



COURSE DESCRIPTION - FACULTY OF LAW

PLEASE NOTE THIS DESCRIPTION IS FROM A PAST YEAR. A NEW ONE WILL BE POSTED ONCE IT IS RECEIVED. SOME OF THE INFORMATION DISPLAYED MAY NO LONGER APPLY.

COURSE NUMBER: LAW 532:X50

COURSE NAME: CONSTITUTIONAL LITIGATION

PREREQUISITE COURSES: CONSTITUTIONAL LAW

PREREQUISITE FOR:

CREDITS: 3

HOURS PER TERM: 3

TERM: 2nd

MAXIMUM ENROLLMENT: 20

PROFESSORS: KURT SANDSTROM AND KEVIN FEEHAN, Q.C.

METHOD OF PRESENTATION: LECTURE SEMINAR **X** OTHER

METHOD OF EVALUATION:

The **primary** method of evaluation in this course is a moot court worth 70% of the Grade.

The remainder of the grade in the course will be made up of:

1 drafting assignment worth 20% of the grade

class participation worth 10% of the grade

COURSE DESCRIPTION: The course will address current issues in constitutional litigation, particularly those involving the *Charter*. It will also focus on issues pertaining to constitutionally protected aboriginal and treaty rights. The emphasis will be on both substantive knowledge of constitutional litigation issues and the development of skills within that framework. Subjects such as pleadings, interventions, the gathering and use of extrinsic evidence, including legislative facts, historical documents and expert reports, preparation of written briefs and appropriate constitutional remedies will be covered.

The course will offer an overview of the stages of Charter review, including the special role of s.1 of the *Charter*. It will also provide an overview of the stages of review in aboriginal litigation.

Students will be given the opportunity to draft pleadings or an application to obtain intervener status in a *Charter* case. The moot court assignment will involve the preparation of a written brief with reference to evidence in support of the position being advanced. Students will participate in brief moot court arguments. They will have a degree of choice in selecting the type of case in which they wish to participate. This course will allow them to combine an awareness of fundamental constitutional law principles with the practical methods for creating winning arguments.

***SPECIAL COMMENTS:**

Evening Class: The course will be offered on Thursdays, from 6:00 p.m. to 9:00 p.m. with a break.

Other: The instructors have considerable experience as practitioners in the fields of constitutional and aboriginal law and civil litigation, respectively. Guest lecturers will also be invited to address select topics. The course will be of particular value to those with interests in Constitutional, Aboriginal and criminal law.

RECOMMENDED TEXTS: Peter Hogg, *Constitutional Law of Canada* (Student edition)