Perspective Options Booklet

COURSES DESCRIPTIONS, CLASS SCHEDULES AND APPLICATION
## Contents

Message from the Dean .......................................................................................................................... 2

Instructions .............................................................................................................................................. 3

Course List ............................................................................................................................................. 4

Course Descriptions .............................................................................................................................. 6

- Comparative Law: Privacy & Access To Information - LW 3040X.03 .............................................. 6
- Comparative Law: Transnational Mining, Development & the Local Rule of Law - LW 3041G.03 .... 7
- Dispute Settlement: Civil Disputes - LW 3980.03 ............................................................................. 9
- Globalization and the Law - LW 2008.03 ......................................................................................... 10
- Law & Poverty - LW 3280.03 ........................................................................................................... 11
- Law and Social Change: Critical Race Theory - LW 2750X.03 .................................................... 12
- Law and Social Change: Elder Law – LW 2751B.03 ...................................................................... 13
- Law, Gender, Equality – LW 3039.03 ............................................................................................ 14
- Legal Theory Seminar - LW 3500.03 ............................................................................................... 15
- Legal Values: Access to Justice - LW 3591Z.03 ............................................................................. 16
- Legal Values: Building Transnational Cases Using New Technologies - LW 3593H.03 ............ 17
- Legal Values: Discretion and the Distribution of Power within the Criminal Justice System - LW 3591U.03 ...................................................................................................................... 19
- Legal Values: Equality - LW 3593A.03 ........................................................................................... 20
- Legal Values: Global Justice & Taxation – LW 3593C.03................................................................. 21
- Legal Values: Law In The #Me Too Era – LW 3593B.03 ................................................................. 22
- Legal Values: Multiculturalism & Intra-Group Vulnerability- LW 3593G.03 ............................... 23
- Legal Values: Social Media & Terrorism - LW 3592F.03 ............................................................... 25
- Legal Values: U.N. Governance & State Building - LW 3591E.03 ................................................. 26
- Legal Values: Wealth, Death, Capacity and the Lawyer - LW 3591K.03 .......................................... 27
- Rights & Reconciliation: Indigenous Peoples & the Law - LW 3390A.03 ....................................... 28
- Tax as Instrument of Social & Economic Policy - LW 3006.03 ....................................................... 30

Perspective Option Application Form .................................................................................................. 31
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 2022.

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.

Please note that the Perspective Option courses will not begin until the week of January 17th. From January 5th through to January 14th, 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 Friday, November 19, 2021, 4:00 pm.

Spaces in any oversubscribed seminars 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 December 1, 2021. An email will be sent advising students when enrolment is complete.

From January 17th – January 21st 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.
<table>
<thead>
<tr>
<th>COURSE TITLE</th>
<th>COURSE NUMBER</th>
<th>DAY/TIME</th>
<th>INSTRUCTOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comparative Law: Privacy &amp; Access to Information</td>
<td>LW 3040X.03</td>
<td>W: 2:30-5:30</td>
<td>Adjunct Professor M. Power</td>
</tr>
<tr>
<td>Comparative Law: Transnational Mining, Development and the Local Rule of Law</td>
<td>LW 3041G.03</td>
<td>W: 2:30-5:30</td>
<td>Adjunct Professor X. Sierra-Camargo</td>
</tr>
<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>
</tr>
<tr>
<td>Globalization &amp; the Law</td>
<td>LW 2008.03</td>
<td>M: 2:30 - 5:30</td>
<td>Professor R. Wai</td>
</tr>
<tr>
<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>
</tr>
<tr>
<td>Law &amp; Social Change: Critical Race Theory</td>
<td>LW 2750X.03</td>
<td>R: 2:30 – 5:30</td>
<td>Adjunct Professor N. Simms</td>
</tr>
<tr>
<td>Law &amp; Social Change: Elder Law</td>
<td>LW 2751B.03</td>
<td>W: 2:30-5:30</td>
<td>Adjunct Professor N. Gamage</td>
</tr>
<tr>
<td>Law, Gender, Equality</td>
<td>LW 3039.03</td>
<td>R: 2:30 - 5:30</td>
<td>Professor J. Nedelsky</td>
</tr>
<tr>
<td>Legal Theory Seminar</td>
<td>LW 3500.03</td>
<td>W: 2:30-5:30</td>
<td>Professor J. Nadler</td>
</tr>
<tr>
<td>Legal Values: Access to Justice</td>
<td>LW 3591Z.03</td>
<td>M: 2:30 – 5:30</td>
<td>Professor T. Farrow</td>
</tr>
<tr>
<td>Legal Values: Building Transnational Cases Using New Technologies</td>
<td>LW 3593H.03</td>
<td>W: 2:30-5:30</td>
<td>Adjunct Professor T. Adhihetty</td>
</tr>
<tr>
<td>Legal Values: Discretion &amp; the Distribution of Power within Criminal Justice System</td>
<td>LW 3591U.03</td>
<td>R: 2:30 – 5:30</td>
<td>Professor P. Paciocco</td>
</tr>
<tr>
<td>COURSE TITLE</td>
<td>COURSE NUMBER</td>
<td>DAY/TIME</td>
<td>INSTRUCTOR</td>
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</tr>
<tr>
<td>Legal Values: Equality</td>
<td>LW 3593A.03</td>
<td>R: 2:30-5:30</td>
<td>Professor D. Priel</td>
</tr>
<tr>
<td>Legal Values: Global Justice &amp; Taxation</td>
<td>LW 3593C.03</td>
<td>R: 2:30-5:30</td>
<td>Professor I. Ozai</td>
</tr>
<tr>
<td>Legal Values: Law in the #Me Too Era</td>
<td>LW 3593B.03</td>
<td>M: 2:30-5:30</td>
<td>Professor H. Matthews</td>
</tr>
<tr>
<td>Legal Values: Multiculturalism and Intra-Group Vulnerability</td>
<td>LW 3593G.03</td>
<td>T: 2:30-5:30</td>
<td>Adjunct Professor M. Zucker</td>
</tr>
<tr>
<td>Legal Values: Social Media and Terrorism</td>
<td>LW 3592F.03</td>
<td>R: 6:00 – 9:00</td>
<td>Adjunct Professor J. Ammar</td>
</tr>
<tr>
<td>Legal Values: U.N. Governance &amp; State Building</td>
<td>LW 3591E.03</td>
<td>W: 2:30-5:30</td>
<td>Professor I. Mgbeoji</td>
</tr>
<tr>
<td>Legal Values: Wealth, Death, Capacity &amp; the Lawyer</td>
<td>LW 3591K.03</td>
<td>T: 2:30 - 5:30</td>
<td>Adjunct Professor J. Atin</td>
</tr>
<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 C. Guirguis</td>
</tr>
<tr>
<td>Tax as an Instrument of Social &amp; Economic Policy</td>
<td>LW 3006.03P</td>
<td>M: 2:30 – 5:30</td>
<td>Professor J. Li</td>
</tr>
</tbody>
</table>
COURSE DESCRIPTIONS

COMPARATIVE LAW: PRIVACY & ACCESS TO INFORMATION - LW 3040X.03
Adjunct Professor M. Power
Wednesday: 2:30 pm – 5:30 pm. Maximum: 20 (Perspective option only)

Seminar Presentation
Discussion and lectures led by the instructor. The seminar will be taught over 9 classes in an eleven-week period, beginning January 19, 2022. 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.

Student participation is required and actively encouraged.

Evaluation
100% research paper (5000 words for first-year students excluding footnotes and bibliography).
COMPARATIVE LAW: TRANSNATIONAL MINING, DEVELOPMENT & THE LOCAL RULE OF LAW - LW 3041G.03
Adjunct Professor X. Sierra-Camargo
Wednesday: 2:30 pm – 5:30 pm. Maximum: 20 (Perspective option only)

Seminar Presentation
The seminar sessions will be a combination of lectures, occasional guest speakers, student-led discussion questions and presentations, interactive dialogue, and facilitated class discussions. Students will be expected to attend class, to have read the assigned material for that class, to come prepared to engage in class discussion and to actively participate in the class. This seminar will be taught in three-hour classes in a nine-week period beginning January 19, 2022.

Description
Since colonial times, mining, and in particular gold mining, has been one of the favorite economic activities of the former European empires, some of which today are recognized as Global North states. For these and for other transnational actors such as mining corporations and international economic organizations, large-scale mining is still one of the preferred economic activities due to the large profits derived from it, which are not only caused by the demand for extraction of metals, but also by the speculation stock market. Because of the favorable legal and political conditions in the former colonies, today represented in the Global South states, Latin American countries such as Colombia are still considered today by foreign investors as some of the main epicenters for extractive activities.

Although these countries are currently recognized as independent states and are ruled by democratic governments, typically colonial patterns and hierarchies continue to be revived, through the dynamics of transnational mining but under the rule of law and the international law itself. This paradox leads us to question: How is the law that regulates transnational mining made? What actors on a local scale and on a global scale participate in the law-making process? What is the role of the global-north and global-south states, the international organizations and the mining corporations in transnational mining operation? How does the transnational mining law operate in the domestic sphere? What are the different development views in conflict? What colonial patterns and hierarchies are updated through the legal framework that regulates transnational mining?

Based on the analysis of cases studies in Colombia and other Latin American countries, these are some of the questions that will be addressed in this course. Furthermore, another of the key aspects to be analysed is the different and ambivalent uses of the law in the case studies. For instance, local communities have used the law as an emancipatory instrument to resist the social and environmental impacts derived from transnational mining; and at the same time, transnational actors have used the law as an instrument to carry out large-scale extractive projects and to obtain special legal conditions in favour of their private interests. In this sense, this course aims to reflect on the role of the different parties involved in the socio-environmental conflicts derived from transnational mining and on the different uses of law; to identify the different development views in conflict; and to identify the colonial revitals embedded in a (post)colonial context where transnational mining remains at the center of economic, social, legal and political relations.
Evaluation

Class participation 25% (general participation including regular attendance and active contribution to class discussions, class exercises and activities 15%; draft paper presentation 10%). Final research paper on a pre-approved topic (of 5,000 words, excluding footnotes and bibliography) 75% of final grade. The final paper grade includes a series of graded assignments leading to the final paper (first assignment: proposal and preliminary general bibliography 30%; second assignment: outline of paper organization and annotated bibliography of key works 30%; final paper 40%).
DISPUTE SETTLEMENT: CIVIL DISPUTES - LW 3980.03
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 19, 2022.

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 R. Wai

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

Seminar Presentation
Lecture; 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 17, 2022.

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 asks students to consider the changing role of law in the context of globalization. It will include a critical consideration of the framework concept of globalization, as well as an examination of its implications both for the law of the state and law beyond the state.

The study of the relationship of globalization and the law needs to be contextualized within a broader understanding of political, social, cultural and economic transformations associated with globalization. To that end, the course will include a range of interdisciplinary materials from fields such as international economics, international relations, and sociology. To develop our understanding of the interaction of globalization and law, and to provide models for student research papers, readings will include examples of published case studies of the role of law in globalization such as the production of goods and services in global supply chains; the regulation of multinational corporate conduct; the migration and movement of peoples; and the control of technology including the power of the current technology giants.

The legal content of the course will be framed by the concept of global legal pluralism and will elaborate on the notion of transnational law, in which law is understood to include domestic and international law, public and private law, but also state and non-state norms. In elaborating on the plural legal orders of transnational law, the course will introduce and discuss examples of the regimes of public international law, private international law (also known as the conflict of laws), domestic public and private laws with transnational effects, and the wide range of non-state norms generated by corporations and business networks, law firms, and non-governmental organizations (NGOs).

Evaluation
80% final research paper (5,000 words for first years and 7,000 words for upper years, excluding footnotes and bibliography) on a topic approved by the instructor based on a preliminary proposal/outline from the student; 20% for four short reaction papers to assigned readings for the seminar.
LAW & POVERTY - LW 3280.03
Professor S. Gavigan and Adjunct Professor K. Andrews
Monday: 2:30 pm – 5:30 pm  Maximum: 20 (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 17, 2022.

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 2020/2021 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)
  Based on the viewing of two videos from among a list posted on the course website. Students may wish to suggest or write on other titles; if so, please consult with us in advance for approval. The two videos will be screened by the student at a time they choose, outside of class time.
  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 (including 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 20, 2022. 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 devalue particular groups? Critical race theories (CRTs) provide a framework for identifying, articulating, and proposing solutions to inequity within a society. Some of the defining features of CRTs are as follows:

1. Group identities: race, gender, sexual orientation, disability and other sociohistorical dimensions are constructed by societies.
2. Intersectionality: all individuals have multiple identities that interlock and are, therefore, experienced simultaneously.
3. Social systems: law, education and the media are mechanisms for conferring advantages to the political majority group and obscuring the unfair treatment of groups with less power.

The origin of critical race theories (CRTs) (e.g., AsianCrit, and DisCrit) 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 CRTs will focus on the applicability of said paradigms to the Canadian context within which legal practices shape and reinforce hierarchies of group identities. This course will explore race, racism and Canadian law in a manner that is anchored by the works of Richard Delgado, Jean Stephancic, Carol Aylward and Constance Backhouse; moreover, this course will be enriched by presentations from lawyers who utilize critical race theories in their practice.

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) -5%; Twelve-page intermediate draft of paper based on a minimum of ten formal sources - 20%; Ten-minute presentation of current work on paper - 5% (Weeks 7 & 8); Final paper (5000 words for first year students and 7,000 words for upper year students) - 45%.
LAW AND SOCIAL CHANGE: ELDER LAW – LW 2751B.03
Adjunct Professor N. Gamage
Wednesday: 2:30-5:30 pm Maximum: 20 (Perspective option only)

Seminar Presentation

A combination of lectures, facilitated class discussions, small group workshops, and guest speakers will be used. Students will be expected to attend all classes, to actively participate in the class and the workshops, and to complete required readings and research. The seminar will be taught over 9 classes in an eleven-week period, beginning January 19, 2022. Each session will be 3 hours.

Description

Elder law is not as much an area of law as it is a lens through which one views the law. Given the current demographics of our population, the reality that people are generally living longer than previous generations, and the increase in incidents of elder abuse taking many different forms (financial, criminal, corporate, personal care, etc.), it is necessary for all lawyers to have an understanding of elder law concepts regardless of their practice area.

This first-year perspective option course will examine the various legal issues that impact or apply to older persons including: elder abuse, mental capacity, undue influence, substitute decision making, protection of the vulnerable versus autonomy of the individual, proactive and reactive remedies of elder law disputes, predatory marriages, and long-term care legal issues that older persons face.

Evaluation

Students will be evaluated in two categories:

75% - research paper (5000 words) on a topic of their choice (approved in advance), and
25% - class participation
LAW, GENDER, EQUALITY – LW 3039.03
Professor J. Nedelsky
Thursday: 2:30-5:30 pm       Maximum: 20 (including 7 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 20, 2022. 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 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 THEORY SEMINAR - LW 3500.03
Professor J. Nadler
Wednesday: 2:30-5:30 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 19, 2022.

Description
This seminar is intended to revisit the basic principles of some of your first-year private law classes, contracts, torts, and property, but this time from a rich theoretical perspective. The main objective of the class 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 corrective justice and how is it distinguished from distributive justice? What is the point of this distinction and what is its relevance to private law? Should contract law be understood as exclusively oriented to corrective justice or does distributive justice have a role to play? How should we think about the tension between contractual freedom and contractual fairness in the contexts of unconscionable contracts, standard form contracts, and exclusionary clauses? What is the point of tort law? Does it aim at vindicating individual rights, compensating for harm, or deterring risky behaviour? Should tort law be replaced with a publicly funded compensation scheme? Should the narrow duty of care be replaced with a broad ethic of care? Finally, can private property be justified and what are the justifiable limits to property rights?

Evaluation
75% - research paper (5,000 words) on a topic of your choice (approved in advance).
25% - class participation, including class presentations.
LEGAL VALUES: ACCESS TO JUSTICE - LW 3591Z.03

Professor T. Farrow
Monday: 2:30 pm – 5:30 pm   Maximum: 20 (including 5 upper year)

Seminar Presentation

A combination of lectures facilitated class discussions, student-led presentations, and potentially guest speakers will be used. Students will be expected to attend all classes, to participate actively in class, and to complete required readings and assignments. It is expected that this seminar will be taught in three-hour classes over a nine-week period beginning January 17, 2022.

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 from sociological, philosophical, democratic, legal and practical perspectives. By studying the problem, it is hoped that we can begin critically to explore some long-term and meaningful solutions. A recurring consideration will be the role of the lawyer, both individually and collectively, as part of the problem as well as part of the solution.

Students will be encouraged to explore a critical approach in order better to understand the scope of the problem, the goals and objectives associated with improving access to justice, and the feasibility of potential solutions. Topics, to be finalized, will include an introduction to current research and thinking on access to justice from a variety of different perspectives.

Evaluation

Participation and reflection (25%), likely including: attendance; presentation(s); and critical reflection(s).

Research paper (75%): 5,000 words for first year students; 7,000 words (excluding footnotes and bibliography) for upper year students, to be discussed and finalized further in class.
LEGAL VALUES: BUILDING TRANSNATIONAL CASES USING NEW TECHNOLOGIES - LW 3593H.03
Adjunct Professor Tajesh (TJ) Adhihetty
Wednesday: 2:30 pm – 5:30 pm Maximum: 20 (Perspective Option only)

Seminar Presentation
A combination of lectures facilitated class discussions, student-led presentations, and potentially guest speakers will be used. Students will be expected to attend all classes, to participate actively in class, and to complete required readings and assignments. It is expected that this seminar will be taught in three-hour classes over a nine-week period beginning January 19, 2022.

Description
Focusing on three core crimes under international law (crimes against humanity, war crimes, genocide), this seminar explores from a combined doctrinal, legal-practice, policy and ethical perspective transnational evidence-gathering with a view to building “cases” in proceedings before or submissions to bodies of various kinds. Special attention will be paid to new technologies that are playing an increasing role in substantiating international human rights, humanitarian, and criminal law violations, such as using online video-link platforms to conduct traditional witness screenings/interviews, geolocation analysis of private and open-source videos and photos, satellite imagery analysis, and mobile-phone call-data-record analysis.

After a nutshell overview of the most relevant substantive principles of international criminal law on elements of crimes and forms of responsibility, the seminar introduces students to the way in which the forum or purpose of the “case” determines the evidential standards to be applied during the investigation of the alleged harms – and how a legal team thus needs to approach evidence-gathering. A given case’s purpose and associated evidentiary standards can vary in important ways as between a case for an international or domestic court versus an international fact-finding mission or commission of inquiry versus UN investigative mechanisms versus international human rights bodies of various sorts. The seminar will connect case-building to principles of evidence law applied in and developed by the jurisprudence of international courts and tribunals such as the International Criminal Court (ICC), the Special Tribunal for Lebanon (STL), the International Criminal Tribunals for the former Yugoslavia (ICTY) and for Rwanda (ICTR), and the successor body to the ICTY and ICTR, the International Residual Mechanism for Criminal Tribunals (IRMCT) – for example, assessment of the reliability and probative value of technical evidence and the use of experts or opinion-based witnesses.

One goal of the seminar is to emphasize to students the collaborative and interdisciplinary nature of legal practice in the sphere of these kinds of cases. The seminar will seek to demonstrate why and how lawyers (in the criminal context, both prosecution and defence) not only must work as a legal team but also should work closely with analysts and investigators in building cases. Investigation and litigation teams, at least internationally, are usually multi-disciplinary and aim to avoid the silos of the past. For this purpose, and to better deal with the technical nature of certain materials on evidence-gathering and investigative technologies, it is expected that there will be some guests joining the seminar on occasion, such as digital forensic consultants and telecommunications analysts.

The seminar will likely also discuss the ethics and legality of utilizing certain technologies across borders. For example, international investigators usually need to seek permission from or at least notify a State if conducting an in-person interview on the State’s territory. Are the same considerations needed if
the investigator is conducting a remote video-link interview from outside the State (within which the witness is located)? Does the analysis change if the communication with the witness is for information-gathering purposes as opposed to collecting evidence for potential prosecution? What are the ethical considerations in relation to protection of witnesses if cross-border interviews involve an extra risk of witness testimony being electronically monitored by State or non-State parties? Or, in what ways are national legal standards on the legality of obtaining evidence applicable – e.g., by satellite imagery that a State may deem illegal spying or courtesy of data leaks that breach the security laws of the State from which the leaks occur?

Evaluation

1. 75% for a 5000-5100 word research paper (word count exclusive footnotes and bibliography). This 75% may be broken down into component marks for various stages of preparing a paper: e.g., initial topic proposal and research question; initial general bibliography and refined proposal and question; annotated bibliography of the most important sources; provisional outline of the paper organization; and final paper. Any such breakdown will appear in the syllabus.

2. 15% for an approximately 15-minute presentation of, and question/comment session on, the paper in progress. It is expected the final two of the seminar’s nine sessions will be used for this purpose.

3. 10% for contributions to the discussions on colleagues’ paper presentations and overall contributions to in-class discussions throughout the seminar.
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 brief lectures with discussions of assigned texts, in-class exercises, and student presentations. It will be taught over a period of 9 weeks, beginning January 20, 2022.

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 moments 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, including by familiarizing students with the conventions of legal academic research and writing. The seminar will use a combination of readings, written assignments, in-class discussions, in-class exercises, and student presentations to promote rigorous critical thinking, active reading, and effective verbal and written communication skills. Much of the seminar will focus on how to author a scholarly research paper in law. Another key focus will be the challenging yet vital skill of distilling an analysis/argument—one’s own, or that of another researcher—into a fair, accurate, succinct summery.

Evaluation

75% - Research paper on an approved research question (5000 words).

25% - Participation & engagement, including two in-class presentations.
LEGAL VALUES: EQUALITY - LW 3593A.03

Professor D. Priel

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

Seminar Presentation

Seminar, discussion. It is expected that this seminar will be taught in three-hour classes over a nine-week period beginning January 20, 2022.

Description

In the last decade equality has returned to the centre of academic and popular discussion. Following the 2008-09 global financial crisis, there has been growing concern over the impact of economic inequality both within and between states. In addition, there has been renewed and enhanced interest in the non-directly economic ways that inequality operates in society. In academic writings, in journalistic works, as well as in artistic works, people have explored race, gender and other relations as a cause of persistent inequality.

From an academic perspective, the growing interest in questions related to equality and inequality manifested itself in research coming from disciplines that used to have relatively little interest in the topic. In earlier decades works on equality were dominated by political and social theorists (often writers from the outskirts of academia); in the last decade, there has been a wealth of works by economists, political scientists, psychologists, historians, and others that addresses aspects of equality and inequality.

The result is a significant amount of new and often challenging information and ideas. In the seminar we will review and discuss a small sampling of these works. The aim will be to look at questions related to equality from different disciplinary and political perspectives. Among the questions we will consider: Is equality important and why? What is the standard of measuring equality? What are the social causes and effects of inequality?

As the topic is vast, the choice of readings will inevitably be selective. One thing we will not read is Canadian (or other) jurisprudence on equality. However, for their seminar paper students are welcome to take on legal questions and cases, using perspectives discussed in the seminar to analyze them.

Evaluation

- Participation in a seminar online forum (minimum two posts): 10%; Class attendance and participation: 10%; Final paper (5000 words for first year students and 7000 words for upper year students, not including footnotes or bibliography): 80%.
LEGAL VALUES: GLOBAL JUSTICE & TAXATION – LW 3593C.03
Professor I. Ozai
Thursday: 2:30 pm – 5:30 pm  Maximum: 20 (Perspective Option only)

Seminar Presentation
The seminar combines lectures with in-class discussions. It will be taught over nine classes in eleven weeks, beginning the week of January 17, 2022. Each session will be 3 hours.

Description
In modern and contemporary society, taxation stands as a fundamental means to articulate a conception of economic and distributive justice. Tax policy choices reflect a people’s views over the desired size and shape of government and, more profoundly, its social, political, and cultural aspirations as a society. Yet, in a globalized economy, domestic tax policies cause significant externalities for other states. As a result, country’s tax policies influence and are significantly constrained by other countries’ policies.

In this seminar, we will discuss some of the main theories of global justice and examine how they apply to taxation. We will consider how tax systems across the globe relate to each other and analyze the role of international tax policy in addressing global justice concerns, particularly in light of the existing international inequalities and the increasing influence of global social structures in the international tax domain. From the lens of global justice, we will explore several contemporary issues that shape tax policymaking worldwide, such as tax avoidance and tax competition, the tax challenges brought about by the increasingly digitized economy, and the ongoing reallocation of the international tax base.

This course is designed so that no previous background in tax law or policy is required. The seminar will use a combination of readings, written assignments, in-class discussions, and in-class exercises to promote rigorous critical thinking, active reading, and effective verbal and written communication. The seminar will also focus on how to author a legal research paper in law.

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

25% - class participation and short written assignments
LEGAL VALUES: LAW IN THE #ME TOO ERA – LW 3593B.03
Professor H. Matthews
Monday: 2:30 pm - 5:30 pm  Maximum: 20 (including 5 upper year)

Seminar Presentation
Lectures, in-class discussions, and in-class exercises. It is expected that this seminar will be taught in three-hour classes over a nine-week period beginning January 17, 2022.

Description
Societies tell us a lot about themselves by how they struggle over sex. Over the last four years, the MeToo movement has inspired intense public discussion about cultural, institutional, and legal attitudes and approaches to questions of sexual misconduct, assault, and harassment. We are witnessing nothing short of the revaluation of the kinds of sex that are considered socially and politically valuable. These debates have had, and continue to have, profound legal effects, prompting calls for law reform and policy shifts in jurisdictions all over the world. From sexual assault reform to consent training to on-campus sexual violence adjudication procedures and beyond, we are in a moment of change. This seminar will examine and critically evaluate case studies of specific advocacy and activist projects and their impacts on public and private investments, law reform and adjudication. We will look at how MeToo has shifted how arguments are made in formal court and the court of public opinion. Starting from the position that law and social attitudes mutually influence and constitute one another, we will weigh the costs and benefits of the movement from the perspective of a variety of constituencies, asking throughout how power has shifted and where it has shifted to.

Evaluation
Seminar attendance & participation (25%); Final paper (75%; 5,000 words for first-year students and 7,000 words for upper-year students).
LEGAL VALUES: MULTICULTURALISM & INTRA-GROUP VULNERABILITY - LW 3593G.03
Adjunct Professor M. Zucker
Tuesday: 2:30 pm - 5:30 pm Maximum: 20 (Perspective option only)

Seminar Presentation
This seminar will be taught in three-hour classes over a 9-week period for a total of twenty-seven hours beginning January 18, 2022.

Class elements: lectures, guest speakers, class discussions, student-led discussion questions and presentations.

Students will be expected to attend class, to have read the assigned material for class, and to come prepared to engage in class discussion.

Description
In the last fifty years, we have witnessed a pendulum swing concerning the relationships between the liberal state, the individual, and cultural minorities. The pendulum began to move during the last three decades of the twentieth century, when assimilationist and monocultural nation-state models were contested and increasingly displaced by newer multicultural models. These new models acknowledge the recognition of cultural minority groups as a prerequisite for the ability of their members to equally enjoy their freedoms and rights. But it was not without criticism that this multicultural swing swept the Western developed world. Critical works, which are collectively known as the literature on “minorities within minorities”, have drawn attention to inequalities within cultural minority groups and the way that these groups can oppress their own internal minorities – who might be women, children, LGBTQ+ individuals, members of a lower caste, low-income individuals, and other groups of (less powerful) members. This problem of intra-group vulnerability is the focus of the seminar.

The seminar will bridge legal and theoretical materials to inform our understanding of this problem. Classroom time will focus on critically examining theoretical approaches to addressing intra-group vulnerability concerns, considering their application to actual contexts (to a range of religious, immigrant, and Indigenous communities in Canada and other multicultural societies), and identifying zones of uncertainty and disagreement. Some of the issues that will be discussed include the criminalization of polygamy and forced marriage practices, the protection of children of minority faiths, and bans on wearing Muslim head or face coverings (including the recent debate around Quebec’s Bill 21). These issues will be considered with attention to developments that mark a perceptible retreat from multicultural and diversity-accommodating agendas across the globe – indicating yet another swing in the state-individual-minority relations pendulum.

Evaluation
The seminar entails a combination of readings, written assignments, student-led discussion questions, and draft paper presentations, in order to help students become effective producers and consumers of legal scholarship, guiding them through the stages of writing a research paper.

- Participation – 10%

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 each) – 10% (5% each)

A short, written comment based on an assigned reading or on one source upon which the student is relying for their research paper

• Research Paper on a pre-approved topic (5000 words, excluding footnotes and bibliography) – 80%

  1. 1500-word narrative outline and annotated working bibliography (20%)
  2. 15-minute presentation of draft paper in class (10%)
  3. Final paper (50%)
LEGAL VALUES: SOCIAL MEDIA & TERRORISM - LW 3592F.03
Adjunct Professor J. Ammar
Thursday: 6:00 – 9:00 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 20, 2022. 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. More recently, extremist groups have also displayed an increasing capacity to effectively utilize disinformation campaigns to inflame radicalization leading to violence.

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, with particular focus on disinformation as a major security concern, 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 7th of February 2022. Students are given the opportunity to receive a written feedback on their work before the final submission date. The due date for the draft paper is March 25, 2022. No “draft” will be accepted beyond this date. The final paper must be submitted electronically via the Osgoode online dropbox.
- Attendance: 10%
- Group presentation: 15%
LEGAL VALUES: U.N. GOVERNANCE & STATE BUILDING - LW 3591E.03
Professor I. Mgbeoji
Wednesday: 2:30 pm - 5:30 pm       Maximum: 20 (including 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, 2022.

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 Winter 2022, 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 18, 2022.

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.
Adjunct Professor C. Guirguis

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, 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 Monday, January 17, 2022. 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 Indigenous communities have been affected by interaction with and key relationships 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, feedback on paper proposals, and small group and full class discussion on weekly topics. Class discussion will be assisted by the participation of guest speakers, including Indigenous lawyers and leaders in the topical issues being discussed.

Seminar participants will together explore some of 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 and policy 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?

Continued………..
• How can the Canadian legal system interact with emerging / resurgent models of Indigenous legal orders?

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%)
TAX AS INSTRUMENT OF SOCIAL & ECONOMIC POLICY - LW 3006.03

Professor J. Li

Monday: 2:30 pm – 5:30 pm

Maximum: 20 (including 5 upper year)

Seminar Presentation

Discussion and student presentations on designated topics during class. 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 17, 2022.

Description

This seminar considers the use of tax instruments to achieve social and economic goals. Now is a perfect time for studying this because governments around the globe – including the Canadian government - are relying on tax measures to respond to the COVID-19 pandemic challenges, including economic stimulus and reimagining the post-COVID world. Canada has also planned to introduce a Digital Services Tax. The G7 and G20 are working on tax solutions to tax multinational enterprises. 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.

Guest speakers will be invited to lead some discussions.

Evaluation

a) 10% for attendance and active contributions in class; b) 5% for a short (no more than one page) reflection memo on the designated readings; c) 5% for making a group presentation on a designated topic; d) 80% for a research paper on a specific topic (5,000 for first year students and 7,000 words for upper years, excluding footnotes, Abstract and Outline.)
PERSPECTIVE OPTION APPLICATION FORM

Please click on the link below to complete the application.

https://machformext.osgoode.yorku.ca/machform/view.php?id=142922