Perspective Options Booklet

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MESSAGE FROM THE DEAN

In the Winter Term, in addition to studying Legal Process I, Ethical Lawyering in a Global Community, Property, Legal Process II 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), Karen Drake, 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 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 seminars which are offered as Perspective Options in Winter 2021.

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 18th. From January 4th through to January 15th, 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), Karen Drake, 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 online, by Monday, November 16, 2020, 4:00 pm.

Spaces in any oversubscribed 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 26, 2020. An email will be sent advising students when enrolment is complete.

From January 18th – January 22nd, 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. Requests for changes should be sent to student_services@osgoode.yorku.ca.
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<td>Comparative Law: Indigenous Legal Traditions</td>
<td>LW 3040P.03</td>
<td>T: 2:30 – 5:30</td>
<td>Professor S. Daum Shanks</td>
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<td>LW 3040X.03</td>
<td>W: 2:30-5:30</td>
<td>Adjunct Professor M. Power</td>
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<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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<td>Tax as an Instrument of Social &amp; Economic Policy</td>
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<td>M: 2:30 – 5:30</td>
<td>Professor J. Li</td>
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COMPARATIVE LAW: INDIGENOUS LEGAL TRADITIONS - LW 3040P.03

Professor S. Daum Shanks
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 Indigenous-centred 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 19, 2021. Each session will be 3 hours.

Description
Our focus will be on an Indigenous constitutional order. A basic premise of this seminar is that to understand Indigenous laws, we must first understand the worldview and the constitutional order that underlies them. We will draw out Indigenous constitutional principles from First Peoples' stories, while being guided by the works of Anishinaabe elders, knowledge keepers, and scholars. The principles that form Indigenous constitutional orders 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% - response to a scholarly presentation about Indigenous legal orders
10% - Participation based on providing support to others in class through listening and building upon their contributions.
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 20, 2021. 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 lectures concerning Canadian and international privacy and data protection law as well as student reading 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
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 20, 2021.

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 H. Saberi

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 the week of January 18, 2021. 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 course critically examines the phenomenon of globalization in its connection with law from various angles. The main objective of investigation is to ask: if globalization is really a relatively new phenomenon and what it means to relocate it in historical perspective; if it is uniformly visible and equally significant in different spheres of social life; what is the connection, if any, between the globalization of ideas and material objects in the social world; whether law merely reflects and adapts to the inevitability of globalization or it has an active role in the formation of the concept; if and in what ways the surge of populism which at times is accompanied by nationalism might be a threat to globalization, and more. In this pursuit, we will take aid from other disciplines just as from in-depth readings, discussions, potential guest speakers, and collective, in-class exercises.

Evaluation

Class participation 25% (general participation including regular attendance and active contribution to class discussions 15%; paper presentation 10%). Final research paper on a pre-approved topic (of 5,000 words for first years and 7,000 words for upper years, excluding footnotes and bibliography) 75%.
JUDICIAL BIOGRAPHY - LW 3150.03

Professor P. Girard

Monday: 2:30 pm – 5:30 pm      Maximum: 20 (5 upper year)

Seminar Presentation

Seminar, discussion. The seminar will be taught in three-hour classes in a nine-week period for a total of twenty-seven hours beginning the week of January 18, 2021.

Description

Judges play a critical role in the common law world. Ever since the emergence of legal realism, it has been accepted that judicial decision-making is not a value-free exercise from which a judge’s personal predilections can be eliminated. Yet what do we know about how a judge’s personal background affects their decisions? Judicial biography is one way to study how judges’ background, personal makeup and worldview influence their decision-making. This course will expose students to the variety of approaches to judicial life-writing that exist in the common law world, to the techniques of life-writing, and to the questions that lie at the intersection of legal theory and biography. One such question relates to the impact on the law of non-traditional appointees to the bench in the last few decades: women, members of racial and religious minorities, and lawyers with activist backgrounds of various kinds.

Evaluation

80% research paper; for first year students the paper will be a minimum of 5,000 words excluding footnotes and bibliography. For upper years, the minimum word limit is 7,000 words exclusive of footnotes and bibliography, and the paper in this course satisfies the upper year writing requirement; 10% for 15-minute presentation of draft paper in class; 10% for general class participation and attendance.
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 18, 2021. 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.
LAW & POVERTY - LW 3280.03
Professor S. Gavigan and Adjunct Professor K. Andrews
Monday: 2:30 pm – 5:30 pm    Maximum: 15 (Perspective Option only)

Seminar Presentation
This seminar will be offered exclusively in an in-person format in a classroom at Osgoode Hall Law School. The classes will be taught in-person by the Instructors, with students attending in person. We will observe and respect social distancing protocols, face covering, and public health guidelines and University policy concerning health and safety in the context of in-person classroom instruction.

The classes will be a combination of lecture, occasional guest speakers, student-led discussion questions, and class discussion. Students will be 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 18, 2021.

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, 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. The experience of the 2020 pandemic and state responses thereto will be interrogated. COVID rendered more visible the extreme vulnerability and precarity of the lives of so many Canadians – for example, low income workers, tenants, the unemployed and the homeless.

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, included-related responses, 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

Professor S. Lawrence

Tuesday: 2:30 pm – 5:30 pm   Maximum: 20 (5 upper year)

Seminar Presentation

This seminar will be taught in three-hour classes in a nine-week period for a total of twenty-seven hours beginning the week of January 18, 2021.

Description

One way of describing critical race theory (CRT), a body of work which began in the 1980s, is to say it aims to expose and explain the role of law in creating and sustaining societal structures of race and racial oppression. In this model, in contrast to the more liberal civil rights model, law is understood to be the problem, not the solution. Scholars also often describe CRT as praxis, theory that exists in how it is enacted. In this seminar, we will read key early texts from the originators of CRT and then consider more recent scholarship. Our goal will include exploring the utility of CRT as a way of understanding law and our relationship to it. Students should expect to engage with scholarly proposals and prescriptions, to understand internal and external critiques of CRT as theory and method, and to determine how and why something should be - or not be - considered part of the CRT tradition. We will carefully consider the role of the lawyer if the legal system is part of the support structure for racial inequality. Members of the seminar will be expected to engage both in class and in the form of weekly small exercises, and the classroom time will focus on efforts to carefully and deliberately consider the theory and its application, and to discern with precision zones of uncertainty and disagreement. Guest speakers including practicing lawyers will visit this classroom to discuss their experiences and teach from their expertise. This class will feature guidance through the stages of writing a research paper, including developing a research question, preliminary research, organization and argument.

Evaluation

Weekly small exercises (usually 300-600 words) 15%; In-class participation (includes preparation & attendance) 10%. Research paper 5000 words for 1st year students and 7000 words, upper year students, 75% of final grade. The final paper grade includes a series of graded & ungraded but required graduated assignments leading to the final paper (research question proposal with short description & scholarly bibliography; expanded description, draft pages, final paper).
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. This seminar will be taught in three-hour classes in a nine-week period for a total of twenty-seven hours beginning January 20, 2021.

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, as 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
10% Critical Reflection (750 words); 15% participation (including attendance and presentation); 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

Thursday: 2:30 pm – 5:30 pm Maximum: 20 (Perspective Option only)

Seminar Presentation

The seminar will combine lectures with in-class discussions and student presentations. It will be taught over a period of 9 weeks, during which we will have one 3-hour synchronous meeting per week beginning January 21, 2020.

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 problem 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. In the process, students will learn about different events along the “timeline” of a criminal case, from initial police contact to post-conviction events like parole hearings. Students will also have the opportunity to learn about the growing reliance on algorithms and related technologies to determine criminal justice outcomes, as an (apparent) alternative to discretionary decision-making.

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 Instructor feedback.

Continued….
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. This assignment is designed to encourage active reading, careful textual exegesis, and critical analysis. Students are asked to develop probing questions about the assigned texts and to articulate what is at stake, i.e. why their questions matter for the integrity of the author’s arguments and/or the issues the author seeks to address. Each Discussion Question must be submitted in advance of the class for which it is offered and may be used by the Instructor to help structure in-class discussions.

10% - Participation. The participation mark will be based on attendance and contributions to in-class discussions.
LEGAL VALUES: HISTORY & THEORIES OF INTELLECTUAL PROPERTY - LW 3592E.03

Professor S. Bandopadhyay

Wednesday: 2:30 pm - 5:30 pm  Maximum: 20 (Perspective Option only)

Seminar Presentation

This seminar will be taught over 9, three-hour sessions starting on January 20, 2021. 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.
  - Project abstract (300 words max.) (10%)
  - Paper proposal (1000 words max., excluding notes and bibliography) (25%)
  - Final written submission (50%)
  - At least 5000 words (no more than 5500 words), excluding notes, bibliography
  - Paper must be submitted electronically via Drop Box by 3:30 pm, April 12, 2021.
- Attendance (5%)
- Class participation (5%)
- Co-leading discussion once/semester (5%)
LEGAL VALUES: LAW & TECHNOLOGY - LW 3592Y.03
Professor J. Penney
Tuesday: 2:30 pm – 5:30 pm  Maximum: 20 (5 upper year)

Seminar Presentation
Seminar, discussion. This seminar will be taught in three-hour classes in a nine-week period for a total of twenty-seven hours beginning the week of January 18, 2021.

Description
Established technologies like the Internet, social media, digital media, and ubiquitous computing, and emerging ones like artificial intelligence, robotics, Big Data, and the Internet-of-Things, are transforming how we live, work, and interact. These changes raise a host of complex law, policy, and ethical challenges in a range of domestic and international contexts including Internet regulation and censorship, intellectual property, cyber-harassment/bullying, conflict of law, legal automation, algorithmic discrimination, privacy, surveillance, and cyber-warfare. The aim of this course is to introduce such issues, provide some basics to approach them critically, while also offering students the opportunity to explore areas of law and technology more in depth through discussion and research. Individual focus is not limited to above noted topics nor those covered in class, and students will be encouraged and guided in generating and exploring researchable issues in their areas of interest. Wide-ranging and creative engagement with law and technology topics is encouraged. Additionally, the course also aims to help students develop fundamental professional tools and skills such as: effective legal research; making a sustained, organized, and well-supported written legal argument; ascertaining policy goals and combining these goals with legal analysis; group discussion; and oral presentation skills. The goal is not simply to “learn law and technology” but to do so in a way that creates or develops proficiencies that will be necessary throughout one’s career.

Evaluation
Major paper 75% (5,000 words for first year students and 7,000 words for upper year students, excluding footnotes and bibliography); major paper outline (5%); class presentation (10%); classroom participation (10%).
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)

Seminar 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 21, 2021. 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-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: SOCIAL MEDIA & TERRORISM - LW 3592F.03
Visiting Professor J. Ammar
Thursday: 2:30 pm - 5:30 pm  Maximum: 20 (Perspective option only)

Seminar Presentation
Seminar Format: lecture, discussion. The seminar will be taught over 9 classes in an eleven-week period, beginning January 21, 2021. 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 1st of February 2021. 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 18, 2021. 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 12, 2021 at 3:30 PM
- Attendance: 10%
- Group presentation: 15%
LEGAL VALUES: THEORETICAL PERSPECTIVES ON CONTRACT LAW - LW 3592X.03
Professor J. Nadler
Thursday: 2:30 pm - 5:30 pm       Maximum: 20 (Perspective option only)

Seminar Presentation
The seminar will be a combination of lecture and discussion. Because we are learning remotely this year, for each week I will prepare an online lecture recording that you will be able to listen to before class. The online recording will replace one hour of class time. Then we will meet for a live two-hour zoom class discussion of the materials for that week.

Description
This seminar is intended to revisit the basic principles of your first-year contracts class, but this time from a rich theoretical perspective. The basic principles of contract law are firmly settled, and yet there is deep theoretical disagreement about their precise contours, purpose, and justification. This course has two main learning objectives. The first is to deepen students' understanding of the fundamental principles of contract law by studying how those principles are embedded in settled doctrine and yet continually subject to controversy and disagreement. The second is to teach students to think critically about the law through the lens of a variety of theoretical and interdisciplinary frameworks. We will explore questions such as: what is the point of the doctrine of consideration? Is it a functional tool that could be replaced by some other functional tool or does it have some non-instrumental significance? What is the justification for the expectation measure of damages? If there is a right to performance, then why isn't specific performance the default contractual remedy? If contract law is the law of voluntary obligations, what view should we take of standard form agreements that are rarely read or understood? How does the common law of contracts fit with contract law’s equitable doctrines? How can we reconcile contractual freedom with contractual fairness? Is there—and should there be—a duty of good faith in contract?

Evaluation
75% - research paper (5,000 words, excluding footnotes and bibliography) on a topic of your choice (approved in advance);

25% - class participation, including class presentations.
LEGAL VALUES: U.N. GOVERNANCE & STATE BUILDING - LW 3591E.03
Professor I. Mgbeoji
Tuesday: 2:30 pm - 5:30 pm Maximum: 20 (5 upper)

Seminar Presentation
Seminar, discussion. The seminar will be taught in three-hour classes in a nine-week period for a total of twenty-seven hours. The seminar begins on January 19, 2021.

Description
In the aftermath of World War II, various States saw the compelling necessity of collective action “to save succeeding generations from the scourge of war,” which in the words of the preamble to the United Nations Charter “twice in our lifetime has brought untold sorrow to mankind”. The establishment of the UN is principally, to quote Article 1 of the UN Charter designed to “maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.”

Notwithstanding this grand objective, violent conflicts including civil wars, wars for democracy, and liberation struggles, amongst many others, have ravaged global peace. The Security Council of the UN is often paralyzed by political gridlock. In addition, the collective action envisioned by the founders of the UN has often yielded to geopolitical and sectionalist forces. The result is that the UN seems to struggle with maintaining international peace and security. This course interrogates the structure and processes by which the UN grapples with the task of maintaining international peace and security, especially, in the age of state failure and state-building. In 2020-2021, the course will use the case of Libyan civil war as a template for studying the mechanics, politics, legality, and normativity of UN roles in peace maintenance, good governance, and state-building.

Evaluation
1. Presentation: 20% (to be discussed further in class) 2. Research paper: 80% (5000 words for first year students, 7000 words for upper year students, excluding footnotes and bibliography).
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)

Seminar 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 19, 2021.

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 (delivered synchronously and asynchronously), full class and small group discussions, student peer-to-peer learning and feedback, and interaction with guests who are leaders in the field of Indigenous rights. The seminar will be taught over 9 classes, beginning January 18, 2021 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 video conference or in-person class time supplemented by non-synchronous lectures, interaction with guest speakers, small group work related to weekly topics, peer-to-peer feedback on paper proposals, and small group and full class discussion on weekly topics. Class discussion will be assisted by the participation of guests who are Indigenous lawyers and Indigenous leaders in the topical issues being discussed, including a retired judge, currently-practicing Indigenous lawyers, and current or former leaders of Indigenous communities.

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?

Continued………..
Evaluation

Students will be evaluated based on the following:

- Class Paper Part A: A two-page paper proposal identifying a proposed paper topic, intended paper thesis, and proposed research plan (25%)
- Class Paper Part B: A final paper of 5000 words on a legal case or issue involving the application of Canadian law to Indigenous peoples (50%)
- Small group leadership on the weekly topic (10%)
- General participation including participation in the course blog, online class discussions, and social media information exchanges related to the weekly topic (15%)
Seminar Presentation
Discussion and student presentations. The seminar will be taught over 9 classes in an eleven-week period, beginning January 18, 2021. Each session will be 3 hours.

Description
The 2020-2021 school year is a perfect time for studying the use of tax instruments to achieve social and economic goals, as governments around the globe – including the Canadian government - are relying on tax measures to respond to the COVID-19 pandemic. Economic emergency response measures, such as the Canada Emergency Response Benefit (CERB) for individuals, additional Canada Child Benefit and Refundable GST tax credits, the Canada Emergency Wage Subsidy (CEWS) for businesses, and tax deferrals for all taxpayers are implemented through amending the Income Tax Act and administered by the Canada Revenue Agency (CRA). So, the COVID-19 response provides us with a “live” social laboratory to examine how tax instruments are created, used, abused, and accounted for. More profoundly, once COVID-19 is under control, the question shifts to how will the government pay for the massive cost of CERB, CEWS, etc.? This seminar will take advantage of this unprecedented opportunity to learn about tax policy in action, and more importantly, through learning tax policy, students will develop skills in legal and public policy analysis that can be applied in all areas of law. To take this seminar, students should have an intellectual curiosity, and be prepared to read and think like a legal professional. A detailed course outline and written guidance for each module of the class will be provided in advance. Using Zoom, some discussions may take place in “Breakout Rooms”. To the extent possible, students are expected to have their Zoom video-camera on during class.

Evaluation
a) 10% for attendance; b) 10% for contributions in class (evidenced by questions posted on Moodle or Chat in Zoom as well as oral remarks); c) 10% for presentation and a 2-page handout on a selected topic; d) 70% for a research paper on a specific topic (5,000 words for 1st year students and 7,000 words for upper-year students, not including footnotes or bibliography.)
PERSPECTIVE OPTION APPLICATION FORM

Please click on the link below to complete the application.

https://webform.osgoode.yorku.ca/view.php?id=788971