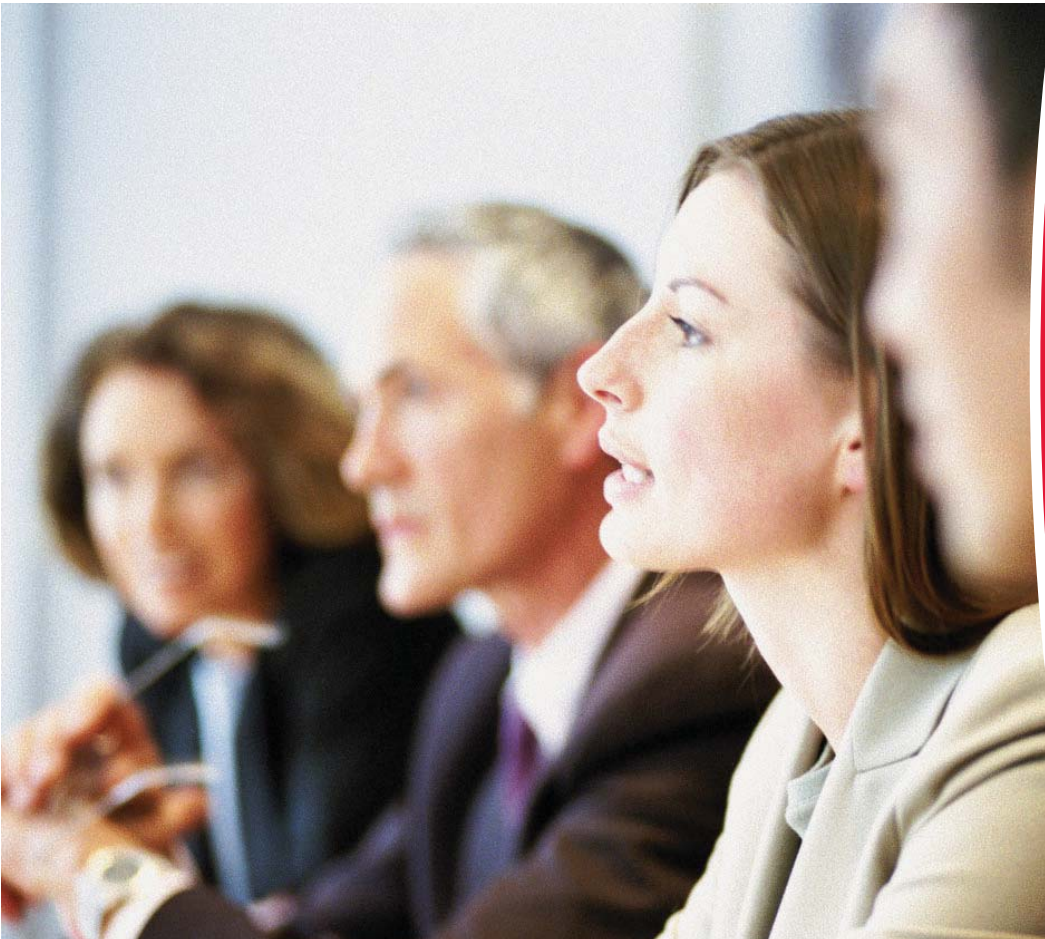


**OSGOODE**

OSGOODE HALL LAW SCHOOL  
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LLM



Directors

**Marie T. Henein**, Barrister, Henein & Associates

**James Stribopoulos**, Associate Professor, Osgoode Hall Law School

**Hon. Justice Gary Trotter**, Superior Court of Justice, Toronto Region

## Professional LLM in Criminal Law and Procedure

### Outside Toronto?

Distance Learning options are available for some courses. Visit [www.osgoodepd.ca](http://www.osgoodepd.ca) for details.

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## DIRECTORS

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Superior Court of Justice  
Toronto Region

"The LLM in Criminal Law provides a wide and multi-faceted overview of some of the most important issues facing criminal law practitioners today. This program is a must for any lawyer who wishes to be knowledgeable and thoughtful in crafting submissions and in diligently protecting their client's interests."

Anne London-Weinstein, LLM (Candidate 2011, Criminal Law)  
Weinstein and Weinstein Criminal Lawyers

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**Robin Parker**  
Barrister, Bedford Law Chambers

**Alan Young**  
Associate Professor, Osgoode Hall Law School



## 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](http://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](http://www.osgoodepd.ca) for full course descriptions and requirements.

The last 25 years have marked a period of revolutionary change within Criminal Law. This practice area seems to be growing ever more pervasive, with the proliferation of new crimes and quasi-criminal regulatory offences: corruption, enterprise and transnational crime, and global terrorism are blurring the distinctions drawn by national borders and between criminal law, corporate/regulatory law and matters of national security.

This immensely popular and rigorous program is designed to provide students with an opportunity to explore the pressing and challenging issues affecting the Canadian criminal justice system. Students will examine the historical roots of the institutions and practices to current social science and doctrinal approaches to them.

## COURSE DESCRIPTIONS

### **Persuasion and Proof: Issues in Fact-Finding and Evidence [3 credits]**

Evidence is the means by which legal claims are actuated. In recent years the ability of the rules of evidence to achieve justice has been called into question. The challenges have come on a number of fronts. Increasingly, the “common sense” behind many of the rules is being called into question by learning in other fields, including the sciences, social sciences and psychology. Experience has proven equally important in exposing limitations in our existing system of rules. The course looks at these issues within the following topics: the misuse and abuse of scientific evidence, the continued use of jailhouse informants and other unreliable forms of evidence, the resistance toward admitting empirical studies that establish the frailty of certain types of evidence (i.e. eyewitnesses' identification testimony), the limitations and mythology of fact-finding in our adversarial process (i.e. ability of judges/jurors to accurately assess credibility), and the challenges posed by our existing rules and procedures for proving certain social facts (i.e. racial profiling).

### **The Theory and Practice of Punishment [3 credits]**

This course will delve into the theoretical and empirical underpinnings of criminal law through an examination of the classic and modern debates about punishment. Key concepts such as deterrence, rehabilitation, incapacitation, retribution and denunciation are critically examined. Topics include: strict discipline, privatization of prisons, conditional sentences, aboriginal sentencing circles and the New Zealand Family Group Conference.

### **Issues in Criminal Law: History, Evolution and Theoretical Approaches [6 credits]**

This course describes and explores the origins of key elements of the current criminal law, from blood feuds and the ordeal, to public prosecutions, rights to counsel, imprisonment, and alternative dispute resolution. It also introduces students to contemporary debates in criminology, while demonstrating a range of research methods and approaches.

### **Crimes and Regulatory Offences: Distinctions with or without Difference [6 credits]**

It has been estimated that there are 97,000 regulatory offences created by federal statutes alone. As penalties for these matters increase, they begin to resemble criminal offences to an

increasing degree. Conversely, in areas such as the control of firearms and the operation of motor vehicles, for example, the trend in criminal law is to establish regulatory schemes. The lines blur in other contexts as well, as the failed prosecution of the managers in the Westray mine disaster demonstrates. This categorization makes it appropriate to divide the course in two parts. Part One examines risk management and regulatory offences and includes such topics as the development of regulatory offences through common law and statute; and the nature and scope of due diligence. Part Two explores the convergence of regulatory law and criminal law.

### **International Criminal Law and Regulation: Parts I and II [6 credits]**

The first part of this course analyzes how states obtain jurisdiction over transnational and international crimes and jurisdiction over the alleged offenders through the process of extradition. Emphasis will be placed on extradition to and from Canada since the *Charter of Rights*. The course then explores how the “globalization” of markets and economies has brought with it increasingly difficult challenges of international regulation and enforcement.

### **Criminal Law and the Charter: Implications and Expectations [6 credits]**

This course examines the impact of the Canadian *Charter of Rights and Freedoms* on criminal law and procedure. Students will study the historical evolution of the constitutionalization of criminal law and procedure in Canada, including the theoretical and empirical debate about the relation between due process and crime control. It involves an examination of the major decisions of the courts and their legal repercussions in fields such as detention and arrest, search and seizure, the exclusionary rule, the presumption of innocence, the right to counsel, trial within a reasonable time, jury selection, discovery, mens rea, cruel and unusual punishment, intoxication, the insanity defence, regulatory offences, hate crimes and sexual assault.

### **Wrongful Convictions [3 credits]**

Over the past two decades the criminal justice systems in the United States, Canada and the United Kingdom have all struggled with the problem of mounting claims of wrongful conviction. This course will explore both the causes of wrongful convictions and the various remedial approaches adopted by different jurisdictions. In particular, the course explores the factors which contribute to wrongful convictions: adversarial

excess, police and prosecutorial misconduct, inadequate disclosure, frail identification evidence, false confessions, jailhouse informants, faulty forensic testing and junk science. With respect to remedial options, the operation of s.696.1 of the *Criminal Code* (ministerial review), the Criminal Case Review Commission (U.K.) and Innocence Protection legislation (U.S.) will be expored. Additionally, this course will examine findings and recommendations advanced in the growing number of Canadian Commissions of Inquiry designed to explain and analyze the causes of a wrongful conviction in a particular case.

### **Anti-terrorism and the Criminal Law: Current and Emerging Issues [3 credits]**

Since 9/11, there has been a consistent pre-occupation with managing the terrorist threat. From military actions in Afghanistan, Iraq, as well as covert operations the world over, the impact of this pre-occupation for western liberal democracies is undeniable. Criminal law has been affected profoundly. Students will assess how the criminal law fits into the government's broader counter-terrorism policy. The relationship between intelligence agencies and policing

agencies is central to understanding the limits to the criminal law and why it may or may not be appropriate. Other means of managing the terrorist threat will be discussed so as to contextualize the importance of the criminal law as a response. There will be a consideration of the responses of other allied countries to assist in evaluating the path chosen by Canadian law-makers. The course will conclude with a discussion of the various devices or tools at the government's disposal to manage the threat posed by terrorism, including diplomatic efforts, security certificates and various intelligence efforts.

### **Major Research Paper [6 credits]**

A Major Research Paper (MRP) of approximately 70 pages may be completed on a topic in criminal 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.



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

### **FOR MORE INFORMATION**

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

416.673.4670 or toll free within  
Canada at 1.888.923.3394



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