

York University
AP/PPAS- POLS 2200 3.0 B
Communities and Public Law
Prof. Danny O'Rourke-Dicarlo
Fall 2020

Class Hours: Tuesday(s); 19:00-22:00

Class Location: REMOTE

Office Hours: By Appointment

Office Location: 133 McLaughlin College

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.

Please note: this is a course that depends on remote teaching and learning. There will be no in-person interactions or activities on campus. You are required to login every Tuesday and Thursday at 11:30 for lectures and discussions. All assignments will be submitted and graded via our Moodle page.

Format

The course will consist of on-line lectures, interactive discussions of the readings, and occasional additional audio-visual on-line material. The online-lecture takes place during the first part of class. We will take breaks periodically during the first half to allow for some stretching-out and breakout discussions. During the second part of class there will be an opportunity for remote on-line class discussion which we call an 'informal tutorial.' The first half of the class will be uploaded to our course Moodle page for future reference. The 'informal tutorial' is optional for those students who wish to discuss any class related material/issues. No new material will be covered during the tutorial.

In order to facilitate class discussion and participation, students are expected to read the

assigned readings beforehand.

***** Technical requirements for taking the course:** In addition to stable, higher-speed Internet connection, students, optimally, will have a computer with a microphone and/or webcam (or a smart device with these features.) These devices will allow students to directly interact with the Course Director during and after the formal lecture/discussion. If you do not have access to a microphone or webcam you will still be able to participate via a text screen on our Zoom platform. While there are no participation grades assigned in Public Law I, your regular attendance and online interaction with your Course Director and classmates is essential in achieving learning outcomes.

Several platforms will be used in this course (e.g., Moodle and Zoom,) through which students will interact with the course material and the course director, as well as with one another.

Students shall note the following:

Zoom is hosted on servers in the U.S. This includes recordings done through Zoom. If you have privacy concerns about your data, provide only your first name or a nickname when you join a session.

The system is configured in a way that all participants are automatically notified when a session is being recorded. In other words, a session cannot be recorded without you knowing about it.

Technology requirements and FAQs for Moodle can be found here -
<http://www.yorku.ca/moodle/students/faq/index.html>”

Here are some useful links for student computing information, resources and help:

[Student Guide to Moodle](#)

[Zoom@YorkU Best Practices](#)

[Zoom@YorkU User Reference Guide](#)

[Computing for Students Website](#)

[Student Guide to eLearning at York University](#)

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

Lecture and Reading Schedule

Week 1 (Sept 15) - Introduction;

Providing an overview of the course materials and course requirements.

Week 2 (S 22) : Law and categories of Law:

Ch 1, ch 2

Week 3 (S 23) : Institutional Structures of Canadian political System: The Judiciary Ch 4, ch 5

Week 4 (S 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 (Oct 6) : Administrative Law

Ch 9

Week 6 (O 20)- Criminal Law and Criminal Justice System

Ch 10

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

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

Week 7 (O 27) Online Mid-Term Exam

Week 8 (Nov 3) - Criminal Law 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

Tim Quigley. 2008. The Impact of the Charter on the Law of Search and Seizure.

<http://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=1112&context=sclr>

Week 9 (Nov 10) - 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>

Dominique Clément and Daniel Trottier. 2012. "The Evolution of Human Rights in Canada", Minister of Public Works and Government Services. https://www.chrc-ccdp.ca/sites/default/files/ehrc_edpc-eng.pdf

Week 10 (N 17) - Public Law, Justice System and Communities

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 (Nov 24) -The Legal Intersections of Immigration and Criminal Justice in Canada

Readings:

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/>

Week 12 Dec 1 Review

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. Students will be expected to pick a topic by Oct 21. The essay should be double-spaced, with standard margins and standard font size. You should have at least **4 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 either in class or during my office hours.

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.