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## 1 The Faculty

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### 1.1 Location

Chancellor Day Hall  
3644 Peel Street  
Montreal, Quebec H3A 1W9  
Canada  
Telephone: (514) 398-6666  
Website: <http://www.law.mcgill.ca>

Margaret A. Somerville; A.M., F.R.C.S., A.u.A.(Pharm.)  
(Adelaide), LL.B.(Sydney), D.C.L.(McG.), LL.D. Hon. Causa  
(Windsor, Macquarie, St.F.X.) (S.A. Ga P La )  
David P. Stevens; B.A., LL.B.(W.Ont.), LL.B.(Cantab.), LL.B.,  
DDN(Montr.) ( a )  
John Swan; B.Com., LL.B.(Br.Col.), B.C.L.(Oxon)  
William Tetley; Q.C., B.A.(McG.), LL.L.(Laval)  
Stephen Toope; A.B.(Harv.), B.C.L., LL.B.(McG.), Ph.D.(Cantab.)  
Shauna Van Praagh; B.Sc., LL.B.(Tor.), LL.M.(Col.), J.D.S.(Col.)  
Ivan A. Vlastic; B.C.L.(Zag.), LL.M.(McG.), LL.M., J.S.D.(Yale),  
Emeritus Professor  
Catherine Walsh; B.A.(Dal.), LL.B.(New Br.), B.C.L.(Oxon)

**Adjunct Professors**

Kenneth Atlas; B.C.L., LL.B.(McG.)  
Donald Bunker; B.A.(S.G.W.), B.C.L., LL.M., D.C.L.(McG.)  
Pierre Deschamps; L.Sc.R., B.C.L.(McG.)  
Guy Fortin; B.A.(Bréb.), B.Sc., B.C.L.(McG.)  
L. Gialoretto; B.A.(W. Ont.), B.A.(Carleton), Dip. Air & Space,  
LL.M., M.B.A.(McG.)  
Robert Godin; B.C.L.(McG.), B.A.(Sir G.Wms.)  
Sunny Handa; B.Com.(McG.), LL.B.(Tor.), LL.M., D.C.L.(McG.)  
Andrew Harakas; B.A.(Michigan), LL.B.(Juris Doctor)(Michigan  
State), LL.M., Air and Space Law(McG.)  
Rod Margo; LL.M.(McG.)

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### 3.2.3 Law/M.S.W. Programme

McGill's Faculty of Law and School of Social Work offer a joint programme enabling students to obtain both civil law and common law degrees, and a Master's degree in Social Work.

Applicants to the joint B.C.L./LL.B./M.S.W. programme must make separate concurrent applications to the School of Social Work and the Faculty of Law. Acceptance into the joint programme is dependent on the applicant being admitted to both the School of Social Work for the M.S.W. and the Faculty of Law for the B.C.L./LL.B. Admission to the Faculty of Law is made on the same criteria as if the applicant were applying only into the Law programme. Please note that candidates must hold a Bachelor's degree in Social Work in order to be eligible for admission to the M.S.W. programme. Candidates applying into the joint Law/M.S.W. programme should indicate in their personal statement thâlm5Bb'Ii5'bNI5ehnRe9bLI'WbPI F57EbB8Pfb'Is5788bT'bNln5l-598Namheq.oe8âz98Elh98N8Pben e m

evaluated on the same criteria as applications to the first year of the B.C.L./LL.B. programme, with particular attention to their performance in law studies at other faculties.

Successful applicants are required to complete a minimum of 75 credits at McGill and follow the integrated B.C.L./LL.B. programme. The Associate Dean (Academic) determines equivalences for previous studies.

### **3.4.6 Visiting Students (Letters of Permission)**

Students who have completed a year of studies at another law faculty who wish, for academic or personal reasons, to spend a term or a year at McGill may be accepted as Visiting Students. Visiting Students must obtain a letter of permission from their home university. The Faculty endeavours to accommodate qualified students who are in good standing in their own faculties, where student numbers at McGill permit. Students from other law faculties seeking admission to McGill as Visiting Students must apply through



cant. This procedure allows the Admissions Office to ensure that the letter has proceeded directly from the referee to the Admissions Office. Please note that, if necessary, referees may forward letters direct



#### 4.3.4 Curricular requirements for Major Concentration in Trial and Appellate Practice

##### 1. Complementary Courses (Group 1)

Students must take **one** of the following courses:

The essay must be written on a subject related to Trial and Appellate Practice.

##### 2. Complementary Courses (Group 2)

Students must take at least **33 credits** from the following list of courses, of which at least **6 credits** must be non-Law credits:+"xe789b/j8gige'BP•e9as,9Ty qwB7âl I c58Pb/lr W'/li5'58jo98E5j7Eb8li5'bNltRE99'99Eg"[e9b9

2. The following courses may be taken in first year:

3. The following courses may be taken **only** in the second year:

#### **4.7.1 Students Enrolled in the M.B.A./Law Programme**

The first year of studies for the M.B.A./Law Programme is composed exclusively of the required courses for the M.B.A.

In their second year, students are required to take their first year law courses. Thereafter, normal Faculty course sequence rules apply.

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## **5 Undergraduate Courses of Instruction**

### **5.1 Regular Courses**

The Senate of McGill University has authorized the Faculty of Law to offer the following courses. Not all courses will be offered in 2002-03. More detailed information on course availability, course content, prerequisites, course sections, French language sections, limitations on enrolment, instructors and mode of evaluation is provided at the close of each academic year upon Early Course Registration for the next academic session. Course registration materials may also be found on the Faculty's web site:

<http://www.law.mcgill.ca/academics/>

**For the term (Fall and/or Winter), days, and times when courses will be offered, please refer to the 2002-2003 Class Schedule on the Web, <http://www.mcgill.ca/minerva-students/class/>. Class locations and names of instructors are also provided.**

**Students preparing to register are advised to consult the Class Schedule website for the most up-to-date list of courses available. New courses may have been added or courses rescheduled after this Calendar went to press.**

contracts and privity; lesion and unconscionability; performance and breach; frustration and force majeure; contractual remedies.

**LAWG 100D2 CONTRACTUAL OBLIGATIONS.** (3)

**LAWG 101D1 EXTRA-CONTRACTUAL OBLIGATIONS/TORTS.** (2.5)

Basic concepts of extra-contractual obligations in the Civil and Common Law. Fault; causation; reasons for exoneration; apportionment of liability; forms of injury for which recovery can be

**PRV4 144 COMMON LAW PROPERTY.** (4) Classification of proprietary interests; concepts of ownership, seisin and possession; legal and equitable interests; acquisition of proprietary interests includ-

victims in sentencing, dangerous offenders, native offenders, homicide cases.

**PUB2 425 INTERNATIONAL CRIMINAL LAW.** (3) Crimes against the law of nations, war crimes (the Nuremburg trials, the Eichman case), genocide and the way in which states co-operate to fight organized crime, terrorism, hijacking, etc. Topics include: jurisdiction (crimes committed in foreign countries, at sea, in aircraft, extradition, international judicial assistance) and the recognition and enforcement of foreign criminal sentences.

● **PUB2 450 COMPARATIVE FEDERALISM.** (3)

**PUB2 451 IMMIGRATION & REFUGEE LAW.** (3) A study of Canadian and Quebec immigration and refugee law, practice and policy, with particular exploration of the historical development-and contemporary paradox-of border regulation; interface with national security, employment policy and trade theory; admissions categories and the construction of illegality; impact of Charter and international human rights law.

**PUB3 115 CANADIAN CHARTER OF RIGHTS AND FREEDOMS.** (3) A critical analysis of the Charter and its implications for the legal process in general, and domestic human rights law in particular,

**WRIT 017D2 LEGAL METHODOLOGY TEACHING 2.** (2)

**WRIT 020 INTERNATIONAL HUMAN RIGHTS INTERNSHIP.** (6) Participation in an international human rights internship approved by the Faculty. This course provides dedicated students with exposure to the law and practice of international human rights, encouraging them to reflect on the relationship between that experience and their studies. A written report is required. Students must obtain the approval of the Dean or Dean's delegate for their participation and for the terms of the internship.

**WRIT 048 GROUP ASSISTANTS.** (2) A limited number of candidates



*C\A La*

Common Law Property

Contractual Obligations

Extra-Contractual Obligations/Torts

**2. Advanced Private Law**

*C La*

Advanced Civil Law Obligations

Children and the Law

Employment Law

Insurance Law

Labour Law

Law of Persons

Lease, Enterprise and Suretyship

Sale

Secured Transactions

Successions

*C\A La*



**6.5 Other Faculty Endowments and Annual Funds**

The programmes of the Faculty are also supported by several other endowments. The J.C. Wurtele Fund, established in 1929 from a legacy by the Honourable J.C. Wurtele, is used to assist in the publication of English language civil law monographs. The Fern Gertrude Kennedy Jurisprudence Fund, established in 1987 is used to sponsor guest lectures in the field of Jurisprudence, to purchase books on legal theory and otherwise to assist in the promotion of jurisprudence within the Faculty. Finally, in 1989 the McGill International Law and Practice Fund was created to pro-

set up to assist law students in their mootng activities and, in par-



**Residences:** offers accommodation for approximately 1700 students.

Student Housing Office (514) 398-6368

Website: <http://www.residences.mcgill.ca>

McGill has four co-educational residences (Douglas, Gardner, McConnell and Molson Halls) and one women's residence (Royal Victoria College) for undergraduate students, which are located on, or in the immediate vicinity of, the downtown campus. The rates for the regular session (September 1 to April 30) in 2001-02 were \$7,186 for single room and all meals (RVC only), and for room and five-day meal plan \$6,426 (Douglas Hall only), \$5,890 (Gardner, McConnell and Molson Halls). Residents are not accepted on a room-only basis. Fees for a limited number of double rooms (in

Further, full-time attendance at the Faculty obliges candidates to register for no fewer than twelve credits in each term, with the exception of their final term should a lesser number of credits be





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## 11 Graduate Programmes of Study

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### 11.1 Programmes Offered

The principal higher degrees in Law are the LL.M. (Master of Laws) and the D.C.L. (Doctor of Civil Law), as offered by the Faculty of Law and its two teaching Institutes, the Institute of Air and Space Law and the Institute of Comparative Law. Both Institutes also offer a Graduate Certificate.

**The Institute of Air and Space Law** operates within the Faculty

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## 11.2 Admission Requirements

### General

The Faculty of Law has a Graduate Admissions Committee and a Graduate Studies Committee that make recommendations regarding admission to the Graduate and Postdoctoral Studies Office. Final admissions decisions are taken by the Graduate and Postdoctoral Studies Office, in the months of March and April.

For information and application forms please consult the Faculty website or write to the Coordinator, Graduate Studies in Law, McGill University at the above address.

Students who study at McGill under the terms of an international



**The schedule of courses to be offered in Summer 2003, will be available on the website in January 2003.**

**Courses with numbers ending D1 and D2** are taught in two consecutive terms (most commonly Fall and Winter). Students must register for both the D1 and D2 components. No credit will be given unless both components (D1 and D2) are successfully completed in consecutive terms.

Note the following course prefix changes:

ASPL has replaced 387 for Air and Space Law courses.

CMPL has replaced 389 for Comparative Law courses.

LAWG has replaced 471 Law General courses.

ISLA has replaced 397 for Islamic Institute courses

The course credit weight is given in parentheses after the title.

- Denotes courses not offered in 2002-03

will also be limited coverage of the law relating to the music industry. The course will consider inter alia the contractual, tax, financial and insurance aspects of the law applicable to the entertainment industry.

**CMPL 533 RESOLUTION OF INTERNATIONAL DISPUTES.** (3) Conflict of jurisdictions and recognition of foreign judgments, as well as arbitration between parties to international contracts, with particular reference to international conventions.

**CMPL 534 COMPARATIVE PRIVATE INTERNATIONAL LAW 1.** (2) Comparative study of contemporary problems in the field of private international law.

**CMPL 536 EUROPEAN COMMUNITY LAW 1.** (3) The Treaty of Rome establishing the European Community and current efforts to create a homogenous structure for commerce and competition in Europe.

**CMPL 537 EUROPEAN COMMUNITY LAW 2.** (2) The provisions of the Treaty of Rome dealing with the regulation of domestic and international commerce by the Community authorities, with particular emphasis on articles 85 and 86.

● **CMPL 538 COMPARATIVE PRIVATE I**

**CMPL 615 MASTER'S THESIS 4.** (6) Thesis research report.  
May also be available as: **CMPL 615D1, CMPL 615D2.**

**CMPL 616 MASTER'S THESIS 5.** (12) Completion of thesis.  
May also be available as: **CMPL 616D1, CMPL 616D2.**

**CMPL 617 MASTER'S THESIS 6.** (3) Thesis research report.

**CMPL 618 MASTER'S THESIS 7.** (6) Thesis research project.

● **CMPL 621 TUTORIAL.** (2)

**CMPL 623 LEGAL INTERNSHIP 1.** (6) Supervised internships in the teaching or the practical administration of the law. Open only to graduate students participating in an international assistance project approved by the Associate Dean (Graduate Studies and Research).

**CMPL 624 LEGAL INTERNSHIP 2.** (6) Supervised internships in the teaching or the practical administration of the law. Open only to graduate students participating in an international assistance project approved by the Associate Dean (Graduate Studies and Research).

**CMPL 625 LEGAL INTERNSHIP 3.** (3) Supervised internships in the teaching or the practical administration of the law. Open only to graduate students participating in an international assistance project approved by the Associate Dean (Graduate Studies and Research).

**CMPL 635 INDEPENDENT STUDY 1.** (3)

**CMPL 636 INDEPENDENT STUDY 2.** (4)

**CMPL 637 I**

### **13.1.1 Bar of Quebec**

In addition to those courses indicated as degree requirements by the Faculty, students intending to seek admission to the Bar of Quebec are advised that the Bar admission examinations may bear upon subjects falling within the following Faculty courses:

- Business Associations
- Taxation
- Banking and Negotiable Instruments
- Bankruptcy and Insolvency
- Labour Law
- Criminal Procedure
- Administrative Law
- Municipal Law
- Land Use Planning

### **13.1.2 Notarial Profession**

In addition to compulsory courses in Civil Law Property, Contractual and Extra-contractual Obligations and Constitutional Law that



In addition to requiring a recognized law degree, some states require specific pre-law studies in order for a candidate to be eligi-

students registering in the B.C.L./LL.B. programme. The bursaries are awarded by the Faculty Scholarships Committee in conjunction with the University Student Aid Office. They are intended to support meritorious students who will make a distinctive contribution to the Faculty, and who, without such support, would be unable to pursue law studies at McGill.

**CLASS OF '64 ENTRANCE SCHOLARSHIPS** – Established by members of the Class of '64 on the occasion of the 25th anniversary of their graduation from the Faculty. Awarded to a student entering the first year of the Faculty of Law's programme who has, in the opinion of the Admissions Committee of the Faculty of Law, achieved a distinguished pre-law academic record and who is, in the opinion of the Student Aid Office, in financial need. The scholarship is tenable for up to four years of undergraduate legal studies in the Faculty provided a distinguished academic standing is maintained. Value: \$800 each.

**CHIEF JUSTICE R.A.E. GREENSHIELDS MEMORIAL SCHOLARSHIPS AND BURSARIES** – A number of entrance scholarships established in 1954 pursuant to the will of the late Mrs. R.A.E. Greenshields in memory of her husband, the late Chief Justice Greenshields, B.A.(1883), B.C.L.(1885), D.C.L., LL.D., for many years professor of Criminal Law and Dean of the Faculty of Law. Awarded to students entering the Faculty of Law with distinguished records in pre-law studies and tenable for up to four years if the candidate maintains distinguished academic standing. Greenshields scholars who show no financial need will be awarded the nominal sum of \$100, the balance of monies to be allocated as Greenshields bursaries to meritorious and needy law students. Value: minimum \$2,000.

**I.R. HART MEMORIAL SCHOLARSHIP** – Established in 1989 by the family of the late Isidor Raymond Hart, B.A.(1932), B.C.L.(1935), who was a distinguished member of the Order of Notaries from 1935 to 1978. The scholarship is intended to encourage excellence in fields of law of special interest to the notarial profession. It

acknowledged early in his career at the Bar to be among the leading legal counsel in this Province and in Canada. He appeared before the Privy Council in some hundred cases involving constitutional issues, in which he was a recognized expert, and was renowned as an advocate in numerous celebrated civil and criminal cases.

The medal is awarded to the student who completes the National Programme with the highest standing throughout the Programme and obtains, at a spring convocation, both the B.C.L. and LL.B. degrees simultaneously, or one of these degrees, having previously obtained the other.

**DAVID L. JOHNSTON GOLD MEDAL** – Awarded to the student who obtains, with the highest standing throughout the LL.B. programme, the LL.B. degree as the first law degree at Spring Convocation.

**ELIZABETH TORRANCE GOLD MEDAL** – Founded in 1864 by John Torrance, Esq., prominent Montreal merchant, in memory of his wife. Their son, Frederick William Torrance, of the Bar of the Province, was for many years professor of Roman Law in this Faculty and a judge of the Superior Court.

It is awarded to the student who obtains, with the highest standing throughout the B.C.L. Programme, the B.C.L. degree as the first law degree at a spring convocation.

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### 15.3 Undergraduate Scholarships and Bursaries

In addition to renewals of the Greenshields, Levinson, and Wain-



Diploma Programme or Masters Programme in Notarial Law.  
Value: \$1,000.

**BORDEN LADNER GERVAIS PRIZE** – Awarded to a third-year law student for distinguished academic standing, combined with the involvement in the affairs of the Faculty. The Prize was created in 1995 by way of a donation from McMaster Meighen, one of the oldest law firms in Canada. The firm was founded in 1823, two years after the founding of McGill University itself, by William Badgley, who in 1844 was named in charge of teaching law at McGill in the Arts Faculty. In 1851 he was named as the first Professor of Law, and Dean of the Faculty of Law when it opened in 1853. The firm's second partner, Sir John Abbott, replaced him as Dean in 1855 and remained in that office for 25 years. In 1950, W.C.J. Meredith left the firm to become Dean, which position he held until his death

ing in Civil Procedure throughout the law programme. Value: \$300 each.

**M**

Law. Awarded by the Faculty of Law to a graduate student in Law. Value: \$2,000 - \$5,000.

**CHIEF JUSTICE R.A. GREENSHIELDS MEMORIAL SCHOLARSHIPS FOR GRADUATE STUDIES** – Bequeathed by Mrs. R.A.E. Greenshields in memory of her husband Chief Justice Greenshields, (B.A., B.C.L., D.C.L. and LL.B.) to outstanding Canadian or Foreign students entering the first year of graduate studies in the Faculty. The thesis research scholarships are for outstanding Master's students who have begun their thesis and need funds to defray research expenses. Value : \$5,000 scholarships, renewable on a fully competitive basis; \$1,000 thesis scholarships.

**SAUL HAYES GRADUATE FELLOWSHIP** – Endowed by Edgar and Charles Bronfman in memory of Saul Hayes, for graduate studies in areas of Civil Liberties and Human Rights, and tenable for up to four years. Application should be made to the Faculty of Graduate Studies and Research. Value: ranging from \$7,500 to \$8,500.

**INSTITUTE OF COMPARATIVE LAW ESSAY PRIZE** – Founded in 1993 by the Alumni Association of the Institute. An annual prize awarded on the recommendation of the Institute of Comparative Law to a student, in the first year of residence in the Institute, submitting a term essay of outstanding quality. Value: \$250.

**NICOLAS MATEESCO MATTE PRIZE** Founded in 1978 by Dr. Nicholas M. Matte, O.C., Q.C. An annual prize awarded to an Institute of Air and Space Law student obtaining the highest mark in the course "Space Law and Institutions". Value: \$350.

**ROBERT E. MORROW, Q.C., FELLOWSHIPS** – Established in 1999

**THOMAS ALEXANDER ROWAT SCHOLARSHIP** – Founded by Mr. Donald McKenzie Rowat, N.P., in memory of his brother, Lieutenant Thomas Alexander Rowat, B.C.L., who was killed in action at Lens, France, on June 28, 1917. To be awarded for proficiency in French and in the Civil Law on conditions set from time to time by the Faculty. It is at present awarded to a student who has shown the most progress in the French language and proficiency in the Civil Law either by attaining a high aggregate standing in the group of courses consisting of Obligations and Property, or through the submission of a meritorious written contribution on a civil law subject in French, whether the contribution be a term essay or paper written as part of a course requirement. Value: \$1,550.

**THOMAS SHEARER STEWART TRAVELLING FELLOWSHIP** – Established in 1967 by the family of the late Thomas Shearer Stewart, Q.C., a graduate of the Faculty of Law class of 1908. The fellowship is to be awarded annually to a recent graduate of the Faculty of Law designated by the Dean of the Faculty, preference being given to a graduate who is a Canadian citizen intending to reside in Canada upon completion of his/ her studies. The fellowship is to be used for a graduate to follow a programme of studies in Law at a university approved by the Dean of the Faculty, other than at a university in Quebec. Candidates fPI 5N9bPIs5788bEEb/ld578'bh

fNaabPlals5788lblv5NIE7Ebjlp 5E9bPli57c'bjlhl fN5s5788bEEb/ld5785sFace i788bIF8bbPI



### **16.3 Proof of Citizenship and Quebec Residency**

#### **16.3.1 Proof of Citizenship**

As per the Ministry of Education of Quebec, all students who are citizens or Permanent Residents of Canada must provide proof of their status in order to avoid being charged the international rate of tuition fees. The proof must be a copy of one of the following documents:

- Canadian birth certificate;
- Canadian citizenship card (both sides);
- Valid Canadian passport (with place of birth clearly shown);
- Record of Landed Immigrant status in Canada  
(i.e. IMM1000 document.)

#### **16.3.2 Proof of Quebec Residency**

Students who are citizens or Permanent Residents of Canada, and who wish to qualify for the Quebec rate of tuition fees, must

**Information Technology Charge**

The purpose of the information technology charge is to enhance certain technology services provided to students as well as to provide training and support to students in the use of new technology.

For undergraduate students this will be assessed as follows: \$5.60 per credit to a maximum of \$84 per term.

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**16.5 Other Fees**

Students will receive, free of charge, brief outlines of courses where such are available. Casebooks, statutes, etc. will be sold through the Law Bookstore.

\* Students may be exempted from this fee only with the written authorization of the Associate Dean.

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**16.6 Fee Payment and Fee Policies**

**Deposits**

New students are required to mak7EbNIII .9TEo5WbBI m/rNPbPI: 5+”xe78b8W’g98N57EbNIdobNI 58Pal m9’g’BgN/8g”me9b999Wgm/rNPbPI:98Nâlw589bP

Aid Office. These awards are post-dated and will be released to the student's fee account in January prior to Winter fees being due.

**Students receiving Government Aid**

Students are encouraged to pay their tuition promptly upon receipt of their government assistance. Interest on outstanding tuition is charged monthly beginning in August for returning students and in September for new students. Students who have applied for government assistance by JUNE 30 will receive an exemption of interest and/or late payment charges upon receipt of their student aid at: