

YORK UNIVERSITY
OSGOODE HALL LAW SCHOOL

ETHICAL LAWYERING IN A GLOBAL COMMUNITY

COURSE OUTLINE

PART II
(4 – 14 JANUARY 2011)

COURSE TERMS: Fall 2010 – Winter 2011

DATES: Part I: 31 August – 3 September 2010
Part II: 4 – 14 January 2011

COURSE INSTRUCTORS:

SECTION A: Chantal Morton
Sujith Xavier (Graduate Teaching Assistant)

SECTION B: Trevor Farrow (Course Director)
Claire Mumme (Graduate Teaching Assistant)

SECTION C: Patrick Monahan
Fenner Stewart (Graduate Teaching Assistant)

SECTION D: Allan Hutchinson
Maria Panezi (Graduate Teaching Assistant)

INTRODUCTION

Ethics, access to justice and professionalism – locally and globally – have increasingly become foundational topics of attention over the past several years at all levels of the justice community. This course is designed to look directly at those issues.

Specifically, this course provides an introduction to the legal profession, professional norms and values, and the ethical issues that lawyers grapple with not only in the context of their many and varied roles, but also as members of a profession with collective responsibilities in relation to the rule of law, access to justice and the public interest. The course situates these issues within their modern day context; that is, within a context characterized by local diverse communities, globalization, legal pluralism, transnationalism, and internationalization.

BACKGROUND

The changing nature of legal practice has resulted in the proliferation of practice contexts and roles for lawyers. This course introduces students to multiple visions of lawyering and professional roles and the many contexts in which those roles are performed. It asks whether and how context should matter in terms of how lawyers conceptualize their roles and their individual and collective professional and ethical obligations. It explores questions of how legal professionals working in different settings such as private practice, government, legal aid clinics, the legal academy, or beyond the formal practice of law, should conceptualize their roles, opportunities and obligations. It explores different lawyering visions; that is, visions of how one undertakes the task of lawyering: for instance, lawyer as collaborator, lawyer as deal-maker, lawyer as expert, lawyer as facilitator, lawyer as negotiator, lawyer as translator/storyteller, lawyer as friend and lawyer as hired gun. It challenges the centrality of adversarialism and neutral partisanship (the “hired gun” vision) in depictions of lawyers’ roles. It emphasizes the importance of a self-conscious selection of lawyering visions. In the process, it draws students’ attention to the power dynamics in lawyer-client relationships, to the scope of conversations that lawyers can and ought to have with clients, and to possible individual and collective duties beyond those owed to clients. In so doing, the course will put the concept of the public interest front and centre and ask students to engage in a critical and self-reflective conversation about what the public interest is and what it means in terms of lawyering, the profession and professionalism. Central to all of these discussions will be the underlying theme of access to justice.

Further, the communities served by lawyers, the practice contexts in which they work and the problems they encounter are increasingly diverse, complex, transnational and global in character, demanding new competencies and raising a host of new issues about ethics and professionalism. More and more lawyers engage in transnational practices, including, for example, corporate, family, labour and human rights practices. Knowledge of other legal systems and the norms of professional conduct in other jurisdictions are increasingly essential in such settings. Even beyond these self-consciously transnational contexts, few if any fields remain in which legal professionals can rely solely on knowledge of a single, domestic legal system. Local communities are microcosms of global diversity in which a multiplicity of official and unofficial legal orders and ethical systems overlap. The increasingly pluralistic nature of modern local communities demands that the vast majority of lawyers will be required to work in contexts that require cross-cultural competencies and sensitivities to diverse moral perspectives. Indeed, competent legal representation necessitates attention to the cross-cultural and international, comparative and transnational (ICT) dimensions of much legal work.

LEARNING OBJECTIVES

The overall objective of this course is to encourage students to engage in an expansive, moral conversation about lawyering that will lead to a reflective and critical approach to ethical lawyering in a global community.

By the end of the course, students should be able to:

- demonstrate a basic understanding of the history, structure and regulatory processes of the Canadian legal profession;
- demonstrate knowledge of the norms traditionally associated with the legal profession as reflected in rules of professional conduct and related enabling legislation;
- appreciate the legal profession as, itself, a normative system, wherein the norms are not given and static but contested and shifting;
- appreciate the breadth and diversity of visions or philosophies of lawyering;
- demonstrate the ability to think critically about the legal profession and professionalism;
- demonstrate an understanding of multiple conceptions of access to justice and the public interest, two of the central norms claimed by the legal profession;
- demonstrate knowledge of the multiplicity of legal and normative orders in which lawyering occurs and understand how this multiplicity of orders may impact both client representation and the collective responsibilities of the profession;
- appreciate some of the many and varied impacts of globalization and internationalization on the practice of law and the regulation of the profession;
- engage in individual and group-based ethical deliberations about legal problems in manners that are open to multiple viewpoints, moral perspectives and legal orders;
- demonstrate an understanding of some of the basic ICT (international, comparative and transnational) concepts;
- identify and apply connections between the knowledge, skills and contextual discussions raised in this course and other law and pre-law school courses and experiences, as well as with the Osgoode Public Interest Requirement (OPIR) program;
- work collaboratively with others to resolve concrete legal problems that engage challenging ethical, professional and ICT issues; and
- develop an ability to express – both orally and in writing – a reflective understanding of the lawyering process.

MATERIALS

The course materials will be primarily provided in two sets, one for each of Parts I and II.

- The materials for Part I are available as a combination of on-line readings (through links set out in the Part I course outline) and print materials (distributed in the Part I course materials). To save cost and paper, print copies of the on-line readings will not be made.
- Materials for Part II are available as a combination of on-line readings (through links set out in this course outline), print materials (available for purchase from MDC prior to the start of Part II) and case study materials (to be distributed during Part II). To save cost and paper, print copies of the on-line readings will not be made.

Further materials may be provided from time to time for individual sessions and by individual instructors. The faculty course web sites of the instructors for each of the sections may also contain further notices and materials.

EVALUATION

Final course grades will be assigned following Part II of the course and will be released with other first year grades in June 2011. Evaluation for the course is based on the following 5 components.

- Part I Participation (value: 2%)
 - Students will be asked to write brief statements of his/her key learning points during the course. These short statements will be handed in during the section meetings. These statements will typically be summarized each day and the summary posted on the course instructor's website and / or discussed in class.
- Part I Written Assignment (value: 10%)
 - A short essay that briefly discusses one of the themes from Part I and that ties the discussion of the theme to three of the readings for Part I. The essay is limited to 3 double-spaced, type-written, 12 point font pages (excluding the cover page). It is based on the course materials, discussions and your own observations and experiences and should therefore include no outside research. This essay should be submitted through the Osgoode on-line drop box by 8:30 a.m. on Monday, 13 September 2010. The on-line drop box is available through the MyOsgoode website (follow the instructions provided in the Quicklinks section). Please make sure to include a separate cover sheet, which should provide: the name of the course; your confidential student assignment number; the name of your professor; the date and the name/title of the assignment. Assignments can be submitted in either .doc or

.docx format. Hard copies will not be accepted. It is important to receive and record your confirmation of submission number. A late submission penalty of 1 mark per day (or partial day) will apply.

- Part II Case Study (value: 30%)

- Part II of the course will feature case study exercises that will form the bases of a number of lawyering activities. Much of this work will be done in small groups, and performance will be graded.
- The case study exercises will be comprised of the following 2 components:
 - In-class case study lawyering group presentation, which will be discussed further in class. (Value: 15%).
 - A comment paper in which students are asked to reflect on one ethical or professional issue that arises in the context of the case study. When approaching this paper, students should feel free to reflect on course materials, in-class discussions and case study lawyering group discussions. The assignment is not a research exercise, and therefore, no outside research is required. The assignment, which is limited to 3 double-spaced, type-written, 12 point font pages (excluding the cover page), is to be submitted by way of the Osgoode on-line drop box by 8:30 a.m. on Friday, 14 January 2011. The on-line drop box is available through the MyOsgoode website (follow the instructions provided in the Quicklinks section). For on-line submissions, please make sure to include a separate cover sheet, which should provide: the name of the course; your confidential student assignment number; the name of your professor; your section; and the date and the name / title of the assignment. Assignments can be submitted in either .doc or .docx format. Hard copies will not be accepted. (Value: 15%).
 - A late submission penalty of 2 marks for each aspect of this part of the evaluation (total value being 30 marks) per day or partial day of late presentation / submission will apply.

- Part II Participation (value: 3%)

- This element of the course evaluation will be based on attendance and participation during Part II of the course, and in particular, on Part II learning activities other than the Part II case study. Students will be asked to write brief statements of their key learning points during this part of the course. These short statements, which will be handed in during the section or small group meetings, will be summarized each day and the summaries will typically be posted on the course instructor's website and / or discussed in class. Further instructions will be discussed during Part II of the course.

- Final Assignment (value: 55%)
 - The final element of the course evaluation will be a written assignment. The question(s) for the assignment will be distributed during Part II. The final assignment will be limited to 10 double-spaced, type-written, 12 point font pages. It will be due by 8:30 a.m. on Monday, 17 January 2011. In this assignment, you will need to use a reflective and critical approach, and to integrate readings and other learning materials from both Parts I and II of the course. The assignment will emphasize course materials, course discussions and your own observations and experiences and therefore should include no outside research. Further instructions will be discussed during Part II of the course. A late submission penalty of 10 marks (total value of the final assignment being 55 marks) per day or partial day of late submission will apply.

ACADEMIC INTEGRITY AND OTHER IMPORTANT POLICIES

ACADEMIC HONESTY AND INTEGRITY

Osgoode students are required to maintain high standards of academic integrity and are subject to the York Senate Policy on Academic Honesty and the relevant Osgoode Academic Rules.

The Senate Policy can be found at:

<<http://www.yorku.ca/secretariat/policies/document.php?document=69>>.

The York University academic integrity website can be found at:

<<http://www.yorku.ca/academicintegrity>>.

The Senate Policy and Osgoode Academic Rules are also found in the Student Handbook, which is available from the Office of Student Services and on the MyOsgoode website.

RELIGIOUS OBSERVANCE

York University is committed to respecting the religious beliefs and practices of all members of the community and making accommodations for observances of special significance to adherents. Should any of the dates relating to assignments for this course pose such a conflict for you, please let us know as soon as possible.

STUDENTS WITH DISABILITIES

York University has a range of resources to assist students with physical, mental, psychiatric and learning disabilities in achieving their educational objectives. Students with disabilities requiring accommodation in the classroom or in the evaluation process

are encouraged to identify themselves to the Osgoode Office of Student Services as soon as possible. All requests for accommodation will be kept confidential.

OTHER YORK UNIVERSITY POLICIES

Further information concerning relevant York University academic policies is available on the Senate Committee on Curriculum & Academic Standards webpage (in the “Reports, Initiatives and Documents” section):

<http://www.yorku.ca/secretariat/senate_cte_main_pages/ccas.htm>.

OVERALL COURSE STRUCTURE

The course emphasizes problem-oriented, active learning. It will be taught – in two main parts – using primarily section and small group settings. During small group sessions teaching tools such as simulations, problems, case-studies, role plays, fictional accounts, biographies, films, collaborations, etc., will be used to encourage students to immerse themselves actively into complex ethical, professional and ICT contexts.

PART II COURSE STRUCTURE

Part I of this course introduced students to some key concepts relevant to an appreciation of the ethical dimensions of lawyering including the profession, professionalism, the public interest, access to justice, pluralism and diversity. Part I also examined lawyering through the lens of role morality, introducing the neutral partisan model and some alternatives.

In Part II, we return to the themes introduced in Part I, but with the goal of broadening our sense of the complexity and challenges of ethical lawyering and to deepen our capacity to evaluate and address these challenges. With the students’ first term courses and experiences as a background context, students are asked to reflect on how, if at all, their views have changed as to the lawyering roles and institutional ideas that were discussed in Part I. We will then deepen our discussions on the topics of role morality, the public interest, pluralism and internationalism. Various specific topics will be raised as tools to illuminate some of these broader discussions, including confidentiality, institutional lawyering, internationalism and future directions of the legal profession.

Further, in addition to regular in-class exercises and discussions, we will bring together the various building blocks from Parts I and II of the course in a case study in which students will work in lawyering groups to integrate the themes of the course and apply them to concrete scenarios.

Part II of this course builds on materials introduced in Part I. Students should draw on those earlier materials and discussions where appropriate.

PART II SCHEDULE

Day 1 (Tuesday, 4 January 2011)

General Topics: Introduction – logistics, re-connect to Part I and first term courses

Section Meetings (2 hours)

Section A – Morton – 10:30 – 12:30 – Room 104
Section B – Farrow – 10:30 – 12:30 – Room 106
Section C – Monahan – 2:30 – 4:30 – Room 101/201
Section D – Hutchinson – 2:30 – 4:30 – Room 106

Note: no reading is required in advance of Day 1

Issues/Questions:

- Introduction
- Part II logistics
- Recall Part I themes and discussions
- How is knowledge of substantive law, such as the subjects that you studied during the fall term, related to lawyering as an ethical practice?
- Discuss examples of ethical issues that arise from your first year fall term subjects. How would the practice of lawyering connect to these issues?
- Revisit our first term discussion of why you came to law school in the first place, and whether your experiences in first term have affected those views
- Discuss connections between ELGC and OPIR
- Discuss friendly section competition for Day 4 mock discipline hearing

Preparation for Day 2

Please read the following materials in preparation for tomorrow's session:

- Robert K. Vischer, "Legal Advice as Moral Perspective" (2006) 19 Geo. J. Legal Ethics 225 at 225-254, 264-273 (Pt. II course reader at 1-40)
- Trevor C. W. Farrow, "Sustainable Professionalism" (2008) 46 Osgoode Hall L.J. 51 at 51-63, 83-103, online: SSRN <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1151799>

- *Law Society Act*, R.S.O. 1990, c. L.8, s. 4.2 (“Principles to be applied by the Society”), online: Ontario Government <http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90l08_e.htm>
- Law Society of Upper Canada (LSUC), *Rules of Professional Conduct*, Rules 1.03(1), online: LSUC <<http://www.lsuc.on.ca/WorkArea/DownloadAsset.aspx?id=10284>>
- Recall Allan Hutchinson’s Pt. I lecture on “Remains of the Day” (31 August 2010)

Day 2 (Wednesday, 5 January 2011)

General Topics: role-morality and the public interest (revisited)

Section Meetings (3 hours)

<p>Section A – Morton – 1:30 – 4:30 – Room 101/201 Section B – Farrow – 9:30 – 12:30 – Room 101/201 Section C – Monahan – 1:30 – 4:30 – Room 104 Section D – Hutchinson – 9:30 – 12:30 – Room 104</p>
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Issues/Questions:

- How do each of the three scenarios described in Vischer’s article illustrate the distinction between the conception of lawyering based on the neutral partisan from a conception based on alternative approaches to the moral foundations of the lawyer-client relationship?
- Should the approach to the lawyering relationship depend on the nature of the client? Should the government lawyers in Vischer’s article adopt a different approach than the corporate lawyers?
- How does the moral relationship of the lawyer to the client connect with the relationship of the lawyer or client to other members of society or the broader public?
- What is the nature of the profession’s obligation to the public interest? Is it discharged by advancing clients’ interests?
- Select a team of 2 students from each section to go into the lottery for the Day 4 mock discipline hearing

Preparation for Day 3

Please read the following materials in preparation for tomorrow’s session:

- Law Society of Upper Canada (LSUC), *Rules of Professional Conduct*, Rules 2.02(1.1), 2.02(5.1), 2.02(5.2) and 2.03, online: LSUC <http://www.lsuc.on.ca/media/rpc_2.pdf>
- David Luban, “Client Confidences and Human Dignity” in *Lawyers and Justice* (Princeton: Princeton University Press, 1988) 177-205 (Pt. II course reader at 41-55)
- *Smith v. Jones*, [1999] 1 S.C.R. 455, online: Judgements of the Supreme Court of Canada <<http://scc.lexum.umontreal.ca/en/1999/1999scr1-455/1999scr1-455.html>>

Day 3 (Thursday, 6 January 2011)

General Topics: various “Cs” of practice: clients, codes and confidences, etc.

Plenary Session (30 minutes)

Sections A, B, C, D – 9:00 – 9:30 – Moot Court (Rm. 101/102/201)

Issues/Questions:

- Film clip on dealing with confidential information
- Introduce discussion on ethics and confidentiality
- Lottery to select student team for Day 4 mock discipline hearing

Section Meetings (2.5 hours)

Section A – Morton – 9:30 – 12:00 – Room 101/201
 Section B – Farrow – 9:30 – 10:30 – Room 204; 10:30 – 12:00 – Room 104
 Section C – Monahan – 9:30 – 12:00 – Room 106
 Section D – Hutchinson – 9:30 – 12:00 – Room 107

Issues/Questions:

- Discuss general role of codes
- Identify some of the “Cs” of practice (basic nuts and bolts): clients, confidences, competence, conflicts, etc.
- How do basic understandings of ethics and morality impact on the idea and practice of a lawyer’s role and practice context?

- How can different understandings of the role of ethics be used to characterize the problem of confidentiality in lawyering?

Preparation for Day 4 and Day 5

Please read the following materials in preparation for tomorrow and part of Day 5:

- Halina Ward, “The Interface Between Globalization, Corporate Responsibility, and the Legal Profession” (2004) 1 U. St. Thomas L.J. 813-855 (Pt. II course reader at 57-80)
- LSUC, *Rules of Professional Conduct*, Rules 2.02(5.1), 2.02(5.2) and 2.03, online: LSUC <<http://www.lsuc.on.ca/regulation/a/profconduct/rule2/>>
- Allan Hutchinson, “In the Public Interest: The Responsibilities and Rights of Government Lawyers” (2008) 43 Osgoode Hall L.J. 106-125, available online: OHLJ <<http://ohlj.ca/english/documents/03-Hutchinson.pdf>>
- Adam M. Dodek, “Lawyering at the Intersection of Public Law and Legal Ethics: Government Lawyers as Custodians of the Rule of Law” (2010) 33 Dal. L.J. 1 at 1-9, 15-31, 52-53, online: SSRN <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1715172>
- Sue Bryant and Jean Koh Peters, “Five Habits for Cross-Cultural Lawyering” 47-62, in *Race and Justice*, c. 4, online: Maine Law School <<http://mainelaw.maine.edu/news/conferences/justice/SueBryantsagefivehabits.pdf>>

Day 4 (Friday, 7 January 2011)

General Topics: confidentiality and ethics continued; pluralism of practice contexts (institutional lawyering roles, etc.)

Plenary Session (1.5 hours)

Sections A, B, C, D – 9:00 – 10:30 – Moot Court (Rm. 101/102/201)

Issues/Questions:

- Mock discipline hearing (revisit issues of ethics, professional obligations, confidentiality and the lawyering role)
- Participants:
 - Hon. Stephen Goudge (OCA) (moderator)
 - Linda Plumpton (Torys)

- Paul Michell (Lax O'Sullivan Scott Lisus)
- Student team (to be selected in Day 3 lottery)

Section Meetings (1.5 hours)

Section A – Morton – 10:30 – 12:00 – Room 107
 Section B – Farrow – 10:30 – 12:00 – Room 204
 Section C – Monahan – 10:30 – 12:00 – Room 104
 Section D – Hutchinson – 10:30 – 12:00 – Room 106

Issues/Questions (note: Day 4 discussions will be continued into Day 5):

- What are some various normative frameworks potentially at play in your community / communities? How might they play out in the lawyering context? What are some ethical implications of globalization? Are the ethical frameworks discussed earlier bounded by national societies?
- How might we think about the “public” given the diversity of geographic regions, social groups and individual citizens? Can the “public” be defined only in terms of the political borders of the Canadian state? How do we think about different normative frameworks co-existing in a single state, region or local community?
- What is “pluralism” and how does it relate to ethical lawyering?
- Has law been globalized? What kinds of regulation and norms of conduct do business actors face in a global community?
- What are some of the various institutional and other contexts in which lawyers work?
- What are some pressures on the ethical practice of corporate law? Recall the description of the Enron case in the Vischer article. Are these distinct ethical pressures from those faced by lawyers more generally? How does the ethical character of corporate lawyering relate to the ethical status of corporations in our economy? How has corporate law practice been affected by globalization? Does globalization produce distinctive ethical challenges for corporate law practice?
- Are there special obligations placed on government lawyers? Should there be? What about lawyers working in other institutional settings (clinic lawyers, duty counsel, etc.): should different professional considerations apply to different institutional settings?
- Introduce case study

- *Case Study*. The case study, which will be handed out in class, involves a motion dealing with jurisdictional and state immunity issues. There are 4 parties on the motion. Each party will be represented by a separate case study lawyering group.
- *Case Study Lawyering Groups*. Students will be assigned to their case study lawyering groups at the end of today's section meeting. Each group will be made up of approximately 4 students. It is critical that students ensure that they know who is in their case study lawyering group and determine a mechanism (e.g. e-mail list, telephone numbers, etc.) – **today** – for organizing their case study lawyering group meetings, which will start on Day 5 (students may wish to start meeting with their case study lawyering groups today if they so choose).
- Students will also be told on which of Day 7 or Day 8 their case study lawyering group will present, and at what time on those days.

Preparation for Day 5

Please read the following materials in preparation for Day 5's sessions:

- Materials from Day 4 (review)
- Case Study
- Karen Knop, "Here and There: International Law in Domestic Courts" (2000) 32 N.Y.U.J. Int'l L. & Pol. 501-535 (Pt. II course reader at 81-98)
- *Statute of the International Court of Justice*, 26 June 1945, 59 Stat. 1031; T.S. 993 (entered into force 24 October 1945) s. 38(1)(c), online: ICJ <<http://www.icj-cij.org/documents/index.php?p1=4&p2=2&p3=0&PHPSESSID=93d74031e10c83fa09fc773972c79d0e>>
- Frédéric Mégret, "Globalization and International Law" (2008), online: SSRN <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1200782>

Day 5 (Monday, 10 January 2011)

General Topics: pluralism of normative frameworks; internationalism and lawyering

Note: today, there will be both Section and Case Study Lawyering Group Meetings

Section Meetings (2.5 hours)

Section A – Morton – 2:00 – 4:30 – Room 107

Section B – Farrow – 2:00 – 4:30 – Room 104
 Section C – Monahan – 2:00 – 4:30 – Room 101/201
 Section D – Hutchinson – 2:00 – 4:30 – Room 106

Issues/Questions:

- Continue pluralism discussion from Day 4 (practice contexts, etc.)
- What are various sources of law and rules potentially at play in domestic courts?
- What is public international law and how does it relate to the domestic law of Canada? What is the role of “soft law” such as the UN Global Compact to corporate lawyering? How do all of these issues relate to the course, and to the case study?
- Recall the discussion of torture from the Vischer article. What should the role of government lawyers be in these discussions? What about public officials who are also trained as lawyers? What about private lawyers?
- Discuss the case study

Case Study Lawyering Group Meetings (2 hours)

- Location as arranged by individual groups (***no supervision by instructors***)
- Discuss approach to case study lawyering group’s case study retainer (see case study materials for issues, questions and materials)

Preparation for Day 6

Please read the following materials in preparation for tomorrow’s sessions:

- Review materials for Days 1-5
- Review case study materials

Day 6 (Tuesday, 11 January 2011)

General Topics: review Days 1-5; discuss preparation for case study

Note: today, there will be both Section and Case Study Lawyering Group Meetings

Section Meetings (2 hours)

Section A – Morton – 10:30 – 12:30 – Room 101/201

Section B – Farrow – 10:30 – 12:30 – Room 104
 Section C – Monahan – 10:30 – 12:30 – Room 106
 Section D – Hutchinson – 10:30 – 12:30 – Room 107

Questions:

- Review discussions and materials from last week regarding the pluralism of norms, roles and contexts
- Discuss case study advocacy approaches, presentations, etc.

Case Study Lawyering Group Meetings (2 hours)

- Location as arranged by individual groups (***no supervision by instructors***)
- Discuss approach to case study lawyering group's case study retainer (see case study materials for issues, questions and materials)

Preparation for Day 7

Please read the following materials in preparation for tomorrow's session:

- Review materials for Days 1-5
- Review case study materials
- Prepare case study with Case Study Lawyering Groups

Day 7 (Wednesday, 12 January 2011)

General Topics: case study presentation by Case Study Lawyering Groups

*Note: each Case Study Lawyering Group will present only **once**, on either Day 7 or Day 8; on the day that your group is not presenting, you do not need to attend class*

Small Group Meetings (2 hours each)

Section A – Morton
 Sm. Gr. 1 – 8:30 – 10:30 – Room 107
 Sm. Gr. 2 – 10:30 – 12:30 – Room 107
 Sm. Gr. 3 – 2:30 – 4:30 – Room 107

Section B – Farrow
 Sm. Gr. 1 – 8:30 – 10:30 – Room 106
 Sm. Gr. 2 – 10:30 – 12:30 – Room 106

Section C – Monahan

Sm. Gr. 1 – 10:30 – 12:30 – Room 101/201

Sm. Gr. 2 – 2:30 – 4:30 – Room 101/201

Section D – Hutchinson

Sm. Gr. 1 – 8:30 – 10:30 – Room 104

Sm. Gr. 2 – 10:30 – 12:30 – Room 104

Sm. Gr. 3 – 2:30 – 4:30 – Room 104

Issues/Questions

- Present cases
- Comment / de-brief

Preparation for Day 8

Please read the following materials in preparation for tomorrow's session:

- Review materials for Days 1-5
- Review case study materials
- Prepare case study with Case Study Lawyering Groups

Day 8 (Thursday, 13 January 2011)

General Topics: case study presentation by Case Study Lawyering Groups (cont.)

Note: each Case Study Lawyering Group will present only once, on either Day 7 or Day 8; on the day that your group is not presenting, you do not need to attend class

Small Group Meetings (2 hours each)**Section A – Morton**

Sm. Gr. 4 – 8:30 – 10:30 – Room 107

Sm. Gr. 5 – 10:30 – 12:30 – Room 107

Section B – Farrow

Sm. Gr. 3 – 8:30 – 10:30 – Room 204

Sm. Gr. 4 – 10:30 – 12:30 – Room 104

Sm. Gr. 5 – 12:30 – 2:30 – Room 107

Section C – Monahan

Sm. Gr. 3 – 8:30 – 10:30 – Room 101/201

Sm. Gr. 4 – 10:30 – 12:30 – Room 101/201

Sm. Gr. 5 – 12:30 – 2:30 – Room 101/201

Section D – Hutchinson

Sm. Gr. 4 – 8:30 – 10:30 – Room 106

Sm. Gr. 5 – 10:30 – 12:30 – Room 106

Issues/Questions

- Present cases
- Comment / de-brief

Preparation for Day 9

Please read the following materials in preparation for tomorrow's session:

- Andrew Pirie, "Book Review: The New Lawyer: How Settlement is Transforming the Practice of Law" (2008) 46 Osgoode Hall L.J. 203-210, available online: OHLJ <<http://ohlj.ca/english/documents/09-Pirie.pdf>>
- Rupert Ross, "Exploring Criminal Justice and the Aboriginal Healing Program" (Discussion Paper) (LSUC, Third Colloquium on the Legal Profession, 2004) online: LSUC <http://www.lsuc.on.ca/media/third_colloquium_rupert_ross.pdf>
- Richard Susskind, *The End of Lawyers? Rethinking the Nature of Legal Services* (Oxford: Oxford University Press, 2008) at 1-2, 17-19, 229-235, 237 (from Pt. I course reader at 31-38)

Day 9 (Friday, 14 January 2011)

General Topics: case study final de-brief, new models of lawyering, looking ahead

Section Meetings (3 hours)

Section A – Morton – 9:30 – 12:30 – Room 107
Section B – Farrow – 9:30 – 12:30 – Room 104
Section C – Monahan – 9:30 – 12:30 – Room 101/201
Section D – Hutchinson – 9:30 – 12:30 – Room 204

Issues/ Questions

- De-brief case study
- What are some visions of new and alternative lawyering?

- How do they advance the cause of justice and the public interest?
- Are there any drawbacks?
- Discuss final assignment
- Conclusion

- END OF PART II COURSE OUTLINE -

DRAFT DATE: 17 DECEMBER 2010 (5:00 p.m.)
