

# Politics, Law and the Courts

AP/PPAS-POLS 4130 D 6.0  
FALL/WINTER 2025-2026

## Course Information

### **Course Time & Days:**

Mondays  
7:00-9:50 pm  
Class: DB 0004

### **Course Instructor:**

Ana Kapralos  
Email to schedule: [akapralo@yorku.ca](mailto:akapralo@yorku.ca)

## 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](#)).

## Course Overview

### Course Description

This course is designed to explore and analyze the interplay of politics, law and the courts in Canada. In order to achieve this overriding objective, the focus will be on the relationship between law, judicial decision-making and political processes. The course analyses how the adjudicative power of the courts constrain 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.

## Course Learning Objectives

At the end of the course, students will be able to:

- acquire a comprehensive understanding of the hierarchy of court system in Canada;
- acquire a substantial knowledge on the administration of justice in Canada;
- critically appraise the basic structure and processes of the judicial system, judicial nominations and judicial decision making;
- comprehend the interplay of judicial decisional making and political processes; and
- appreciate the limits of judicial review.

## Course Organization

This course will be run as an in-class/on-campus seminar. However, class will be in person but you must also check eClass for asynchronous components. In addition to introducing and guiding discussion of the weekly assigned topics, the instructor will serve as a resource person in clarifying issues. Students will be assigned specific readings and are required to make presentations. Students are expected to read all required readings for each class and are prepared to make comments on presentation and readings (see instructions on participation and presentations below). In addition, students are to monitor media events that may be relevant to the weekly themes.

In order to facilitate class discussion and participation, students are expected to read the assigned readings beforehand.

## Instructor Office Hours and Communication Guidelines

- The Course Director will communicate with students via eClass and emails.
- Students can communicate with one another (e.g., in discussion forums on eClass)
- Office hours by appointment

## Required Course Materials

Course Learning Materials	Cost	Availability
<p>Lori Hausegger, Matthew Hennigar, Troy Riddell. <b>2025</b>. Canadian Courts: Law, Politics, and Process. <b>Third Edition</b>. Toronto: Oxford University Press.</p> <p>(Digital book will be posted on e-class if you wish to purchase ebook.)</p> <p>Using an older editions/second hand editions may not present current changes and court cases as in the 2025 edition includes current court cases.</p>	<p>New: \$117</p> <p>Digital: \$56</p> <p>Older editions: \$83</p>	<p>The textbook is available at the York University Bookstore.</p>
<b>Range</b> (prices may change)	<b>Total \$56 - 118</b>	

## Technical Requirements

Several platforms will be used in this course (e.g., eClass, Zoom, etc.) where students will interact with the course materials, the course director/TA, as well as with each other.

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

- [Student Guide to eClass](#)
- [Zoom@YorkU Best Practices](#)
- [Zoom@YorkU User Reference Guide](#)
- [eLearning Getting Started \(LA&PS eServices\)](#)
- [Student Guide to Remote and Online Learning](#)

To determine Internet connection and speed, there are online tests, such as [Speedtest](#), that can be run. If you need technical assistance, please consult the [University Information Technology \(UIT\) Student Services](#) web page or write to [askit@yorku.ca](mailto:askit@yorku.ca).

## Course Evaluations

### Course Evaluation Chart

Assessment	Due Date	Weight %	Course Learning Outcome
Mid-Term Exam	January 5, 2026	40%	
Group Assignment Presentation (2-3 students)	Schedule TBA	40%	
Individual Assignment Briefing Note	March 30, 2026	20%	
		<b>100%</b>	

### Assessment Descriptions

#### Midterm Exam (40%)

The exam will be held midterm and further guidance will be provided by the Professor.

#### Seminar Facilitation/Presentation (40%)

This is an advanced seminar and in groups of two (or three, depending on class size), each student will be responsible for leading one seminar on two of the weekly additional readings. Groups will be randomly assigned and confirmed in the first week's class.

The objective is to encourage critical and analytical engagement with the readings, to make connections between the readings and other relevant and current issues, and to develop your seminar facilitation and communication skills.

This is NOT a traditional presentation. Your job is to facilitate an extended seminar discussion about the readings. The key to leading a successful seminar is to come up with interesting, creative and original ways to encourage, engage and guide your fellow students in 'unpacking' and discussing the readings. YOU ARE NOT REQUIRED TO

COVER ALL ASPECTS OF THE ADDITIONAL READINGS, ONLY THE MOST SALIENT/SIGNIFICANT ARGUMENTS AND/OR THEMES.

### **Critical Analysis**

To read an article critically means that you are not simply reading it to glean facts about a topic but rather you are reading it with a view to examining the way the author has understood, argued and presented the topic. Critical analysis does not simply mean ‘criticism’ (i.e. pointing out something that is negative or lacking in the reading). It involves unpacking and evaluating: the article’s central questions/arguments; the conceptual/theoretical tools that the author uses to make sense of the topic of the article; its socio-political implications; and its overall strengths and weaknesses.

### **One Discussion Questions Posted on E-class**

Seminar leaders will post one (1) question to the “Discussion Board” area on the E-class page ahead of their seminar to help the class prepare for the seminar discussion of the readings. Discussion questions should aim to encourage critical and analytical thinking about the readings.

Discussion questions will not work if they simply require a yes or no answer or the simple retrieval of a fact from a reading. Instead, questions can focus on, among other aspects, the nature and quality of the empirical evidence in the reading, the elements and consistency of the argument, methodological issues raised by the reading, theoretical issues raised by the reading, key concepts used in the reading, the ways in which the reading sheds light on course concepts, comparisons with other course readings. The two advance questions that you come up with are intended as a starting point to guide the students’ thinking as they read the articles to help prepare them for the seminar that you have planned.

### **Creative and Interesting Facilitation Strategies**

In addition to the two questions posted on E-class one week in advance of the seminar date, seminar leaders need to think carefully and creatively about how to facilitate and guide class discussion in these directions. This may include drawing from your advance questions, posing follow-up questions, individual or group exercises, and making use of other creative and interesting resources such as relevant media stories, law or policy documents, games, graphics, audio and visual cues and exercises, photography etc.

### **Seminar Moderation**

In addition to facilitation, seminar leaders are responsible for moderating class discussion. This may include: calling on participants to give their thoughts about a discussion question or issue; planning and administering individual or group exercises or using other creative pedagogical tools to stimulate critical thinking and class

discussion; keeping an eye on the time (45 minutes max,) and bringing discussion of a particular question or issue to a close in order to move on to another question or issue; ensuring that the discussion stays focused, relevant and on track. This is where the development of an agenda will keep your group to your time.

**Other Points to Note about the Seminar Facilitation:**

Distribution of one page plan. On the day of your seminar, before class begins, you will provide the class with a one-page outline/plan of your seminar posted on E-class under each weekly theme, in the Group Class Presentation box.

Begin with brief introduction to the readings. You are expected to begin with a brief introduction to the readings that identifies the main arguments and key points in your own words. Try to make this as engaging as possible by not simply reading from a prepared text.

Prepare a Power Point Presentation that illustrates the main points of the articles under review and draws connections with broader course concepts and themes. You will provide this to classmates before class, posted on E-class, under the week's theme, in the Group Class Presentation box.

**This is a joint assignment and one mark for the group. The seminar must be approached as a cooperative, team effort at every stage:**

- Students must work together to plan and organize all parts of the seminar.
- Seminar leaders need to read and think carefully about assigned readings.
- Seminar leaders should work together to unpack the readings and identify what points of analysis will be important to address in the seminar.
- Seminar leaders need to collaborate in order to design and plan creative, interesting and original strategies to guide the seminar discussion in desired directions.
- Seminar leaders must demonstrate that they have read and thought carefully about both of the required readings and that you have both been actively engaged in the planning and preparation of all parts of the seminar.

**Seminar evaluation. Seminars will be evaluated according to:**

- The quality of the advance and follow-up discussion questions (e.g., Were they provided in time? Were they thoughtfully constructed to engage students in critical thinking about the readings; Did they effectively provoke critical discussion; Were they relevant to the course?);
- The quality of the oral introduction/power-points to the readings (e.g., Was it presented in an engaging manner? Did it accurately capture the main arguments of

the article? Was it logical, well organized and concise? Was it presented without directly reading from text? );

- The quality of the critical analysis of the articles; identification and engagement with key arguments, concepts, findings, conclusions, methods, evidence (internal); consideration of connections between the articles and links made with course themes and relates to current events in the media;
- The creativity, planning and effectiveness of the seminar facilitation strategies and moderation; and
- The preparation, organization and format of the seminar. This includes the demonstrated degree of collaboration between the seminar leaders in the preparation and planning of the seminar, evidence that both seminar leaders were familiar with both readings and had thought together about how they relate/compare, the planning and timing of the different parts of the seminar, coming up with innovative strategies and exercises to stimulate discussion and critical thinking.

#### **Checklist:**

- In advance of class, post the finalized two discussion questions on E-class.
- Before class, post the seminar agenda/outline and presentation on E-class.
- During class, lead amazing facilitation with creative and engaging pedagogical tools
- After class, submit presentation on E-class under Assignments box.

#### **Individual Assignment - Briefing Note (20%)**

You are required to prepare a briefing note. A briefing note is a way that policy options/problems are presented to the Minister for approval.

The briefing note will be two pages plus up to two additional pages of references (single spaced) on various public policy issues as part of a briefing package for the Minister responsible for the portfolio (e.g. Minister of Solicitor General). You will be provided with further information in the first class. This is to be individually written and submitted, although you may discuss with others.

Possible research topics come from the various themes in the course. However, you cannot write a briefing note for the theme/week you choose to deliver your group presentation.

#### **How to Submit Assessments**

All assignments will be submitted digitally to eClass.

## Late Work Policy

Assignments are subject to a late penalty reduction of 2% for each day missed. Students are to discuss in advance any challenges with meeting timelines.

## Missed Tests and Exams

Any missed exam must be discussed with the Professor to make alternative arrangements for a makeup exam.

## How to Use Citations in this Course

Citation practices are important, and they support academic integrity by linking information back to an identifiable source. Any kinds of citation format may be used and please refer to the following list of available resources to support research and citation. Resources to help with citations:

- [SPARK Student Papers & Academic Research Kit](#)
- [Chicago Style Overview](#), YorkU Libraries
- [MLA Style Overview](#), YorkU Libraries
- [APA Style Overview](#), YorkU Libraries
- [Drop-in Research Support](#), YorkU Libraries
- [Writing Centre](#)
- [I need to cite and reference](#), Learning Commons

## Grading

The grading scheme for this course conforms to the 9-point system used in undergraduate programs at York University. For a full description of the York grading system, visit the York University [Academic Calendar](#).

Grade	Grade Point	Percent Range	Description
A+	9	90-100	Exceptional
A	8	80-89	Excellent
B+	7	75-79	Very Good
B	6	70-74	Good
C+	5	65-69	Competent



Grade	Grade Point	Percent Range	Description
C	4	60-64	Fairly Competent
D+	3	55-59	Passing
D	2	50-54	Marginally Passing
E	1	40-49	Marginally Failing
F	0	0-39	Failing

## Course Schedule

### Important Dates

Explore the York University [Academic Calendar](#) to find a list of important dates, such as class start/end dates, drop deadlines, holidays and more.

**Weekly Course Schedule (may be subject to change and include additional readings).**

Dates	Themes/Readings and Activities		
<b>September 8</b>	<p>Introductions</p> <p>Overview of course and expectations</p> <p>Group Presentations Schedule</p> <p>Hausegger, Chapter 1, An Introduction to Politics, Law, and the Judicial Process</p> <p>Keith E. Whittington, R. Daniel Kelemen, and Gregory A. Caldeira. (2011) Chapter 12: Overview of Law and Politics the Study of Law and Politics. The Oxford Handbook of Political Science. Edited by Robert E. Goodin,  <a href="https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199604456.001.0001/oxfordhb-9780199604456-e-012?print=pdf">https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199604456.001.0001/oxfordhb-9780199604456-e-012?print=pdf</a></p>		

<p><b>September 15</b></p>	<p><b>Legislation, Policy Making, Reading Court Cases, Briefing Notes</b></p> <p>Additional Readings:</p> <p>Maclure, M. (2009). Explaining pragmatic trials to pragmatic policymakers. Canadian Medical Association Journal (CMAJ), 180(10), 1001–1003.  <a href="https://www.cmaj.ca/content/cmaj/180/10/1001.full.pdf">https://www.cmaj.ca/content/cmaj/180/10/1001.full.pdf</a></p> <p>Gauvin, F.-P. (2014). Understanding policy developments and choices through the “3-i” framework: Interests, Ideas, and Institutions. Montréal, Québec: National Collaborating Centre for Healthy Public Policy.</p> <p>Georgis, Mariam, and Nicole V.T. Lugosi. “(Re)Inserting Race and Indigeneity in International Relations Theory: A Post-Colonial Approach.” Global Change, Peace &amp; Security 26, no. 1 (January 2, 2014): 71–83. <a href="https://doi.org/10.1080/14781158.2014.867845">https://doi.org/10.1080/14781158.2014.867845</a>.</p> <p>Napoleon, Val, and Hadley Friedland. “An Inside Job: Engaging with Indigenous Legal Traditions through Stories.” McGill Law Journal / Revue de Droit de McGill 61(4) (2016): 725–754.</p>	
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<p><b>September 22</b></p>	<p><b>Courts, Law, Policy Making and Judicial Process</b></p> <p>Hausegger, Chapter 2, The Structure of Canadian Courts</p> <p>Canada Department of Justice. Research and Statistics Division. (2017) Spotlight on Gladue: Challenges, Experiences, and Possibilities in Canada’s Criminal Justice System, <a href="https://www.justice.gc.ca/eng/rp-pr/jr/gladue/gladue.pdf">https://www.justice.gc.ca/eng/rp-pr/jr/gladue/gladue.pdf</a></p> <p>Additional Readings:</p> <p>Department of Justice, <i>Canada’s Court System</i> (Ottawa: Department of Justice Canada, (2025), <a href="https://www.justice.gc.ca/eng/csj-sjc/ccs-ajc/">https://www.justice.gc.ca/eng/csj-sjc/ccs-ajc/</a></p> <p>Tribunals Ontario. Business Plan 2021-22, <a href="https://tribunalsontario.ca/documents/TO/Tribunals_Ontario_2021-2022_Annual_Report.html">https://tribunalsontario.ca/documents/TO/Tribunals_Ontario_2021-2022_Annual_Report.html</a></p> <p>Ontario Land Tribunal. Annual Report 2021-22, (OLT Created Jan 2019). <a href="https://olt.gov.on.ca/wp-content/uploads/2023/02/annual-report-2021-2022.html">https://olt.gov.on.ca/wp-content/uploads/2023/02/annual-report-2021-2022.html</a></p> <p>Canadian Human Rights Commission, “Your Guide to Understanding the Canadian Human Rights Act”, <a href="https://www.chrc-ccdp.gc.ca/sites/default/files/publication-pdfs/chra_guide_lcdp-eng.pdf">https://www.chrc-ccdp.gc.ca/sites/default/files/publication-pdfs/chra_guide_lcdp-eng.pdf</a></p> <p>Ontario Human Rights Commission, “Your Guide to the Ontario Human Rights Code”, <a href="http://www3.ohrc.on.ca/sites/default/files/Guide%20to%20Your%20Rights%20and%20Responsibilities%20Under%20the%20Code_2013.pdf">http://www3.ohrc.on.ca/sites/default/files/Guide%20to%20Your%20Rights%20and%20Responsibilities%20Under%20the%20Code_2013.pdf</a></p>	
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<p><b>September 29</b></p>	<p><b>Courts, Law, Policy Making and Judicial Process</b></p> <p><u>Additional Readings:</u></p> <p>J. Sabin. Canadian Federalism, Multilevel Politics and the Occupation of Ottawa. (2022). Canadian Journal of Political Science, 55(3), 747–753. doi:10.1017/S0008423922000579  <a href="https://www.cambridge.org/core/services/aop-cambridge-core/content/view/6FC30F6BBC931F6900D1A9088C7146FC/S0008423922000579a.pdf/canadian-federalism-multilevel-politics-and-the-occupation-of-ottawa.pdf">https://www.cambridge.org/core/services/aop-cambridge-core/content/view/6FC30F6BBC931F6900D1A9088C7146FC/S0008423922000579a.pdf/canadian-federalism-multilevel-politics-and-the-occupation-of-ottawa.pdf</a></p> <p>James Kelly and Michael Murphy, “Shaping the Constitutional Dialogue on Federalism: Canada’s Supreme Court as Meta-Political Actor” (2005) 35:2 Publius 217-243,  <a href="http://www.jstor.org.ezproxy.library.yorku.ca/openurl?volume=35&amp;date=2005&amp;spage=217&amp;issn=00485950&amp;issue=2&amp;">http://www.jstor.org.ezproxy.library.yorku.ca/openurl?volume=35&amp;date=2005&amp;spage=217&amp;issn=00485950&amp;issue=2&amp;</a>.</p> <p>Keith E. Whittington, R. Daniel Kelemen, and Gregory A. Caldeira. (2011) Overview of Law and Politics the Study of Law and Politics. The Oxford Handbook of Political Science. Edited by Robert E. Goodin,  <a href="https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199604456.001.0001/oxfordhb-9780199604456-e-012?print=pdf">https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199604456.001.0001/oxfordhb-9780199604456-e-012?print=pdf</a></p>	
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<p><b>October 6</b></p>	<p><b>Judicial Process and Alternative Dispute Resolution</b></p> <p>Hausegger, Chapter 3, Judicial Process and Alternative Dispute Resolution</p> <p>Canadian Judicial Council. Alternatives to going to court. (2025). <a href="https://cjc-ccm.ca/en/resources-centre/understanding-your-judicial-system/alternatives-going-court">https://cjc-ccm.ca/en/resources-centre/understanding-your-judicial-system/alternatives-going-court</a></p> <p><u>Additional Readings:</u></p> <p>Lisa Moore and Nicole Aylwin. 2024. Canadian Forum on Civil Justice. Exploring Access to Justice Through the Tribunal System. Insights from a Roundtable Discussion. <a href="https://cfcj-fcjc.org/wp-content/uploads/Exploring-Access-to-Justice-through-the-Tribunal-System-Insights-from-a-Roundtable-Discussion-by-Lisa-Moore-and-Nicole-Aylwin.pdf">https://cfcj-fcjc.org/wp-content/uploads/Exploring-Access-to-Justice-through-the-Tribunal-System-Insights-from-a-Roundtable-Discussion-by-Lisa-Moore-and-Nicole-Aylwin.pdf</a></p> <p>Carrie Menkel-Meadow, “From Legal Disputes to Conflict Resolution and Human Problem Solving: Legal Dispute Resolution in a Multidisciplinary Context” (2004) 54 J. Legal Educ. 7-29, <a href="https://www-jstor-org.ezproxy.library.yorku.ca/stable/pdf/42893832.pdf?refreqid=excelsior%3Ae72ecfed7ef1b4769a12f723a25abd58">https://www-jstor-org.ezproxy.library.yorku.ca/stable/pdf/42893832.pdf?refreqid=excelsior%3Ae72ecfed7ef1b4769a12f723a25abd58</a></p> <p>Mauro Capelletti, “Alternative Dispute Resolution Process within the Framework of the World-Wide Access-to-Justice Movement” (1993) 56 Mod. L. Rev. 282-296, <a href="https://www-jstor-org.ezproxy.library.yorku.ca/stable/pdf/1096668.pdf?refreqid=excelsior%3A1af167560d8ec4a81847a83305b7ab66">https://www-jstor-org.ezproxy.library.yorku.ca/stable/pdf/1096668.pdf?refreqid=excelsior%3A1af167560d8ec4a81847a83305b7ab66</a></p>	
<p><b>October 11-17</b></p>	<p><b>Reading Week</b></p>	
<p><b>October 20</b></p>	<p><b>Judicial Decision-Making and Influences</b></p> <p>Hausegger, Chapter 4, Judicial Decision-Making</p>	

<p><b>October 27</b></p>	<p><b>Judicial Decision-Making and Influences</b></p> <p><u>Additional Readings:</u></p> <p>Canadian Judicial Council. Guidelines for Judges the Use of Artificial Intelligence in Canadian Courts. 1<sup>st</sup> Edition. (2024).  <a href="https://cjc-ccm.ca/sites/default/files/documents/2024/AI%20Guidelines%20-%20FINAL%20-%202024-09%20-%20EN.pdf">https://cjc-ccm.ca/sites/default/files/documents/2024/AI%20Guidelines%20-%20FINAL%20-%202024-09%20-%20EN.pdf</a></p> <p>Lee Epstein, Some Thoughts on the Study of Judicial Behavior, 57 Wm. &amp; Mary L. Rev. 2017 (2016),  <a href="https://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=3656&amp;context=wmlr">https://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=3656&amp;context=wmlr</a></p> <p>Vuk Radmilovic, “Strategic Legitimacy Cultivation at the Supreme Court of Canada: Quebec Secession Reference and Beyond” (2010) 43:4 Canadian Journal of Political Science. 843-69. <a href="https://www-jstor-org.ezproxy.library.yorku.ca/stable/pdf/40983557.pdf?refreqid=excelsior%3Abb0b74ba7679a477b5d680d45135e064">https://www-jstor-org.ezproxy.library.yorku.ca/stable/pdf/40983557.pdf?refreqid=excelsior%3Abb0b74ba7679a477b5d680d45135e064</a></p>	
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<b>November 3</b>	<p><b>Judicial Selection and Diversity</b></p> <p>Hausegger, <i>Canadian Courts</i>, Chapter 5, Judicial Selection</p> <p>Office of the Commissioner for Federal Judicial Affairs Canada (2023). Judicial Appointments Process.  <a href="https://www.fja-cmf.gc.ca/home-accueil/index-eng.html">https://www.fja-cmf.gc.ca/home-accueil/index-eng.html</a></p> <p>Ontario Justice Appointments Advisory Committee (JAAC). Ministry of the Attorney General.  <a href="https://www.ontariocourts.ca/ocj/jaac/">https://www.ontariocourts.ca/ocj/jaac/</a></p> <p>Ontario Justice of the Peace Appointments Advisory Committee (JPAAC). Ministry of the Attorney General.  <a href="https://www.ontariocourts.ca/ocj/jpaac/">https://www.ontariocourts.ca/ocj/jpaac/</a></p> <p>Additional Readings:</p> <p>Office of the Commissioner for Federal Judicial Affairs Canada (2023-24). Diversity Demographic Stats in the Judiciary.  <a href="https://www.fja-cmf.gc.ca/appointments-nominations/StatisticsCandidate-StatistiquesCandidat-2024-eng.html">https://www.fja-cmf.gc.ca/appointments-nominations/StatisticsCandidate-StatistiquesCandidat-2024-eng.html</a></p>		
<b>November 10</b>	<b>Study Class – Briefing Note</b>		



<p><b>November 17</b></p>	<p><b>Judicial Selection and Diversity</b></p> <p><u>Additional Readings:</u></p> <p>Erin Crandall, "A Reflection of Canadian Society? An Analysis of Federal Appointments to Provincial Superior Courts by the Liberal Government of Justin Trudeau" (2022) 45:2 Dal LJ 359. <a href="https://digitalcommons.schulichlaw.dal.ca/cgi/viewcontent.cgi?article=2202&amp;context=dlj">https://digitalcommons.schulichlaw.dal.ca/cgi/viewcontent.cgi?article=2202&amp;context=dlj</a></p> <p>Samreen Beg, and Lorne Sossin. "Diversity, Transparency and Inclusion in Canada's Judiciary." Debating Judicial Appointments in an Age of Diversity. 1st ed. Routledge, 2018. Chapter 7- 118–141. <a href="https://www-taylorfrancis-com.ezproxy.library.yorku.ca/books/edit/10.4324/9781315400068/debating-judicial-appointments-age-diversity-graham-gee-erika-rackley">https://www-taylorfrancis-com.ezproxy.library.yorku.ca/books/edit/10.4324/9781315400068/debating-judicial-appointments-age-diversity-graham-gee-erika-rackley</a></p> <p>Irwin Cotler, "The Supreme Court Appointment Process: Chronology, Context, and Reform" (2008) 58 U. N. B. Law J. 131-146, <a href="https://go-gale-com.ezproxy.library.yorku.ca/ps/i.do?p=AONE&amp;u=yorku_main&amp;iid=GALE%7CA183315159&amp;v=2.1&amp;it=r">https://go-gale-com.ezproxy.library.yorku.ca/ps/i.do?p=AONE&amp;u=yorku_main&amp;iid=GALE%7CA183315159&amp;v=2.1&amp;it=r</a></p>	
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<p><b>November 24</b></p>	<p><b>Judicial Independence and Accountability</b></p> <p>Hausegger, Chapter 6, Judicial Independence and Accountability</p> <p>Public Statement by Ontario’s three Chief Justices regarding Judicial Independence – April 30, 2025.  <a href="https://www.ontariocourts.ca/scj/public-statement-by-ontarios-three-chief-justices-regarding-judicial-independence/">https://www.ontariocourts.ca/scj/public-statement-by-ontarios-three-chief-justices-regarding-judicial-independence/</a></p> <p>Premier Ford’s judicial independence rant draws ire (2025).  <a href="https://nationalmagazine.ca/en-ca/articles/law/judiciary/2025/premier-ford-s-judicial-independence-rant-draws-ire">https://nationalmagazine.ca/en-ca/articles/law/judiciary/2025/premier-ford-s-judicial-independence-rant-draws-ire</a></p> <p><b>Judicial Independence and Accountability</b></p> <p><u>Additional Readings:</u></p> <p>The Honourable Mr. Justice Frank Iacobucci, “The Supreme Court of Canada: Its History, Powers and Responsibilities” (2002) 4 J. Appellate Practice &amp; Process 27-40, <a href="https://go-gale-com.ezproxy.library.yorku.ca/ps/i.do?p=AONE&amp;u=yorku_main&amp;id=GALE%7CA90301876&amp;v=2.1&amp;it=r">https://go-gale-com.ezproxy.library.yorku.ca/ps/i.do?p=AONE&amp;u=yorku_main&amp;id=GALE%7CA90301876&amp;v=2.1&amp;it=r</a></p> <p>Peter McCormick, “New Questions about an Old Concept: The Supreme Court of Canada’s Judicial Independence Decisions” (2004) 37:4 Can. J. Pol. Sci. 839-862, <a href="https://www-proquest-com.ezproxy.library.yorku.ca/docview/204609715/fulltextPDF/1110F045C32C4337PQ/1?accountid=15182">https://www-proquest-com.ezproxy.library.yorku.ca/docview/204609715/fulltextPDF/1110F045C32C4337PQ/1?accountid=15182</a></p>	
<p><b>December 1</b></p>	<p><b>Study Class – Go over midterm exam</b></p>	
<p><b>December 4 - 19</b></p>	<p><b>Exam Week</b></p>	
<p><b>January 5, 2026</b></p>	<p><b>Mid-term Exam</b></p>	

<p><b>January 12</b></p>	<p><b>Interest Groups in Court</b></p> <p>Hausegger, Chapter 7, Actors in the Process: Interest Groups</p> <p><u>Additional Readings:</u></p> <p>McNabb D. Who Intervenes in Supreme Court Cases in Canada? Canadian Journal of Political Science. (2023)  <a href="https://www.cambridge.org/core/services/aop-cambridge-core/content/view/B23EC8ABC544335E055DADEB4983AF13/S000842392300046Xa.pdf/who-intervenes-in-supreme-court-cases-in-canada.pdf">https://www.cambridge.org/core/services/aop-cambridge-core/content/view/B23EC8ABC544335E055DADEB4983AF13/S000842392300046Xa.pdf/who-intervenes-in-supreme-court-cases-in-canada.pdf</a></p> <p>Benjamin R. D. Alarie; Andrew J. Green, "Interventions at the Supreme Court of Canada: Accuracy, Affiliation, and Acceptance," Osgoode Hall Law Journal 48, no. 3 &amp; 4 (2010): 381-410, <a href="https://heinonline-org.ezproxy.library.yorku.ca/HOL/Page?handle=hein.journals/ohlj48&amp;id=387&amp;collection=journals&amp;index=">https://heinonline-org.ezproxy.library.yorku.ca/HOL/Page?handle=hein.journals/ohlj48&amp;id=387&amp;collection=journals&amp;index=</a></p> <p>Ian Brodie, "Interest Group Litigation and the Embedded State: Canada's Court Challenges Program" (2001) 34:2 Can. J. Pol. Sci. 357-376,  <a href="http://www.jstor.org.ezproxy.library.yorku.ca/stable/3232699">http://www.jstor.org.ezproxy.library.yorku.ca/stable/3232699</a>.</p>	
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<p><b>January 19</b></p>	<p><b>Governments in Court</b></p> <p>Hausegger, Chapter 8, Governments in Court</p> <p>Parliament and Supreme Court of Canada Reference Cases – Background Papers. (2015).  <a href="https://lop.parl.ca/staticfiles/PublicWebsite/Home/ResearchPublications/BackgroundPapers/PDF/2015-44-e.pdf">https://lop.parl.ca/staticfiles/PublicWebsite/Home/ResearchPublications/BackgroundPapers/PDF/2015-44-e.pdf</a></p> <p>Matthew Hennigar, “Why Does the Federal Government Appeal to the Supreme Court of Canada in Charter of Rights Cases? A Strategic Explanation” (2007) 41:1 Law &amp; Soc. Rev. 225-250, <a href="https://onlinelibrary-wiley-com.ezproxy.library.yorku.ca/doi/pdfdirect/10.1111/j.1540-5893.2007.00296.x">https://onlinelibrary-wiley-com.ezproxy.library.yorku.ca/doi/pdfdirect/10.1111/j.1540-5893.2007.00296.x</a></p>		
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<p><b>January 26</b></p>	<p><b>Criminal Justice</b></p> <p>Hausegger, Chapter 9, Criminal Justice: Policy and Process</p> <p>Ontario Community Justice Center Pilots.  <a href="https://www.ontario.ca/page/justice-centres">https://www.ontario.ca/page/justice-centres</a></p> <p>Video: Toronto Downtown East Justice Centre. July 2022,  <a href="https://www.youtube.com/watch?v=oKOkAPv8Wm0&amp;t=108s">https://www.youtube.com/watch?v=oKOkAPv8Wm0&amp;t=108s</a></p> <p>Brian J. Ostrom. (2020) National Centre for State Courts. Delivering Timely Justice in Criminal Cases: A National Picture.  <a href="https://ncsc.contentdm.oclc.org/digital/collection/criminal/id/321">https://ncsc.contentdm.oclc.org/digital/collection/criminal/id/321</a></p> <p><u>Additional Readings:</u></p> <p>Tymchuk, Trevor. 2011. Ontario's Justice Centre Pilots: Uniquely Tailored to Specialized Needs and Community Justice Centres: An Innovative Community-Driven Justice Model for the Future.  <a href="https://hsjcc.on.ca/ontarios-justice-centre-pilots-uniquely-tailored-to-specialized-needs-and-community-justice-centres-an-innovative-community-driven-justice-model-for-the-future-2021-11-16/">https://hsjcc.on.ca/ontarios-justice-centre-pilots-uniquely-tailored-to-specialized-needs-and-community-justice-centres-an-innovative-community-driven-justice-model-for-the-future-2021-11-16/</a></p> <p>Cecillia, Brooke. "Cloaked Meaning and Moral Craftwork: Progress and Perpetual Problems in the News Coverage of Indigenous Peoples and Canada's Justice System." Canadian Journal of Communication 46(3) (2021): 587–612.</p> <p>Palma Paciocco. "Trial Delay Caused by Discrete Systemwide Events: The Post-Jordan Era Meets the Age of COVID-19." Osgoode Hall Law Journal 57.3 (2021): 835-867  <a href="https://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=3607&amp;context=ohlj">https://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=3607&amp;context=ohlj</a></p>	
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<p><b>February 2</b></p>	<p><b>Indigenous Justice</b></p> <p>Do, M., &amp; Schertzer, R. (2024). How Should Courts Respond to Political Questions? Exploring the Dialogical Turn in the Supreme Court of Canada's Federalism and Indigenous Case Law. <i>Law &amp; Social Inquiry</i>, 49(1), 478–508. doi:10.1017/lsi.2022.89  <a href="https://www.cambridge.org/core/services/aop-cambridge-core/content/view/DF9EFEA816B3611EE7376C305F9742A8/S0897654622000892a.pdf/how-should-courts-respond-to-political-questions-exploring-the-dialogical-turn-in-the-supreme-court-of-canadas-federalism-and-indigenous-case-law.pdf">https://www.cambridge.org/core/services/aop-cambridge-core/content/view/DF9EFEA816B3611EE7376C305F9742A8/S0897654622000892a.pdf/how-should-courts-respond-to-political-questions-exploring-the-dialogical-turn-in-the-supreme-court-of-canadas-federalism-and-indigenous-case-law.pdf</a></p> <p>Indigenous justice plan, transforming the criminal justice system. (2025).  <a href="https://www.justice.gc.ca/eng/csj-sjc/ijr-dja/ijs-sja/tijs-lsia/pdf/IJS_EN.pdf">https://www.justice.gc.ca/eng/csj-sjc/ijr-dja/ijs-sja/tijs-lsia/pdf/IJS_EN.pdf</a></p> <p>Canada Department of Justice. Research and Statistics Division. (2017) Spotlight on Gladue: Challenges, Experiences, and Possibilities in Canada's Criminal Justice System,  <a href="https://www.justice.gc.ca/eng/rp-pr/jr/gladue/gladue.pdf">https://www.justice.gc.ca/eng/rp-pr/jr/gladue/gladue.pdf</a></p> <p>Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada, <a href="https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Executive_Summary_English_Web.pdf">https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Executive_Summary_English_Web.pdf</a></p> <p>Truth and Reconciliation Commission of Canada, Calls to Action, <a href="http://trc.ca/assets/pdf/Calls_to_Action_English2.pdf">http://trc.ca/assets/pdf/Calls_to_Action_English2.pdf</a></p> <p>National Inquiry into Missing and Murdered Indigenous Women and Girls, "Executive Summary of the Final Report", online: <a href="https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Executive_Summary.pdf">https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Executive_Summary.pdf</a></p> <p>Supreme Court Case R. v. Gladue. 1999. <a href="https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1695/index.do">https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1695/index.do</a></p>	
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February 9	<p><b>Civil Justice: Procedures and Access</b></p> <p>Hausegger, Chapter 10, Civil Justice: Private Disputes, Public Consequences</p> <p><b>Civil Justice: Procedures and Access</b></p> <p><u>Additional Readings:</u>  Suzanne E. Chiodo. "Ontario Civil Justice Reform in the Wake of COVID-19: Inspired or Institutionalized?" Osgoode Hall Law Journal 57.3 (2021): 801-833,  <a href="https://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=3606&amp;context=ohlj">https://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=3606&amp;context=ohlj</a></p> <p>Trevor C. W. Farrow. Civil Justice, Privatization, and Democracy. University of Toronto [Ontario] Press, 2014, <u>ch 3 (privatization of civil courts) and ch 6 (concerns with privatization of civil courts)</u>. Ebook. <a href="https://books-scholarsportal-info.ezproxy.library.yorku.ca/en/read?id=/ebooks/ebooks3/utpress/2014-04-24/1/9781442663640#page=236">https://books-scholarsportal-info.ezproxy.library.yorku.ca/en/read?id=/ebooks/ebooks3/utpress/2014-04-24/1/9781442663640#page=236</a></p> <p>Moore, Lisa. (2023). Canadian Forum on Civil Justice (CFCJ). Community Justice Services: Models from Around the World. <a href="https://cfcj-fcjc.org/wp-content/uploads/Community-Justice-Services-Models-from-Around-the-World-Lisa-Moore.pdf">https://cfcj-fcjc.org/wp-content/uploads/Community-Justice-Services-Models-from-Around-the-World-Lisa-Moore.pdf</a></p>	
February 14-20	<b>Reading Week</b>	
February 23	<p><b>Courts, Policy-Making, and Judicial Impact</b></p> <p>Hausegger, Chapter 11</p>	

<p><b>March 2</b></p>	<p><b>Courts, Policy-Making, and Judicial Impact</b></p> <p>Additional Readings:</p> <p>Roach, K. (2016). Chapter 6: Four Dimensions of Judicial Activism In <i>The Supreme Court on Trial</i>. Irwin Law. <a href="https://justis-vlex-com.ezproxy.library.yorku.ca/vid/903478280">https://justis-vlex-com.ezproxy.library.yorku.ca/vid/903478280</a> (You must be logged into York University Library).</p> <p>Roach, K. (2016). Chapter 15: Judicial Activism and Democratic Dialogue In <i>The Supreme Court on Trial</i>. Irwin Law. <a href="https://justis-vlex-com.ezproxy.library.yorku.ca/vid/903478289">https://justis-vlex-com.ezproxy.library.yorku.ca/vid/903478289</a> (You must be logged into York University Library).</p>	
<p><b>March 9</b></p>	<p><b>The Current Landscape of Justice – Impacts and Responses to COVID19 Pandemic</b></p> <p>Richard Haigh and Bruce Preston. "The Court System in a Time of Crisis: COVID-19 and Issues in Court Administration." <i>Osgoode Hall Law Journal</i> 57.3 (2021): 869-904. <a href="https://digitalcommons.osgoode.yorku.ca/ohlj/vol57/iss3/11">https://digitalcommons.osgoode.yorku.ca/ohlj/vol57/iss3/11</a></p> <p>Organization for Security and Co-operation in Europe (OSCE). Office for Democratic Institutions and Human Rights (ODIHR). October 2020. <i>The Functioning of Courts in the Covid-19 Pandemic – Primer</i>. <a href="https://www.osce.org/files/f/documents/5/5/469170.pdf">https://www.osce.org/files/f/documents/5/5/469170.pdf</a></p> <p>Canadian Bar Association (CBA). Feb 2021. <i>No Turning Back: CBA Task Force Report on Justice Issues Arising from COVID-19</i>. <a href="https://cba.org/Our-Impact/CBA-Influence/No-Turning-Back-A-report-from-the-CBA-COVID-19-task-force">https://cba.org/Our-Impact/CBA-Influence/No-Turning-Back-A-report-from-the-CBA-COVID-19-task-force</a></p>	



<p>March 16</p>	<p><b>Innovations in Justice Theories of Transformation</b></p> <p>Siddharth Peter de Souza, and Maximilian Spohr. 2020. Technology, Innovation and Access to Justice. Future Law Services. <u>Chapter 5</u> (The Future of Law: Technology, Innovation and Access to Justice in Legal Services Around the World). Edinburgh: Edinburgh University Press. <a href="http://search.ebscohost.com.ezproxy.library.yorku.ca/login.aspx?direct=true&amp;db=nlebk&amp;AN=2709240&amp;site=ehost-live">http://search.ebscohost.com.ezproxy.library.yorku.ca/login.aspx?direct=true&amp;db=nlebk&amp;AN=2709240&amp;site=ehost-live</a></p> <p>Murphy, M. (2008). Ideas, interests, and institutions: Explaining Irish social security policy. Dublin: Combat Poverty Agency. Retrieved from: <a href="http://www.combatpoverty.ie/publications/workingpapers/2008-08_WP_IdeasInterestsAndInstitutionsExplainingIrishSocialSecurityPolicy.pdf">http://www.combatpoverty.ie/publications/workingpapers/2008-08_WP_IdeasInterestsAndInstitutionsExplainingIrishSocialSecurityPolicy.pdf</a></p> <p>M. P. Castro and T.A. Guimaraes. (2020), "Dimensions that influence the innovation process in justice organizations", Innovation &amp; Management Review, Vol. 17 No. 2, pp. 215-231. <a href="https://www.emerald.com/insight/content/doi/10.1108/I NMR-10-2018-0075/full/html#abstract">https://www.emerald.com/insight/content/doi/10.1108/I NMR-10-2018-0075/full/html#abstract</a></p> <p>Wallace, A., &amp; Laster, K. (2021). Courts in Victoria, Australia, During COVID: Will Digital Innovation Stick? International Journal for Court Administration, 12(2), 9, <a href="https://www.iacajournal.org/articles/10.36745/ijca.389/#">https://www.iacajournal.org/articles/10.36745/ijca.389/#</a></p>	
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March 23	<p><b>Innovations In Justice - Ontario</b></p> <p>Additional Readings:</p> <p>Workshop #4 Modernizing Justice, Christopher Johns   Workshop #4 Christopher Johns Modernizing Justice.pdf  2017 Conference Documents of Ontario Adjudicators and Regulators.  <a href="https://soar.on.ca/sites/default/files/documents/Workshop%20%234%20Christopher%20Johns%20Modernizing%20Justice.pdf">https://soar.on.ca/sites/default/files/documents/Workshop%20%234%20Christopher%20Johns%20Modernizing%20Justice.pdf</a></p> <p>Ontario Investing in Digital Justice Platform (2023).  <a href="https://news.ontario.ca/en/release/1003292/ontario-investing-in-digital-justice-platform">https://news.ontario.ca/en/release/1003292/ontario-investing-in-digital-justice-platform</a></p> <p>Ontario Superior Court Of Justice: Modernizing The Justice System (2023). 2019 – 2023 REPORT.  <a href="https://www.ontariocourts.ca/scj/files/annualreport/2019-2023-EN.pdf">https://www.ontariocourts.ca/scj/files/annualreport/2019-2023-EN.pdf</a></p> <p>Strengthening and modernizing Canada’s family justice system. (2025). <a href="https://www.justice.gc.ca/eng/fl-df/cfl-mdf/01.html">https://www.justice.gc.ca/eng/fl-df/cfl-mdf/01.html</a></p>		
March 30	<b>LAST CLASS – BRIEFING NOTE DUE</b>		
April 8-24	<b>EXAMS</b>		

## Course Policies

Please review the course policies in this section. All students are expected to familiarize themselves with the following information:

- [Student Rights & Responsibilities](#)
- [Academic Accommodation for Students with Disabilities](#)

## Academic Integrity

Academic integrity is a fundamental and important value of York University. To maintain a fair and honest learning environment, you are responsible for understanding and upholding academic integrity in all courses and academic activities. You are encouraged to connect with reliable [on-campus resources](#) that support your

coursework and academic honesty. To better understand the serious consequences of breaching academic honesty policies, familiarize yourself with the [Senate Policy on Academic Conduct](#). You can learn more about upholding academic integrity in your courses by exploring [SPARK: Academic Integrity Module](#), [LA&PS Academic Honesty](#) and [Academic Integrity for Students](#).

## Generative Artificial Intelligence (GenAI)

Students are not permitted to use generative artificial intelligence (AI) in this course. Submitting any work created (in whole or part) through the use of generative AI tools will be considered a violation of York University's [Senate Policy on Academic Conduct](#). Using AI apps such as ChatGPT, GPT-3, DALL-E, translation software among others to complete academic work **without your instructor's knowledge or permission**, is considered to be a breach of academic honesty. For more information, please review [AI Technology & Academic Integrity: Information for Students](#).

If you're not sure whether using an AI app for your academic work is acceptable, it is recommended that you:

- Carefully review the guidelines for your assessments
- Check for any messages from your instructor on eClass
- Ask your instructor or TA if they are permitting the use of these tools

## Turnitin

To promote academic integrity in this course, students will normally 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.

## Accessibility

York University is committed to creating a learning environment which provides equal opportunity to all members of its community. If you anticipate or experience any barriers to learning in this course, please discuss your concerns with your instructor as early as possible. For students with disabilities, contact [Student Accessibility Services](#) to coordinate academic accommodations and services. Accommodations will be communicated to Course Directors through a Letter of Accommodation (LOA).

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 days of religious significance](#). Should any of the dates specified in this syllabus for course assignments, tests, or deadlines conflict with a date of religious significance, please contact the instructor not less than two (2) weeks (or 14 days) prior to the date for which accommodation is sought. If the requested accommodation is for an exam or falls within the formal examination periods, you must complete and submit a [Religious Accommodation Agreement](#) at least three (3) weeks (or 21 days) before the start of the exam period.

## Intellectual Property

Course materials are designed for use as part of this particular course at York University and are the intellectual property of the instructor unless otherwise stated. Third-party copyrighted materials (such as book chapters, journal articles, music, videos, etc.) have either been licensed for use in this course or fall under an exception or limitation in Canadian copyright law. Students may not publish, post on an Internet site, sell, or otherwise distribute any course materials or work without the instructor's express permission. Course materials should only be used by students enrolled in this course.

Copying this material for distribution (e.g., uploading material to a commercial third-party website) may lead to a charge of misconduct according to York's [Code of Student Rights and Responsibilities](#), the [Senate Policy on Academic Conduct](#), and/or legal consequences for copyright violations.

## Student Support and Resources

York University offers a wide range of student supports resources and services, including everything from writing workshops and peer mentorship to wellness support and career guidance. Explore the links below to access these on-campus resources:

- [Academic Advising](#) is available to provide students support and guidance in making academic decisions and goals.
- [Student Accessibility Services](#) are available for support and accessibility accommodation when required.

- [Student Counselling, Health & Wellbeing](#) offers workshops, resources, and counselling to support your academic success.
- [Peer-Assisted Study Sessions \(PASS\) Program](#) provides student study sessions for students to collaborate and enhance their understanding of course content in certain courses.
- [Student Numeracy Assistance Centre at Keele \(SNACK\)](#) supports students in courses involving math, stats, and Excel.
- [The Writing Centre](#) provides multiple avenues of writing-based support including drop-in sessions, one-to-one appointments, a Multilingual Studio, and an Accessibility Specialist.
- [Centre for Indigenous Student Services](#) offers a community space with academic, spiritual, cultural, and physical support, including writing and learning skills programs.
- [ESL Open Learning Centre \(OLC\)](#) supports students with building proficiency in reading, writing, and speaking English.
- [Learning Skills Services](#) provides tips for time management, effective study and learning habits, keeping up with coursework, and other learning-related supports.
- [Learning Commons](#) provides links to supports for time management, writing, study skills, preparing for exams, and other learning-related resources.
- [Roadmap to Student Success](#) provides students with timely and targeted resources to help them achieve academic, personal, and professional success.
- [Office of Student Community Relations \(OSCR\)](#) is responsible for administering the [Code of Student Rights & Responsibilities](#) and provides critical incident support.
- [Peer Mentorship](#) helps students transition through their first year by connecting them with upper-year students. The mentors can help find supports and resources. They also lead a community hub on campus.
- [goSAFE](#) is staffed by York students and can accompany York community members to and from any on-campus location, such as the Village Shuttle pick-up hub, parking lots, bus stops, or residences.

For a full list of academic, wellness, and campus resources visit [Student Support & Resources](#).