

**York University
AP/PPAS- POLS 2200 3.0 N
Communities and public Law
Prof. Danny O'Rourke-Dicarlo
Winter 2020**

**Class Hours: Wednesday(s); 7 PM
Class Location: ACW 304
Office Hours: By Appointment
Office Location: 025 McLaughlin
Office Phone: (416) 736-2100
Email; rourke@yorku.ca**

Course Description:

This course is designed to introduce students to Canadian public law and explore how the relationship between Canadians as both individuals and communities and their governments are governed by three main components of public law which are; constitutional law, administrative law and criminal law. Throughout the semester, there will be intensive review of the major contemporary issues in Canadian public law including: administrative tribunals; criminal law, the division of powers and federalism, the role of the Courts, judicial interpretation of the Constitution and judicial activism, and recent challenges to the Constitution. Furthermore, discussion will focus on formal constitutional interpretation, the politics of judicial process, and the interaction between law, communities, public policy and administration in Canada.

Course Requirements;

**Attendance and Participation (10%)
In-Class Test (30%)
Research Paper (30%)
Final Exam (30%); Is not Cumulative**

Required textbook:

John Fairlie and Philip Sworden. (2017). A Brief Introduction to Law in Canada. Emond Publishing

***** During the course of study, additional readings may be assigned or recommended via Moodle**

Lecture and Reading Schedule

Week 1 Jan 8 - Introduction

Providing an overview of the course materials and course requirements.

Week 2 – Jan 15 - Law and Categories of Law

Ch 1, ch 2

Week 3 – Jan 22- Institutional Structures of the Canadian political System: The Judiciary

Ch 4, ch 5

Week 4 – Jan 29 - Constitutional Law

Ch 3, Apendix A and B

Hogg, Peter W. "Canadian Constitutional Law: Presentation to the Annual Conference of International Association of Law Libraries." *International Journal of Legal Information* 41.1 (2013): 58-64.
http://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=2051&context=scholarly_works

Week 5 – Feb 5 - Administrative Law

Ch 9

Week 6 – Feb 12- Criminal Law and the Canadian Criminal Justice System

Ch 10

Canadian Centre for Justice Statistics. Understanding Canadian Criminal Justice System <http://www.justice.gc.ca/eng/csj-sjc/just/img/courten.pdf>

http://publications.gc.ca/collections/collection_2016/statcan/CS85F0005-1993-eng.pdf

Week 7 - Feb 26 - *In Class Mid-Term Exam*

Week 8 –March 11 - Criminal laws and the Charter

Ch 3, ch 6

Hon. Marc Rosenberg . 2009. Twenty-Five Years Later: The Impact of the *Canadian Charter of Rights and Freedoms* on the Criminal Law
http://wwwv.ontariocourts.on.ca/coa/en/ps/publications/twenty-five_years_later.htm

Week 9 - March 18 - Human Rights codes and the Charter

Ch, 6

Holms, Nancy. 1997. "Human Rights Legislation and The Charter: A Comparative Guide" <http://dsp-psd.pwgsc.gc.ca/Collection-R/LoPBdP/MR/mr102-e.htm>

Week 10 – March 25 - Public Law and Aboriginal Peoples

Rudin, Jonathan. "Aboriginal Over-representation and R. v. Gladue: Where We Were, Where We Are and Where We Might Be Going." *The Supreme Court Law Review: Osgoode's Annual Constitutional Cases Conference* 40. (2008).<http://digitalcommons.osgoode.yorku.ca/sclr/vol40/iss1/22>

La Prairie, Carol. "The overrepresentation of Aboriginal Offenders." in *Criminal Justice in Canada: A Reader*, eds Julian Roberts and Michelle Grossman. Toronto: Thomson/ Nelson, 2004:pp.269-279.

Week 11 – April 1- The Intersections between Immigration and Criminal Justice in Canada

Edelman, Peter. 2013. "Immigration Consequences at Sentencing"
<https://lss.bc.ca/sites/default/files/inline-files/immigrationConsequencesAtSentencing.pdf>

Community Legal Education Ontario (CLEO) "How a criminal conviction can lead to a deportation order?" <http://www.cleo.on.ca/en/publications/mentill/how-criminal-conviction-can-lead-deportation>

Friscolanti, Michael. "Why are Judges Giving Immigrants Who Commit Serious Crimes a Second Chance" *Macleans*. October 24, 2011.
<http://www.macleans.ca/news/canada/wanted-an-explanation/>

Written Assignment:

Students are required to write a research paper of **7-10 pages** in length. The essay paper is worth **30%** of the final mark. Topic TBA. The essay should be double-spaced, with standard margins and standard font size. You should have at least **3 sources** (books, journals, government reports/documents). Late paper will lose 2% of its grade for each day that it is late. Extension will only be granted for exceptional circumstances. Written assignments should be submitted on-line via moodle

Accommodation for Disability:

Students with disabilities who require adaptations or services must discuss their needs with the instructor. Accommodation for disability must be arranged in conjunction with the Office for Persons with Disability.

Plagiarism:

Plagiarism is generally considered to be the most serious academic misconduct that a student can commit. Whether intentionally or unintentionally, instances of plagiarism will have serious academic consequences. In order to avoid slipping into the realm of plagiarism, students are advised to familiarize themselves with York University's definition of academic dishonesty.