

OSGOODE

OSGOODE HALL LAW SCHOOL
YORK UNIVERSITY

Professional Development
LLM



Directors

Bruce B. Ryder, Associate Professor, Osgoode Hall Law School

Richard A. Haigh, Adjunct Professor, Osgoode Hall Law School

Warren J. Newman, Senior General Counsel, Department of Justice

Professional LLM in Constitutional Law

Outside Toronto?

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

www.osgoodepd.ca

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redefine THE POSSIBLE.

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"Osgoode's Constitutional Law LLM is exceptional! The program faculty and students are top-notch and OPD's videoconferencing capability makes this a program with national reach, rich with regional diversity and perspectives. The experience is truly rewarding and I highly recommend this LLM to others."

R. Mark Fletcher, BA (Hons), LLB, LLM (Candidate 2011)
Grosman, Grosman & Gale LLP, Toronto

"As a litigator with over 30-years of experience, Osgoode's Professional LLM in Constitutional Law helped me see and understand the law in a new and deeper way. Exchanging ideas with the accomplished faculty and a great group of fellow students was exciting and a tremendous learning experience. I was sorry to see the last class end."

P. Jonathan Faulds, Q.C.
Partner, Field LLP

FACULTY

Allan C. Hutchinson, Interim Dean and
Associate Vice-President Graduate, Faculty of
Graduate Studies, York University

C. Kent McNeil, Distinguished Research Professor
Osgoode Hall Law School

Hon. Justice Shaun Shungi Nakatsuru, Ontario Court
of Justice, Toronto Region

Marilyn L. Pilkington, Associate Professor
Osgoode Hall Law School

Janna Promislow, Assistant Professor
Faculty of Law, University of Victoria

Kent Roach, Prichard-Wilson Chair
Faculty of Law, University of Toronto

S. Ronald Stevenson, Senior General Counsel
Department of Justice



DEGREE REQUIREMENTS

The degree requirements will be satisfied upon the completion of 36 credits. The 36 credits can be obtained by either coursework or a blend of coursework and a Major Research Paper. Please visit www.osgoodepd.ca for required and elective course information.

CURRICULUM

Courses will be offered in a combination of weekly and intensive formats. Videoconferencing is available for most courses, although occasional attendance in person in Toronto is required (refer to website for specific details on each course). Note: Faculty, curriculum, course descriptions and degree requirements are subject to change without notice. Visit www.osgoodepd.ca for full course descriptions and requirements.

This innovative and cutting-edge two-year, Professional LLM program examines up-to-date legal issues in constitutional law. From theory to human rights and the *Charter*, to aboriginal issues, this program explores, in detail, areas of importance in Canadian constitutional law, and comparative perspectives of the constitutional law of such countries as the United States, the United Kingdom and others. Instructed by an interdisciplinary faculty including academics, practitioners and judges, students will develop an understanding of constitutional law that is unique and unparalleled in Canada.

COURSE DESCRIPTIONS

Constitutional Theory [3 credits]

Students will examine 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* [6 credits]

With an overview of the legal rights sections (ss.7-14) of the *Charter of Rights and Freedoms*, beginning with a general examination of the provisions, this course provides students with 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. Additionally, students will delve into the interaction of the legal rights provisions of the *Charter* with administrative law and procedures, including judicial independence and the role of governments.

Federalism and Institutions of Government [6 credits]

This course analyzes 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 paramountcy).

Evidence and Procedure in Constitutional Litigation [3 credits]

Students will explore 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 [3 credits]

Remedies available for breaches of the *Charter* and Aboriginal rights and related procedural issues will be examined. Related procedural issues may include standing, mootness and jurisdiction to award *Charter* remedies and apply the *Charter*. Discussions 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.

Fundamental Freedoms in the Canadian *Charter* [6 credits]

This course reviews the fundamental freedoms contained in s.2 of the *Charter*, through theory and jurisprudence related to religion, expression, assembly and association, comparing Canada with other jurisdictions. In addition, it explores fundamental questions such as: why do we protect religious freedom? Could religion be better analyzed as an associative freedom? How do religious freedom and expressive freedom conflicts get resolved? What are the boundaries of expressive freedom? How are freedom of association and assembly analyzed? Is there an overarching unifying theory for fundamental freedoms?

Equality Rights [6 credits]

Providing an overview of equality rights under s.15 of the *Charter*, topics to be investigated throughout this course 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 [3 credits]

This course will examine the basis 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, their impact on Aboriginal rights, and the constitutional protection of Aboriginal and treaty rights are considered. Students will also investigate division of powers and constitutional status of Indians, Inuit and Metis.

Major Research Paper: Constitutional Law [6 credits]

A Major Research Paper (MRP) of approximately 70 pages may be completed on a topic in constitutional law, provided appropriate supervision is available. The MRP should go beyond merely describing legal developments to include independent critical analysis of its subject matter.

TUITION AND FEES

Tuition and fees for the Professional LLM are currently \$20,153, payable in six equal installments throughout the program. In addition, a \$15 administrative charge is levied by the Faculty of Graduate Studies each term. Fees include the required course materials, provided in a balance of hard and electronic formats. Some materials may only be available in electronic format. An additional charge will apply to any shipping of materials outside of Canada. 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.



CPD programming is accredited with law societies and CLE Boards across Canada and the United States. Email us at cpd@osgoode.yorku.ca with your request or question for specific CPD information and credit allocations.

FOR MORE INFORMATION

 admissions-opd@osgoode.yorku.ca

 416.673.4670 or toll free within Canada at 1.888.923.3394



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