OSGOODE
Perspective Option Booklet
Course and seminar times, descriptions and application form.

Winter 2019
MESSAGE FROM THE DEAN

In the Winter Term, in addition to studying Legal Process, Ethical Lawyering in a Global Community, Property and State & Citizen, you have an opportunity to choose from a compelling array of courses and seminars offered as “Perspective Options”. The material included in this booklet will assist you in selecting options which best suit your interests.

Before canvassing the various Perspective Options, you may find it useful to review the objectives of the program as identified in the 2006 Report of the Curriculum Reform Working Group, whose recommendations were adopted by Faculty Council.

a) Ensuring that every student has a sustained opportunity in first year to study law from a deep critical and contextualized perspective.

b) Assisting students to develop high order analytical and communication skills with a focus on critical thinking, verbal communication, and researching and writing a scholarly paper in law.

c) Engaging students by including perspectives that connect to diverse lived experiences and intellectual interests.

d) Preparing students for the upper year curriculum by introducing areas of potential concentration or advanced study in the upper years, including curricular streams and improving baseline skills needed to complete the Upper Year Research and Writing Requirement and to write effectively in a range of professional roles.”

Although the Report emphasized that a range of choice would enable students to build upon their pre-legal background, it should be emphasized that none of the courses requires pre-law education in another field as a prerequisite. You may feel that your intellectual development might best be fostered by heading off in a new direction.

You have already been introduced to various perspectives for assessing law and its impacts. The Perspective Options provide further opportunities to deepen your understanding of the role of law, legal institutions and legal processes and may perhaps help you to choose a direction for your upper year courses. The Perspective Options are also designed to assist you in developing an important dimension of your legal research and writing skills by providing you with instruction on how to write a scholarly paper.

We offer a range of interesting courses from which to choose. The complete list appears on page 4.

No doubt many first-year students will have little difficulty in identifying courses of particular interest, but there may be others who find the choice perplexing. If you are in the latter group, you may wish to consult with Associate Dean (Students), Lisa Dufraimont or one of your instructors. You may also want to contact the instructors in the various courses offered to discuss your interests and gather further information. You can find biographies and contact information for full-time, visiting and adjunct professors on the faculty directory on the Osgoode website.

As with any system of limited enrolment courses, it is inevitable that we will be unable to accommodate everyone’s first choice. Please read the instructions carefully to maximize your chances of success. Since many of the courses are also offered to upper-year students, this will not be your only opportunity to study these subjects.

I am confident that each of the courses offered as Perspective Options will substantially enrich your understanding of law, legal institutions and the interests they serve.

Mary Condon, Dean (Interim)
INSTRUCTIONS

Each first-year student is required to enrol in one Perspective Option course or seminar in the Winter Term to complete the first-year program (unless already enrolled in the Legal Theory Seminar).

This booklet provides information on the courses and seminars which are offered as Perspective Options in Winter 2019.

In selecting a Perspective Option, consider the descriptions for each option offered, including:

a) the course content

b) the teaching methodology or manner of presentation,

c) the method of evaluation, and

d) the day and time when the class is scheduled to meet.

The updated section timetables are posted on MyOsgoode. Please note that the Perspective Option courses will not begin until the week of January 14th. From January 2nd through to January 11th, Ethical Lawyering classes are held.

While some options are open to second- and third-year students, the grading profile is applied separately to first-year students and upper-year students.

If you require further information before choosing the Perspective Option, you may wish to consult with Associate Dean, (Students), Lisa Dufraimont, one of your first-term instructors, or instructors teaching the Perspective Option. Student assessments of courses which have been offered previously are available in the Law Library or online.

After reading the information provided in this booklet, please complete the selection form provided at the back of the booklet. Because enrolment is limited in each Perspective Option, ensure that you list four choices in order of preference.

Return the completed form to the Osgoode Programs & Records Office, Rm. 1012 Osgoode, by Monday, November 19, 2018, 4:00 p.m.

Spaces in any oversubscribed course or seminar will be allotted on a lottery basis from among those students who have indicated that it is their first choice.

Students will be able to check their course confirmation online through the University’s enrolment system by November 30, 2018. An email will be sent advising students when enrolment is complete.

From January 14th – Jan 18th, students may exercise the right to transfer to another Perspective Option provided space is available. Only one such change is permitted per student.

The York University Enrolment System (web enrolment) is not available for enrolling in or changing first-year Perspective Options. Changes must be made in person at the Programs and Records Office.
# PERSPECTIVE OPTIONS — WINTER 2019

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<tr>
<th>COURSE TITLE</th>
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<th>DAY/TIME</th>
<th>INSTRUCTOR</th>
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<tr>
<td>Comparative Law: Indigenous Legal Traditions</td>
<td>LW 3040P.03</td>
<td>W: 2:30 – 5:30</td>
<td>Professor K. Drake</td>
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<tr>
<td>Comparative Law: Islamic Law</td>
<td>LW 3040H.03</td>
<td>M: 2:30 – 5:30</td>
<td>Adjunct Professor F. Kutty</td>
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<tr>
<td>Comparative Law: Privacy &amp; Access to Information</td>
<td>LW 3040X.03</td>
<td>W: 2:30-5:30</td>
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<tr>
<td>Dispute Settlement: Civil Disputes</td>
<td>LW 3980.03 (Q)</td>
<td>W: 5:30 – 8:30</td>
<td>Adjunct Professor L. Dizgun</td>
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<tr>
<td>Globalization &amp; the Law</td>
<td>LW 2008.03 (P)</td>
<td>W: 2:30 - 5:30</td>
<td>Professor A. Bhatia</td>
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<tr>
<td>History of Canadian Law</td>
<td>LW 2595.03</td>
<td>M: 2:30 – 5:30</td>
<td>Professor P. Girard</td>
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<tr>
<td>Judicial Biography</td>
<td>LW 3150.03</td>
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<tr>
<td>Law &amp; Poverty</td>
<td>LW 3280.03</td>
<td>M: 2:30 – 5:30</td>
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<td>Law &amp; Social Change: Critical Race Theory</td>
<td>LW 2750X.03</td>
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<td>Adjunct Professor N. Simms</td>
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<tr>
<td>Law &amp; Social Change: Policing</td>
<td>LW 2750B.03</td>
<td>T: 2:30 - 5:30</td>
<td>Professor M. Beare</td>
</tr>
<tr>
<td>Law &amp; Social Change: Public Enquiries in Canada</td>
<td>LW 2750U.03</td>
<td>T: 2:30 - 5:30</td>
<td>Visiting Professor R. Bessner</td>
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<tr>
<td>Law, Gender, Equality</td>
<td>LW 3039.03</td>
<td>W: 2:30 – 5:30</td>
<td>Professor J. Nedelsky</td>
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<tr>
<td>Legal Values: Discretion &amp; the Distribution of Power within Criminal Justice System</td>
<td>LW 3591U.03</td>
<td>R: 2:30 – 5:30</td>
<td>Professor P. Paciocco</td>
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<tr>
<td>Legal Values: Fact Finding in Refugee Law</td>
<td>LW 3592C.03</td>
<td>M: 2:30 – 5:30</td>
<td>Adjunct Professor H. Evans Cameron</td>
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<tr>
<td>Legal Values: History &amp; Theories of Intellectual Property</td>
<td>LW 3592E.03</td>
<td>W: 2:30 – 5:30</td>
<td>Professor S. Bandopadhyay</td>
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<tr>
<td>Legal Values: Law, Care Labour and Paid Work</td>
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<td>W: 2:30 – 5:30</td>
<td>Visiting Professor J. Noronha</td>
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<tr>
<td>Legal Values: Law, Ethics &amp; Social Media</td>
<td>LW 3590C.03</td>
<td>R: 2:30 – 5:30</td>
<td>Adjunct Professor P. Jenkins</td>
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<tr>
<td>Legal Values: Social Media and Terrorism</td>
<td>LW 3592F.03</td>
<td>M: 2:30 - 5:30</td>
<td>Visiting Professor J. Ammar</td>
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<tr>
<td>Legal Values: Wealth, Death &amp; the Lawyer</td>
<td>LW 3591K.03</td>
<td>T: 2:30 - 5:30</td>
<td>Adjunct Professor J. Atin</td>
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<tr>
<td>Rights &amp; Reconciliation: Indigenous Peoples &amp; the Law</td>
<td>LW 3390A.03</td>
<td>R: 2:30 – 5:30</td>
<td>Adjunct Professor S. Williams</td>
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<td>Tax as an Instrument of Social &amp; Economic Policy</td>
<td>LW 3006.03P</td>
<td>R: 2:30 – 5:30</td>
<td>Professor J. Li</td>
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COMPARATIVE LAW: INDIGENOUS LEGAL TRADITIONS
LW 3040P.03
Professor K. Drake

Note: This seminar satisfies the Indigenous and Aboriginal Law degree requirement.

Wednesday: 2:30 – 5:30 p.m.
Maximum: 20 (Perspective option only)

Seminar Presentation
We will be guided by Anishinaabe pedagogy, to the extent possible. Classroom discussions will be structured using a talking circle. The teaching format may also include open discussions, in-class exercises, problem-solving, videos, and visits with knowledge keepers or elders. This seminar will take place over 9 classes in an eleven-week period, beginning the week of January 14, 2019. Each session will be 3 hours.

Description
Our focus will be on an Anishinaabe constitutional order. A basic premise of this seminar is that to understand Anishinaabe law, we must first understand the worldview and the constitutional order that underlies Anishinaabe law. We will draw out Anishinaabe constitutional principles from Anishinaabe stories, while being guided by the works of Anishinaabe elders, knowledge keepers, and scholars. The principles that form an Anishinaabe constitutional order will be contrasted with the principles that inform the normative framework underlying the non-Indigenous Canadian constitution and legal system.

Evaluation
75% - Final assignment/paper of 5,000 words.
15% - Talking circle exercise – Students will apply talking circle processes and protocols to a hypothetical problem during this in-class exercise.
10% - Participation.
COMPARATIVE LAW: ISLAMIC LAW  
LW 3040H.03  
Adjunct Professor F. Kutty

Monday: 2:30 – 5:30 p.m.  
Max: 20 (5 upper year)

Seminar Presentation
Seminar time devoted to a combination of lectures, student presentations, guest lectures, videos and active student participation in class discussions. The seminar will be taught over 9 classes in an eleven-week period, beginning January 14, 2019. Each session will be 3 hours.

Description
This course will provide a contextualized and critical introduction to Islamic law. The course will examine the origins and sources of Islamic law, the development of the classical schools of jurisprudence, the impact of colonialism and modernity on Islamic legal discourse and then focus on the most contested and pressing issues facing contemporary manifestations of Islamic law. The issues and tensions will be highlighted through the exploration of the following areas of Islamic law: family law and the status of women; Islamic constitutionalism and the Islamic state; international law; jihad; human rights; minority rights; freedom of expression; and Islamic finance. Each of these areas will be examined with attention to the substantive law and questions revolving around how it is currently implemented by states and viewed by Muslim jurists from diverse perspectives. The course will also touch upon the contexts of the existing rules, critiques from within and from outside the tradition, and the prospects for and the dynamics and contexts around the calls for reform. The course will wrap up with a discussion of how Islamic law is observed by Muslims in Canada and how it interacts with and impacts upon our domestic laws.

Evaluation
1) Class Participation based on attendance, preparation and quality of contribution to class discussions: 5% of final grade;

2) Submission of two reflection pieces of no more than 500 words on the subjects discussed the previous week: 10% of final grade;

3) In-class presentations on a topic of interest selected by students (individually or with a partner) from the readings, class discussions or list of topics provided by instructor: 10% of grade and

4) Research paper - 7,000 words for upper year students or 5,000 words for first year students: 75% of grade.
COMPARATIVE LAW: PRIVACY & ACCESS TO INFORMATION
LW 3040X.03
Adjunct Professor M. Power

Wednesday: 2:30 – 5:30 p.m.
Max: 20 (5 upper year)

Seminar Presentation
Discussion and lectures led by the instructor. The seminar will be taught over 9 classes in an eleven-week period, beginning January 16, 2019. Each session will be 3 hours.

Description
The subject of privacy in 21st century society raises questions in a number of inter-related disciplines, including law, philosophy, sociology, information technology, health care and political science. This seminar introduces and explores the subject of privacy and personal information protection as well as concepts related to data governance and management.

Classes are organized around discussions of current issues in privacy law and policy, based on short lectures concerning Canadian and international privacy and data protection law as well as student reading and writing assignments. While the course covers key conceptual foundations of privacy as found in the western legal tradition, some sessions will be spent examining the subject from critical perspectives, including aboriginal, reductionist and feminist views on privacy and data protection.

Students participation is required and actively encouraged.

Evaluation
75% research paper (5000 words for first year students, 7000 words for upper year students excluding footnotes and bibliography), and 25% for writing exercises based on topics covered in or related to the course.
DISPUTE SETTLEMENT: CIVIL DISPUTES
LW 3980.03 (Section Q)
Adjunct Professor L. Dizgun

Wednesday: 5:30 – 8:30 p.m.
Maximum: 20 (Perspective option only)

Seminar Presentation
Classroom lecture, supplemented by simulated dispute resolution exercises, video presentations, and small/large group discussion. Taught intensively in 9 classes of 3 hours duration beginning January 16, 2019.

Description
This Dispute Settlement seminar provides students with an introduction to the theory and practice of dispute resolution. Students will be introduced to a variety of ADR topics, including: conflict theory; negotiation; mediation; mediation advocacy; arbitration; dispute resolution techniques in the civil justice system; and effective communication skills. Teaching methods may include: lectures, facilitated class discussions, interactive exercises, videos, panel discussions with guest speakers. Students are expected to attend all classes and to actively participate in the class and in the various course exercises, to complete the required readings for each class, and to complete any in-class assignments. In addition, students will be expected to prepare a research based paper.

Evaluation
Students will be evaluated based on their performance in three categories: Attendance and participation –including attending all classes and participating in class discussions, and ADR assignments: 15%; the preparation of an Outline for the research paper: 10%; and Paper - 5,000 words, double-spaced, which relates to approved topics relevant to ADR theory and/or practice: 75%.
GLOBALIZATION AND THE LAW
LW 2008.03
Professor A. Bhatia

Wednesday: 2:30 – 5:30 p.m.
Max: 20 (5 upper year)

Seminar Presentation
Seminar style, guided discussions of assigned readings combined with activities and guest speakers as available/applicable. The seminar will be taught over 9 classes in an eleven-week period, beginning January 16, 2019. Each session will be 3 hours.

Seminar Note
This course is a mandatory foundation for students in the International, Comparative and Transnational (ICT) Law Program, but is open to any first-year student regardless of intent to enter the ICT Program. Students will normally take the course as their Perspective option in second semester of their first year. Special permission may be granted to take the course in second year to students who wish to enroll in the ICT Program and have a compelling reason for not taking the course in their first year.

Description
This seminar will examine the laws and policies of transnational migrant work through a heavily contextualized example in Toronto, Ontario, Canada, with significant connections to a couple of other jurisdictions. The seminar will offer students the opportunity to further their knowledge about the ever-changing laws and policies of migrant work through historical precursors, current debates, competing values, and seminal scholarship in the field. These laws and policies include, but are not limited to, issues of colonialism, globalization, international law, law and development, constitutional jurisdiction, immigration and refugee law, labour and employment law, property law, law reform, and labour market regulation. Different actors and networks relevant to these laws and policies include: migrant workers and their families; employers and their businesses and families; sending, receiving, and transit nation-states; government actors and agencies (e.g. Federal, provincial, municipal; IRCC/ESDC/CBSA); global cities; regional industries (e.g. construction, agriculture, mining); labour brokers; employment recruiters; worker centres; lawyers; legal clinics; trade unions; and international non-governmental organizations and institutions. This course will only serve as an introduction to these issues and actors and no prior experience is required. Apart from introducing students to these different legal and policy aspects of migrant work, the course will help position students to be critical and effective contributors to these ongoing debates in their classrooms, courtrooms, and communities. This goal will be accomplished through directed research, writing, and discussion on one particular migration story, its highs and lows, tragic ending, and ongoing transnational legacy.

Continued ……. 
Evaluation
Participation: 25% (attending class, doing the readings, participating in discussions & activities, leading selected discussions, short paper presentations, and other participatory work related to seminar case study). Research Paper: 75% (5,000 word paper (1st years) or 7,000 word paper (upper years) on a topic that is directly relevant to the seminar case study and is approved by instructor (word count excludes bibliography & footnotes); this mark includes completion of draft & revised paper proposals with outlines & bibliographies, as well as completion of draft paper sections and presentation/workshopping of draft sections of the paper prior to the final deadline).
HISTORY OF CANADIAN LAW  
LW 2595.03 (Section P)  
Professor P. Girard

Monday: 2:30 – 5:30 p.m.  
Maximum: 20 (5 upper)

Seminar Presentation  
Lectures, discussion. A limited number of spaces are available for upper year students to enroll.  
The seminar will be taught over 9 classes in an eleven-week period, beginning January 14, 2019.  
Each session will be 3 hours.

Description  
The course is aimed at students with a general interest in legal history, and no previous  
background in history is required. The goals of the course are three-fold: to introduce the body of  
scholarship known as legal history, its main concerns and methodology; to provide an overview of  
some of the main trends in the historical development of law in Canada, including the civil law, the  
common law, and Indigenous law, though with emphasis on the common law; and to offer a broad  
perspective on the legal profession, the law, and legal education. As with any historical inquiry, the  
course looks not just at what happened when, but why it happened and particularly why it  
happened at the time it did. The format of the class will be discussion of the assigned readings  
based in part on questions provided by the students in advance, supplemented by short lectures.

Evaluation  
First year students: must submit a research paper of 5,000 words which will count for 80% of the final  
mark. 10% will be allocated to class participation and 10% to a brief presentation of one’s draft paper  
or research findings. Upper year students: must submit a research paper of 7,000 words, excluding  
footnotes and bibliography, which will satisfy the UYRWR and which will count for 80% of the final  
mark. 10% will be allocated to class participation and 10% to a brief presentation of one’s draft paper  
or research findings.
JUDICIAL BIOGRAPHY  
LW 3150.03  
Professor J. Cameron

Monday: 2:30 – 5:30 p.m. 
Maximum: 20 (5 upper)

Seminar Presentation  
Seminar style class discussion. The seminar will be taught over 9 classes in an eleven-week period, beginning January 14, 2019. Each session will be 3 hours.

Description  
This course was only offered once before and is returning to the curriculum after being absent for more than 10 years. This time I am styling it as a course in judicial biography and "legacy scholarship" (a term I believe I have coined), with two central and related purposes: one is to introduce students to judicial biography (as a literary and scholarly genre and discipline); the second is to create opportunities for students to engage in "legacy" scholarship (which can be defined, broadly, as the study of a judge's doctrinal or jurisprudential legacy). By now there are a number of leading biographies on Canadian judges (including Bora Laskin: Bringing Law to Life, by Professor Girard), and many more on US Supreme Court and Commonwealth and other justices. Legacy scholarship is also strong (i.e., there are any number of books and articles that look at the particular contributions of particular judges, either generally or in areas of the law - criminal law, equality etc.). This course will consider some of the critical and methodological issues that arise in biographical work (general) and with legal or judicial biography (specifically). Active learning is a priority in this course and all students will be required either to do a short in-course assignment (up to 1500 words) or class presentation (10-12 minutes). All students will write a research paper but are not expected to undertake a project that is biographical in scope; students will have the chance to explore a particular judge's conception of law and judging and to examine that individual's contributions to the jurisprudence. The specific requirements for the research paper are as follows: - For first year students: 5000 words, excluding footnotes and bibliography. - For upper year students: 7000 words, excluding footnotes and bibliography (which would satisfy the UYRWR).

Evaluation  
1. research paper, including mandatory outline: 75%  
2. in-course assignment (short paper or presentation): 15%  
3. class attendance and participation: 10%.
LAW & POVERTY
LW 3280.03
Professor S. Gavigan and Adjunct Professor K. Andrews

Monday: 2:30 – 5:30 p.m.
Max: 20 (Perspective Option only)

Seminar Presentation
The seminar will be a combination of lecture, including occasional guest lecturers, discussion, and engagement with student questions. Students are expected to attend class, to have read the assigned material for that class, and to come prepared to engage in class discussion. The seminar begins on January 14, 2019.

Description
This seminar is intended to introduce students to the relationship between law and poverty. The general objectives of the seminar are: (i) the development of an understanding of the social meanings and experience of poverty in the current Canadian context, including some of the dominant historical, theoretical and critical conceptualizations thereof; (ii) the introduction of sites within the legal system where, historically and in the current context, poverty and law intersect (e.g., the legal regulation of housing, welfare, employment, disability, migration, vagrancy); and, (iii) the examination and evaluation of strategies for intervention by lawyers and the legal system to alleviate poverty. The meanings, limits, and possibilities of access to justice and of the theoretical and practical issues raised by ‘practising law for poor people’ will be central themes. Throughout the term, students will be invited to engage in a sustained interrogation of the significance of the relationship between the state, law, and social policy, with a focus on gendered, racialized, and class relations, and Indigenous and marginalized communities.

Evaluation

| Participation | 15 % | Based in part on participation in class discussion and in part on student ‘class questions’. Each student must prepare two ‘class questions’ that are based on one of the assigned seminar readings and lead or co-lead the class discussion of that reading. |
| Two short response papers (250 - 300 words) | 10% (5% each) | Based on an assigned reading or a short written comment on one source upon which the student is relying for the research paper |
| Research Paper (5000 words) (footnotes – not included in the word count) | 75% | 1. Draft abstract, 1500 word annotated outline, and working bibliography (20%)
2. Final paper (55%) |
| Total | 100% |
LAW AND SOCIAL CHANGE: CRITICAL RACE THEORY
LW 2750X.03
Adjunct Professor N. Simms

Thursday: 5:30 – 8:30 p.m.
Max: 20 (5 upper)

Seminar Presentation
This seminar augments coursework with research colloquia and community partnerships in order to integrate theory and practice. The seminar will be taught over 9 classes in an eleven-week period, beginning January 17, 2019. Each session will be 3 hours.

Description
What steps should be taken to establish a more equitable society? In addition, what are the assumptions, beliefs, and practices that undermine fair treatment in a society and marginalize particular groups? Critical Race Theory (CRT) provides a framework for identifying, articulating, and proposing solutions to inequity within a society. Two of the defining features of CRTs are as follows:
1) Group identities—e.g., race, gender and sexual orientation—are social constructs.
2) Social systems—e.g., law, education and the media—are mechanisms for conferring advantages to the majority group and obscuring discriminatory views and actions.

The origin of critical race theory (CRT) can be traced to the works of Derrick Bell, Alan Freeman, and Richard Delgado. More specifically, Bell, Freeman, and Delgado took an interdisciplinary approach to building upon the American civil rights movement. This introduction to CRT will focus on the applicability of said theories to the Canadian legal context and the examination of the interplay between group identities and legal practices. Anchored in the works of Richard Delgado, Jean Stephancic, Carol Aylward, Constance Backhouse and coupled with presentations from a number of lawyers who currently utilize critical race theory in their practice, the course will explore race, racism and Canadian law.

Evaluation
Weekly reflections (200-word reflections on course readings) -15%; In-class participation (small group work) and attendance- 10%; Research paper (7000 words for upper year students and 5000 words for first year students) - 75% of final grade. See breakdown of research paper below:
One-page research proposal based on a minimum of five formal sources (i.e., journal articles and research-based texts) -10%; Twelve-page intermediate draft of paper based on a minimum of ten formal sources - 20%; Ten-minute presentation of current work on paper - 10% (Weeks 7 & 8); Final paper (5000 words for first-year students or 7000 words for upper year students) - 35%.
LAW & SOCIAL CHANGE: POLICING
LW 2750B.03
Professor M. Beare

Tuesdays: 2:30-5:30 p.m.
Max: 20 (5 upper year)

Seminar Presentation
Seminar /Lecture and discussion. The seminar will be taught over 9 classes in an eleven-week period, beginning January 15, 2019. Each session will be 3 hours.

Description
This course will look at the institution of policing from an organizational, operational, and legal perspective. The course will examine issues concerning police conduct and misconduct as a means of illuminating broader questions about the relationship(s) between law, law enforcement, and social change. We will use recent policing related Inquiries/Royal Commissions as a resource to critically examine contemporary relationships between the police and the community, police and politics, police and lawyers/legislation and the wider legal process and consider some of the current theories around police training, recruitment, discretion, and police culture. Finally, the course will focus on a number of legal strategies that have been used more or less successfully to change or reform police-community relations and police accountability, in order to consider the efficiency of legal tools to effect social change. The final section of this course will focus on the policing of transnational crime, national security, and international issues that impact on domestic policing. Class participation is required.

Evaluation

75% Research paper - 5,000 words for first years and 7,000 words for upper years, excluding footnotes and bibliography -- evaluation divided between a detailed outline and annotated preliminary bibliography and the final submitted research paper.

25% for an assigned book review and participation, including brief class presentations.
LAW & SOCIAL CHANGE: PUBLIC INQUIRIES IN CANADA
LW 2750U.03
Visiting Professor R. Bessner

Tuesdays: 2:30-5:30 p.m.
Max: 20 (5 upper year)

Seminar Presentation
Seminar, discussion. The seminar will be taught over 9 classes in an eleven-week period, beginning January 15, 2019. Each session will be 3 hours.

Description
Public inquiries in Canada are considered by many to be an important instrument of government and in particular, useful in investigating concerns relating to systemic and institutional misconduct. Health issues such as the safety of the blood supply system and our drinking water, police misconduct, wrongful convictions, mine explosions, child abuse, and Indigenous issues, are some of the subjects that have been examined in Canadian public inquiries. Recent inquiries include the Wettlaufer Inquiry into the Safety of Residents in Long-Term Care Homes, the Air India Inquiry, the Maher Arar Inquiry, the Ipperwash Inquiry, the Inquiry into Pediatric Pathology in Ontario, the Braidwood Commission into the Death of Robert Dziekanski, the Elliot Lake Inquiry, and the National Inquiry into Missing and Murdered Indigenous Women and Girls. This seminar begins with a discussion of the history of public inquiries in Canada. We will then examine the purposes and value of public inquiries, the different types of inquiries, and the differences between public inquiries and civil and criminal trials. A study will be undertaken of the inquisitorial and adversarial processes, the role of the Commissioner, Commission Counsel as well as other participants involved in the inquiry. Federal, provincial, and territorial public inquiry statutory provisions including the power to summon witnesses, search powers, and powers to punish for contempt will be explored. Constitutional issues will be canvassed as well as the rules of fairness and protections to witnesses. Proposals for reform as well as alternatives to public inquiries will be discussed. Comparison of Canadian public inquiries will be made with commissions and inquiries in other jurisdictions (eg: Australia, New Zealand, Britain).

Evaluation
Class Participation - 10%, Attendance - 5%, Class Presentation - 10%, Research paper - 75 % (5000 words for first year students and 7000 words for upper year students, excluding bibliography and footnotes). Topic of research paper to be approved by instructor. Outline of paper-Pass/Fail.
LAW, GENDER AND EQUALITY  
LW 3039.03  
Professor J. Nedelsky

Wednesday: 2:30 – 5:30 p.m.  
Max: 20 (5 upper year)

Seminar Presentation  
Discussion, presentation of papers in progress and students’ oral engagement with their short written commentaries. The seminar will be taught over 9 classes in an eleven-week period, beginning January 16, 2019. Each session will be 3 hours.

Description  
This seminar will consider developments in law and social policy which engage gender equality or have gendered effects. A range of topics will be covered including regulation of appearance, regulation of the sex trade, gender identity, barriers to reporting sexual violence, and the law’s role in and response to violence against Indigenous women. Readings and discussion will be attentive to the intersection of gender with other factors including race, sexuality, and disability. Course materials will include cases, academic articles, and literary texts. Each week’s readings will be considered not only in terms of substantive content, but also in terms of the research and writing process as students develop or refine the skills necessary to write and revise a legal research paper.

Evaluation  
The primary mode of evaluation is a research paper (worth 75% of the final grade). For first year students, the paper must be at least 5000 words long (exclusive of notes, bibliography and appendices); for upper year students, the paper must be at least 7000 words long (exclusive of notes, bibliography and appendices) to meet the upper year writing requirement. Students will determine their own paper topics in consultation with the instructor. In addition, over the course of the term, students will be required to complete series of short assignments worth 25% of the final mark. This will include short commentaries on course readings, responses to fellow students’ commentaries, and a paper proposal and presentation.
LEGAL VALUES: DISCRETION & THE DISTRIBUTION OF POWER WITHIN
THE CRIMINAL JUSTICE SYSTEM

LW 3591U.03
Professor P. Paciocco
Thursday: 2:30 – 5:30 p.m.
Maximum: 20 (Perspective Option only)

Presentation
The seminar will combine lectures with class discussions and presentations. It will be taught over 9
classes, beginning January 17, 2019. Each session will be 3 hours long.

Description
Every stage of the criminal justice process involves the exercise of discretionary power: the power of
police officers to charge individuals or to let them off with a warning; the power of Crown prosecutors to
decide which charges, if any, to pursue against accused persons; the power of judges to determine
criminal sentences; and so forth. Discretion is an inevitable feature of the criminal justice system
because our criminal laws are neither self-generating nor self-executing. Like all laws, they are written,
interpreted, and applied by people—and hence, they invariably implicate individual judgment. The
inevitability of discretion within the criminal justice system is disconcerting because discretionary
authority is associated with arbitrariness and discrimination, and because it is hard to square with our
professed dedication to the rule of law, which stipulates that we should be governed by transparent,
consistent rules, not by the whims of powerful individuals. At the same time, discretion enables
individuated, context-sensitive decision-making, which is crucial if our laws are to be applied sensibly
and purposively.

In this seminar, students will grapple with the complex issue of discretion in the context of the criminal
justice system. We will examine various moments during the criminal justice process when discretionary
decision-makers get to choose whether and how individuals will be prosecuted or punished. We will also
consider how discretion is allocated among different actors within the criminal justice system—for
example, how the power to shape criminal sentences is distributed amongst legislators, judges,
prosecutors, and parole officials. The course will engage a variety of perspectives and methodologies.
Students will dig into sources ranging from cases and statutes, to philosophical texts on the nature of
discretion, to socio-legal scholarship on how discretionary decision-making contributes to the criminal
justice system’s differential impact on marginalized communities, and more.

Evaluation
75% - Research paper on an approved research question (5000 words). Students will be required to
secure approval for their research questions through a multi-step, collaborative process.
15% - Discussion questions. Students will be required to submit three written discussion questions over
the course of the semester, for whichever three classes they choose. Discussion questions must
demonstrate focused, critical engagement with the assigned readings and must be submitted in advance
of the class for which they are offered.
10% - Participation. The participation mark will be based on attendance and contributions to class
discussions.
LEGAL VALUES: FACT FINDING IN REFUGEE LAW
LW 3592C.03
Adjunct Professor H. Evans Cameron
Monday: 2:30 - 5:30 p.m.
Maximum: 20 (Perspective Option only)

Presentation
Teaching format will include lectures, small group exercises, class discussion and individual student presentations. The seminar will be taught over 9 classes in an eleven-week period, beginning January 14, 2019. Each session will be approximately 3 hours.

Description
Determining who deserves refugee protection is an exceptionally difficult task. Refugee status adjudicators must decide whether claimants are telling the truth about the dangers that they face, which poses unique challenges. There are typically no witnesses in a refugee hearing and few if any supporting documents, and adjudicators’ assumptions about how people think and act may be of limited use when they are judging a person from a different culture, of a different gender, who is suffering the aftereffects of trauma and giving evidence through an interpreter. Moreover, on this weak evidence, the adjudicator must determine what will happen to the claimant if she returns home. Whereas most court or tribunal processes aim to determine responsibility or liability for past events, a refugee status adjudicator must predict the future.

This course will use insights from cognitive psychology – about memory, about risk perception, about expertise – to investigate the challenges of decision-making in a domain characterized by what scholars have termed ‘radical uncertainty.’ Students will explore legal, epistemological, and normative questions and prepare a research memorandum on a topic that will be of value to practitioners in the field.

Evaluation
Class participation 25% (active and thoughtful participation in small group exercises 15%; research presentation 10%). Research paper on a pre-approved topic (5,000 words excluding footnotes and bibliography) 75%.
LEGAL VALUES: HISTORY & THEORIES OF INTELLECTUAL PROPERTY
LW 3592E.03
Professor S. Bandopadhyay

Wednesday: 2:30 - 5:30 p.m.
Maximum: 20 (Perspective Option only)

Presentation

This seminar will be taught over 9, three-hour sessions starting the week of January 14, 2019. Meeting times will be devoted to a cooperative consideration of readings. Students will have performed a close reading of the texts before each session and will, at least once in the semester, co-lead the class discussion (with the instructor); those not co-leading on a given week will be expected to have completed the readings to be able to engage with the questions and provocations put out by co-leaders and the instructor.

Description

Intellectual Property law is a mode of allocating public goods into private hands where the goods are often intangible. Traditional IP issues stretch across claims of plagiarized poetry and graffiti theft to rights over high technology and primordial genetic goo (as it were). In order to create or continually legitimize an IP system we must wrestle with some fundamental questions: can words, ideas, doodles, and knowledge as a whole be privately owned? How should society reward creators while still ensuring that others are able to enjoy the benefits? Can the intangible fruits of creativity not simply remain one’s own? And how do moral and political philosophies working through technical legal interpretations structure our thinking about such distributions? This is a particularly hairy problem when the ‘property’ concerned is often intangible but susceptible to forms of appropriation that may be physical or purely interpretive (e.g. should the genius of Shakespeare be protected from radical interpretations that he could never have foreseen or necessarily approved of? Who should own a Batman figurine designed from the sketches of a now-deceased cartoonist? Or, on the other hand, should life-saving medications patented in wealthier nations be inexpensively reverse-engineered in poorer nations where they are most needed?)

This seminar has two goals, one substantive, one methodological: the first is to introduce students to some of the major historical and theoretical arguments that compete to justify contemporary Intellectual Property laws and policies; and second, to guide students through a diversity of methodological approaches by which intellectual property issues can be examined and analyzed.

Continued ……
Evaluation

- The primary mode of evaluation is a research paper (worth 75% of the final grade). Students will determine their own paper topics in consultation with the instructor.
  - Paper proposal (1000 words max., excluding notes and bibliography) (25%)
  - Final written submission (50%) - at least 5000 words, excluding notes, bibliography
  - The paper must be submitted electronically via Drop Box by 3:30 pm on Monday, April 8, 2019.

- The remaining 25% of the final grade will be assessed as follows:
  - Attendance + class participation and Co-leading discussions (15%)
  - 2 short comments (each 500 words max.) on course readings (5% + 5%)
LEGAL VALUES: LAW, CARE LABOUR AND PAID WORK
LW 3592J.03
Visiting Professor J. Noronha
Wednesday: 2:30 - 5:30 p.m.
Maximum: 20 (Perspective Option only)

Presentation
In this Perspective Option seminar, we will explore the role of law in engendering parenthood: in distributing resources and responsibilities, and in generating incentives and disincentives for particular divisions of paid work and unpaid care labor within the family – and all this against background rules in law and culture that are often gendered and based on a narrow concept of family. Departing from a main focus on parental leave law in Canada, we will see which legal analysis tools may help us navigate the multiple relationships that shape our lives from before birth.

Description:
Parental leave is situated in a dense node of relationships between the state, families, and the market, in the midst of which policy-makers attempt to establish rights and responsibilities, creating incentives and disincentives to reflect their model of what mothering and fathering should look like, as well as childrearing in general, the role of the state in facilitating it, and what employer-employee relations should look like. Looking carefully at current legal structures reveals those policy-makers’ ideas regarding two major lines of distribution struggle: who should shoulder the burden of the responsibility for having and raising children (as well as their ideas regarding motherhood and fatherhood), and who should foot the bill of childcare. How much of the labor and costs of childcare should be assigned to mothers, fathers, the extended family, the market, and the state?

Some topics explored will include the construction of gendered parenthood expectations in law and culture, the relationship between private decisions such as having children and public policy making, the importance and limits of anti-discrimination law, how institutional design matters, and how distributive analysis can help legal analysts produce clear-eyed reform proposals.

For example, earlier this year, Prime Minister Trudeau has commented on his intention to introduce use-it-or-lose-it paternity leave at the federal level. Should he present such proposal to Parliament, would you support it? And if so, what institutional format would be optimal? It does take a whole village to raise a child - and that includes lawyers and policy-makers.

Evaluation:
Research paper (5,000 words, excluding footnotes) – 75% of final grade
Response paper (500 words, details to be discussed in class) – 10% of final grade
Class participation (details to be discussed in class) – 15% of final grade
LEGAL VALUES: LAW, ETHICS AND SOCIAL MEDIA  
LW 3590C.03  
Adjunct Professor P. Jenkins

Thursday: 2:30 - 5:30 p.m.  
Maximum: 20 (5 upper year)

Presentation  
This seminar will be based on a combination of lectures and student-led discussions of the assigned materials, which will include readings and multi-media sources. A Facebook group (with the highest available privacy settings) will be created for the students to continue the discussions between classes. The seminar will be taught over ten classes in an eleven week period, beginning January 17, 2019. Each session will be 3 hours.

Description  
This course is designed to address some of the unique issues and challenges for law, social policy and social relations that have arisen with the emergence and ascendency of social media. The course has three main objectives:

1) To engage in a critical analysis of the ethical and legal issues arising from social media involving privacy, anonymity, narcissism in legal culture, freedom of speech, whistleblowing and human rights.

2) To consider some of the potential benefits to be derived from various productive uses of social media in different contexts, including educational and professional settings, such as social activism, networking and mooting.

3) To discuss proposals for systemic reform, as well as self-help measures, that are in response to privacy and reputational concerns associated with social media.

Evaluation  
Final paper - 5,000 words for first years and 7,000 words for upper years, excluding footnotes and bibliography), 75%; 15 to 20 minute presentation on the assigned materials for one of the classes, 15%; overall participation in the class discussions and Facebook group, 10%.
LEGAL VALUES: SOCIAL MEDIA & TERRORISM  
LW 3592F.03
Visiting Professor J. Ammar

Monday: 2:30 - 5:30 p.m.
Maximum: 20 (Perspective option only)

Presentation
Seminar Format: lecture, discussion. The seminar will be taught over 9 classes in an eleven-week period, beginning January 14, 2019. Each session will be 3 hours.

Description
This module examines the impact of international and Canadian law on the content of social media. The use of platforms such as Facebook, YouTube and Twitter by al-Qaeda, the so-called Islamic State and the like-minded groups has raised many challenging questions regarding the repercussions of religious extreme speech across borders. Further, the anonymity afforded by social media has made religious hate speech and incitement of violence effortless and, in some cases, beyond the realms of traditional law. Among other factors, the proliferation of social media has exposed the limits of unilateral counter-radicalisation initiatives and put the struggle to accommodate competing interests of free speech, liability of networking sites and security in stark relief.

Based on the ‘real’ propaganda activities of key fundamental groups, the aim of this course is to examine the deficiency of contemporary legal and technical initiatives used to curb extreme speech online and thus the need for a new approach.

Evaluation
• Paper: Students are assessed by one 5000-word paper. This assessment accounts for 75% of the overall course mark. The paper question will be made available on the course website in the week commencing 5 February 2019. Students are entitled to receive a written feedback on their work before the final submission date. The due date for the draft paper is March 12, 2019. No “draft” will be accepted beyond this date. The final paper must be submitted electronically via Osgoode online dropbox no later than Monday, April 8, 2019 at 3:30 P.M.
  • Attendance: 10%
  • Participation: 15%.
LEGAL VALUES: WEALTH, DEATH, CAPACITY AND THE LAWYER
LW 3591K.03
Adjunct Professor J. Atin

Tuesday: 2:30 - 5:30 p.m.
Maximum: 20 (Perspective option only)

Presentation
A combination of lectures, facilitated class discussions, student led presentations, interactive
dialogue and guest speakers will be used. Students will be expected to attend all classes, to actively
participate in the class, and to complete required readings and research. The seminar begins on

Description
This perspective option uses the law of succession, wealth transfer and capacity law as its
framework. Together, we will explore historical, social, religious and legal aspects of succession
and capacity law. Society’s demographic shift and our law’s dynamic nature will be explored
through consideration of testamentary freedom and its limits. Throughout the course, ethical,
professional and public policy issues will be investigated and discussed. A goal of the course will
be creating an understanding of the cultural, emotional and psychological influences on family
dynamics and its corresponding impact on succession and capacity law. Emphasis will also be
placed on practical lawyering skills, including oral presentations.

Topics include: cultural and religious impact on succession planning, will-making freedom, family
dynamics, ethical and professional responsibility issues, and fiduciary obligations of trustees.

Evaluation
Students will be evaluated in two categories:
75% - research paper (5,000 words, excluding footnotes and bibliography) on a topic of their choice
(approved in advance), 25% - class participation, including class presentations.
RIGHTS & RECONCILIATION: INDIGENOUS PEOPLES & THE LAW
LW 3390A.03
Adjunct Professor Saga Williams

Note: This seminar satisfies the Indigenous and Aboriginal Law requirement

Thursday:  2:30 – 5:30 p.m.
Max. 20 (Perspective Option only)

Seminar Presentation
Teaching format may include lectures, presentations, guest lectures, discussions, problem solving, videos and an experiential learning session. The seminar will be taught over 9 classes in an eleven-week period, beginning Thursday, January 17, 2019 from 2:30-5:30. Each session (excluding experiential learning session) will be approximately 3 hours.

Description
The seminar will explore the historical circumstances that lead to the introduction and implementation of the residential school system (as an example of colonization), including an introduction to Indigenous worldview, and an overview of historical legal precepts and their implications to the present. The seminar will explore how legal concepts including Honour of the Crown, Treaty and Aboriginal rights interpretation and consultation obligations occur in an experiential environment whereby lectures, guest speakers and presentations will provide context, analysis and applications.

The format of this seminar is structured upon the 2015 Truth and Reconciliation Commission’s (TRC) “call to action” #28 which states in part that, law students should learn about “the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations.” Specifically, this course analyzes the TRC’s “calls to action”, which lays out a framework for reconciling the relationship between Canada’s Indigenous peoples and its non-Indigenous peoples in a just, respectful and mutually beneficial manner. This course will utilize reconciliatory frameworks in its approach to resolving legal, legislative and political conflict as achieved through informed actions designed to build a just and mutually beneficial relationship for all Canadians moving forward in the 21st century.

The following are the key themes that will be explored over the course of the seminar and constitute the foundation of the curriculum: Who are Indigenous people?; what is Indigenous knowledge?; distinctions between inherent rights and Treaty/Aboriginal rights; Indigenous
relationships to the land; residential schools and the child welfare system; land claims and the resolution process; Indigenous representation (political structures/organizations); consultation and accommodation; institutionalizing reconciliation initiatives; and current events. These areas will be explored using the existing legal frameworks and various forms of media to understand how reconciliation can formulate the basis of a renewed relationship between Indigenous peoples and non-Indigenous peoples and institutions.

Evaluation
Students will write a 5000 word paper, not including footnotes and bibliography. The paper will be worth 75% of the final mark. A two page paper proposal outline including bibliography will be submitted worth 5% of overall mark and there will be marks for class participation 5% and presentation on a theme of the seminar/seminar reading (15%).
TAX AS INSTRUMENT OF SOCIAL & ECONOMIC POLICY
LW 3006.03
Professor J. Li

Thursday: 2:30 – 5:30 p.m.
Maximum: 20 (5 upper)

Presentation
Discussion and student presentations. The seminar will be taught over 9 classes in an eleven-week period, beginning January 17, 2019. Each session will be 3 hours.

Description
The purpose of this seminar is to provide students with an opportunity to develop research, writing and presentation skills in legal and public policy analysis that can be used in all areas of law. Taxation is a policy instrument used by governments to pursue a broad range of social and economic objectives including the relief of poverty, child care, savings for retirement, protection of the environment and encouraging risk taking, innovation and entrepreneurship. In some cases, the tax instrument is a new tax, such as the Carbon Tax or Foreign Home Buyers Tax. More often, however, the tax instrument takes the form of a tax subsidy provision of the Income Tax Act (ITA). The ITA contains over 100 tax subsidies to individuals and corporations. They are frequently referred to as tax expenditures because their effect is the same as the government collect the tax under normal rules and then give back the amount of tax collected to the taxpayer. This seminar is not an examination of technical tax law and students who enroll in the seminar are assumed to have no background in tax law. Instead it is an examination of tax expenditures and other tax instruments. It is intended to be an interdisciplinary seminar that examines the normative justifications for government intervention in a market economy and the selection of the appropriate governing instrument for pursuing social and economic policy goals. Also, the seminar will examine the determinants of government policy making and the various perspectives (e.g., law and economics, feminist, critical race, etc.) from which issues of public policy can be examined. The seminar also emphasizes research and writing skills as well as oral communication skills.

Evaluation
75% - Research paper, 5,000 words for first year students, 7000 words for upper year students (not including footnotes or bibliography). 25% class participation: 15% for designated presentation and commentary and general participation and 10% for written handouts.
FIRST-YEAR PERSPECTIVE OPTION SELECTION FORM

NAME

STUDENT NUMBER

TELEPHONE NUMBER & Email address

PERSPECTIVE OPTION LIST (in order of priority)

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Do you wish to declare a Curricular Stream?  __ LDA  __ ICT  __ LABOUR  __ TAX

Detailed information on the Curricular Streams is found in the online Syllabus, pages 17 - 24.

Please return this form by November 19, 2018 to the Osgoode Programs & Records Office, Rm. 1012 Osgoode.

____________________________________  ___________________________________
Student's Signature        Date