

**AP/POLS 4130 6.0 M**

**Winter 2024**

**Politics, Law and the Courts**

**Wednesdays and Fridays: 11:30 a.m. – 2:30 p.m.**

Class will be in person in Founders College, room 110, but you must also check eClass for asynchronous components.

**Course Outline**

**Course Director:**

Ian Stedman

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**1. Land Acknowledgment**

York University recognizes that many Indigenous Nations have longstanding relationships with the territories upon which York University campuses are located that precede the establishment of York University. York University acknowledges its presence on the traditional territory of many Indigenous Nations. The area known as Tkaronto has been care taken by the Anishinabek Nation, the Haudenosaunee Confederacy, and the Huron-Wendat. It is now home to many First Nation, Inuit, and Métis communities. We acknowledge the current treaty holders, the Mississaugas of the Credit First Nation. This territory is subject of the Dish with One Spoon Wampum Belt Covenant, an agreement to peaceably share and care for the Great Lakes region ([LA&PS Land Acknowledgement](#)).

## **2. Prerequisites**

None.

## **3. Course description**

This course introduces students to the administration of justice in Canada. Its focus will be on the relationships between judicial, legal, and political actors in the context of criminal, civil, and constitutional law. In doing so we will analyze how the adjudicative power of the courts constrains the legislative and executive branches of the government. In that regard, there will be survey of actors and institutions that shape Canada's judicial process. Furthermore, greater attention will be paid to judicial decision making, the political impact of court decisions, and the role of lawyers and judges within the judicial process. To understand the alleged process of judicialization of politics and politicization of judiciary, there will be extensive discussion on certain political and social battles that have reached the courts.

The course is organized around the animating theme of healthcare law and policy. Students should accordingly have an interest in health law and policy if they enroll in this section

## **4. Learning Objectives**

Students will learn to:

1. Understand the actors involved in the Canadian policy-making process, their respective roles and where law and the courts fit in;
2. Acquire a comprehensive understanding of the hierarchy of court systems in Canada, including how the appeals process works and how cases reach the Supreme Court of Canada;
3. Acquire a substantial knowledge on the administration of justice in Canada;
4. Critically appraise the basic structure and processes of the judicial system, judicial nominations and judicial decision making;
5. Understand the public policy role of courts and the interplay of judicial decision making and political processes;
6. Evaluate how, why and to what extent Canada's Constitution shape the political choices of policy makers;
7. Compare why litigants and governments appeal or refer cases to the courts and what alternatives exist (legal vs. political mobilization);
8. Appreciate the limits of judicial review;
9. Critically evaluate the outcomes and implications landmark cases and their policy effects/impact on the other branches of government and society;
10. Understand and assess debates surrounding the role of the courts and the power of judges more generally; and,
11. Engage in collaborative learning activities.

## **5. Evaluation (further details at end of Course Outline)**

Assignment:	In-Class Quiz	Value (%):	20
Assignment:	In-class presentation (groups of 2-3)	Value (%):	15
Assignment:	Participation	Value (%):	10
Assignment:	Reading Summary (individual)	Value (%):	10
Assignment:	Podcast Assignment (groups of 2)	Value (%):	10
Assignment:	Case Brief	Value (%):	10
Assignment:	Final exam (April 10-26)	Value (%):	25
TOTAL:			100%

## **6. Technical Requirements for Taking the Course**

Several platforms may be used in this course (e.g., eClass, Zoom, etc.) through which students will be required to interact with the course materials, the course director, as well as with one another. Please review this syllabus to determine how the class meets, and how office hours and presentations will be conducted.

## **7. Participation**

Attendance during weekly class sessions is mandatory. You will be expected to engage and ask questions both in-person and, if we are forced online, through the Zoom chat function. Inappropriate or disrespectful language will not be tolerated and you may be removed from class until the matter has been addressed.

Your participation grade will be a reflection of your attendance and engagement in scheduled class sessions. That being said, do not hesitate to reach out to me (your instructor) if you have concerns about the scheduling of the sessions or if you need to make special arrangements to accommodate for legitimate and unavoidable absences on specific weeks. If we end up on Zoom, you will then also be expected to enable your video so that we can engage with one another in thoughtful conversations about the course content.

## **8. Student Conduct**

Students, course instructors and staff have a joint responsibility to create and maintain a welcoming and inclusive learning environment. All students are expected to conduct themselves in accordance with the [Code of Student Rights and Responsibilities](#). Whether online or in-person, students and course instructors are expected to cultivate and sustain a professional relationship characterized by mutual respect and courtesy. In all classrooms, any disruptive and/or harassing behaviour will not be tolerated. To ensure that you adhere to the rules of the virtual classroom, please review what counts as proper 'netiquette' (the basic rules for communicating with others in online spaces) by consulting the [student guide to e-learning](#). **If**

**you experience an inappropriate online incident that makes you feel unsafe or uncomfortable, please contact me immediately so I can work to resolve the issue.**

Please respect the privacy of your peers and instructors. Never share private information about your peers and instructors without their permission. Remember, no aspect of your courses should be recorded or distributed without everyone's consent.

## **9. Academic Integrity**

In this course, we strive to maintain academic honesty to the highest extent possible. Please familiarize yourself with the meaning of academic integrity by completing SPARK's Academic Integrity module at the beginning of the course. Breaches of academic honesty range from cheating to plagiarism (i.e., the improper crediting of another's work, the representation of another's ideas as your own, etc.). All instances of academic dishonesty in this course will be reported to the appropriate University authorities and can be punishable according to the Senate Policy on Academic Honesty.

### Turnitin

To promote academic integrity in this course, students may be required to submit their written assignments to Turnitin (via the course's eClass site) for a review of textual similarities and the detection of possible plagiarism. In so doing, students will allow their material to be included as source documents in the Turnitin.com reference database, where they will be used only for the purpose of detecting plagiarism. The terms that apply to the University's use of the Turnitin service are described on the Turnitin.com website. York students may opt out of using Turnitin. If you wish to opt out, you should contact your instructor as soon as possible.

## **10. Accessibility**

While all individuals are expected to satisfy the requirements of their program of study and to aspire to achieve excellence, the University recognizes that persons with disabilities may require reasonable accommodation to enable them to perform at their best. The University encourages students with disabilities to register with Student Accessibility Services to discuss their accommodation needs as early as possible in the term to establish the recommended academic accommodations that will be communicated to Course Directors through their Letter of Accommodation (LOA).

Please let your instructor know as early as possible in the term if you anticipate requiring academic accommodation so that we can discuss how to consider your accommodation needs within the context of this course. Sufficient notice is needed so that reasonable steps for accommodation can be discussed. Accommodations for tests/exams normally require three (3) weeks (or 21 days) before the scheduled test/exam to arrange.

### Religious Observance Accommodation

York University is committed to respecting the religious beliefs and practices of all members of the community, and making reasonable and appropriate accommodations to adherents for observances of special significance. Should any of the dates specified in this syllabus for course examinations, tests, or deadlines conflict with a date of religious significance, please contact the instructor within the first three (3) weeks of class. If the date falls within the formal examination periods, you must complete and submit a Religious Accommodation for Examination Form at least three (3) weeks before the start of the exam period.

### **11. Required textbook**

Lorian Hardcastle, *Introduction to Health Law in Canada*, Emond Publishing, 2019, ISBN 978-1-77255-408-3.

→ All other readings will be posted on eClass or emailed to you.

### **12. Weekly Topics and Readings**

Please go through the REQUIRED readings (which may include asynchronous video and audio recordings) for the lecture prior to the class. After the class, go through the assigned materials again more carefully. The quantity of assigned materials is quite reasonable; you should have no difficulty keeping up.

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#### **Class 1: Wednesday, January 10: *Introduction to Canadian Legislatures and the Law***

##### Required Readings:

- Will be available on eClass in 2024

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#### **Class 2: Friday, January 12: *Intro to Canadian Courts and What Judges Do***

##### Required Readings:

- Will be available on eClass in 2024

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#### **Class 3: Wednesday, January 17: *Doing Legal Research and Reading Court Cases***

##### Required Readings:

- Will be available on eClass in 2024

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#### **Class 4: Friday, January 19: *Indigenous Peoples and Canadian Law***

Required Readings:

- Will be available on eClass in 2024
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**Class 5: Wednesday, January 24:** *Public Interest Cases and Intervenors*

Required Readings:

- Will be available on eClass in 2024
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**Class 6: Friday, January 26:** *Remedies*

Required Readings:

- Will be available on eClass in 2024
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**Class 7: Wednesday, January 31:** *Courts, Policy Making and Judicial Activism*

Required Readings:

- Will be available on eClass in 2024
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**Class 8: Friday, February 2:** *QUIZ*

Required Readings:

- Will be available on eClass in 2024
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**Class 9: Wednesday, February 7:** *Equality Rights and the Charter*

\*proposals due\*

Required Readings:

- Will be available on eClass in 2024
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**Class 10: Friday, February 9:** *Introduction to Healthcare in Canada*

Required Readings:

- Will be available on eClass in 2024
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**Class 11: Wednesday, February 14:** *Healthcare and Indigenous Peoples in Canada*

Required Readings:

- Will be available on eClass in 2024
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**Class 12: Friday, February 16:** *Healthcare Privatization*

Required Readings:

- Will be available on eClass in 2024
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**READING WEEK, February 17-23.**

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**Class 13: Wednesday, February 28:** *Regulatory Regimes and the Reach of Administrative Law*

Required Readings:

- Will be available on eClass in 2024
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**Class 14: Friday, March 1:** *Consent, Research and Medical Malpractice*

**\*\*\*Podcasts due\*\*\***

Required Readings:

- Will be available on eClass in 2024
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**Class 15: Wednesday, March 6:** *Disability and the Law*

- Presentations

Required Readings:

- Will be available on eClass in 2024
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**Class 16: Friday, March 8:** *Long-Term Care and Aging Populations*

- Presentations

Required Readings:

- Will be available on eClass in 2024
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**Class 17: Wednesday, March 13:** *Medical Assistance in Dying*

- Presentations

Required Readings:

- Will be available on eClass in 2024
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**Class 18: Friday, March 15:** *Smoking and the Law*

- Presentations

Required Readings:

- Will be available on eClass in 2024
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**Class 19: Wednesday, March 20:** *Reproductive Rights and the Law*

- Presentations

Required Readings:

- Will be available on eClass in 2024
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**Class 20: Friday, March 22:** *Social Determinants of Health*

- Presentations



Required Readings:

- Will be available on eClass in 2024
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**Class 21: Wednesday, March 27: *Pharmacare***

Required Readings:

- Will be available on eClass in 2024
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**Class 22: Friday, March 29: *Genomics, Artificial Intelligence and Personalized Healthcare***

Required Readings:

- Will be available on eClass in 2024
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**Class 22: Wednesday, April 3: *Data, Privacy and Cyber Security***

**\*\*Case Brief Due\*\***

Required Readings:

- Will be available on eClass in 2024
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**Class 23: Friday, April 5: *Course Wrap-up and Exam Review***

Required Readings:

- Will be available on eClass in 2024
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**EXAM PERIOD: *April 10-26***

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**13. Evaluation Information**

NOTE: All assignments must be uploaded to eClass in MS Word format, unless otherwise indicated by instructor

**1. In-Class Quiz, 20%**

Will be taken via eclass during class hours.

**2. Group presentations, 15%**

Group presentations will be discussed in class and dates will be assigned.

**3. Participation, 10%**

You will be expected to contribute to class discussions, so you should be well-prepared for class.

**4. Reading Summary, 10%**

Due the day before your group presentation.

**5. Podcast Assignment, 10%**

Due March 1. Will be discussed in class.

**6. Case Brief Assignment, 10%**

Due April 3. Will be discussed in class and cases will assigned.

**7. Final Exam (date tbd, during the final exam period), 25%:** The final exam will consist of short answer and essay questions. The exam will test the foundational knowledge and understanding of the impact of law you have acquired throughout the course.