

OSGOODE

OSGOODE HALL LAW SCHOOL
YORK UNIVERSITY

Professional Development
LLM



Part-time LLM Specializing in Civil Litigation and Dispute Resolution

Available via Distance Learning

Director

Kenneth E. Jull, Barrister and Solicitor

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redefine THE POSSIBLE.

The two-year, Part-time LLM in Civil Litigation and Dispute resolution will enrich and deepen your understanding of contemporary developments in law and the practice of civil litigation and dispute resolution. Expert faculty is comprised of senior academics, practitioners and judges. Students will:

- strengthen their ability to analyze and solve complex litigation problems;
- develop advanced litigation skills;
- focus on solutions to contemporary challenges to the litigation process.

PROGRAM DIRECTOR



Kenneth E. Jull
Barrister and Solicitor

"Excellent coming together of legal themes, issues, materials, faculty, guest lecturers and practitioners. Really a once in a lifetime opportunity experienced week after week!"

**- Derek Friend, Student
Civil Litigation and Dispute Resolution**

THE CURRICULUM

Courses will be offered in a combination of intensive (typically four consecutive days including one Saturday) and weekly format. While the program is available by distance, students are required to attend some sessions in person in Toronto.

Degree Requirements

- Option I**
- The required coursework (30 credits);
 - Advanced Legal Research Workshop[GSLaw 6101] [1 credit]; and
 - An independent Major Research Paper (70 pages).
- Option II**
- The required coursework (30 credits);
 - A significant research paper (30 pages) completed for one of the required courses; and
 - An additional 6 credits of coursework taken from other specializations offered during your period of enrollment in the program.

Required Courses

Contemporary Issues in Civil Litigation
Advanced Trial Advocacy and Evidence Issues
The Role of Alternative Dispute Resolution in the Litigation Process
Recent Developments in Substantive Law Relevant to Litigation
Transnational Litigation

COURSE DESCRIPTIONS

Contemporary Issues in Civil Litigation [GSLaw 6702] [6 credits]

The course examines, from a theoretical perspective, a range of issues of current interest dealing with the litigation process, including reforms to the rules of civil procedure. Particular topics will be drawn from areas of the law undergoing considerable change and which are featured prominently in recent cases. These topics and areas may include, among others:

- Jurisdiction of courts
- Class proceedings
- *Res judicata* and abuse of process
- Arbitration and Courts
- Procedure and Factual Issues in Litigation
- Issues in Discovery
- Disqualification of Counsel
- Costs and Remedies

Advanced Trial Advocacy and Evidence Issues [GSLaw 6705] [6 credits]

This course focuses on refining the trial advocacy skills of experienced civil litigators. The teaching of trial advocacy skills has traditionally been an area where there is a high degree of anecdotal method premised upon the individual experiences of trial lawyers. This course departs from this tradition by drawing upon empirical work in trial simulations, and psychological literature concerning courtroom dynamics.

Recent issues in evidence, such as the rules concerning expert opinion versus junk science and developments in the area of hearsay, are explored. Knowledge of evidence is viewed as a core trial advocacy skill.

Part of the course utilizes a unique practical methodology, which combines performance with critique. Participants perform a particular advocacy skill and are provided with direct feedback by senior and experienced faculty members.

The Role of Alternative Dispute Resolution in the Litigation Process [GSLaw 6703] [6 credits]

Adjudication no longer has a monopoly on dispute resolution. For a variety of reasons disputants are increasingly turning to other means, principally mediation and arbitration. Moreover, ADR methods are still in common usage, despite recent changes to mandatory mediation rules. This course will be taught from the perspective of the modern litigator and civil justice policy maker seeking to understand more about the theory of ADR, what types of ADR techniques have emerged or are evolving, how lawyers should represent clients in this new milieu, and what the implications are for the civil justice system.

The course traces the rise of the ADR movement, its content, strategies and variants, then considers how ADR can be integrated into the litigation process and how to determine which process should be used to resolve a particular dispute. It then focuses on the two major forms of ADR, primarily mediation, and to a lesser extent, arbitration:

- **Mediation:** Examination of the dynamics and techniques of mediation, emphasizing the lawyer's role in representing clients in mediations. Workshops involve role-playing in simulated mediations with feedback and critique.
- **Arbitration:** Analysis of the role historically played by arbitration in Canada, the United States and Europe, tracing the genesis of the recent wave of arbitration legislation across the Commonwealth; review of the Ontario Arbitration Act and the conduct of arbitration.

Recent Developments in Substantive Law Relevant to Litigation [GSLaw 6704] [6 credits]

This course will pursue a critical examination of recent developments in areas of substantive law of particular relevance to litigators. Subjects to be covered may include the following:

- **Tort:** Recent tort judgments and their impact on pleadings, evidentiary requirements, proof of causation and damages, economic loss, defamation, and concurrent liability in contract and tort.
- **Fiduciary duties:** The basis for fiduciary relationships and the obligations (including those relating to confidentiality of information); the available remedies for breach, including recent use of equitable compensation and damages awards.
- **Restitution:** Evolving areas of restitutionary doctrine including the liability of public authorities, the role of the unjust enrichment principle, recovery of benefits conferred by mistake or under illegal transactions, etc. Consideration will be given to the interaction of personal and proprietary remedies.
- **The Charter:** Analysis of topics of recent practical and theoretical importance, such as damages for Charter violations, the appropriate level of deference to be accorded to legislatures under section 1, the meaning and scope of the right to liberty under section 7.
- **Causes of Action Arising Under the OBCA and CBCA:** Shareholder rights, the oppression remedy, creditors' rights, directors' responsibilities and liabilities, fair value proceedings.
- **Insurance:** Subrogation, duty to defend, conflict of interest, waiver and estoppel, bad faith.

Transnational Litigation [GSLaw 6701] [6 credits]

Like the economic activity giving rise to it, litigation and dispute resolution are becoming increasingly globalized and transnational in nature. This is most apparent in commercial litigation (although it arises also in other areas, e.g. products liability). As a result, disputants often have a choice as to where to litigate, or become embroiled in fights over where the litigation should be conducted, over choice of law, etc. The result is a subject which is an amalgam of civil procedure and conflict of laws.

Supreme Court of Canada jurisprudence in this area will form the basis for analyzing the “revolution” in Canadian law relating to jurisdiction, service out of the jurisdiction, forum non conveniens, stay of proceedings, anti-suit injunctions, enforcement of foreign judgments and choice of law. The course will also focus on the processing of commercial disputes in the Ontario and English Commercial Courts and on litigating cases with interprovincial and transnational elements, and the role

of domestic and international commercial arbitration. Attention will also be given to the impact on commercial dispute resolution of key developments abroad, such as the formation of regional arrangements like the European Union, and harmonization projects underway to develop a worldwide judgments convention and transnational rules of civil procedure.

TUITION AND FEES

Tuition and fees for the Part-time LLM program are \$18,660. This includes required course materials. Light meals are provided for students attending classes in person at our downtown Toronto location.

Tuition and fees are payable in six installments of \$2,880, one payment for each term of the program. In addition, a \$15 administrative charge is levied by the Faculty of Graduate Studies for each term registered.

Tuition fees are set by the York University Board of Governors and are subject to change at any time. The amount above is the current estimated cost for the programs commencing in 2008/2009.

FOR MORE INFORMATION CONTACT

Sophie Seventikidis, Admissions and Client Services Assistant

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