

OSGOODE

OSGOODE HALL LAW SCHOOL
YORK UNIVERSITY

Professional Development
LLM



Directors

Hon. Justice John Evans, Federal Court of Appeal

Mahmud Jamal, Osler, Hoskin & Harcourt LLP

Gus Van Harten, Osgoode Hall Law School, York University

Part-time LLM Specializing in Administrative Law

Outside Toronto?

Distance Learning options are available for some courses. Visit www.osgoodepd.ca for details.

www.osgoodepd.ca

YORK
UNIVERSITÉ
UNIVERSITY 
redefine THE POSSIBLE.

This unique program gives students the opportunity to examine and analyze contemporary legal issues relating to the delivery of public programs of regulation and social benefit. Students will examine at an advanced level; current developments in administrative law; theoretical perspectives on public administration; the law and application of judicial review principles; case studies in provincial and federal administrative programs; institutions and policy-making processes; and, the liability of the Crown and other public bodies.

DIRECTORS



Hon. Justice John Evans
Federal Court of Appeal



Gus Van Harten
Osgoode Hall Law School



Mahmud Jamal
Osler, Hoskin & Harcourt LLP

THE CURRICULUM

Courses will be offered in a combination of intensive (usually three consecutive days including one Saturday, although the first course will be delivered over five days including one weekend) and weekly format. Videoconferencing is available for weekly format courses; attendance in person is required for intensive format courses.

Degree Requirements

There are two options for completing this degree.

Option I

- The required coursework (30 credits)
- A Major Research Paper (70 pages) in the Administrative Law field (6 credits)

Option II

- The required coursework (30 credits)
- A significant research paper (30 pages) for one of the required courses
- An additional 6 credits of coursework taken from other specializations

Required Courses

Administrative Law: Overview and Current Developments [6 credits]

Some Theoretical Perspectives on Public Law and Administration [3 credits]

Current Issues in Judicial Review of Administrative Action [3 credits]

Policy-Making in Administrative Tribunals [3 credits]

Administrative Law Remedies [3 credits]

The “New” Administrative Law [3 credits]

Regulatory Regimes [6 credits]

The Law of Inquests [3 credits]

"Osgoode's Administrative LLM is a good mix of theory and practice, and the courses I took have greatly assisted me in my immigration litigation work. The program is sensitive to, and accommodates the needs of busy practitioners without sacrificing the quality of instruction. Overall it is an excellent program and well worth the time invested."

Wennie Lee, BA, LLB, LLM (Administrative Law)

"As a government lawyer whose practice focuses on matters before administrative tribunals, Osgoode's Administrative LLM was, for me, the ultimate in continuing legal education. With faculty composed of top professors, practitioners, judges and policy makers, I highly recommend this program."

Christopher C. Cooper, BA, MA, LLB, LLM (Administrative Law), GDipl. J.S.A.

COURSE DESCRIPTIONS

Administrative Law: Overview and Current Developments [6 credits]*

This course reviews the main principles and rules of the standard of review analysis, procedural fairness, and selected additional topics. The focus is on substantive and procedural grounds for judicial review and on current developments in the jurisprudence in these areas. Additional topics selected for study may include, for example, the impact of the state's international obligations on administrative action at the domestic level. The course lays a groundwork for the remainder of the program. It aims to provide an overview for students who have not previously had extensive exposure to administrative law, but also to afford for students, who are experienced in the subject, an opportunity to reflect on and develop their knowledge base.

Some Theoretical Perspectives on Public Law and Administration [3 credits]

This course provides a theoretical framework by considering the application of some contemporary theories of, and perspectives on, public administration and administrative law. Theoretical perspectives considered will include: liberalism and the rule of law; the functionalist critique; legal pluralism; critical theory; feminism; public choice theory; organizational theory. A focus of the course is the need to articulate theoretical bases for identifying appropriate roles for legislatures, agencies and courts in promoting, through law, democratic values and the protection of human rights in the administrative state.

Current Issues in Judicial Review of Administrative Action [3 credits]

This course examines some of the most important issues that have recently arisen in the course of the courts' supervision of administrative action, such as procedural fairness and institutional decision-making; the giving of reasons; independence and impartiality; deliberative secrecy; specialization and expertise; and standards of court review of administrative decisions. It will also address, where applicable, the impact on administrative action of the *Canadian Charter of Rights and Freedoms*.

Policy-Making in Administrative Tribunals [3 credits]

An important issue for many administrative agencies is whether, and when, they should engage in general rule or policy-making outside the adjudication of individual disputes. Decisions of the Supreme Court of Canada related to a tribunal's ability to issue binding guidelines provide a rich case study of a number of the issues raised by rule-making by independent agencies. The course also considers the respects in which the law has facilitated, required or hampered agencies in the greater use of open rule making.

Administrative Law Remedies [3 credits]

This course explores the range of remedies available to those who are aggrieved by some administrative action, inaction, or decision, and attempts to identify their respective strengths and limitations. Topics may

include: the ability of agencies to reconsider their decisions; the power of agencies to determine the constitutional validity of their enabling legislation and their remedial powers; the relationship between administrative remedies and the exercise by the courts of their supervisory jurisdiction.

The “New” Administrative Law [3 credits]

This course explores recent developments in administrative law. In the past, the course has focused on such topics as the jurisprudence on Crown liability and regulatory negligence, the scope of the Crown’s fiduciary obligations to statutory benefits recipients; public inquiries; administrative law by appointments; and access to administrative justice.

Regulatory Regimes [6 credits]*

The course will examine the manner in which administrative law issues play out in specific economic regulatory contexts. The focus will be on the nature of the oversight and enforcement mechanisms in selected regulatory regimes and the extent to which they are effective or not. The course will include classic perspectives, such as James Landis's *The Administrative Process* and Marver Bernstein's *Regulating Business by*

Independent Commission, and contemporary views about the impact of deregulation, privatization, globalization, and the emergence of the Internet. The four substantive areas that will be considered are competition regulation, environmental regulation, professional regulation, and securities regulation.

The Law of Inquests [3 credits]

This course explores inquests as an example of an administrative context in which issues common to many administrative tribunals arise. The course examines matters such as standing, admissibility of evidence, procedural rules and judicial review.

Major Research Paper [6 credits]

A Major Research Paper (MRP) of approximately 70 pages may be completed on any topic related to Administrative law, provided appropriate supervision is available.

The MRP should go beyond merely describing legal developments to include independent critical analysis of its subject matter. It should be work of publishable quality. You will be required, at a minimum, to submit to your supervisor an outline and bibliography for approval before writing your paper. The final paper is marked on a pass/fail basis.

Note: Curriculum and course descriptions are subject to change.

* *New courses and course changes are subject to Senate approval.*

TUITION AND FEES

Tuition and fees for the Part-time LLM are currently \$18,660, payable in six installments throughout the program. In addition, a \$15 administrative charge is levied by the Faculty of Graduate Studies each term. Fees include required course materials. Light meals are provided for students attending classes in person in Toronto.

Tuition fees are set by the York University Board of Governors and are subject to change at any time. Students who take longer than six terms to complete their program may be subject to additional tuition charges.

FOR MORE INFORMATION CONTACT

Sophie Seventikidis, Admissions and Client Services Assistant

☎ 416.673.4670 or toll free within Canada at 1.888.923.3394

✉ admissions-opd@osgoode.yorku.ca

APPLY NOW! ENROLLMENT IS LIMITED.