

OSGOODE

OSGOODE HALL LAW SCHOOL
YORK UNIVERSITY

Professional Development
LLM



Professional LLM in Tax Law

Directors

Neil Brooks, Professor, Osgoode Hall Law School
Academic Director, Osgoode Professional Development

Scott Wilkie, Partner, Osler, Hoskin & Harcourt LLP

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"I chose Osgoode's Tax LLM because it was clearly the highest quality advanced tax training available for practitioners. Each day I rely on the technical skills and knowledge developed in the program. I'd definitely recommend it to anyone looking to place their career on a fast track."

Allan J. Ritchie, BA, JD, LLM (Tax Law), MBA
Partner, Loopstra Nixon LLP

"I really appreciated the enthusiasm and depth of knowledge of all the instructors in the program with respect to a very complex area of practice."

Sutheat Tim, LLM (Tax Law)

FACULTY

Tim Edgar, Professor, University of Western Ontario and Director, National Tax Centre

Michael Friel, Associate Dean and Professor
University of Florida Levin College of Law

Edwin G. Kroft, Q.C., Partner, Blake, Cassels & Graydon LLP

Alan Macnaughton, Associate Professor, School of
Accounting and Finance, University of Waterloo

Amin Mawani, Associate Professor, Schulich School
of Business, York University

Lisa Philipps, Professor, Osgoode Hall Law School and Associate
Dean, Research, Graduate Studies & International Relations

Robin MacKnight, Partner, Wilson Vukelich LLP
Director, Canadian Tax Foundation, University of Waterloo
Master of Tax Program, and Queen's University Law School

Kimberly Brooks, Dean, Schulich School of Law
Dalhousie University

Heather Evans, Partner, Deloitte and Touche, and Instructor
University of Western Ontario, Faculty of Law

Jinyan Li, Professor, Osgoode Hall Law School, and Chair of
Osgoode Faculty Council and Faculty Recruitment Committee



DEGREE REQUIREMENTS

The degree requirements will be satisfied upon the completion of 36 credits. The 36 credits can be obtained by either coursework or a blend of coursework and a Major Research Paper. Please visit our website for required and elective course information.

CURRICULUM

All courses in this program are offered in an intensive format. Classes must be attended in person in Toronto. Note: Faculty, curriculum, course descriptions and degree requirements are subject to change without notice. Full course descriptions and requirements are available online at www.osgoodepd.ca.



OPD programming is accredited with law societies and CLE Boards across Canada and the United States. Email us with your request or question for specific CPD information and credit allocations at cpd@osgoode.yorku.ca

Knowledge of tax law is essential in any business environment - and the study of tax law is intellectually fascinating. This two-year Professional LLM program offers students an opportunity to gain a deep and broad understanding of the policies, principles and the internal logic of tax laws in Canada and beyond. It covers all aspects of tax law from the most basic rules underlying traditional personal tax planning principles to current developments in the sophisticated design of financial instruments. Courses are taught by a diverse range of scholars and practitioners, all of whom are leaders in their areas of teaching and practice.

COURSE DESCRIPTIONS

Required Course

Tax Policy, Statutory Interpretation and the Foundations of the Taxation of Individuals [6 credits]

This course deals with the various theories of tax interpretation and styles of tax analysis and then covers, at an advanced level, the following matters: (1) The basic principles, theories, and tools of analysis needed for serious discussion of tax policy and planning issues and the philosophical, accounting, financial and economic concepts from which the various logics of tax are derived. (2) Recent theories of statutory interpretation along with trends in the judicial interpretation of tax laws. The need for, and problems with, implementing anti-avoidance rules are also examined; and (3) An examination of changing conceptions of the deep structure that underlies the income tax system. Detailed aspects of computing personal and business income are examined through a review of recent tax cases and legislative amendments.

Elective Courses

Tax Administration and Litigation [3 credits]

In this elective, the structure of the Canadian tax system and the theoretical and practical issues that arise in the administration of the Canadian tax system are covered; the role of the Department of Finance, administration of the *Income Tax Act* by Canada Revenue Agency, civil and criminal sanctions, methods of proof, Revenue Canada prosecution policies, investigative techniques, processing procedures, search warrants, *Charter* rights and lawyer-client privilege, defending criminal prosecutions, tax court practice, and issues in international tax enforcement.

The Taxation of Trusts and Estates [3 credits]

Topics covered include: general concepts and types of trusts for tax purposes, the taxation of trusts and their distributions, transactions in capital and income interests of trust, Canadian trusts with non-resident beneficiaries and non-resident trusts with Canadian resident beneficiaries, and using trusts in estate and tax planning. The deemed disposition of capital property on death and the various methods of estate freezes will also be examined, as well as the application of the income attribution rules.

Advanced Taxation of Corporations and Shareholders [6 credits]

This course examines advanced income tax problems relating to the tax treatment of corporations and their shareholders, including: the decision to incorporate; considerations when capitalizing a corporation; the use of professional, personal services, and executive management corporations; the small business deduction and problems of associated companies; remuneration of owner manager; transferring assets to a private corporation; tax considerations in buying or selling a business; utilization of corporate losses; acquisition strategies; statutory amalgamations, arrangements, and continuations; liquidations; and de-mergers and reorganizations of capital.

International Taxation [3 credits]

International taxation topics covered in this course include: jurisdiction to tax; the foreign affiliate system; foreign tax credit; corporate immigration; emigration and continuance, aspects of transfer pricing; ownership and financing of overseas operations of Canadian companies; structuring foreign joint ventures, financing US affiliates, cross-border mergers and de-mergers and other forms of corporate reorganizations; alternative inbound investment structures; international finance companies, computer software; cross-border issues; and issues relating to tax treaties.

Overview of US Taxation and Recent Developments [3 credits]

Students will analyze the income tax provisions of the *United States Internal Revenue Code* of 1954, as amended, with an emphasis on business and investment transactions, including those of Canadians doing business and investing in the United States. A review of recent developments in the United States of interest to Canadian tax practitioners will also be conducted.

Managerial Tax Planning [3 credits]

The objective of this course is to introduce students to an integrative approach to tax planning. A framework is developed that fully integrates tax planning with business planning through the use of six key concepts: the government as business partner, implicit taxes, the pareto principle, the Coase theorem, agency costs and a multi-period perspective. The importance of these concepts is explored by applying them to a diverse range of tax planning issues.

Retirement Income Plans and Deferred Compensation Arrangements [3 credits]

Students will explore the economic significance and the planning relating to public pension plans, registered pension plans, deferred profit sharing plans, registered retirement savings plans, and retirement compensation arrangements, as well as salary deferral arrangements, employee benefit plans and trusts, unfunded non-statutory, deferred compensation plans, US retirement plans, stock options and other aspects of executive compensation.

Income Tax Aspects of Debt Financing [3 credits]

This course examines, in detail, the statutory rules, case law, and administrative practices governing the deductibility of interest and other financing expenses. This detailed examination will then be used as the basis for a consideration of selected topics concerning debt financing such as loss utilization, interest and foreign-source income, and financing foreign affiliates, including section 17.

Comparative Income Tax Law and Policy [3 credits]

This elective reviews tax law and policy on a comparative basis between Canada and other major industrialized countries in order to compare different solutions to common problems of tax system design such as the prevention of tax avoidance.

International Tax Policy [3 credits]

The emphasis throughout the course is on the tax policy issues involved in the structure or design of Canada's international tax system rather than the technical rules.

The Taxation of Charitable Gifts, Charities and Foundations [3 credits]

Topics covered include: a consideration of the rationale for charitable exemptions, the definition of a charity for the purposes of the personal income tax system, the taxation of gifts to charities, and the regulation of the business and other activities of charitable organizations through the tax system.

Partnerships and Alternative Business Vehicles [3 credits]

Students will explore the range of business vehicles other than corporations that are used in order to achieve business and tax objectives such as partnerships, limited partnerships, income and other commercial trusts, limited liability corporations and other forms of incorporated partnerships, and tax exempt investment structures.

Taxation of Financial Instruments [3 credits]

This course scrutinizes the current Canadian law and the basic policies relating to the taxation of financial instruments including all forms of derivative instruments. It compares the Canadian law in this developing area to the experience in other jurisdictions, in particular, the United States, Australia and New Zealand.

Major Research Paper [6 credits]

A Major Research Paper (MRP) of approximately 70 pages may be completed on a topic in tax law, provided appropriate supervision is available. The MRP should go beyond merely describing legal developments to include independent critical analysis of its subject matter.


TUITION AND FEES

Tuition and fees for the Professional LLM are currently \$20,153, payable in six equal installments throughout the program. In addition, a \$15 administrative charge is levied by the Faculty of Graduate Studies each term. Fees include required course materials. Light meals are provided.

Tuition fees are set by the York University Board of Governors and are subject to change at any time. Students who take longer than six terms to complete their program may be subject to additional tuition charges.

FOR MORE INFORMATION

 admissions-opd@osgoode.yorku.ca

 416.673.4670 or toll free within
Canada at 1.888.923.3394



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