



UNIVERSITY OF TORONTO

Proposal for

Global Professional LL.M. Program in Law
Faculty of Law

April 12, 2010

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1 **Executive Summary**

The proposed Global Professional Master of Laws (G.P.L.L.M.) is an innovative legal program unlike any that currently exists in North America.

The G.P.L.L.M. is designed to satisfy a growing interest and need in the broader legal, government and business communities for a master's level program in law that addresses the complexity of the global world in which we now live. The G.P.L.L.M. examines the impact of globalization on laws, legal institutions, modern societies, markets, and businesses from a broad multi-disciplinary, transnational and comparative legal perspective.

The initial target market for the G.P.L.L.M. is practicing lawyers, and leaders in government, business and other sectors, in the Toronto area. In future years, it is anticipated that the program will attract lawyers and other professionals from across the country and internationally.

The program delivery model for the G.P.L.L.M. is designed for working professionals. Although the format accommodates a professional's schedule, the academic requirements and rigour of the G.P.L.L.M. are consistent with the Faculty's existing Master's level graduate law programs. The program will be offered as a full-time twelve-month degree program that is completed over the course of three consecutive academic sessions (September to August). During these three sessions, students will be expected to obtain 24 credit hours by completing six required seminar courses worth three credits each, plus an additional three intensive two-credit seminars. Over the course of the program, students will complete a minimum of 240 hours of mandatory in-class instruction..

Courses in the G.P.L.L.M. will be taught on the same basis as those in the regular J.D. and graduate programs; that is, they will be taught by a combination of full-time faculty, distinguished adjunct professors who are chosen for their specific area expertise and knowledge, and distinguished visiting professors from leading institutions around the world.

All of the seminar courses will be offered in the evenings or on the weekends when the regular J.D. and LL.M. program classes are not held. There will not be any additional space and facility demands placed upon the Faculty of Law as a result of the introduction of this program.

The development of this program will ensure that the Faculty of Law maintains its reputation for being at the forefront of innovative legal education in Canada and internationally.

2 Academic

2.1 Description and rationale for the proposal

2.1.1 Description of proposed program

The U of T Faculty of Law proposes the creation of a new program in Law that does not currently exist in North America. The degree offered would be a Global Professional Master of Laws (G.P.LL.M.). The G.P.LL.M. will meet the growing interest and need in the legal, public and business communities for a master's level law program that addresses the complexity of the global world in which we now live and examines the impact of globalization on laws, legal institutions, modern societies, markets, and businesses from a broad multi-disciplinary, transnational and comparative legal perspective.

The Global Professional Master of Laws will address the need that many lawyers have expressed for the creation of a master's level legal program that is international in scope, and that is targeted primarily at practicing lawyers who have substantial experience representing clients and sophisticated businesses and institutions. As legal practice becomes increasingly transnational, lawyers are frequently called upon to advise businesses, individuals, and governments on global matters that transcend national borders. Today's lawyers need to understand the law within the context of different legal systems and cultures and develop appropriate transnational perspectives.

As well, the G.P.LL.M. will address the need identified by other professional leaders in government and business to better understand the law from a broad transnational perspective. Professionals today understand that success requires not only a broad knowledge of and familiarity with principles of accounting and finance, marketing, sales, operations, and human resource management, but they also recognize that today's professionals must have a solid understanding of how to use the law to protect and advance the interests of their organization and the manner in which business and law converge.

To meet these demands, the G.P.LL.M. will include exposure to ideas and perspectives from a diverse range of legal systems and laws. The G.P.LL.M. will have a broad international and multidisciplinary focus, within an academically rigorous and theoretical framework. The program's core courses are designed to provide today's lawyers and other professionals with the knowledge they need to provide sound leadership and advice and lead their firms and institutions in today's complex global society.

The program delivery model for the G.P.LL.M. is designed with working professionals in mind. All courses will be offered in the evening and on the weekends which will allow those enrolled in the program to continue working full-time while completing the requirements of the program.

The academic requirements and rigor of the G.P.LL.M. are consistent with the Faculty's existing Master's level graduate programs in law – the LL.M. and M.L.S. The program will be offered as a full-time twelve-month degree program that is

completed over the course of three consecutive academic sessions (September to August). During these three sessions, students will be expected to obtain 24 credit hours by completing six required seminar courses worth three credits each, plus an additional three intensive two-credit seminars. Over the course of the program, students will complete a minimum of 240 hours of mandatory in-class instruction..

A three credit graduate seminar course at the Faculty of Law requires 24 - 36 hours of academic activity over one session. This can be completed as two hours per week over one semester of in class instruction, or, four hours per week over six weeks of in-class instruction. During the first and second session of the program, September to December and January to April, respectively, students will complete four compulsory three-credit seminar courses that run for six weeks, two evenings per week, between the hours of 5:30 and 8:30 p.m. In addition, students will complete one compulsory three-day intensive seminar worth three credits and one two-day intensive seminar worth two credits (which will offer two options). During the third session, students will complete one compulsory three-day intensive seminar course which will be held on Friday, Saturday and Sunday (9:00 am to 5:00 pm) and two two-day intensive seminar courses (where there will be some optional programs to choose between) which will be held on Saturday and Sunday (9:00 am to 5:00 pm). **Appendix 1** contains the program schedule.

2.1.2 Rationale for proposal

In today's rapidly changing and complex global society, laws and legal institutions can no longer be understood from a purely national perspective. Today's government, business and legal professionals are expected to understand the ways in which important legal issues transcend national and international borders and impact the international businesses and clients they serve, as well as the complex legal issues that arise in trans-border transactions.

This has placed enormous demands on mid-career lawyers and professionals who must continually upgrade their legal knowledge and expertise in order to meet the expectations of a sophisticated and increasingly international client base and increasingly global legal systems and markets.

The academic purpose of the program will be to prepare lawyers in today's complex and transnational business environment to be able to advise businesses, individuals, and governments in matters that involve parties, lawyers, and judicial or arbitral bodies in two or more jurisdictions. It will also prepare other government and business professionals to be able to better understand the advice they receive from their lawyers and better participate in the legal decisions that affect their institutions and businesses.

The G.P.LL.M. will provide the base from which students can examine and contribute to an understanding of the development of transnational legal norms, institutions and processes. The result will be lawyers and other professionals who have a better understanding of international and transnational legal systems and processes, and the clients and businesses they serve within those systems.

As well, the format of the proposed degree will enable professionals and lawyers to pursue advanced legal studies while continuing to work full-time. Lawyers and other

professionals face significant demands on their time, making it difficult to commit to the delivery model on which the regular full-time existing LL.M. program is structured. For this reason, the program will be offered as a one-year professional Global Professional Master of Laws program that delivers the rigor and recognition associated with graduate level legal education through an intensive 12-month delivery model geared towards the busy professional's schedule.

The seminar style courses in the G.P.LL.M. will be offered outside traditional business hours on evenings and weekends to accommodate professionals who may otherwise be precluded from pursuing graduate level legal studies. Classes will provide the opportunity for students to learn in a uniquely active, participatory and collaborative way.

Melbourne Law School in Australia offers a professional LL.M. program in modular format. Most of their courses are taught either on an intensive basis over five consecutive weekdays of study, with approximately eight hours of classes per day, or in the evenings one or two days per week for a full semester. Several members of the UofT Faculty of Law have taught in the Melbourne program.

There is only one other professional-style LL.M. program in the United States that we are aware of that is specifically offered for practicing lawyers. New York University Law School has a part time E.LL.M. in Tax for practitioners, which can be completed on line over 3 -5 years. The Boston University School of Law is currently launching a part time LL.M. in International Business Law which can be completed over nine months.

Existing Master of Laws (LL.M.) programs in Canada are largely targeted towards full-time students who are seeking to pursue a career in academia, or who are able to take extended time off work in order to attend classes during the day time. There is only one law school in Canada – Osgoode Hall Law School at York University, Toronto – that offers a “professional” LL.M. program in modular format for practicing lawyers. However, the Osgood program is practice-oriented and geared towards enhancing specific legal skills in specific areas of legal practice (such as Criminal Law, Banking and Financial Services, Family Law, Labour and Employment Law, and Civil Litigation). The proposed Global Professional LL.M. would differ from Osgoode's program in both content focus and delivery model.

The G.P.LL.M. will be a unique intensive, academically rich and intellectually rigorous program aimed at those lawyers and other professionals who wish to engage in critical legal thinking with like-minded peers and world-renowned faculty on global legal issues.

2.2 Pedagogical and other academic issues, including expected benefits of the proposed program

Today's legal clients are more diverse and more demanding than ever before. Where once lawyers could take for granted that their client base would be in close proximity to their offices, today's lawyer is likely to represent clients who are thousands of miles away and whose businesses may be operating under different legal regimes than the one in which lawyers find themselves. The implication of this global legal world on the practice of law is that today's lawyers must be exceptionally well prepared to deal with

clients from a variety of international backgrounds and to operate at a very high level in a global business environment and must possess a broad international and transnational perspectives and sophisticated understanding of international legal issues, laws, and legal institutions. Other professionals in government and business have similar needs and face similar demands and challenges.

The G.P.L.L.M. is the first master's level degree in North America that is aimed at addressing these needs and concerns. Students in the program will be challenged to think critically from a multi-disciplinary perspective, and be sensitive to and able to comprehend the implications of dealing with diverse cultures and values. In return, students will be provided with the opportunity to participate in innovative, graduate level legal studies, and to learn from world renowned faculty with transnational expertise. Students will also be given the opportunity to collaborate with and learn from other business leaders, professionals and practicing lawyers.

The delivery mode is ideal for active professionals and provides an excellent opportunity for practicing lawyers and senior leaders who are not able to attend full-time day courses to obtain graduate legal education.

2.3 Projected student demand

It is anticipated that a broad demand for the program from mid-level law associates and partners of law firms as well as some interest from members of the judiciary and other administrative adjudicative decision makers. There will also be interest from senior leaders in government, business and other sectors who do not have a first law degree but who would be interested in pursuing legal studies in order to better understand the global legal marketplace in which they work.

The principal target market will initially be drawn from practicing lawyers in the Toronto area. In the longer term, the G.P.L.L.M. is expected to attract national and international interest.

We have canvassed a number of our law alumni for their views with respect to the demand for the proposed new degree. Our consultations confirm that there is a demand for sophisticated continued learning opportunities at the Faculty of Law in the proposed degree area. Approximately 70% of our alumni are practicing lawyers who work in large and mid-size firms and government offices in downtown Toronto and most are not able or willing to leave their jobs for a lengthy period of time in order to complete a traditional LL.M. We have been repeatedly told that if a professional master of laws program were offered at the U of T Faculty of Law, it would be of tremendous interest to many professionals and practicing lawyers.

At the same time, the Law Society of Upper Canada, the body that regulates lawyers in Ontario¹ has recently taken steps to introduce new rules which mandate that lawyers continue to take legal education courses throughout their careers following graduation from law school. These rules will take effect in 2011. The Law Society is very supportive of our efforts to enhance and expand continuing legal education opportunities for practicing lawyers.

¹ Each Province in Canada has its own regulatory body and lawyers are required to be licensed separately in each province in which they intend to practice law.

PROJECTED INTAKE AND ENROLMENTS										
Master's Program										
YEAR	FULL-TIME				PART-TIME				TOTAL ENROLMENT	
	Intake		Enrolments		Intake		Enrolments		M	D
	M	D	M	D	M	D	M	D		
2011-12	30	N/A	30	N/A	N/A	N/A	N/A	N/A	30	
2012-13	45	N/A	45	N/A	N/A	N/A	N/A	N/A	45	
2013-14	75	N/A	75	N/A	N/A	N/A	N/A	N/A	75	
2014-15	90	N/A	90	N/A	N/A	N/A	N/A	N/A	90	
2015-16	120	N/A	120	N/A	N/A	N/A	N/A	N/A	120	
2016-17	120	N/A	120	N/A	N/A	N/A	N/A	N/A	120	
2017-18	120	N/A	120	N/A	N/A	N/A	N/A	N/A	120	

2.4 Impact on the Department's and Division's program of study

The Faculty of Law currently offers a Master of Laws (LL.M.) degree that has two streams. One is a coursework intensive stream, with a minor thesis component, and the other is a thesis intensive stream geared towards candidates who wish to pursue doctoral level legal studies. The course offerings available to LL.M. students are quite broad and cover the areas in which the law school has particular strengths: including, amongst others, Public and Private Law, Transnational and International Law, Comparative Law, Constitutional Law, Philosophy and the Law, Intellectual Property, Business Law, Criminal Law. The LL.M. requires completion of a minimum of 24 credits and a maximum of 26 credits that includes completion of a thesis, and attendance of a graduate seminar.

The Faculty of Law also offers a Master of Legal Studies (M.L.S.) for academics who do not have a first law degree and who wish to pursue master's level legal studies.

We do not anticipate that the new G.P.LL.M. will have any impact on enrolment in either the LL.M. or M.L.S. as these two degrees have very different enrolment populations and are significantly different in content, focus and delivery mode.

2.5 Evidence of consultation with other divisions

This is a master's level Law program with a focus on laws and legal institutions in modern society. We anticipate some interest from business leaders and other professionals, but the primary student base is lawyers. Consultation has occurred with the Rotman School of Management regarding the proposal and the School is supportive of the proposal. There is no significant overlap with current or planned offerings at the Rotman School.

2.6 Appropriateness of the name and designation of the new program

A key concern in deciding upon a new name for the proposed degree was ensuring that the potential students would readily recognize the degree, and at the same time understand its uniqueness and value-added to the current marketplace of professional master's programs. Therefore, it is important that the new degree name include the "LL.M." while at the same time be distinguished from the existing LL.M. program at the Faculty and other universities. It is important that the new degree name reflect the international and transnational element of each of the courses, and the fact that the degree is for practicing professional lawyers and other professionals as opposed to primarily law students seeking a career in academia. For that reason, the name "Global Professional Master of Laws program (G.P.LL.M.)" is proposed.

2.7 Program description and requirements, course titles/numbers, and faculty members

2.7.1 Program description and requirements

o Admission requirements

There are two paths of admission to this degree. Applicants for the admission to the degree of Global Professional Master of Laws (G.P.LL.M.) must have a Bachelor of Laws (LL.B.) or Juris Doctor (J.D.) and must have achieved a minimum of B+ standing from a recognized university or equivalent. Applicants are required to have professional legal work experience (a minimum of three years of substantive legal work experience at a law firm, government, or public interest organization).

Applicants with a bachelor's degree in any other discipline with a minimum B+ standing from a recognized university, or equivalent, may be considered for admission. Such applicants will be required to have at least 5 years of leadership experience in government, a public institution, a bank, a corporation with international exposure, or other complex organization.

In addition, applicants will be expected to meet the School of Graduate Studies English language facility requirements.

o Program requirements

- Students are required to complete a total of 24 credits.
- Students must complete six compulsory seminar courses (as set out below in section 2.7.2) worth three credits each and with an accumulated credit weighting of 18 credits. Each three credit seminar course will entail 24-36 hours of in class instruction time.
- Students must also complete an additional three intensive weekend seminar courses (as set out below in section 2.7.2) worth two credits (for a total credit rating of 6 credits). Each two credit intensive seminar course will entail 16 hours of in-class instruction, and each two credit intensive seminar course will have two options to choose from.
- The coursework will be graded on the graduate grading scale.

Attached as **Appendix 1** is the program schedule which illustrates the expected progress through the program.

The program will not be offered via distance delivery or on a formal part-time basis at this time.

2.7.2 Course titles/numbers

While some of the course content for the G.P.LL.M. will be drawn from existing courses in our current LL.M. program, most of the G.P.LL.M. courses will need to be specifically designed for this program and will include unique content.

The G.P.LL.M. will consist of three academic sessions spread over 12 months (September to August). During each of first and second term, students will take two three credit night courses, each of which will require students to attend classes from 5:30 to 8:30 p.m. two nights a week. In addition, students will complete one three-day intensive seminar worth three credits and one two-day intensive seminar worth two credits. During the third term, students will take one three-day intensive seminar and two two-day intensive seminars. Seminars will be held primarily on the weekend and each day will require eight hours of in-class instruction.

Students enrolled in the G.P.LL.M) will be required to complete the following six compulsory seminar courses, each of which is worth three credits:

- Law and Globalization
- Public and Private International Law
- Business Transactions in a Global Economy
- Comparative Corporate Governance
- International Investment Law and Financial Transactions
- International Intellectual Property (IP) Law

Seminar 1: (Students may select from the two options listed below)

- International Tax Law – OR -
- Climate Change Law: International and Canadian Developments

Seminar 2: (Students may select from the two options listed below)

- World Trade Law and Trade Regulation – OR -
- Internet Law in a Global Age

Seminar 3: (Students may select from the two options listed below)

- Law and Policy of Public Private Partnerships – OR -
- International Commercial Arbitration and Dispute Resolution

Attached as **Appendix 2** is the list of course descriptions.

2.7.3 Faculty members

The G.P.LL.M. will draw upon the Faculty's significant strength in both business and international law and comparative law, taught by its world-renowned faculty in these areas. Courses in the G.P.LL.M. will be taught on the same basis as those in the regular J.D. and LL.M. degree; that is, they will be taught by a combination of full-time faculty, distinguished adjunct professors who are chosen because of their area of expertise and knowledge, and distinguished visiting professors from leading institutions around the world. Adjunct faculty will be drawn from our approved list of adjunct professors and will be appointed in advance of each academic year, in keeping with the standard Faculty practice for all J.D. and LL.M. courses.

Faculty Members			
Faculty Name & Rank	M/F	Home Unit	Supervisory Privileges
<i>Category 3</i>			
Ben Alarie – Associate	M	Law	Full
Anita Anand – Associate	F	Law	Full
Jutta Brunnée - Full	F	Law	Full
Sujit Choudhry – Associate	M	Law	Full
Yasmin Dawood - Assistant	F	Law	Master's
Abraham Drassinower – Assoc.	M	Law	Full
Tony Duggan – Full	M	Law	Full
Mohammad Fadel - Assistant	M	Law	Master's
Andrew Green – Associate	M	Law	Full
Ed Iacobucci – Associate	M	Law	Full
Ariel Katz – Associate	M	Law	Full
Karen Knop - Full	F	Law	Full
Brian Langille - Full	M	Law	Full
Jeff MacIntosh - Full	M	Law	Full
Audrey Macklin - Full	M	Law	Full
Ed Morgan – Full	M	Law	Full
Marianna Prado - Assistant	F	Law	Master's
Kerry Rittich – Associate	F	Law	Full
Kent Roach - Full	M	Law	Full
Michael Trebilcock - Full	M	Law	Full

2.8 Libraries

The U of T Faculty of Law has a world class law library that is well equipped to support the G.P.LL.M. degree. The Bora Laskin Law Library offers more than 265,000 volumes and strives to support law studies with the highest quality legal resources, services and training. Its collection includes legal materials from the major common law countries and more than 700 scholarly periodicals from around the world, as well as subscriptions to leading law CD-ROMs and on-line systems such as QUICKLAW, Westlaw and LEXIS-NEXIS.

As well, because we anticipate that a significant percentage of our students will be practicing lawyers and business professionals, we expect they will have access to their firm libraries which, in many cases, will have significant resources and collections as well.

A report from the Faculty of Law Chief Librarian is included in Appendix 3.

3 Students

3.1 Student affairs and services

All of the Faculty of Law's usual facilities and services will be available to the students enrolled in the G.P.LL.M. in the usual way. Students enrolled in the G.P.LL.M. will have access to the student services offered by the University of Toronto. Because these students will primarily be attending classes during evenings and on weekends, it may be necessary for the students to access some of the Faculty's facilities and services during regular office hours of 9 am to 5 pm. and students will also be provided with administrative support electronically by email and on-line.

3.2 Student conduct and discipline

The usual University of Toronto policies and regulations will govern student conduct in the G.P.LL.M., including those policies and guidelines relating to ethics and conduct, which are posted on the School of Graduate Studies website.

3.3 Financial Support

Students may be eligible for different loan options in Canada as domestic students, for government assistance and for loans from other financial institutions.

3.4 Student registration and information systems

The usual methods of registration and enrolment procedures will apply for students. The Faculty currently does most of its registration and enrolment on line electronically. The G.P. LL.M. program will follow the same process.

APPENDIX 1

Night Class – 6:00 to 8:30 p.m.

Two-day intensive seminar (2 cr.) *
 * Options available as shown at right

Three day intensive seminar (3 cr.)

Term 1: Sept. 7th to December 1st
Term 2: Jan. 2nd to April 30th
Term 3: May 1st to August 31st

Please note that additional class days or evening events, including additional class time, may be added, and/or class days may shift.

Two Day Intensive Seminar Course Options

- (1) International Tax Law; **OR**
- (1) Climate Change Law: International and Canadian Developments
- (2) World Trade Law & Trade Regulation; **OR**
- (2) Internet Law in a Global Age
- (3) Law and Policy of Public Private Partnerships; **OR**
- (3) International Commercial Arbitration & Dispute Resolution

August 2011						
SUN	MON	TUE	WED	THU	FRI	SAT
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

December 2011						
SUN	MON	TUE	WED	THU	FRI	SAT
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

April 2012						
SUN	MON	TUE	WED	THU	FRI	SAT
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

September 2011						
SUN	MON	TUE	WED	THU	FRI	SAT
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

January 2012						
SUN	MON	TUE	WED	THU	FRI	SAT
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

May 2012						
SUN	MON	TUE	WED	THU	FRI	SAT
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

October 2011						
SUN	MON	TUE	WED	THU	FRI	SAT
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

February 2012						
SUN	MON	TUE	WED	THU	FRI	SAT
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29			

June 2012						
SUN	MON	TUE	WED	THU	FRI	SAT
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

November 2011						
SUN	MON	TUE	WED	THU	FRI	SAT
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26

March 2012						
SUN	MON	TUE	WED	THU	FRI	SAT
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24

	Law & Globalization
	Public & Private Int'l. Law
	Business Transactions in a Global Economy
	Comp. Corp. Governance
	1. Int'l Investment Law & F.T.
	2. Int'l. IP Law

APPENDIX 2 - COURSE DESCRIPTIONS

The following Six courses are compulsory core courses in the G.P.L.L.M.:

Law and Globalization (LAW586H1F) (3 credits)

Globalization raises questions of justice, democracy and efficiency and poses new regulatory challenges in a wide range of areas from migration and border control, labour market regulation and trade and investment to human rights and the environment. This course is designed to explore two interrelated issues: first, the role of law in global economic, political and cultural integration and second, the effect of global transformations on legal rules, processes, and institutions, whether domestic, international or transnational. It will consider how states and international institutions are responding to regulatory challenges, old and new, and reflect on the ways in which legal scholars in a wide range of domestic and international fields are rethinking their fields and disciplines. Broad themes and questions include: How much of 'globalization' is actually new, and how much is recognizable from the past? Are we really in a world of legal 'convergence' or harmonization, or is there increasing diversity and fragmentation too? What methods and frameworks – legal pluralism, historical analysis, comparative law, for example - are available to assess the legal dimensions of globalization and what aspects of globalization do these methods and frameworks illuminate? What new legal rules, actors and institutions are emerging to manage the globalized environment? What norms, values and interests are at stake? Who are the winners and losers in these processes? What are the opportunities to influence legal transformation?

Public and Private International Law (LAW252H1F and LAW218H1S) (3 credits)

The first half of this course will provide an overview of the structure and process of the international legal system including questions of jurisdiction over territory and persons; the relationship between international and domestic law; the peaceful settlement of international disputes. The second half of the course will change focus to the increasingly important field of private international law and examine issues such as jurisdiction, choice of law, judicial assistance and enforcement of judgments, international sale of goods, cross-border consumer protection, secured transactions, international securities law, international intellectual property, transport of goods by sea, transnational leasing law, and dispute settlement mechanisms.

Business Transactions in a Global Economy (3 Credits) NEW COURSE

This course will examine transactional, litigation and regulatory issues faced by international businesses. The goal of this course is, in part, to introduce students to analytical tools used by lawyers who advise on matters related to international business. The course deals with commercial law, and focuses on the documentary sale transaction that supports the international sale of goods (including bills of lading and letters of credit). Students will also be introduced to several issues that cut across various types of transnational transactions; the place of international law and domestic legal systems in the regulation of international business transactions; the extraterritorial application of domestic legal rules; and the role of international bodies. The course will then examine various practical problems focused on different types of transnational business and financial transactions and the documents typically used in such transactions.

Comparative Corporate Governance (3 credits) LAW556H1S

The longer title for this course is: "Governing Governance: Legal Institutions and Corporate Performance in Comparative Perspective". This seminar will focus on corporate governance in different jurisdictions around the world. It will introduce the concept of corporate governance, describe how relevant institutions vary across jurisdictions, and consider how corporate governance institutions affect micro- and macroeconomic performance.

International Investment Law and Financial Transactions (3 credits) LAW371H1S

This course deals with domestic and international regulations that affect transnational investment and financial transactions, that is, investment and financial transactions in which the laws of more than one jurisdiction are involved. The second part of the course deals with investment law in the cross-border context, and focuses on legal and practical issues involved in international investments. It will focus on equity, debt, guarantee and structured finance transactions, as well as certain dispute resolution issues involved in structuring cross border deals, including questions of choice of law, choice of forum, enforcement of judgments, and international arbitration. We will also discuss state responsibility and investment and political risk insurance.

International Intellectual Property (IP) Law (3 credits) LAW389H1S

The last few decades have witnessed profound changes on the international scene of intellectual property law. How does it affect us locally and in our global trade efforts? This course analytically reviews and comments on the growing trend toward greater protection of intellectual property rights worldwide (with a focus on patents, copyright and trademarks). When can enhanced IP protection encourage innovation, trade, development and other greater public interest and societal goals, and when can it hamper the same? Selected topics include: the impact of recent technology advances on copyright holder rights and the dissemination and use of creative works by the public, and the increased protection of geographical indications. Throughout this course, special attention is devoted to the main institutions and other actors at the international level and to how they are shaping the course of international intellectual property law. We also look at the interplay between international conventions and national laws including various levels of enforcement mechanisms and remedies.

The following three Seminar Courses (Seminar 1, 2 and 3) are mandatory courses, however, in each case students may choose between two options.

Seminar 1: (select one of the following two options):

International Tax Law (2 credits) NEW COURSE

The objective of this course is to obtain a better knowledge of the basis of taxation, with special focus of taxation on international transactions. Tax requisites and consequences of doing business in an international environment. Practical business application of the international taxation aspects and the analysis of the tax planning methods that are used by multinational companies.

Climate Change Law: International and Canadian Developments (2 credits) NEW COURSE

Climate change is not only the central environmental issue today. It is also an issue with far-reaching implications for economic development and international competitiveness. The legal, political and policy implications of climate change have become evident as countries seek to develop policies which address climate change but at the same protect their domestic economies. This course will focus on the legal issues raised by climate change. It will analyze the international legal framework governing cooperation among nations on combating climate change, including how international commitments are (and should be) set and enforced, and what are its trade and competitiveness implications. The course will also examine how domestic institutions and instruments should be structured to address climate change, including the choice of instruments that countries are contemplating (such as cap and trade systems which are either in place or contemplated by different governments including the federal and provincial governments in Canada) and the increasing role played by litigation (particularly in the US but also in Canada in areas such as public nuisance and environmental assessments). The course will provide students with a sophisticated understanding of how climate change impacts different areas of the law, and of the trends that lawyers should be aware of.

Seminar 2: (Select one of the following two options):

World Trade Law and Trade Regulation (2 credits) LAW 285H1F

This seminar will explore the regulatory framework governing international trading relations. It will begin with the economic theory of international trade and in particular the case for free trade, then examine the politics of trade policy and objections and sources of opposition to free trade. The following topics will be examined: international economic institutions, the Bretton Woods System, the GATT/WTO, NAFTA, international regulation of tariffs, national tariff administration, the principles of nondiscrimination (most favoured nation and national treatment) with a special focus on antidumping regulation, subsidies and countervailing duties, safeguards, adjustment assistance, trade and agriculture, trade in services, trade-related investment measures, trade-related intellectual property rights, trade and health and safety, trade, labour and human rights standards, trade and the environment and trade and development. The seminar will strongly emphasize the institutions and political economy of international trading relations and how economic and political forces have shaped current regulatory policies and may shape future policies.

Internet Law in a Global Age (2 credits) NEW COURSE

The Internet and the practice of law are both increasingly global in nature. Legal doctrines of relevance to lawyers representing clients with global businesses and a presence on the Internet continue to develop rapidly. For instance, changes in the law of intellectual property related to the Internet have broad and complex application for businesses selling into a multi-jurisdictional world. This seminar will focus on recent developments in cyberlaw with impact on commercial and cross-border transactions. The course is not exclusively an international or comparative law class, but rather looks at problems of Internet law within a global framework. This global framework may mean that legal issues are local, state, national, multi-national or truly international in scope. Special emphasis will be placed on the impact of globalization, both in the law generally and the Internet, on the practice of cyberlaw.

Seminar 3: (Select one of the following two options)**Law and Policy of Public Private Partnerships (LAW320H1F) (2 credits)**

Many Canadian jurisdictions are rapidly expanding the scope and scale of arrangements where infrastructure such as hospitals, prisons, roads and even services traditionally provided by the public sector are instead provided in whole or in part by the private sector (commonly known as public private partnerships or P3's). This course offers a detailed study of the law and policy choices in this growing field. We will cover the specialized contractual and financial issues involved in P3 projects as well as the regulatory and public policy challenges they raise. The legal issues addressed will include the risk allocation between the public and private sectors in the various construction, financial and operating agreements involved in P3's. Tapping into the expertise of relevant participants, topics covered will include the law and practice of procurement, the various models of concessionary agreements, the role of lenders and equity participants, the transfer of construction risk and the legal obligations of the state. It is intended that students will come away with an appreciation of the legal issues that underlie the various agreements and of the practical concerns facing government entities and the private sector throughout the process, from the initial choice of policy instrument through to the very end of the term of a concessionary contract. On the policy side, we will review the historical experience in Ontario, the United States and the United Kingdom, the role of the public interest in public private partnerships both conceptually and in the context of various project models, the economic case for and against P3's, the means of regulatory oversight and the role of the state in fulfilling and enforcing private obligations in the P3 context. Students will have an opportunity to assess the theoretical and practical merits and demerits of the full spectrum of P3 methods of delivering public goods and services. We will place a particular focus on the Infrastructure Ontario model but will also review other Canadian and international jurisdictions where appropriate.

International Commercial Arbitration and Dispute Resolution (3 credits) NEW COURSE

The course aims at providing students with essential skills and knowledge to manage or avoid disputes and, if necessary, engage in the process of resolution of international commercial and

economic disputes through international commercial arbitration or other forms of international dispute resolution. The course will enable students to understand the structure of the international contracts and the role and place of international commercial arbitration in resolution of disputes arising from international economic and commercial relations. It also covers the process of arbitration and the rules governing arbitration procedures, issues of arbitrability of economic law disputes, substantive applicable law and international enforcement of arbitration awards. Through practical exercises, the course focuses on techniques in negotiating and drafting international contracts as well as the methods of resolving possible disputes through mediation and negotiation.

Appendix 3 – Report On Library Resources for the Proposed Professional LL.M. program at the Faculty of Law

BACKGROUND

The Bora Laskin Law Library at the University of Toronto Faculty of Law is recognized as one of the leading academic law libraries in Canada and provides a rich collection of resources to support graduate study in the field of law. The Law Library's emphasis on the collection of web-based subscriptions adds further breadth, depth and accessibility to its resource base. Graduate study in law increasingly draws upon cross-disciplinary materials and in this regard access to information resources is further enhanced by the availability to students to access outstanding collections located in research libraries on the University of Toronto campus, in the city of Toronto, and elsewhere.

PHYSICAL FACILITIES

The Law collection is housed primarily in the Bora Laskin Law Library, located at the Faculty of Law. The Library has 66 public access and student-only computer terminals. The Library's computer lab is a law-student-only facility with 18 networked workstations and a laser printer. Three computers are located in the LL.M. study room, for use by graduate students only. There are 270 open study carrels and 30 closed study seats in four study rooms. Additionally there are two large study rooms and 20 small offices in the Library that are dedicated to law graduate students. During the academic term the Library is open seven days a week for a total of 89.5 hours per week.

INSTRUCTION AND REFERENCE SERVICES

The Law Library plays a fundamental role in making information sources accessible to researchers and in linking teaching and research at the Faculty of Law. Library services are especially important for graduate students given the breadth and complexity of today's legal resources. Given the cross-disciplinary nature of legal research and the importance of electronic resources, including e-journals, ebooks, and the World Wide Web, reference and instructional services offered by the Library play a key in making our own collections accessible and in facilitating access to the national and international collections of legal information.

Graduate law students take advantage of the many customized reference services provided by the Law Library, including in-person, telephone and email assistance and instruction in the use of the catalogue, online indexes and resources. Individual research consultations for graduate students are also available, as are class-specific sessions to introduce students to key research materials and the most efficient ways to use the wide array of resources and search platforms available. Special graduate seminars are also organized to cover such topics as effective journal research, common law case research, and international legal research. As of May 2010 the Law Library will have a complement of five professional law librarians (two of whom are dual-degreed and possess a JD). The librarians are well versed in legal research in both an academic and practice oriented settings.

Graduate students also make frequent use of the Law Library's information technology services. If students work with their own laptops, the Library's IT staff offers support in configuring laptops for wireless network access, as well as general troubleshooting and problem solving.

DESCRIPTION OF THE COLLECTION

The Law Library seeks at a minimum to acquire a core collection of materials in various formats that will sustain instruction and research at a graduate level in all major subjects taught at the Faculty of Law, as well as all significant areas of faculty and graduate research interest. The Library does not seek to solely build a permanent collection that contains all or even most published material on any subject. Rather, the Library's objective is to provide continuing

access to the information needed by its primary patrons, whether or not that information exists in the Library's physical collection. To meet this aim, the Library assists its patrons to obtain information not only through traditional acquisition of materials, but also in a variety of other ways, including access to electronic media and interlibrary loan. The Law Library's collection decisions are therefore informed by an emphasis on access to information as well as physical ownership of materials.

The strength of the Law Library's collection compares very well with other Canadian law libraries. In a comparison of statistics circulated among the Academic Directors' group of the Canadian Association of Law Libraries in 2008, the University of Toronto Law Library ranked fifth out of fifteen libraries in terms of total volume count and third in current amount of expenditures on acquisitions.

Primary Materials

In general, the Law Library collects print copies of Canadian and provincial/territorial legislative materials and law reports, and the finding tools that are associated with them. Electronic versions of these materials are collected as added copies, for accessibility and ease of use. Although the Library's historical print collections of primary materials from U.S., U.K. and other common law jurisdictions remain in place, the Law Library now relies largely on stable electronic sources for access to primary materials from these jurisdictions. The Library relies exclusively on electronic sources for access to current primary materials from foreign jurisdictions.

The Law Library also relies heavily on electronic sources for access to international primary materials, including documents of international organizations. (The treaty series for Canada is also maintained in print.) The increasing online availability of official sources of primary international materials continues to expand this resource base.

Monographs

A substantial collection of law-related secondary sources – legal monographs, treatises, loose-leaf services and other materials – is maintained in print. The Law Library seeks to acquire at least one copy of all scholarly Canadian materials and selectively acquires key titles from major common law jurisdictions, including the United States, the United Kingdom, Australia, New Zealand, and South Africa. Core subjects of legal scholarship are covered at the instructional or research level. In areas of faculty specialization such as international human rights, law and economics, legal theory, health law, and innovation law, materials are acquired more widely in order to support the research and teaching programmes of the Faculty.

Key Canadian, American, and British titles from major commercial and university presses are automatically delivered to the Library as part of a book approval plan. This arrangement has improved the speed and efficiency of the selection process, and permits our librarians to concentrate on enriching the collection by locating important materials published by lesser known presses. As the Library's print collection shifts away from primary materials, an increased emphasis is being placed on identifying and collecting unique print monographs with an emphasis on international and comparative perspectives.

Journals

Journals play a central role in scholarly legal research. The Bora Laskin Law Library, like all North American libraries, has experienced difficulty in keeping up with the rising cost of serial subscriptions. In general, the Library has not been able to purchase new law journals other than those included in new online package arrangements and has a general policy that at least one serial subscription must be cut before a new subscription may be ordered. However, the Law Library is committed to maintaining a core collection of leading journals, including Canadian journals, in print.

Fortunately, an increasing number of journals are available electronically and accessible locally. The University of Toronto Library System has expanded its electronic collections to include links to 64,000 electronic journals, available to the University of Toronto community via the Library's web pages. On its website, the Law Library maintains a database of law journals available electronically and in print at the Library; at present, the database

includes over 800 titles.

Electronic Resources

The Law Library's online collection has increased in recent years. Today, the University Library offers over 900 periodical index databases through a variety of information systems to all members of the University of Toronto community. Key law-related indexes available electronically include the following:

- *AccessUN* (index to United Nations materials)
- *AGIS* (Australian legal periodicals index)
- *Index to Canadian Legal Literature*
- *Index to Foreign Legal Periodicals*
- *Index to Legal Periodicals and Books*
- *LegalTrac* (index to legal periodicals)

Other major law-related electronic resources include the following:

- *Azimut* - Comprehensive database of legal materials from Quebec.
- *Constitutions of the Countries of the World* - Full text of constitutions from over 192 countries.
- *Current Legal Information* - Comprehensive database of primary and secondary legal materials from the U.K..
- *Le Doctrinal Plus* - Comprehensive database of French legal literature.
- *English Reports* - Full-text searchable database of the 176-volume set of English reports from 1220-1865 and consolidated indices.
- *Foreign Law Guide* - Complete information on sources of foreign law for over 189 jurisdictions.
- *Justis and Justcite* - The leading collection of online English case law, legislation and citation information.
- *Lawinfochina* - Legislation and case law from the People's Republic of China, translated into English with the original Chinese.
- *Litigator* (Westlaw Canada) - A collection of facts and pleadings from Canadian courts.
- *The Making of Modern Law: Treaties* - An electronic collection of over 21,000 books from the 18th and 19th centuries.
- *The Making of Modern Law: Trials 1600-1925* - A collection of unofficially published accounts of trials, briefs, arguments and other trial documents.
- *O'Brien's Internet: O'Brien's Encyclopedia of Forms and Precedents*
- *Takdinet* - Legislation and case law from Israel.

In the last few years the University Library has made a commitment to collect electronic books and has with the support of the Law Library has purchased ebook packages from legal publishers including, Irwin Law, Oxford University Press and Canada Law Book. As of March 1, 2010, the Library's ebook collection totalled 710,504 titles².

Supporting Collections

In addition to the resources available through the Bora Laskin Law Library, graduate law students also have access to the rich resources of the University of Toronto's system of research libraries. Law students are able to call upon strong holdings in criminology, political science, philosophy, economics, business and management, history, international relations, medicine and health care, among others. The most significant supporting collections on campus are those at the Criminology Library, the New College Library with its focus on women's studies material, the Business Information Centre of the Faculty of Management Studies, the Library of the Centre for Industrial Relations, OISE/UT's strong collections in the social sciences, and the Data, Map, and Government Information Service housed in the Robarts Library. The latter serves as a depository for Canadian and American federal, Ontario provincial, and United Nations' publications, and so provides valuable material for graduate research from both an historical and current perspective.

² University of Toronto Library. What's new in e-resources: overview of e-holdings, as of March 1, 2010. Toronto: The Library, 2010 [Viewed March 1, 2010 at: <http://main.library.utoronto.ca/eir/EIRwhatsnew.cfm>].

Strong collections outside of the University of Toronto are also available to graduate students through collection sharing agreements and interlibrary loan. Relevant local libraries include the York University Law Library, the Great Library at the Law Society of Upper Canada, the Ontario Legislative Library, and specialized collections such as the one held by the Canadian Tax Foundation. Resources from outside of the Toronto area are always available through interlibrary loan.

BUDGET AND COMMITMENT

In 2008-09 the Law Library's overall spending on the physical collection and access to online information has climbed to \$1,003,342, with an increased emphasis on monograph and electronic acquisitions.

Law Library Acquisitions Expenditures

	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09
Serials	\$670,860	\$1,463,451	\$716,969	\$626,443	\$664,833	\$688,089	\$737,745
Monographs	\$139,767	\$122,855	\$102,194	\$90,379	\$70,033	\$93,300	\$98,293
Electronic Resources	\$114,126	\$143,861	\$136,869	\$127,057	\$83,717	\$213,587	\$167,304
Totals	\$924,753	\$1,730,167	\$956,032	\$843,879	\$818,583	\$994,976	\$1,003,342

The strength of the Law Library's financial commitment over the next five to seven years depends upon University policy and government funding. In the past it has been the University of Toronto's stated policy to protect, as far as possible, the Library's acquisitions budget against the effects of inflation and currency fluctuation in order to maintain the buying power of these funds at a constant, though not an increased, level. The acquisitions budget and collection development will, therefore, continue to be supported relative to the total financing made available to the Law Library by the University.

Prepared by: Chief Law Librarian John Papadopoulos and Chief Librarian, Carole Moore



TO: Planning and Budget Committee

SPONSOR: Sally Garner, Executive Director, Planning and Budget

CONTACT INFO: 416 978-2819, sally.garner@utoronto.ca

DATE: April 23, 2010 for May 5, 2010

AGENDA ITEM: 4

ITEM IDENTIFICATION: Faculty of Law and School of Graduate Studies: Proposal for a Global Professional Master of Laws (G.P.L.L.M)

JURISDICTIONAL INFORMATION:

Excerpt from the terms of reference for the Planning and Budget Committee:

4.4.2. The Committee advises the Academic Board on the planning and resource implications of plans and proposals to establish disestablish or significantly restructure academic programs. Implications might include significant planning and budgetary changes within the division or significant effects on other divisions, the University as a whole and the public.

PREVIOUS ACTION TAKEN:

HIGHLIGHTS:

FINANCIAL AND/OR PLANNING IMPLICATIONS:

The proposed Global Professional Master of Laws (G.P.L.L.M.) is an innovative, new legal program, unique in North America. The program examines the impact of globalization on laws, legal institutions, modern societies, markets, and businesses from a broad multi-disciplinary, transnational and comparative legal perspective. It is the first master's level degree in North America that is aimed at addressing these areas of interest and need.

The initial target population for the G.P.L.L.M. is practicing lawyers, and leaders in government and business who have substantial experience representing clients, businesses and institutions that are international in scope. As legal practice becomes increasingly transnational, lawyers are frequently called upon to advise businesses, individuals, and governments on matters that transcend national borders. Today's lawyers must operate at a very high level in a global business environment and must possess broad international and transnational perspectives and sophisticated understanding of international legal issues, laws, and legal institutions. Other professionals in government and business have similar needs and face similar demands and challenges. Broad demand for the program is anticipated.

The program's academic requirements and rigour are consistent with the Faculty's existing Master's level graduate law programs. As with the regular J.D. and graduate law programs courses, the G.P.L.L.M. will be taught by a combination of full-time faculty, distinguished adjunct professors, and distinguished visiting professors. It will be offered as a full-time one-year degree program involving a total of 24 credit hours that is completed over the course of three consecutive academic sessions (September to August). Over the course of the program, students will complete a minimum of 240 hours of mandatory in-class instruction. All courses will be offered in the evening and on the weekends which will allow those enrolled in the program to continue working full-time while completing the requirements of the program. Courses in the G.P.L.L.M. will be taught on the same basis as those in the regular J.D. and graduate programs; that is, they will be taught by a combination of full-time faculty, distinguished adjunct professors who are chosen for their specific area expertise and knowledge, and distinguished visiting professors from leading institutions around the world.

The Faculty of Law has consulted with the Rotman School of Management regarding the proposal and the Rotman School is supportive of the proposal. There is no significant overlap with current or planned offerings at the Rotman School. The proposal was approved by the Faculty of Law Council on March 30, 2010, and the School of Graduate Studies Graduate Education Council on April 20, 2010. This proposal will be presented for approval to the Committee on Academic Policy and Programs on May 11, 2010.

FINANCIAL AND/OR PLANNING IMPLICATIONS:

The Faculty of Law has committed to providing all the resources needed for this program. The financial plan has been reviewed by the Planning and Budget Office. The G.P.L.L.M. program projects an initial intake of 30 students, increasing to 45 in its second year and the targeted maximum of 120 per year students in its fifth year. It will draw primarily upon existing Law faculty members. The resources necessary to offer the program will be provided by a combination of funding from tuition and BIU revenue generated by student enrolment. In steady state projected revenue is \$1.3 million from operating grant and \$3.6 million from tuition. The program is projected to be self-funded within the first two years.

The program will be accommodated within the Faculty of Law's space, using primarily existing offices, shared classrooms and student workspace. All of the seminar courses will be offered in the evenings or on the weekends when the regular J.D. and LL.M. program classes are not held. There will not be any additional space and facility demands placed upon the Faculty of Law as a result of the introduction of this program.

RECOMMENDATION:

The Planning and Budget Committee concurs with the recommendation of the Committee on Academic Policy and Programs:

THAT the proposed G.P.L.L.M. program be approved, with enrolment commencing September, 2011.