

## **Law 349 - Business Law Clinic**

2011 Fall Session

### **Course Outline**

Instructors: George C. Glover, Jr. & Michael Litchfield  
Location: Library Room 290  
Times: Wednesdays, 4:00 P.M. - 6:50 P.M.  
Unit Value: 1.5 units

#### **CONTACT INFO:**

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#### **SUGGESTED MATERIALS:**

Smyth, J.E., Soberman, D.A., Easson, A.J. and McGill, *The Law and Business Administration in Canada*, Twelfth Edition. Toronto, Pearson Canada.

Supplemental readings provided during term.

#### **OBJECTIVES:**

Students will:

1. develop an understanding of how the lawyer- client relationship is initiated and cultivated; and
2. develop an understanding of the lawyer's role in facilitating her or his clients' business transactions and day-to-day business operations.

#### **METHODOLOGY:**

Client interaction, team and individual legal research and writing, feedback from and discussion with Clinic Director and Mentor regarding client files and research, discussion at

each class, lectures, student presentations and apprenticeship methods will be used. **Students are expected to:**

1. **Have responsibility for managing several client files per student**, including sourcing potential clients, preparing for and conducting client interviews. Students will be required to maintain both physical and electronic files and contribute to a confidential database of precedent materials.
2. Analyze and research issues, discuss the analysis and research with Mentors and the Clinic Director and prepare written responses to the client.
3. Initiate a professional relationship with a practising lawyer who will act as Mentor and utilize that relationship to assist clients and to learn lawyering skills from an experienced practitioner.
4. Source and present to the class for discussion an article in an area related to business or not for profit law or the practice of business or not for profit law. Participate actively in class discussions.
5. Read the assigned materials prior to class.
6. Develop and execute a plan to market the Business Law Clinic to targeted potential clients, discuss the plan and its results with the Clinic Director and class and report at the end of term on the results achieved and lessons learned.
7. Be able to identify and discuss the issues presented by client files and the assigned materials.
8. Participate in class discussion of the assigned materials, articles, client files, marketing plans and any exercises relating to the assigned materials. The purpose of the discussion is to develop an understanding of the issues presented by the materials, articles, marketing plans and client files; to develop the student's ability to analyze, synthesize and present legal material; and to enable the Clinic Director to gain a sense of the student's understanding of the materials, articles, marketing plans and client issues and achievement of the objectives referred to above.

### **EVALUATION:**

Student grades in Law 349 will be assessed as Pass or Fail. Each student must obtain a passing grade for each of the following course components and student class participation:

#### **Student Clinical Participation:**

Students will be expected to attend, and actively participate in, all classes, (including a **day trip to the offices of the Clinic sponsor, Bull, Housser & Tupper LLP, in Vancouver**) and to participate with their team in a brief weekly discussion with the Clinic Director on their team's files and marketing plans. They will be responsible for promoting the Business Law Clinic to potential clients and researching and providing legal information in response to real or simulated client requests. The mandate of the Business Law Clinic is **not** to give legal

advice or to practise law. Rather, the function of the Clinic is to provide legal information only. Each student will also be expected to set-up and attend at least one meeting during the term with the Victoria area lawyer who has been designated as the student's Mentor.

Students will be required to respect the confidentiality of client matters and personal information and to adhere to all aspects of University policy in that regard as well as the requirements of the *Freedom of Information and Protection of Privacy Act* (B.C.).

**Assignment 1:** Your two-person designated team must contact one or more former clients of the Business Law Clinic or source one or more potential new clients or umbrella networks for the Business Law Clinic. Each student must have a telephone conversation with an appropriate person in at least two organizations and write a follow-up letter or memorandum referring to your conversation and providing information about the clinic. **The due date for your follow-up letters to at least two target clients is noon on February 8, 2011.** Students must maintain both physical and electronic confidential files for each of their clients and contribute to the Clinic's confidential precedent database.

**Assignment 2:** Each student must set-up and attend at least one meeting during the term with the Victoria area lawyer who has been designated as the student's Mentor. **The due date for confirming that Mentor meetings have been set up is February 8, 2011.**

**Assignment 3:** Each student must research and prepare a letter or memorandum of legal information for at least two clients and discuss with the class a summary of the legal research conducted for the clients.

**Assignment 4:** Each student must clear and respond to voicemail and e-mails received on the Clinic phone line and e-mail on a rotating week basis. Each student must present to the class on a rotating week basis an article related to business law, not for profit law or the practice of law.

### **Summary:**

The purpose of this course is to introduce students to the impact that law has on decision-making in business and not for profit enterprises and to assist students in becoming more sophisticated as marketers and providers of business and not for profit legal services. Classes will focus primarily on discussion and analysis of selected matters which come into the Business Law Clinic. There will also be lectures by various lawyers and other legal professionals on business and not for profit law matters. The readings and assignments have been selected to emphasize marketing, client relations and legal research from a business or not for profit law perspective.

## **Other Important Notes:**

### ***Regulations:***

Students should obtain and review all regulations and policies contained in the University of Victoria Calendar, 2010-2011 (“U Vic Calendar”, available online at <http://web.uvic.ca/calendar2010> ), both generally and specifically for the Faculty of Law.

The Undergraduate Academic Regulations (2010-2011) of the UVic Calendar (<http://web.uvic.ca/calendar2010/FACS/UnIn/UARe/PoAcI.html> ) set out the University’s expectations about attendance and assignments. The Faculty of Law’s Academic Regulations can also be found in the University Calendar at <http://web.uvic.ca/calendar2010/FACS/FoLa/FARe.html>.

### ***Classroom Climate:***

An inclusive, respectful, and diverse classroom environment is crucial to our work in this course. To ensure that all class members feel welcomed and equally able to contribute to class discussions, we must all endeavor to be respectful in our language, our examples and the manner in which we conduct our discussions and group work. We have both an ethical and legal obligation to support this kind of environment. For your reference, you may wish to consult the University’s Discrimination and Harassment Policy (<http://web.uvic.ca/uvic-policies/pol-1000/1150HPP.html> ). The University of Victoria and the Faculty of Law are committed to promoting, providing and protecting a positive, supportive and safe learning and working environment for all its members. We expect all aspects of this class to be conducted with this commitment firmly in mind.

The Clinic Director reserves the right to limit or prohibit use of laptop computers and other electronic devices during classes.

If you have any concerns about the climate of the class, please feel free to contact us or the Associate Dean.

### ***Academic Integrity:***

As part of the academic community of both the Faculty of Law and the University as a whole, academic integrity is centrally important in the work of faculty and students. Please consult the University Calendar for policies respecting paraphrasing, plagiarism and cheating. **If you have any concerns or questions or require clarification, do not hesitate to send the Clinic Director an e-mail.**

**It is your responsibility to familiarize yourself with the university policy on academic integrity.** The policy on academic integrity can be found on the web at the following address:  
<http://web.uvic.ca/calendar2010/FACS/UnIn/UARe/PoAcI.html>

***Accommodation for Students with a Disability:***

There are support systems, resources and forms of accommodation available to students with a disability. If you wish to access any of these supports, resources or accommodations, the Clinic Director encourages you to contact the Associate Dean or the Resource Centre for Students with a Disability (<http://rcsd.uvic.ca/>) and they would be more than happy to work with you to ensure your success in this course.

***Accommodation of Religious Observances:***

The University of Victoria and the Faculty of Law have policies guaranteeing accommodation for those students who are unable to participate in a class or an aspect of the course owing to a religious holiday or observance (<http://web.uvic.ca/calendar2010/GI/GUPo.html>). If you will be missing a class, know that you will be unable to complete an assignment or exam or otherwise require accommodation on account of a religious holiday or observance, please speak with the Clinic Director (or the Associate Dean) and they will be pleased to work out some satisfactory form of accommodation.