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MESSAGE FROM THE DEAN

In the Winter Term, in addition to studying Legal Process, Ethical Lawyering in a Global Community, Property and Public & Constitutional Law, 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.

The objectives of the Perspective Options program include;

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.

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 pages 4 and 5. 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.

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 in 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.

Enjoy!

Mary Condon, Dean
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 2020.

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 20th. From January 7th through to January 17th, 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 online via the Course Evaluations button on MyOsgoode.

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 18, 2019, 4:00 pm

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 28, 2019. An email will be sent advising students when enrolment is complete.

From January 20th – January 24th, 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.
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<tr>
<td>Comparative Law: Indigenous Legal Traditions</td>
<td>LW 3040P.03</td>
<td>T: 2:30 – 5:30</td>
<td>Professor D. McGregor</td>
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<tr>
<td>Comparative Law: Islamic Law</td>
<td>LW 3040H.03</td>
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<td>Comparative Law: Privacy &amp; Access to Information</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 Professors L. Dizgun &amp; G. Caplan</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>
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<tr>
<td>History of Canadian Law</td>
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<td>M: 2:30 – 5:30</td>
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<tr>
<td>Law &amp; Economics</td>
<td>LW 2560.03</td>
<td>M: 2:30 – 5:30</td>
<td>Professor S. Daum Shanks</td>
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<td>Law &amp; Poverty</td>
<td>LW 3280.03</td>
<td>M: 2:30 – 5:30</td>
<td>Professor S. Gavigan &amp; Adjunct Professor K. Andrews</td>
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<td>Law &amp; Social Change: Critical Race Theory</td>
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<td>Legal Values: Access to Justice</td>
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<td>Legal Values: Discretion &amp; the Distribution of Power within Criminal Justice System</td>
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<tr>
<td>Legal Values: Public Perspectives on Tort Law</td>
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<td>Legal Values: Social Media and Terrorism</td>
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<td>R: 2:30 – 5:30</td>
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<tr>
<td>Legal Values: Wealth, Death, Capacity &amp; the Lawyer</td>
<td>LW 3591K.03</td>
<td>T: 2:30 – 5:30</td>
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<tr>
<td>Rights &amp; Reconciliation: Indigenous Peoples &amp; the Law</td>
<td>LW 3390A.03</td>
<td>M: 5:30 – 8:30</td>
<td>Adjunct Professor L. Land</td>
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<tr>
<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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COURSE DESCRIPTIONS

COMPARATIVE LAW: INDIGENOUS LEGAL TRADITIONS - LW 3040P.03

Professor D. McGregor
Tuesday: 2:30 pm – 5:30 pm. Maximum: 20 (Perspective option only)

This seminar qualifies for the Indigenous & Aboriginal Law Requirement (IALR).

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 January 21, 2020. 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 pm – 5:30 pm Maximum: 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 20, 2020. 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 - 5,000 words for first-year students or 7,000 words for upper-year students: 75% of grade.
COMPARATIVE LAW: PRIVACY & ACCESS TO INFORMATION - LW 3040X.03
Adjunct Professor M. Power
Wednesday: 2:30 pm – 5:30 pm Maximum: 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 22, 2020. 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
100% research paper (5000 words for first-year students, 7000 words for upper-year students excluding footnotes and bibliography).
DISPUTE SETTLEMENT: CIVIL DISPUTES - LW 3980.03 (SECTION Q)
Adjunct Professors L. Dizgun & G. Caplan

Wednesday: 5:30 pm – 8:30 pm  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 22, 2020.

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:

1. Attendance and participation –including attending all classes and participating in class discussions, and ADR assignments. 15%
2. The preparation of an Outline for the research paper: 10%
3. 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 pm – 5:30 pm          Maximum: 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 22, 2020. Each session will be 3 hours.

Seminar Note

This course is a mandatory foundation for students in the International, Comparative and Transnational (ICT) Law Curricular Stream, but is open to any first-year student regardless of intent to enter the ICT Curricular stream. 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 Curricular Stream 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 commodities (e.g. foods) through contextualized examples in and outside of Canada, including the significant connections across different jurisdictions. The seminar will offer students the opportunity to further their knowledge about the ever-changing laws and policies around commodities, their consumption, and the commodification of things, places, and people 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, trade law, law and development, environmental law, constitutional jurisdiction, immigration and refugee law, labour and employment law, property law, law reform, and labour market regulation. This course will only serve as an introduction to these issues and some of the relevant actors and no prior experience is required. Apart from introducing students to these different legal and policy aspects of the selected commodities, the course will help position students to be critical and effective contributors to ongoing debates in their classrooms, courtrooms, and communities. This goal will be accomplished through ongoing class discussions and readings as well as a final research paper on an approved topic relevant to the course materials.

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
Professor P. Girard
Monday: 2:30 pm – 5:30 pm   Maximum: 20 (5 upper year)

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 20, 2020. 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. The course takes a "law and society" approach to legal history, focusing on the interaction of material conditions and human agency with legal ideas and values. It aims to add a human and empirical dimension to the abstract principles and analytical techniques to which students are exposed in first-year law.

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.
LAW & ECONOMICS - LW 2560.03  
Professor S. Daum Shanks  
Monday: 2:30 pm – 5:30 pm  Maximum: 20 (5 upper year)

Seminar Presentation
The first two meetings will be lecture presentations by the professor. After those sessions, meetings will run similarly to a seminar, with the professor leading a general discussion about the assigned readings for that specific meeting. The seminar will be taught over 9 classes in an eleven-week period, beginning January 20, 2020. Each session will be 3 hours.

Description
This course is an examination of various concepts and arguments considered part of the subfield known as "law and economics". Each week, we meet to discuss these components and debate their implications upon all levels of legal argumentation in both Canadian and international jurisdictions. Topics include but are not limited to Rational Choice Theory, Game Theory, Neuroeconomics, Public Choice Modulations, Nudges, Political Economy, Behavioural Law and Economics, Public Administration, Rent Seeking, and Risk Analysis.

This course is constructed so that no previous background in economics is required.

Evaluation
Students will write a synopsis of one article from the class readings and a short summary of a concept that is part of Law and Economics subfield (together worth 25%), and a final paper worth 75%. For first-year students, word count is 5000 words, excluding footnotes and bibliography. For upper year-students, word count is 7,000 words, excluding footnotes and bibliography.
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 20, 2020.

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, issues and social relations where, historically and in the current context, poverty and law intersect (e.g., the legal regulation of housing, income security, employment, disability, migration, vagrancy and homelessness); and, (iii) the examination and evaluation of strategies and forms of intervention by lawyers to alleviate poverty, including the response of tribunals, courts and legislatures to these interventions. 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 one ‘class question’ that is 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)
  A short-written comment based on an assigned reading or 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%)
LAW AND SOCIAL CHANGE: CRITICAL RACE THEORY - LW 2750X.03
Adjunct Professor N. Simms
Thursday: 2:30 pm – 5:30 pm Maximum: 20 (5 upper year)

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 23, 2020. 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 (7,000 words for upper-year students and 5,000 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 and 7,000 words for upper-year students) - 35%.
LAW, GENDER AND EQUALITY- LW 3039.03
Professor J. Nedelsky
Wednesday: 2:30 pm – 5:30 pm   Maximum: 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 22, 2020. Each session will be 3 hours.

Description
This course explores the importance of gender as a category that structures identity, opportunity, and hierarchy. Gender intersects with other categories of hierarchy such as race, class, religion, citizenship status, ethnicity, sexual preference and identity, and able-bodiedness. The course will explore both theories of how intersectionality works, and the role it plays in the particular spheres of law we will focus on. The primary focus of this course is the complex role that law plays in constructing gender (understood in intersectional terms) and in both maintaining and attempting to overcome inequality. The first overarching topic is violence: Sexual Assault on Trial; Law, Gender and Violence: Theoretical and Historical Perspectives; Structural Violence and Indigenous Women. Another very basic way that gender organizes people’s lives and opportunities is the way gender structures who provides the basic care that all human beings rely on, and how paid work is organized. Thus, the second broad topic is how law intersects with issues of work and care: gender identity, labour law, international migration, tax law, and the global economy. We will look at issues of : Masculinity, Care, and the Legal Structuring of Gender Relations; The Intersecting Structure of Work and Care; Care, Work and “Domestic Work”; Restructuring Work and Care; Law and Gender in Global Context. The readings will provide a range of approaches from feminist theory, to legal history, to empirical studies of lawyers and courts, to doctrinal analysis, to proposals for fundamental societal transformation.

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 5,000 words long (exclusive of notes, bibliography and appendices); for upper-year students, the paper must be at least 7,000 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: ACCESS TO JUSTICE - LW 3591Z.03
Adjunct Professor J. Leitch
Wednesday: 2:30 pm – 5:30 pm  Maximum: 20 (5 upper year)

Seminar Presentation
A combination of lectures facilitated class discussions, student-led presentations, and guest speakers will be used. Students will be expected to attend all classes, to participate actively in the class, and to complete required readings and assignments. The seminar begins January 22, 2020.

Description
Faced with the reality of an increasingly inaccessible justice system that is failing to meet the needs of the public, access to justice has been described as a crisis by the former Chief Justice of Canada. Given the significance of access to justice as a challenge facing Canadians, it is important to examine the causes as well as the consequences of a failure to provide access to justice. In examining both, it is necessary to consider these questions from a sociological, philosophical, democratic, as well as legal perspective. Only in studying the problem - its causes and consequences from a variety of perspectives - is it likely that we can also begin to explore critically some long-term and meaningful solutions that seek to enhance access to justice. A recurring consideration will be the role of the role of lawyer, both individually and collectively, in part of the problem as well as part of the solution. The purpose of this course is to introduce students to access to justice as both a theoretical construct as well as a practical study. This will include an introduction to current research and thinking on access to justice from a variety of different perspectives. In studying different perspectives, students will be encouraged to bring a critical eye to all of the discourse on access to justice in order to better understand the scope of the problem, the goals and objectives associated with improving access to justice and the feasibility of different solutions.

Evaluation
15% Critical Reflection (750 words); 10% participation; 75% Research Paper: 5,000 words for first-year students; 7,000 words (excluding footnotes and bibliography) for upper-year students.
LEGAL VALUES: DISCRETION AND THE DISTRIBUTION OF POWER WITHIN THE CRIMINAL JUSTICE SYSTEM - LW 3591U.03
Professor P. Paciocco
Monday: 2:30 pm – 5:30 pm 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 27, 2020. Each session will be 3 hours long.

Description
Every stage of the criminal justice process involves the exercise of discretionary power. Police officers choose whether to investigate and charge individuals. Crown prosecutors decide which criminal charges, if any, to pursue. Legislators, jurors, prison officials, parole officials, and judges all exercise formal and/or informal discretionary power to shape criminal justice outcomes. Discretion is an inevitable feature of the criminal justice system because our laws are neither self-generating nor self-executing; 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 by assessing how it operates at various stages of the criminal justice process.

The seminar has two overarching aims, one knowledge-based and one skills-based. The knowledge-based aim is to delve deeply into the focal topic of discretion in the criminal justice system. To this end, students will engage with 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. The skills-based aim of the seminar is to help students become effective producers and consumers of legal scholarship, and to familiarize students with the conventions of legal academic research and writing. The seminar will use a combination of readings, written assignments, in-class discussions and presentations, and in-class exercises to promote rigorous critical thinking, active reading, and effective verbal and written communication. Much of the seminar will focus on how to author a scholarly research paper in law.

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 process that will include in-class presentations and individuated feedback.

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
Tuesday: 2:30 pm - 5:30 pm       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 21, 2020. 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%.
Presentation
This seminar will be taught over 9, three-hour sessions starting on January 22, 2020. 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.

Evaluation
• The primary mode of evaluation is a research paper (worth 85% of the final grade). Students will determine their own paper topics in consultation with the instructor.
  o Project abstract (300 words max.) (10%)
  o Paper proposal (1000 words max., excluding notes and bibliography) (25%)
  o Final written submission (50%)
  o At least 5000 words (no more than 5500 words), excluding notes, bibliography
  o Paper must be submitted electronically via Drop Box by 3:30 pm, April 13, 2020.
• Attendance (5%)
• Class participation (5%)
• Co-leading discussion once/semester (5%)
LEGAL VALUES: LAW, ETHICS AND SOCIAL MEDIA - LW 3590C.03
Adjunct Professor P. Jenkins
Thursday: 2:30 pm - 5:30 pm 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 10 classes in an eleven-week period, beginning January 23, 2020. 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 ascendancy 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-year students and 7,000 words for upper-year students, 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: NEW RIGHT, POPULISM & GLOBAL LEGAL ORDER - LW 3592P.03

Professor H. Saberi

Wednesday: 2:30 pm - 5:30 pm  Maximum: 20 (5 upper year)

Presentation
This seminar will be taught over 9, three-hour sessions starting on January 22, 2020.

Description:
The post-WWII liberal world order is under siege. More so is the post-Cold War optimism about open borders and erosion of nationalist sensibilities. International institutions, multilateral treaties, freedom of movement of goods, services and people, and the poster-children of globalization all are suffering. Across the globe, some potent, radical New Right movements continue to take dismayed liberal internationalists by surprise.

Is it all a backlash against internationalist elites and to be dismissed as populism? Is it a consequence of neoliberalism? Did it come about in reaction to the overreach of international adjudication? Is it in fact about territory and sovereignty against aggressive transnationalization? Is populism limited to the Right? What are various forms of populism and how are they different? Is constitutionalism a foolproof response to populism? Is the New Right a new ideology? Is it an intellectual or merely political movement or both?

In response to these questions, this course aims to investigate the intellectual progenitors of both the New Right and populism at the intersection of history, political theory, and international legal theory. We will study the old to learn not to overestimate the threat of the new; explore the theoretical roots of conservatism to discover if they have any familial ties to the New Right of our time; and inquire whether international law is in fact an innocent casualty of the populist and New Right movements across the globe.

Evaluation:
Participation (25%); research paper (5,000 words for first year and 7,000 words excluding footnotes and bibliography for upper-year students) 75%.
LEGAL VALUES: PUBLIC PERSPECTIVES ON TORT LAW - LW 3591V.03
Professor D. Priel
Thursday: 2:30 pm - 5:30 pm  Maximum: 20 (5 upper year)

Presentation
The seminar will be taught over nine classes in a ten-week period, beginning January 23, 2020. Each session will be three hours. Classes will include lectures, student-led presentations, and interactive discussion. Students will be expected to attend all classes, to actively participate in the class, and to complete required readings and research.

Description:
Tort law is usually classified as part of “private law,” the law that regulates the relationships between individuals; it is contrasted with “public law,” the law that governs the relationships between individuals and the state. And indeed, many of the legal values central to public law debate (e.g., liberty, equality, diversity, welfare) seem absent from tort law; instead, in tort law one encounters terms like “duty of care,” “proximity,” and “but for cause.” The purpose of this perspective option is to revisit some of the topics discussed in the first-year tort law course but with a focus on the role public law values play in them. We will see how legal values influence liability questions, how tort law interacts with other branches of the law, and in what ways tort law can be used for public law purposes, such as controlling government excess or maintaining public welfare. This perspective will also be used to consider whether there is much need for tort law within a legal system dominated by public law. We will consider arguments both of those who argue that much of tort law should be abolished and replaced by public law, and of those who suggest on the contrary, that tort law can be put to novel uses to address newly emerging problems (such as human trafficking or terrorism).

Evaluation:
Students will be required to write a research paper on a topic of their choosing. 10%: paper outline; 10%: class attendance and participation; 80%: final paper (7,000 words for upper-year students and 5,000 words for first-year students.)
LEGAL VALUES: SOCIAL MEDIA & TERRORISM - LW 3592F.03
Visiting Professor J. Ammar
Thursday: 2:30 pm - 5:30 pm               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 23, 2020. Each session will be 3 hours.

Description
Social media operates as an effective platform from which extremist groups disseminate their propaganda and reach a worldwide audience. Overwhelming scope and open access have made social media a conspicuous domain for promoting violence and hatred. Extremist groups' widespread adoption of networking sites, as a global communication medium, has allegedly significantly contributed to the rise of religious/political intolerance.

This module examines the impact of Canadian and international law on the content of social media. The course critically assesses the sources and impediments to the progress of a universal counterterrorism policy, offering insights into how legal, technical and economic factors have created a complex intergovernmental environment that both shapes global counter-violence policy and encourages myriad non-governmental actors with competing interests to influence it. The course demonstrates that, insofar as law and policy dictate that machine learning systems comply with desired legal norms, automated-decision making systems are not as effective as critics would like.

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 the 2nd of February 2020. 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 19, 2020. No “draft” will be accepted beyond this date. The final paper must be submitted electronically via the Osgoode online dropbox no later than Monday, April 13, 2020 at 3:30 PM
- Attendance: 10%
- Group presentation: 15%
LEGAL VALUES: WEALTH, DEATH, CAPACITY AND THE LAWYER - LW 3591K.03
Adjunct Professor J. Atin
Tuesday: 2:30 pm - 5:30 pm 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 January 21, 2020.

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 L. Land
Monday: 5:30 pm – 8:30 pm  Maximum: 20 (Perspective Option only)
This seminar qualifies for the Indigenous & Aboriginal Law Requirement (IALR).

Seminar Presentation
The teaching format for this seminar will include instructor lectures, student peer-to-peer learning and presentations and guest participation by Indigenous lawyers and leaders. The seminar will be taught over 9 classes, beginning January 20, 2020 from 5:30 – 8:30. Each session will be approximately 3 hours.

Description
The relationship between Indigenous communities and Canadian legal structures is complex and one of the most rapidly-evolving and interesting areas of Canadian law.

Today, much of the discourse about Indigenous communities and Canadian law is framed through a narrative of "reconciliation." Why are we talking about “reconciliation”? How did this become the framework for looking at issues affected Indigenous communities? What does “reconciliation” really mean for lawyers dealing with Indigenous communities’ issues in the Canadian legal system? The seminar will look at these questions by looking at key relationships.

The seminar will introduce students to the history of how key relationships for Indigenous communities have been affected by interaction with Canadian law. Students will have the opportunity to critically analyse the framework of “reconciliation” by looking at Canadian legal system impacts on Indigenous communities’ relationship with Indigenous lands and resources, families, governance systems, and legal orders.

Seminar participants will have the opportunity to learn with one another through group discussion. Student discussion will be assisted each week by guest speakers who are Indigenous lawyers and leaders in the topical issue being discussed, including a retired judge, currently-practicing Indigenous lawyers, and First Nations Chiefs.

Seminar participants will together explore the following key themes during the nine weeks of the seminar:

- How has the relationship between Indigenous communities and Canadian legal structures evolved, from pre-colonial through colonial and contemporary periods?
- What are the “benchmark” legal cases and developments that represent key changes in the relationship between Indigenous communities and Canadian law?
- How is Canadian law evolving (and how should it be evolving) in response to recent legal commissions such as the Truth and Reconciliation Commission and the National Inquiry Murdered and Missing Indigenous Women and Girls?
- What are the ethical and professional responsibilities of lawyers in the Canadian legal system, when dealing with Indigenous issues?
- How can the Canadian legal system interact with emerging / resurgent models of Indigenous legal orders?

Evaluation
General class participation (10%) ; A class presentation on an assigned theme (the instructor will provide options) (20%); A two-page paper proposal including a proposed outline and proposed research sources (10%); A paper of 5000 words not including footnotes and bibliography (60%)
TAX AS INSTRUMENT OF SOCIAL & ECONOMIC POLICY - LW 3006.03

Professor J. Li
Thursday: 2:30 pm – 5:30 pm  Maximum: 20 (5 upper year)

Presentation
Discussion and student presentations. The seminar will be taught over 9 classes in an eleven-week period, beginning January 23, 2020. Each session will be 3 hours.

Description
This seminar provides students with an opportunity to develop research, writing and presentation skills and to explore the social, economic and political perspectives of taxation. Tax issues are “everywhere” and each tax instrument is used for one or more purposes. The selected tax instruments examined in this seminar change from year to year, reflecting current tax issues (e.g., the carbon tax and housing taxes) as well as perennial tax issues (e.g., tax subsidies to lower-income Canadians or small businesses). The 2019-20 year will cover some tax issues featured in the federal election. Students are expected to read (quite a bit) in advance and be active participants in classroom discussions.

Evaluation
15% for class participation (including attendance, presentation and contribution to discussions); 85% for a research paper (5,000 words for first-year students and 7,000 words for upper-year students, excluding abstract, footnotes, bibliography and/or appendix).
PERSPECTIVE OPTION APPLICATION FORM

Please submit completed form to Osgoode Programs & Records Office, Rm. 1012 by Monday, November 18, 2019, 4:00 pm.

NAME

STUDENT NUMBER

EMAIL

PERSPECTIVE OPTION LIST (in order of priority)

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CURRICULAR STREAMS
Do you wish to declare a Curricular Stream?

____ International, Comparative and Transnational Law (ICT)
____ Litigation, Dispute Resolution and the Administration of Justice (LDA)
____ Tax Law
____ Labour and Employment Law (LELP)

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

____________________________________  ___________________________________
Student’s Signature  Date

Osgoode Hall Law School Perspective Options – Winter 2020