society, law and morality and law and political theory.

**LAW 395.3  
Jurisprudence and Tort Law  
1/2(3L)**

A survey of jurisprudential theory in the context of the law of torts. Various schools of thought will be examined, including natural law and rights theory, law-and-economics theory, feminist theory, and the critical legal studies movement. Fundamental issues of particular relevance to tort law will also be examined.

**LAW 396.3  
"Objectivity" in Law  
1/2(3L)**

This is a "Legal Perspectives" seminar that analyzes the concept of "objectivity" and its role in law. Claims of "objectivity" are routinely made in law for what are purportedly findings of "fact", either simple or complex, as well as for complex and overtly normative or value-laden determinations of mixed "fact" and "law". This seminar invites the student to develop his or her critical and analytic skills through examination of the theoretical foundation and conceptual framework for such claims. The materials studied will include selections from a variety of writers, including selected materials from the social sciences, epistemology, and ethics. Use will be made of selected legal cases, factums, and case studies to permit discussion of theory as it applies to concrete legal issues. A historical, cross-cultural theoretical perspective will be included and the approaches taken by contemporary writers (legal/ realist/ feminist/ critical/ liberal/ etc.) will be compared.

**LAW 401.3  
Securities Regulation  
1/2(2L-1R)**

*Corequisite(s): LAW 361.*

An introduction to the principles of securities regulation in Canada and an examination in some detail of The Securities Act 1988 (Saskatchewan) the National Uniform Act and Local Policies, and General Rulings and Orders. Examines the definitions of key concepts such as "security", "trade", "distribution", "full true and plain disclosure", and "material fact". A historical perspective will provide the starting point, and the basic scheme of the regulatory system will be covered, including registration and prospectus requirements, continuous disclosure, insider trading and reporting, take-over bids, and minority shareholder rights. Special emphasis will be given to the exemptions available for financing activities prior to or instead of a public offering.

**LAW 402.3  
Interjurisdictional Sales & Financing  
1/2(3L)**

*Prerequisite(s): LAW 302.3 and 303.3.*

This course addresses a variety of issues pertinent to such interjurisdictional

transactions of sale. The substantive law contained in the *United Nations Convention on Contracts for the International Sale of Goods* is considered in the context of the sale of goods produced principally in Western Canada.

Techniques for the financing of sales will be examined including factoring, forfeiting and leasing. International legal instruments such as the *Ottawa Conventions on Factoring* and *International Financial Leasing* and the proposed *Uncitral Convention on Assignments in Receivable Financing* will be considered. Methods of payment such as letters of credit and international electronic payment systems will be considered. Since security plays an important role in international contracts of sale, security mechanisms such as standby letters of credit and export credit insurance along with international instruments such as the proposed *Unidroit Convention on International Interests in Mobile Equipment* will be brought into the picture. Dispute settlement through international arbitration is a common feature of modern interjurisdictional contracting. Consequently, domestic and international arbitration legislation and procedures will be examined.

**LAW 403.3  
Advanced Secured Transactions  
1/2(3L)**

*Prerequisite(s): LAW 302 and 303.*

Students are given the opportunity to examine in depth *The Saskatchewan Personal Security Act* primarily as it functions in the context of business financing transactions. Special problems that arise in the context of the use of broadly-based security agreements and future advance financing are examined. The priority structure and registry system of the *Act* are studied in detail in the light of the types of issues that are generally encountered in business financing transactions. Post-default rights and remedies, including the appointment of receivers are examined. A portion of the course time is devoted to a brief examination of the secured financing system provided to chartered banks in the *Bank Act*. Approaches to the resolution of priority issues where the two systems overlap or conflict one with the other are considered.

**LAW 404.3  
Debtor-Creditor Law  
1/2(3L)**

Designed to familiarize students with the central aspects of the system through which money judgments are enforced. The various methods of judgment enforcement are examined including execution against goods, intangibles and interests in land; exemptions from execution; equitable execution; charging order and garnishment. In addition, features of the system that are incidental or peripheral to the enforcement of judgments are examined including distribution under *The Creditors Relief Act*, interlocutory injunctions, pre-judgment garnishment, fraudulent conveyance and fraudulent preference actions, enforcement of foreign judgments and proceedings under *The Bulk Sales Act*. The central features of

the *Bankruptcy and Insolvency Act* are examined.

**LAW 405.3  
Advanced Criminal Law  
1/2(2S-1R)**

The focus of the seminar is on substantive criminal law with emphasis on a critical analysis of the prerequisites of criminal liability and criminal responsibility. Topics to be studied include acts, agency, choice, voluntariness, causation, consent, the cognitive component of mens rea and fault, the use of objective and subjective tests in criminal law, and the empirical basis and ethical and political justifications for the defences of automatism, drunkenness, provocation, duress, necessity, and self-defence. The challenges that social and cultural diversity pose for the principled development of substantive criminal law will be considered throughout.

**LAW 406.3  
Law and Culture  
1/2(2S-1R)**

This interdisciplinary seminar explores legal culture within the larger cultural contexts that it shapes and is shaped by. In studying the ways in which law and cultures intersect in history, theory, and practice, students will enhance their critical understanding of the independence and interdependence of law and justice; the value of cultural theory in reading legal texts; the challenges and opportunities of inter-cultural perspectives; the role of media images of the law and lawyers; issues of race, gender, class, commodification, and sexuality; the construction of public and private spheres; censorship and intellectual property; agency and accountability; cultural myths and narrative powers.

**LAW 407.3  
Bankruptcy, Insolvency and Receiverships  
1/2(3L)**

*Prerequisite(s): LAW 404.*

Designed to give participants an opportunity to examine in greater scope and detail the system and basic concepts of bankruptcy and insolvency law and the equitable law of receiverships.

**LAW 410.3  
Intellectual and Industrial Property I  
1/2(3L)**

The general nature of intellectual and industrial property rights and the present legal framework in Canada for the protection and exploitation of such rights. Traditional and emerging categories and their theoretical underpinnings. The substantive law of copyright (including moral rights), industrial designs, personality and publicity rights, trademarks, and the law of passing off. An examination of the developments and problems caused by new technologies and the demands made on the law by a post-industrial, information society.

**LAW 412.3  
Torts II  
1/2(3L)**

Consideration of areas of tort liability not covered in LAW 212, and an examination of

underlying theoretical concepts in tort law. Topics normally include: liability for negligent misstatements, and for negligently caused economic loss; liability of government authorities; the relationship between tort and contract; intentional infliction of economic loss; the tort of nuisance; strict liability under the rule in *Rylands v. Fletcher*; and the tort of defamation.

**LAW 415.3  
Municipal Law  
1/2(3L)**

An examination of the organization and operation of municipal corporations and land-use control. Consideration will be given to such matters as the scope and exercise of municipal powers, municipal planning and land-use regulation.

**LAW 417.3  
Insurance Law  
1/2(3L)**

An examination of general topics of insurance law and how the *Saskatchewan Insurance Act* effects those topics in relation to fire insurance, life insurance and automobile insurance. These topics include the legal position of agents in the business of insurance and the Insurance Law concepts of indemnity, insurable interest, non-disclosures and misrepresentations, warranties and conditions, proximate cause, valuation, subrogation and contribution.

**LAW 419.3  
Remedies I  
1/2(3L)**

Examination of judicial remedies in equity and at common law. In the first part the focus is on specific relief in the form of injunctions and specific performance. Particular attention is paid to the recent development of two new forms of interlocutory injunctive relief: Mareva injunctions and Anton Pillar orders. Selected topics in the assessment of damages comprise the balance of the course.

**LAW 421.3  
Professional Responsibility  
1/2(3L)**

A problem oriented course which is intended to train the student in the use of the Canadian Bar Association Code of Professional Responsibility in the practice of law. The student is taught the elements of the lawyer's duty to the client, duty to the court and duty to others through problems which involve concepts of duty, confidentiality, conflict of interest and integrity in settings where the lawyer functions as adviser, advocate and public servant.

**LAW 422.3  
Legislation and Legislative Drafting  
1/2(3S/L)**

Outlines the legislative process and essential terminology, and will include consideration of: the definition and organization of legislative information; the *Interpretation Acts*; the technical legal use of rules of grammar and language; a historical survey of interpretative theories; legislative intention; the operation of legislation; bilingual statutes; constitutional limitations on parliamentary supremacy; delegated legislation; and statutory interpretation and literacy criticism. The

course will include drafting assignments as well as theoretical analysis.

**LAW 423.3  
Criminal Procedure  
1/2(3L)**

Jurisdiction, including classification of offences, time limitations, jurisdiction under the Charter; pre-trial procedure and practices, including search and seizure, arrest and detention, right to counsel; judicial interim release (bail); the preliminary inquiry and the process of discovery; the charging process, including stays and withdrawals; pleas; trials; trial by jury.

*Note:* Students are advised to have taken LAW 351.

**LAW 424.3  
Commercial Crime  
1/2(3L)**

Examines in depth the law related to commercial crime, including a survey of corporate criminal liability, the application of the *Charter*, substantive offences under the *Criminal Code* and other statutes, search and seizure of documents under the *Income Tax Act*, problems with respect to sentencing and sanctions, proceeds of crime and aspects of professional responsibility and ethics relevant to all areas.

**LAW 425.3  
Sentencing in the Criminal Justice System  
1/2(3L)**

Selected topics relevant to sentencing in the criminal justice system combining theory, doctrine and practice. Theoretical aims of punishment and their translation into current legal doctrine and practice will be discussed, with particular emphasis on the Canadian and Saskatchewan context.

**LAW 426.3  
Criminology, Retributive Justice and the Criminal Justice System  
1/2(2S-1R)**

This is a seminar in applied administrative law. The criminal justice 'system' is examined as a regulatory mechanism. The use of discretion, reliance on predictive judgments, and the implications of the principles of natural justice and the *Charter* are considered. Topics are dealt with not in isolation but rather with reference to common systemic issues, questions of legal principle and process, and the perspectives offered by social theory and the social sciences generally. Guest speakers and visits to institutions are used where time permits and these are appropriate to the topics dealt with in the seminar.

*Note:* Students are advised to have taken LAW 340 and 425.

**LAW 427.3  
Gale Moot  
1/2(Oct.-Feb.)(3S)**

Participation in the Gale Moot Competition held annually in Toronto is required. It will involve research and advocacy, both oral and written, on a complex case or problem in the field of criminal and/or constitutional law. Students are responsible for the preparation of both an Appellant's and a Respondent's factum, and will participate in at least three practice moots at the College prior to the competition. Recommended for

students with an interest in public speaking and exacting research.

**LAW 428.3  
Wills  
1/2(3L)**

Execution and revocation of wills, survivorship, intestate succession, probate, construction of wills, dependents' relief, the *Matrimonial Property Act* as it relates to estates.

**LAW 430.3  
Alternate Dispute Resolution: Theory and Practice  
1/2(2S-1R)**

Examination of the forms and functions of major disputing processes - negotiation, mediation, and adjudication. These are the processes which are critical to lawyers and other persons concerned with preventing or resolving disputes. Alternate methods of dispute resolution (ADR) will be studied from theoretical, critical and practical perspectives. Emphasis will be placed on the role of the lawyer in ADR processes.

**LAW 431.3  
Advanced Constitutional Law  
1/2(2S-1R)**

Examination of current issues in constitutional law, with particular emphasis on constitutional theory and the interpretive approaches to the *Charter of Rights and Freedoms* being developed by the Supreme Court of Canada.

**LAW 432.3  
Human Rights  
1/2(2S-1R)**

An understanding of the meaning of human rights in Canada with attention to political theory and international underpinnings. The concept of discrimination and the constitutional position of human rights and fundamental freedoms in Canada. Detailed analysis of the concept of equality as it is embedded in domestic anti-discrimination law and enshrined in sections 15 and 28 of the *Charter*.

**LAW 433.3  
Sallows Human Rights Seminar  
1/2(2S-1R)**

The Sallows Seminar in Human Rights will be offered once a year, usually in the first term. It will be led by the visiting Sallows Professor in Human Rights and have a varied content, depending upon the incumbent's experience and interest. The seminar may be interdisciplinary.

**LAW 436.3  
Indian and Aboriginal Law  
1/2(3L)**

The Aboriginal peoples of Canada; Aboriginal peoples and the justice system, including Aboriginal justice systems; Aboriginal title and Aboriginal rights; treaties and the treaty-making process, including hunting and fishing rights, Natural Resources Transfer Agreements; the Metis; land claims; federal and provincial jurisdiction over Aboriginal peoples and lands; Indian Act, including membership and Bill C-31; constitutional recognition and protection of the rights of Aboriginal peoples; Aboriginal self-government.

**LAW 437.3  
Advanced Studies in Aboriginal Law  
1/2(2S-1R)**

*Prerequisite(s):* LAW 436.

The seminar will involve an advanced discussion of current Aboriginal issues. Areas for discussion may include aspects of Aboriginal self-government, Aboriginal rights in international law, traditional Aboriginal law, Aboriginal title and sovereignty, treaties, Metis rights, hunting and fishing rights, reserve lands, federal and provincial jurisdiction.

**LAW 438.3  
Wealth Distribution, Poverty and the Law  
1/2(2S-1R)**

Examines the conditions and lives of those who are poor in Canada. Consideration of various definitions and theories of poverty and the relationship between poverty and race, gender and class inequality. Explores the role of law in regulating and/or alleviating poverty.

**LAW 439.3  
Mediation  
1/2(2S-1R)**

This seminar will explore the mediation process from both theoretical and practical points of view. In addition to examining the stages of mediation and the role of the mediator, the course will deal with the use of mediation in different settings, such as family, labour, commercial and criminal law. Critical issues such as the impact of power imbalances, culture and gender will be discussed. Through the use of simulations, students will experience the mediation process as lawyers, clients and mediators.

**LAW 440.3  
Administrative Law II  
1/2(2S-1R)**

*Prerequisite(s):* LAW 340.

In focusing attention on various aspects of the regulation of the discretionary powers of administrative bodies at all levels, this seminar is designed to complement the judicial review orientation of the basic Administrative Law course. Specific topics examined have included a comparative study of French droit administratif; the tension between judicial deference and *Charter* rights; the office of Ombudsman; agency studies (e.g. the Land Bank, the National Parole Board); discipline in professional sports; administrative discretion and the enforcement of environmental standards.

**LAW 441.3  
Laskin Moot  
1/2(Oct.-Mar.)(3S)**

This seminar is designed to provide academic supervision and credit for the five students who are members of the College team in the Laskin Memorial Moot Court competition. The team consists of four oralists and one research counsel. Participants do research and written and oral advocacy on a complex problem in administrative and constitutional law. The seminar is recommended for those with an

interest in advocacy, exacting research, and public law issues.

*Note:* Students are advised to have taken LAW 340.

**LAW 442.3  
Mediation: Theory and Practice  
1/2(2S-1R)**

*Corequisite(s):* LAW 443.3.

This seminar will explore the mediation process from both theoretical and practical points of view. In addition to examining the stages of mediation and the role of the mediator, the course will deal with the use of mediation in different settings. The skills and techniques used by mediators (and by lawyer advocates) will be examined, as well as how to determine whether mediation is appropriate. Through the use of simulations, students will experience the mediation process as lawyers, clients and mediators.

**LAW 443.3  
Student Mediation Program  
1/2 (2S-1R)**

*Co-requisite(s):* LAW 442.3.

This seminar will continue to develop the themes introduced in Mediation: Theory and Practice. Different applications of the process will be explored (family, business, labour, victim-offender). Critical issues such as neutrality and power, culture and gender, will be examined. The lawyer's role in the process will be considered in more depth. This seminar will contain a significant practical component: students will be assigned to various community programs, and may participate in the delivery of an on-campus mediation service.

**LAW 444.3  
Environmental Law  
1/2(3L)**

A course description surveying the actual and potential role of the law in protecting the integrity of the environment from threats posed by scientific and technological advances over exploitation of resources, rapid development and population growth.

**LAW 446.3  
Natural Resources Law  
1/2(2S-1R)**

This course will focus on the ownership, regulation and disposition of oil and gas, minerals and the forest resource in Saskatchewan and Canada. The course will include consideration of constitutional jurisdiction, ownership, and disposition of these resources.

*Note:* Students are advised to have taken LAW 444 or 445.

**LAW 449.3  
Canadian Legal History  
1/2(3L/S)**

Introduces students to fundamental developments in Canadian legal history, and uses a historical perspective to enhance understanding of Canadian legal institutions and principles. The course will survey the ingredients of the Canadian legal heritage: English, European and American influences; the legacy of civil, common and customary law. There will also be discussion of the impact of Canadian



historical events on specific areas of Canadian law, such as immigration law, family law, criminal and constitutional law.

**LAW 450.3  
Western Canadian Moot  
1/2(3L)**

The Western Canada Moot is a criminal trial moot. The students will prepare jury addresses, examination in chief, cross-examination, and arguments on the law and evidence, for use at trial. The students work with a fact situation, witness statements, and exhibits. Volunteer witnesses assist students in practicing examination in chief, and cross-examination and opening and closing jury addresses. In addition, the students will spend time analyzing the legal and evidential problems, reviewing the case law governing the problems, preparing memorandum on the issues, and delivering arguments to the presiding trial judge on these issues. Two team members will be selected to present the case at the Western Canada Moot competition. If the team is successful, they will attend the national competition for the Sopinka Cup in Ottawa, in March of each year.

**LAW 451.3  
Evidence II  
1/2(3L)**

*Prerequisite(s): LAW 351.*

An examination of the Law of Evidence from a critical perspective. First, an examination of the history, rationale and reform of evidence rules and statutes. Second, an examination of the Charter and Evidence law. Third, an examination of selected topics which bring an interdisciplinary, comparative or other relevant perspective to Evidence law.

**LAW 452.3  
Trial Advocacy  
1/2(3L)**

*Prerequisite(s): LAW 351.*

Advocacy techniques, practice and tactics in civil and criminal trial fora. Topics covered will include: the essentials of direct examination and cross examination, chambers advocacy, examinations for discovery, impeachment of witnesses, occurrence witness testimony, expert witnesses, the use of exhibits, family law, pre-trial conferences, closing arguments and addresses as well as sentencing.

**LAW 456.3  
Conflict of Laws  
1/2(3L)**

Conflict of Laws or Private International Law, as it is also widely known, deals with the analysis and resolution of legal problems involving more than one jurisdiction. Using cases primarily from Tort, contract, property, and matrimonial law, the student learns how to characterize a legal issue, how to determine which jurisdiction is the most appropriate forum and which jurisdiction's law governs the issue, and how to evaluate the significance of factors that influence the recognition and enforcement of the foreign judgments.

**LAW 457.3  
International Law  
1/2(3L)**

An examination of the legal principles governing the conduct of states and other subjects of international law. Topics studied will include the creation and ascertainment of international law, application of international law in domestic and international tribunals, sovereign immunity, diplomatic relations, law of armed conflict, international protection of human rights and the law of the sea.

**LAW 459.3  
Jessup Moot  
1/2(Nov. -Feb.)(3S)**

This seminar is designed for students who wish to participate in the Canadian Regional Round of the Jessup International Law Moot Court Competition. The seminar will involve discussion of contemporary problems in public international law relevant to argument in the Jessup Moot, a survey of important cases decided by the World Court, and the preparation of a paper or brief that could serve as a basis for argument on the current moot topic assigned. A team of four or five students will be selected to represent the College at the forthcoming Moot. The seminar is recommended mainly for those with an aptitude for public speaking and exacting research.

**LAW 460.3  
International Trade Law  
1/2(3L)**

A study of the important law aspects of major international trade agreements. International economic integration arrangements, and international business transactions. The following topics will be examined: The World Trade Organization Agreement (WTOA), the North American Free Trade Agreement (NAFTA), Canadian trade law and some aspects of international private trade law.

*Note:* Students are encouraged to have completed International Law 457.

**LAW 461.3  
Business Organizations II  
1/2(3L)**

*Prerequisite(s): LAW 361.*

An examination of the different vehicles that may be employed as alternatives to the corporation for the purpose of carrying on a business. The structures examined include the sole proprietorship, master/servant relationship, agency relationship, partnership, joint venture, limited partnership, business trust, co-operative corporation and franchise. The characteristics of these structures and other factors which influence the choice of business vehicle are explored in detail.

**LAW 462.3  
Co-operative Law  
1/2(2S-1R)**

*Prerequisite(s): LAW 361.*

A study of the co-operative corporation as a business form and the theory of co-operative enterprise. The first part of the seminar will look at co-operatives from a legal perspective. Among other things, the following topics will be discussed: incorporation, members' rights, directors'

duties and obligations, taxation of co-operatives compared with other business units, and consideration of special types of co-operatives such as Credit Unions. The second part of the seminar will attempt to view the co-operative in a broader, social perspective. Reliance will be placed on various resource people, if available, in discussing these broader aspects. The third part of the seminar will be devoted to papers presented by the student members of the seminar.

**LAW 463.3  
Fiduciary Obligations  
1/2(2S - 1R)**

This seminar covers the law regulating the actions of fiduciaries. A fiduciary is a person who undertakes to act for the benefit to others. Society imposes on such persons a general obligation to refrain from taking a direct or indirect benefit for themselves. This obligation is comprised of a number of general and specific principles. These principles, and the remedies available to the trusting party, are explored in detail.

**LAW 466.3  
The Law of Trade in Agricultural Products  
1/2(2S-1R)**

The study of the effect of regional and international trade agreements on North American agricultural policy, particularly with respect to market access, subsidization, and technical standards. Topics will include the effect of the North American Free Trade Agreement (NAFTA) and World Trade Organization (WTOA), including tariffs and non-tariff barriers and granting of minimum access for agricultural products; permissible limits for domestic support and export competition subsidies; new rules concerning safety standards for the production and trade of agricultural products; and the compatibility of existing domestic agricultural and environmental policies.

*Note:* Although it would be advisable for students to have taken one or both of LAW 363 and 460, neither is a prerequisite to or corequisite of LAW 466.

**LAW 467.3  
Labour Law  
1/2(3L)**

A study of the legal concepts, institutions and procedures of labour law in Canada: the contract of employment at common law; legal protection of the right to organize; status under collective bargaining legislation; the concept of exclusive bargaining agent; the role of labour-relations tribunals; industrial dispute resolution mechanisms; and internal union affairs.

**LAW 468.3  
Labour Relations  
1/2(2S-1R)**

*Prerequisite(s): LAW 467.*

A seminar devoted to a consideration of the arbitration system and process. The first part of the seminar focuses upon case and doctrinal analysis. In addition, all students are required to participate in a mock arbitration hearing and write a paper dealing with an approved aspect of labour relations. A further requirement is that a

summary of the paper must be presented to all members of the class.

**LAW 469.3  
International and Comparative Labour Law  
1/2(3L)**

*Prerequisite(s): LAW 467.*

A seminar which will examine the efforts which have been made to apply the concepts of international law to issues of trade union representation and collective bargaining. Examples of these efforts may be found in the conventions of the International Labour Organization and in the North American Agreement for Labour Co-operation, which was concluded as an agreement collateral to the North American Free Trade Agreement. In addition, there will be discussion of the comparative legal regimes governing collective bargaining which are in place in a number of industrialized countries.

**LAW 471.3  
Family Law II  
1/2(3L)**

*Prerequisite(s): LAW 372.*

Examines current debates on the definition and significance of the family including issues related to the legal rights of cohabitants, the legal status of gay and lesbian relations and the welfare implications of being defined as a member of a family unit. One or more of the following issues pertaining to the regulation of family life will also be explored: access to reproductive technology, child apprehension, the legal position of children of unmarried parents, and laws relating to spousal violence and child abuse. Finally, the course will cover the law on private agreements and the process of mediation and will also briefly examine the enforcement of Saskatchewan support orders.

**LAW 474.3  
Children and the Law  
1/2(2S-1R)**

Despite heightened interest in the welfare of children, reflected in a greater measure of state protection and legal remedies, the actual treatment of children by parents, by the law and by the state fluctuates widely. There is little consensus on standards of child rearing or state responsibility for children; nor is there a coherent theory of childhood which would shed light on the debate. Lack of consensus on what interests of children should ground legal duty, and the weight given to often-unarticulated doctrines of privacy and parental rights and autonomy, compromise the realization of the equality of children before and under the law. These issues will be explored from an interdisciplinary perspective through examination of the relationship of child, family and state; theories of children's rights, including rights of the young offender; child abuse theory and construct; dilemmas in civil and criminal intervention, and alternate families.

**LAW 477.3  
Taxation I  
1/2(3L)**

Deals with federal income taxation which focuses on basic tax principles and underlying theoretical concepts. The taxation unit concentrated upon is the

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individual. Topics normally covered in the course include procedure, statutory interpretation, the tax base, measurement of income, deductions, exemptions, and capital gains.

## **LAW 478.3 Taxation II 1/2(3L)**

*Prerequisite(s): LAW 477.*

Focuses upon taxation of entities other than the individual including corporations, trusts, and partnerships. Also examines tax aspects of transactions which lawyers often encounter in practice. Knowledge of the basic concepts covered in the introductory income taxation course is essential.

## **LAW 479.3 Tax Planning 1/2(2S-IR)**

*Prerequisite(s): LAW 477.*

Consideration of areas of income tax law one most commonly comes across in practice of law. Topics normally include: tax avoidance and tax evasion, planning

aspects of corporate tax law, planning aspects of Shareholder Agreements, tax planning for farmers, income tax implications of marriage and divorce, estate freezing and implications of corporate reorganizations as well as tax implications of tax sheltering techniques.

*Note:* Preference will be given to those who have previously taken LAW 478.

## **LAW 486.3 Law and Psychiatry 1/2(2S-IR)**

*Prerequisite(s): LAW 351.*

Introduction to psychiatric theory; the methodology of psychiatric diagnosis and modern psychiatric treatment; the role of psychiatrists in the legal process. Psychiatry and the criminal process: remand for mental examination, fitness to stand trial, sentencing, automatism, insanity and dangerous offenders. The concept of competency: contractual and testamentary capacity. Civil commitment of the mentally

ill: a comparative study. The psychiatrist as expert witness. Selected problems.

## **LAW 490.3 Law Review 1/2(3S)**

Publication of the *Saskatchewan Law Review*. The work involves selecting and editing material submitted for publication, participation in policy decisions, proofreading and other miscellaneous tasks. Each student occupies an editorial post of some kind and is required to undertake written work for possible publication in the *Review*.

*Note:* A one-year commitment to the *Review* is expected. Academic credit is, however, awarded only for one term. Students will designate the term for which academic credit is awarded.

## **LAW 495.3 Individual Directed Research 1/2(3S)**

This seminar allows interested students to undertake a substantial research project.

Enrolment is limited to two students for each of the professors willing to take on student(s). The course is not timetabled as a convenient meeting time can be arranged to suit the instructors and students concerned. Students must approach individual professors with a research proposal. All proposals must be approved by the Studies Committee.

## **SPECIAL TOPICS**

The following courses are offered occasionally by visiting faculty and in other special situations. Students interested in these courses should contact the college for more information.

LAW 398.3 1/2(3L)

LAW 399.6 1/2(3S)

LAW 498.3 1/2(3L or 2S-1R))

LAW 499.6 1&2(3S)