Contact Information
Professor J. E. Dalton, B.A.(Hons.), M.A., LL.M., Ph.D.
133 McLaughlin College
jedalton@yorku.ca
416.736.2100 ext. 22782
Office Hours: Wednesdays 2:30pm–3:30pm or by appointment

Seminar Meetings
Wednesdays, 11:40am–2:30pm, 157A McLaughlin College

Course Format, Prerequisites and Credit Exclusions
This is an advanced undergraduate seminar that meets weekly for three hours in a small group setting. It is expected that students have a basic understanding of Canadian politics. While there are no formal prerequisites, students are strongly urged to have completed 3000-level courses as preparation for 4000-level seminars. Students should not take this course if they have completed any of the following courses: AP/POLS 4401 3.0, AP/SOSC 4362 6.0 (prior to Fall 2009: AK/PPAS 4130 6.0, AS/SOSC 3381 6.0, AS/POLS 4401 3.0).

Course Themes and Learning Objectives
The seminar is structured into five parts:
- Part I: Structural and Theoretical Foundations: Canadian Courts, Law and the Judicial Process
- Part II: Judicial Process and Participants
- Part III: Constitutional Democracy and Policy-Making
- Part IV: Canadian Constitutional Law and Constitutional Rights Jurisprudence
- Part V: Student Research Presentations

In this context, the seminar examines interactions between law, courts and politics in Canada, including the Canadian legal system and its relationship with politics and governance. The role of policy actors is examined, including as applied to the shaping of civil society, the administration of justice and the outcome of civil and criminal disputes. To this extent, judicial decision-making will be evaluated in-depth, particularly with regard to the importance jurisprudence plays in Canada’s system of constitutional democracy.

Emphasis is placed on developing academic skills through presentations, discussion and student research. In this context, the primary objective is to promote a broad understanding of course themes, including a critical awareness of the ways in which the themes are interrelated. Students
will be expected to apply these skills to more specific topics to be used in an extended research essay, seminar presentations and discussion. By the end of the course, students should be able to:

✓ analyze and synthesize core concepts presented in the course;
✓ understand how course themes work together;
✓ work more creatively and effectively with others;
✓ conduct more rigorous research;
✓ write more clearly and persuasively;
✓ present oral arguments and respond to others more effectively; and
✓ think more critically. Critical thinking skills are marked by the following characteristics:

- inquisitiveness with regard to a wide range of issues
- concern to become and remain well-informed
- alertness to opportunities to use critical thinking
- self-confidence in one’s own abilities to reason
- open-mindedness regarding divergent world views
- flexibility in considering alternatives and opinions
- understanding of the opinions of other people
- fair-mindedness in appraising reasoning
- honesty in facing one’s own biases, prejudices, stereotypes, or egocentric tendencies
- prudence in suspending, making or altering judgments
- willingness to reconsider and revise views where honest reflection suggests that change is warranted.

**Required Course Texts and Materials**

- Course Kit [hereinafter Course Kit] (used only in the Winter term).
- Online Materials [hereinafter Online]. Hyperlinks to any additional materials will be posted on the course websites. Any online materials will be available either directly online or through the York Libraries using your York Passport credentials.

*Canadian Courts* and *Making Sense* are available for purchase from the York University Bookstore as a combined packaged at a reduced cost (approximately $20.00 savings) or separately. The *Course Kit* is also available for purchase from the York University Bookstore. *Canadian Courts* and an earlier edition of *Making Sense* are on reserve at the Scott Library. Most articles in the *Course Kit* are available at the York Libraries for individual photocopying. York Passport credentials are required to access links to the Online readings.

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Online Writing Resources

York University Learning Commons: http://www.library.yorku.ca/learning_commons/
York University, Centre for Academic Writing, S329 Ross Building South: http://www.arts.yorku.ca/caw/

Moodle Course Website

Use of Moodle is required for online readings, exercises and announcements, including discussion forums. Announcements are frequently posted on the course websites and distributed through Moodle’s email messaging system. Students are responsible for keeping up-to-date with all information and notices. At the start of the course, students should log on to the website to update their profile and preferred email address for communications; otherwise, emails sent to a different address may be missed.

The Moodle course website is at https://moodle.yorku.ca/moodle/course/view.php?id=17150. There is also a comparable website, which does not require logging in, available through the Faculty of Liberal Arts & Professional Studies at http://jacinth.eso.yorku.ca/LotusQuickr/2013y-apppas4130c-06/Main.nsf, but online contributions are not possible at that website.

Turnitin

All written assignments must be submitted electronically through the appropriate links on the Moodle course website, after which submissions will be automatically uploaded to Turnitin. Time will be dedicated in class to review Turnitin procedures and expectations.

Course Structure and Evaluation

Required readings are assigned for most classes and students are expected to have read them in advance of seminar meetings. Recommended readings are also included for some seminar meetings. Students are encouraged to review the recommended readings to provide greater understanding of relevant topics. Seminar presentations and corresponding discussions are structured based on the assumption that students are prepared for class.

1) Essay Proposal (5–7 pages) (20%)
   Due: Friday, December 6, 2013 (electronic submission through Moodle/Turnitin);
   distributed in class on Wednesday, October 2, 2013

   *Successful completion of the Essay Proposal is a mandatory precondition for proceeding with the Research Presentation and Research Essay.
Submission of both the Academic Integrity Quiz (with 100% score) and Academic Integrity Checklist is a mandatory requirement for completion of the Essay Presentation, Research Essay and completion of the course. In-class training and links to the Quiz and Checklist will be provided.

2) Essay Presentation (20 minutes) (10%)
Due: In-class, last four seminar meetings of the course (March 12–April 2);
distributed in class on Wednesday, January 15, 2014

Successful completion of the Research Presentation is a mandatory precondition for submission of the Research Essay.

3) Research Essay (18–20 pages) (30%)
Due: Friday, April 4, 2014 (electronic submission through Moodle/Turnitin);
distributed in class on Wednesday, January 15, 2014

4) Seminar Presentation (40 minutes) (20%)
Due: In-class, variable dates throughout the course (September 18–March 5);
distributed in class on Wednesday, September 18, 2013

5) Participation (attendance and active participation in class discussions and learning activities) (15%)

6) Online contributions (5 substantive postings to the Moodle online discussion forums; 1% for each contribution) (5%);
distributed in class on Wednesday, September 25, 2013

*A late penalty of five percent per day or partial day applies for all assignments, unless compelling reasons and evidence are provided or an extension has been granted well in advance of the deadline.

Academic Integrity

Students are expected to maintain the highest standards of academic integrity. There will be zero tolerance for breaches of academic integrity, and any instances will be fully investigated, with potential sanctions ranging from grades of “0” on assignments, an overall grade of “F” in the course, permanent grade of record, and other penalties to be determined in consultation with the Undergraduate Program Office of the School of Public Policy & Administration and/or the Liberal Arts & Professional Studies Faculty Council Committee on Student Appeals and Academic Integrity.

In addition to in-class review of expectations surrounding academic integrity, students are expected to understand and adhere fully to the following York University policies:

- Senate Policy on Academic Honesty:

- Senate Policy on Responsible Conduct of Research:
There are also several York University websites that provide useful information on academic integrity. Students should review carefully the information found at:

- **York University Academic Integrity Website**: [http://www.yorku.ca/academicintegrity/](http://www.yorku.ca/academicintegrity/)
- **York University Libraries and Academic Integrity**: [http://www.library.yorku.ca/ccm/Home/ResearchAndInstruction/academicintegrityinfo](http://www.library.yorku.ca/ccm/Home/ResearchAndInstruction/academicintegrityinfo)
- **York University Copyright Information**: [http://copyright.info.yorku.ca/](http://copyright.info.yorku.ca/)

The following York University tools will be utilized in the course:

- **Academic Integrity Tutorial**: [http://www.yorku.ca/tutorial/academic_integrity/](http://www.yorku.ca/tutorial/academic_integrity/)
- **Academic Integrity Checklist**: [http://www.yorku.ca/acadinte/faculty/checklist.htm](http://www.yorku.ca/acadinte/faculty/checklist.htm)

**Other Important Policies**

Students are expected to be familiar with these York University policies. In the context of specific needs and/or accommodation, please raise any concerns as soon as possible. Anything you discuss with me will be welcomed in a non-judgmental atmosphere and held in the strictest of confidence:

- **Code of Student Rights and Responsibilities**: [http://www.yorku.ca/oscr/studentconduct.html](http://www.yorku.ca/oscr/studentconduct.html)
- **Religious Observance**: [https://w2prod.sis.yorku.ca/Apps/WebObjects/cdm.woa/wa/regobs](https://w2prod.sis.yorku.ca/Apps/WebObjects/cdm.woa/wa/regobs)
- **Counselling and Disability Services**: [http://www.yorku.ca/dshub/](http://www.yorku.ca/dshub/)
**Course Schedule and Readings**

All links to Online readings are either accessible directly through the web or as permanent links in the online databases of the York Libraries; where relevant, sign in with your York Passport credentials to access full text. Some readings are partial articles; be sure to check page numbers.

Supreme Court of Canada judgments have specific page numbers; be sure to check specific page numbers since, in most instances, students are not expected to read entire rulings. Links to Supreme Court of Canada judgments provide access to Word and Adobe files, which should be downloaded in order to access the correct pages.

*Making Sense is used throughout the course, especially for class learning activities. Be sure to bring Making Sense and the other readings to each seminar meeting.

<p>| PART I. STRUCTURAL AND THEORETICAL FOUNDATIONS: CANADIAN COURTS, LAW AND THE JUDICIAL PROCESS |</p>
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<thead>
<tr>
<th>Wednesday, September 11, 2013</th>
<th>Introduction to the Course</th>
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<td>No required readings.</td>
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<th>Wednesday, September 18, 2013</th>
<th>Introduction to Canadian Law, Policy-Making and the Judicial Process</th>
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<td>Required Readings:</td>
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<tr>
<td>- <em>Canadian Courts</em>, Chapter 1, An Introduction to Politics, Law, and the Judicial Process</td>
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<td>- <em>Canadian Courts</em>, Chapter 11, Courts, Policy-Making, and Judicial Impact</td>
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<td>- <em>Making Sense</em>, Chapter 1, Writing and Thinking</td>
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<td>- <em>Making Sense</em>, Chapter 8, Giving an Oral Presentation</td>
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<th>Wednesday, September 25, 2013</th>
<th>Canadian Courts: Structure and Function</th>
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<td>Required Readings:</td>
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<tr>
<td>- <em>Canadian Courts</em>, Chapter 2, The Structure of Canadian Courts</td>
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<tr>
<td>- <em>Making Sense</em>, Chapter 2, Writing an Essay</td>
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**Wednesday, October 2, 2013**  
**Alternative Dispute Resolution**

**Required Readings:**
- *Canadian Courts*, Chapter 3, Judicial Process and Alternative Dispute Resolution
- *Online*: 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,  
- *Online*: Scott Peppet, “ADR Ethics” (2004) 54 J. Legal Educ. 72-78,  

**Recommended Readings:**

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**PART II. JUDICIAL PROCESS AND PARTICIPANTS**

**Wednesday, October 9, 2013**  
**Jurisprudence, Judicial Decision-Making and Judicial Review**

**Required Readings:**
- *Canadian Courts*, Chapter 4, Judicial Decision Making
- *Online*: Vuk Radmilovic, “Strategic Legitimacy Cultivation at the Supreme Court of Canada: Quebec Secession Reference and Beyond” (2010) 43:4 C.J.P.S. 843-869,  
- *Making Sense*, Chapter 7, Documenting Sources

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**Wednesday, October 16, 2013**  
**Judicial Selection and Political Impacts**

**Required Readings:**
- *Canadian Courts*, Chapter 5, Judicial Selection

• Online: Carissima Mathen, “Choices and Controversy: Judicial Appointments in Canada” (2008) 58 U. N. B. Law J. 52-72,

Recommended Readings:


Wednesday, October 23, 2013

Transparency, Accountability and Judicial Independence

Required Readings:

• Canadian Courts, Chapter 6, Judicial Independence and Accountability

  http://heinonline.org.ezproxy.library.yorku.ca/HOL/Page?handle=hein.journals/jamppp4&id=33&collection=journals&index=journals/jamppp.


• Making Sense, Chapter 6, Using Illustrations

• Making Sense, Chapter 11, Writing with Style

Recommended Readings:

• Online: Richard Scott, “Accountability and Independence” (1996) 45 U. N. B. Law J. 27-36,

Wednesday, October 30, 2013

Fall Co-Curricular Days: No Class
### Wednesday, November 6, 2013

**Interest Groups and Intervenors**

**Required Readings:**

- *Canadian Courts*, Chapter 7, Interest Group Litigants


**Recommended Readings:**


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### Wednesday, November 13, 2013

**Governments, Litigation and the Reference Procedure**

**Required Readings:**

- *Canadian Courts*, Chapter 8, Governments in Court


- *Making Sense*, Chapters 12–14 (*use as a reference while completing the Essay Proposal*)

**Recommended Readings:**

Wednesday, November 20, 2013  The Role of Law Reform Commissions

Required Readings:


Wednesday, November 27, 2013  Criminal Justice: Policy and Procedure

Required Readings:

- *Canadian Courts*, Chapter 9, Criminal Justice: Policy and Process


Recommended Readings:


Wednesday, December 4, 2013  Civil Justice: Procedure and Access

Required Readings:

- *Canadian Courts*, Chapter 10, Civil Justice: Private Disputes, Public Consequences


Recommended Readings:

PART III. CONSTITUTIONAL DEMOCRACY AND POLICY-MAKING

Wednesday, January 8, 2014
Constitutional Reform and Amending Procedures

Required Readings:


Recommended Readings:

Wednesday, January 15, 2014
Proroguing Parliament and Canadian Constitutional Crises

Required Readings:


- **Course Kit**: C.E.S. Franks, “To Prorogue or Not to Prorogue: Did the Governor General Make the Right Decision?”, in Peter Russell and Lorne Sossin, eds., *Parliamentary Democracy in Crisis* (Toronto: University of Toronto Press, 2009) 33-46.

**Recommended Readings:**


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**Wednesday, January 22, 2014**

**The “Judicialization” of Politics**

**Required Readings:**

- **Course Kit**: Kent Roach, “Four Dimensions of Judicial Activism” (Chapter 6) in *The Supreme Court on Trial: Judicial Activism or Democratic Dialogue* (Toronto: Irwin Law, 2001) 97-111.


**Recommended Readings:**


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**Wednesday, January 29, 2014**

**Canadian Public Opinion: The Supreme Court of Canada and Civic Engagement**

**Required Readings:**


Recommended Readings:


PART IV: CANADIAN CONSTITUTIONAL LAW AND CONSTITUTIONAL RIGHTS JURISPRUDENCE

Wednesday, February 5, 2014 Freedom of Expression and Security of the Person

Required Readings:


Recommended Readings:


Wednesday, February 12, 2014

Equality Rights and Freedom from Discrimination

Required Readings:


Recommended Readings:


Wednesday, February 19, 2014

Reading Week: No Class

Wednesday, February 26, 2014

Citizenship, Religion and Language Rights

Required Readings:


Recommended Readings:


Wednesday, March 5, 2014

The Rights of Aboriginal Peoples

Required Readings:


Recommended Readings:

# PART V: STUDENT RESEARCH PRESENTATIONS

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<td>Wednesday, March 26, 2014</td>
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<td>Wednesday, April 2, 2014</td>
<td>Research Presentations</td>
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