

Course Outline

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<b>COURSE:</b>	<b>LAWS 4209E – <i>Topics in Business Law: Litigating and Arbitrating Business Disputes</i></b>
<b>TERM:</b>	<b>Winter- 2018</b>
<b>PREREQUISITES:</b>	<b>Fourth Year Honours Standing, LAWS 2202 or BUSI 2601</b>
<b>CLASS:</b>	<b>Day &amp; Time: Thursdays, 6:05 PM to 8:55 PM</b> <b>Room: Please check with Carleton Central for current room location</b>
<b>INSTRUCTOR:</b>	<b>Samuel Schwisberg</b>
<b>CONTACT:</b>	<b>Office: B442 Loeb</b> <b>Office Hrs: On appointment</b> <b>Telephone: 613-236-8000 X 229 or Cell @ 613 262 2951</b> <b>Email: sam@tslegaloffice.com</b>

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**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:** 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: <http://carleton.ca/equity/>

**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: <http://carleton.ca/equity/>

**Academic Accommodations for Students with Disabilities:** The Paul Menton Centre for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or [pmc@carleton.ca](mailto: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*). **Requests made within two weeks will be reviewed on a case-by-case basis.** After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website ([www.carleton.ca/pmc](http://www.carleton.ca/pmc)) for the deadline to request accommodations for the formally-scheduled exam (*if applicable*).

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://carleton.ca/equity/>

**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:  
<http://carleton.ca/studentaffairs/academic-integrity/>

**Student Services:** The Centre for Student Academic Support (CSAS) is a centralized collection of learning support services designed to help students achieve their goals and improve their learning both inside and outside the classroom. CSAS offers academic assistance with course content, academic writing and skills development. Visit CSAS on the 4<sup>th</sup> floor of MacOdrum Library or online at [carleton.ca/csas](http://carleton.ca/csas)

### **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/>

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## **COURSE DESCRIPTION**

The course will focus on the litigation process and its impact on business. 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**

"Swarm Before Me", by Samuel Schwisberg published by Friesen Press, available at the Carleton University Book Store or on-line at Amazon, iTunes bookstore, Google Play, the Nook Store, or the Kobo Store where the e-book is available at considerable savings.

## **ON THE OTHER HAND, THIS BOOK IS QUITE A LIGHT READ SO CAN BE COVERED MUCH MORE QUICKLY. This book will be referenced from time to time as we go through the course for "case study" purposes and then fully covered on March 29, 2018.**

Cases assigned from time to time available on Can Li.

## **EVALUATION**

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) on March 1, 2018             | 20% |
| 2. Participation largely based on class room scenarios and discussion           | 15% |
| 3. Written Assignment worth 20% and meeting with professor to defend paper (5%) | 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 March 22, 2018. *This is a fixed deadline as I need the paper well in advance of the April 5 discussion.* There will be no assigned reading for the March 22 seminar, which will give students more time to complete their assignments. There will be a choice of 4 topics to allow for 4 groups to meet with me on April 5 to discuss their papers in the group setting. The topics will be provided early in the course.

## **SCHEDULE**

<b><u>Seminar</u></b>	<b><u>Topic and/or Reading</u></b>
January 11	<u>Introduction and Preview of Course</u>  Review of Course Outline, expectations, nature of written assignments and class participation  <b><u>Readings:</u></b> No assigned reading
January 18	<u>Preventive Law for Business</u>  <b><u>Readings</u></b> Text, chapter 1
January 25	<u>Legal Procedure</u>  <b><u>Readings:</u></b> Text, chapter 2 (pages 22-53 inclusive)
February 1	<u>Legal Procedure Continued</u>  <b><u>Readings:</u></b> Text, remainder of Chapter 2
February 8	<u>Evidence and Trial Advocacy</u>  <b><u>Readings:</u></b> Text, Chapter 3 (pages 79 -top of 118)
February 15	<u>Evidence and Trial Advocacy Continued</u>  <b><u>Readings:</u></b> Text, remainder of chapter 3
February 22	<b><u>NO CLASS – WINTER BREAK</u></b>

March 1                    **MID TERM EXAMINATION**

March 8                    Arbitration

**Readings:** Text, chapter 5

March 15                    Appeals

**Readings:** Text, chapter 6

March 22                    Enforcement of Judgments and Arbitral Awards

**Readings:** CU Learn Posted Slides

March 29                    Litigation Case Study – Worst Case Scenario

**Readings:** “Swarm Before Me”

April 5                    Defence of Papers

Students will meet me to discuss and defend their papers in a group setting. There will be four groups.