

OSGOODE

OSGOODE HALL LAW SCHOOL  
YORK UNIVERSITY

Professional Development  
LLM



## Part-time LLM Specializing in Constitutional Law

Available via Distance Learning

Directors

Warren J. Newman, Department of Justice of Canada

Bruce B. Ryder, Osgoode Hall Law School

Richard A. Haigh, Osgoode Hall Law School

[www.osgoodepd.ca](http://www.osgoodepd.ca)

YORK  
UNIVERSITÉ  
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redefine THE POSSIBLE.

This two-year, Part-time program will examine compelling and evolving contemporary legal issues relating to public policy, human rights, aboriginal federalism, and other constitutional matters. Instructed by an interdisciplinary faculty including practitioners and judges, students will enhance and broaden their understanding of this complex area of law.

## PROGRAM DIRECTORS



**Richard A. Haigh**  
Osgoode Hall Law School



**Warren J. Newman**  
Department of Justice of Canada



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Osgoode Hall Law School

## THE CURRICULUM

Courses will be offered in a combination of intensive (typically three consecutive days including one Saturday) and weekly format. While the program is available by distance, students are required to attend some sessions in person in Toronto.

### Degree Requirements

- Option I**
  - The required coursework (30 credits);
  - Advanced Legal Research Workshop [GSLaw 6101] [1 credit]; and
  - An independent Major Research Paper (70 pages).
- Option II**
  - The required coursework (30 credits);
  - A significant research paper (30 pages) completed for one of the required courses; and
  - An additional 6 credits of coursework taken from other specializations offered during your period of enrollment in the program.

### Required Courses

Constitutional Theory  
Legal Rights in the Canadian Charter  
Federalism & Institutions of Government  
Evidence and Procedure in Constitutional Litigation  
Constitutional Remedies  
Freedom of Expression and the Press  
Equality Rights  
Aboriginal Peoples and the Canadian Constitution

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*"I am very fortunate to be able to pursue my LLM while continuing in private practice. Without the programming offered at OPD this would not be possible. OPD provides excellent support for distance students and manages to make us feel connected to the rest of the student body."*

- Allisun Rana, Student  
Constitutional Law

## COURSE DESCRIPTIONS

### Constitutional Theory [GSLaw 6726] [3 credits]

This course examines the role and legitimacy of judicial review in a liberal democracy; formalism and realism; critical legal studies; the ideological structure and sources of law; and law and politics.

### Legal Rights in the Canadian Charter [GSLaw 6640] [6 credits]

This course provides an overview of the legal rights sections (ss.7-14) of the Charter of Rights and Freedoms. The course begins with a general examination of the provisions, including a review of the origins of the legal rights sections and the idea of legal rights as a democratic notion, and their place in the international community. More specific topics will then be covered, including: euthanasia, assisted suicides and abortion; the application of s.7 to situations outside Canada (including capital punishment and torture of extradited persons); conflicting parameters of legal rights including the right to privacy and the right to full answer and defence. Legal rights will be examined in a criminal context which will include search and seizure, right to counsel, right to be tried within a reasonable time, the presumption of innocence (and theories about self-incrimination), and the nature of cruel and unusual punishment. In addition, the course will examine the interaction of the legal rights provisions of the Charter with administrative law and procedures, including judicial independence and the role of governments. Throughout the course, underlying theories and themes related to legal rights will be discussed.

### Federalism & Institutions of Government [GSLaw 6721] [6 credits]

This course examines the impact of unwritten constitutional principles, including federalism and the division of powers, on the text and underlying structure of the Constitution; the operation of the conventions of responsible government and the principles of democracy, the rule of law and the protection of minorities in representative institutions; the separation of powers and the respective roles of the Crown, Parliament and the legislatures, and

the courts in ensuring respect for constitutionalism; the process of and prospects for constitutional amendment; and selected topics in federalism (as examples, peace, order and good government; trade and commerce; criminal law; property and civil rights; interjurisdictional immunity; and paramourcy).

### Evidence and Procedure in Constitutional Litigation [GSLaw 6725A] [3 credits]

This course examines the process of constitutional litigation; the dynamics of judicial review; jurisdiction and choice of forum; standing; proper defendants; class actions; intervention; ripeness, mootness and justiciability; burdens of proof; evidence issues and the challenge of proving legislative and constitutional facts; strategy in public interest litigation; and effective written and oral advocacy.

### Constitutional Remedies [GSLaw 6725B] [3 credits]

This course examines the remedies that are available for breaches of the Charter and Aboriginal rights and related procedural issues. The related procedural issues may include standing, mootness and jurisdiction to award Charter remedies and apply the Charter. The discussion may include remedies in criminal cases, exclusion of evidence, damages, costs, declarations, injunctions (final and interlocutory), equitable and other remedies for violations of Aboriginal rights and the range of remedies available for unconstitutional legislation including reading down and reading in; severance, extension or invalidation of underinclusive laws; constitutional exemptions; delayed declarations of invalidity and prospective rulings.

### Freedom of Expression and the Press [GSLaw 6722] [3 credits]

This course provides an overview of the jurisprudence under s.2(b) of the Charter of Rights; theories of expressive and press freedom; relationship between s.2(b) and s.1; comparisons with First Amendment jurisprudence; expression and harm; and the regulation of various kinds of expression, including the electoral process, the judicial process and advertising.

### Equality Rights [GSLaw 6724] [6 credits]

This course provides an overview of equality rights under s.15 of the Charter. Topics to be examined include the origins of the language in the text of s.15; theories of equality; definitions of intentional and adverse effects discrimination; the interpretation of the listed grounds of discrimination; the recognition and the relationship between the guarantee of equality in s.15(1) and the protection of ameliorative programmes in s.15(2); the relationship between s.15 and s.1; remedies available for the violation of equality rights; the extent to which particular listed or analogous grounds of discrimination have generated a body of case law; and an evaluation of the utility of litigation and rights discourse to further progressive goals.

### Aboriginal Peoples and the Canadian Constitution [GSLaw 6727] [6 credits]

This course begins by examining the bases for Aboriginal rights in Canadian law, with particular emphasis on the source and content of Aboriginal title to land. The nature of treaties and land claims agreements, and their impact on Aboriginal rights, will also be studied. Constitutional protection of Aboriginal and treaty rights are considered. Included in this discussion will be an examination of the extent of government authority to infringe or extinguish Aboriginal and treaty rights. The second part of the course will focus on the many dimensions of Aboriginal self-government through the study of modern treaties like the Nisga'a Agreement in British Columbia, as well as a review of Aboriginal justice initiatives. Negotiations, implementation, division of powers and constitutional status will be addressed for Indians, Inuit and Metis.

## TUITION AND FEES

Tuition and fees for the Part-time LLM program are \$17, 280. This includes required course materials. Light meals are provided for students attending classes in person at our downtown Toronto location.

Tuition and fees are payable in six installments of \$2, 880, one payment for each term of the program. In addition, a \$15 administrative charge is levied by the Faculty of Graduate Studies for each term registered.

Tuition fees are set by the York University Board of Governors and are subject to change at any time. The amount above is the current estimated cost for the programs commencing in 2008/2009.

## FOR MORE INFORMATION CONTACT

**Sophie Seventikidis**, Admissions and Client Services Assistant

 416.673.4670 |  [admissions-opd@osgoode.yorku.ca](mailto:admissions-opd@osgoode.yorku.ca)

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