

Course Outline

COURSE:	LAWS 4209A – Topics in Business Law: Business Dispute Resolution and the Rule of Law
TERM:	Fall 2019
PREREQUISITES:	LAWS 2908, 0.5 credit from LAWS 2201 or LAWS 2202 and Fourth-Year Honours standing
CLASS:	Day & Time: Tuesdays @ 6:05 PM to 8:55 PM Room: Please check Carleton Central for current room location
INSTRUCTOR:	Samuel Schwisberg
CONTACT:	Office: Room B442 Loeb Building (Contract Instructor’s Office) Office Hrs: On appointment only Telephone: 613-262-2951 Email: sam@tslegaloffice.com

COURSE DESCRIPTION

The course will focus on the litigation process and its impact on business. And how this is grounded in the rule of law in Canada. It will also consider the impact of arbitration. Concepts covered will include pleadings, discovery, trial preparation, the rules of evidence and civil procedure, the fundamentals of cross-examination and examination in chief, and the enforcement of judgments. Remedies such as certificates of pending litigation and injunctions will be considered.

REQUIRED TEXTS

“Litigating and Arbitrating Business Disputes by Igor Ellyn (Lexis Nexis 2015) which will be available at the Carleton University Bookstore. (“The Text”)

NOTE THAT THE ASSIGNED READINGS PER SEMINAR ARE FAIRLY SHORT BUT THEY ARE QUITE DENSE SO LEAVE YOURSELF ENOUGH TIME TO READ THE ASSIGNED READING

Cases assigned from time to time available on Can Li

EVALUATION

(All components must be completed in order to get a passing grade)

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

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| 1. Midterm examination, 120 minutes, (closed book) | 20% |
| 2. Participation largely based on class room scenarios and discussion | 15% |
| 3. Written Assignment and meeting with professor to defend paper | 25% |
| 4. Final Examination, formally scheduled period, 3 hours (closed book) | 40% |

The written assignment will be 12-15 pages in length and will be due on or before November 19, 2019. *This is a fixed deadline as I need the paper well in advance of the December 3 discussion.* There will be no assigned reading for the December 3 seminar, which will give students more time to prepare for the discussion. There will be a choice of 4 topics to allow for 4 groups to meet with me on December 3 to discuss their papers in a group setting. The topics will be provided quite early in the course.

SCHEDULE

Seminar

Topic and/or Reading

September 10

Introduction and Preview of Course

Review of Course Outline, expectations, nature of written assignments and class participation. The concept of the Rule of Law and its relationship to the business world will be explored.

Reading : Roncarelli v. Duplessis (available on CanLii)

September 17

1) The Arrest of Meng Wanzhou 2) The SNC Lavalin Affair

Reading: Material posted on CU Learn

September 24

Preventive Law for Business

Readings Text, chapter 1 and material posted on CU Learn

October 01

Legal Procedure

Readings: Text, chapter 2 (pages 22-53 inclusive)

October 08

Legal Procedure Continued

Readings: Text, remainder of Chapter 2

October 15	<u>NO CLASS – FALL BREAK</u>
October 22	<u>MID-TERM EXAMINATION</u>
October 29	<u>Evidence and Trial Advocacy</u> <u>Readings:</u> Text, Chapter 3 (pages 79 -top of 118)
November 05	<u>Evidence and Trial Advocacy Continued</u> <u>Readings:</u> Text, remainder of chapter 3
November 12	<u>Arbitration</u> <u>Readings:</u> Text, chapter 5
November 19	<u>Appeals</u> <u>Readings:</u> Text, chapter 6 ASSIGNMENTS DUE TODAY.
November 26	<u>Enforcement of Judgments and Arbitral Awards</u> <u>Readings:</u> CU Learn Posted Slides
December 03	<u>Brief Review and Defence of Papers</u> Students will meet me to discuss and defend their papers in a group setting

ACADEMIC ACCOMMODATIONS

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy obligation: Please contact me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details, visit the Equity Services website: <https://carleton.ca/equity/accommodation/academic/students/>

Religious obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details, visit the Equity Services website: <https://carleton.ca/equity/accommodation/academic/students/>

Academic Accommodations for Students with Disabilities: If you have a documented disability requiring academic accommodations in this course, please contact The Paul Menton Centre (PMC) at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your Letter of Accommodation at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, meet with me as soon as possible to ensure accommodation arrangements are made. Please consult the PMC Website for their deadline to request accommodations for the formally-scheduled exam (if applicable). <https://carleton.ca/pmc/students/accommodations/>

Plagiarism

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's Academic Integrity Policy can be found at: <https://carleton.ca/registrar/academic-integrity/>

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: <https://carleton.ca/sexual-violence-support/>

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

For more information on academic accommodation, please contact the departmental administrator or visit: <https://carleton.ca/equity/accommodation/academic/>

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations. <http://carleton.ca/law/current-students/>