

**CARLETON UNIVERSITY
DEPARTMENT OF LAW AND LEGAL STUDIES**

COURSE OUTLINE – WINTER 2024

COURSE: LAWS 4801C RISK AND THE LEGAL PROCESS

TERM: WINTER 2024

PREREQUISITES: 4TH YEAR HONOURS STANDING AND LAWS 2908 OR
PAPM 3000

CLASS SCHEDULE: TUESDAYS 11:35AM – 2:25PM

LOCATION: Check Carleton Central for course schedule

INSTRUCTOR: David J. D’Intino, M.A J.D

E-MAIL: daviddintino@cunet.carleton.ca

OFFICE HOURS: BY APPOINTMENT ONLY (VIRTUAL)

Calendar Course Description: This course will examine the application of risk assessment and management in various legal areas including insurance, liability and tort, litigation management, environmental protection, sentencing and parole.

Course Description: In this fourth-year course, we will focus on critical discussion regarding risk and the legal system. Such questions of discussion will include: How does risk factor into issues relating to the criminal justice system? Is risk socially constructed or is it objective and quantifiable? Can laws be used to minimize risk? Who is legally responsible for risky situations and how are they held responsible? Does everyone experience or perceive risk in the same ways?

Course Objectives/Learning Outcomes:

- i) To identify and critically reflect on issues related to risk in the legal system
- ii) To critically engage with the concept and construction of “risk” in diverse situations related to governance, law, and policy
- iii) To demonstrate knowledge and engagement with course themes, concepts, and materials in a variety of evaluations
- iv) To apply risk concepts to factual scenarios encountered in various aspects of the legal system
- v) To define risk, explain how it is managed or reduced or elimination, assess the rights that are at stake, and evaluate whether approaches to balancing risk against rights are successful

REQUIRED MATERIALS:

There is no required course text. All readings will be made available on Brightspace.

EVALUATION: Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

All components must be successfully completed to earn a passing grade.

CLASS ATTENDANCE AND PARTICIPATION: 15%

The easiest 15% of your grade any instructor can give you. Just show up to class, having read the materials and taken notes of what you read, as well as some comments, suggestions or questions for class discussion and you get full credit. As a fourth year seminar, we will use a hybrid model of class discussion and some lecturing, but I would encourage students to be active participants in shaping what we discuss and how we discuss the course materials.

In order to obtain the full 15%, students must attend each class and participate in discussions either during class or through Brightspace.

TERM PAPER: 35% - Due March 26th at start of class.

Students will write a term paper on how risk and risk-informed concepts are applied in any chosen area of the legal process, touching on various issues such as the theoretical or statutory foundation or basis for risk concept, treatment in the academic literature, treatment in the jurisprudence, benefits and drawbacks, etc. Students may also cover a topic that is not covered in the course materials.

Students may wish to interview lawyers, judges and other practitioners, in addition to observing court-related processes as part of their term paper research. Those arrangements must be made well in advance of the term paper deadline by the student.

Students can also choose to do a case-study of a real court case and discuss how risk and risk assessment instruments were relevant to that case.

Term papers are expected to be no less than 3,500 words and a maximum of 7,500 words; double spaced; 12-point font Times New Roman font.

All sources must be cited using the McGill Guide format along with a bibliography.

TERM PAPER PROPOSAL (15%) - Due February 27th, 2024 at start of class

Students are expected to provide me with a written proposal for what they would like to cover in their term paper.

The proposal should set out the area of law that will be covered, questions that the student has thought of, the sources that will be consulted, any interviews that will be sought to be conducted and what steps the student has taken to arrange for these, any decisions or cases that will be canvassed or observed and so forth.

Sources should be cited using McGill or APA citation format and students are encouraged to use a variety of sources to inform their paper.

That proposal should be e-mailed to me at daviddintino@cunet.carleton.ca

FINAL EXAMINATION: 35%

DURING OFFICIAL EXAM PERIOD (TBD)

- The examination will be cumulative, covering all topics in the course
- The exam will be a take-home, open-book examination
- All sources must be cited using the McGill Guide or APA citation format
- You will have three hours to complete the exam and submit it electronically
- The exam will consist of fact scenarios and short essay questions where you will demonstrate what you have learned, by applying risk concepts to those fact patterns

DEPARTMENT POLICIES AND REGULATIONS

Please review the following webpage to ensure that your practices meet our Department's expectations, particularly regarding standard departmental protocols and academic integrity requirements: <https://carleton.ca/law/student-experience-resources/>.

PLAGIARISM

The University Academic Integrity Policy defines plagiarism as “*presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one’s own.*” This includes reproducing or paraphrasing portions of someone else’s published or unpublished material, regardless of the source, and presenting these as one’s own without proper citation or reference to the original source. Examples of

sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, artworks, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, material on the internet and/or conversations.

Examples of plagiarism include, but are not limited to:

- any submission prepared in whole or in part, by someone else, including the unauthorized use of generative AI tools (e.g., ChatGPT);
- using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another's data or research findings without appropriate acknowledgement;
- submitting a computer program developed in whole or in part by someone else, with or without modifications, as one's own; and
- failing to acknowledge sources through the use of proper citations when using another's work and/or failing to use quotations marks.

Plagiarism is a serious offence that cannot be resolved directly by the course's instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of "F" for the course.

STATEMENT ON STUDENT MENTAL HEALTH

As a University student you may experience a range of mental health challenges that significantly impact your academic success and overall well-being. If you need help, please speak to someone. There are numerous resources available both on- and off-campus to support you.

Emergency Resources (on and off campus):

- <https://carleton.ca/health/emergencies-and-crisis/emergency-numbers/>

Carleton Resources:

- Mental Health and Wellbeing: <https://carleton.ca/wellness/>
- Health & Counselling Services: <https://carleton.ca/health/>
- Paul Menton Centre: <https://carleton.ca/pmc/>
- Academic Advising Centre (AAC): <https://carleton.ca/academicadvising/>
- Centre for Student Academic Support (CSAS): <https://carleton.ca/csas/>
- Equity & Inclusivity Communities: <https://carleton.ca/equity/>

Off Campus Resources:

- Distress Centre of Ottawa and Region: (613) 238-3311 or TEXT: 343-306-5550, <https://www.dcottawa.on.ca/>
- Mental Health Crisis Service: (613) 722-6914, 1-866-996-0991, <http://www.crisisline.ca/>
- Empower Me: 1-844-741-6389, <https://students.carleton.ca/services/empower-me-counselling-services>
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.com>

EXTENSIONS

The granting of extensions is determined by the instructor who will confirm whether an extension is granted and the length of the extension. For requests for extensions lasting less than 7 days, please complete the form at the following link and submit it to the instructor prior to the assignment due date:

<https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf>

Extensions for longer than 7 days will normally not be granted. In those extraordinary cases where extensions lasting longer than 7 days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of 14 days).

A deferred examination or essay assignment, following the same format, may be written upon application to/approval from the Registrar's Office. Exams are not returned automatically but I will provide them to students who request them.

Essays will be returned ahead of the due date for your final exam at the end of term.

Late term papers will be marked down one-half letter grade (eg. B to B-) for each day submitted after the due date without authorized extension from me, subject to the discretion of the professor. Essays must be typed or word processed and submitted by email.

Late examinations will be marked down one-half letter grade for every 30 minutes that is submitted beyond the deadline, without prior approval from me.

All assignments must be original. Please make careful note of regulations concerning academic integrity referred to above and related instructional offences as described in the Undergraduate Calendar.

ACADEMIC ACCOMMODATIONS

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows.

Pregnancy Obligation

Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For accommodation regarding a formally-scheduled final exam, you must complete the Pregnancy Accommodation

Form that can be found at:

<https://carleton.ca/equity/contact/form-pregnancy-accommodation/>

Religious Obligation

Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details, please go to:

<https://carleton.ca/equity/focus/discrimination-harassment/religious-spiritual-observances/>

Academic Accommodations for Students with Disabilities

The Paul Menton Centre for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. You can find the Paul Menton Centre online at: <https://carleton.ca/pmc/>

If you are already registered with the PMC, contact your PMC coordinator to send me your Letter of Accommodation at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (if applicable).

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and where survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: <https://carleton.ca/equity/sexual-assault-support-services>

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. Read more here: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please visit: <https://students.carleton.ca/services/accommodation/>.

CLASS SCHEDULE:

WEEK ONE (JANUARY 9) – INTRODUCTION TO THE COURSE AND THE INSTRUCTOR, THE CONCEPT OF RISK IN THE LEGAL PROCESS

REQUIRED READINGS:

1. Ramsay, Duncan. “Legal risk what, why and how?”, *Governance directions*, 2015, Vol.67 (2), p.90-92
2. Wilson, R. “Analyzing the Daily Risks of Life”, in Glickman & Gough, eds., *Readings In Risk* (1990) at 55
3. Wildavsky, A. “No Risk Is the Highest Risk of All”, in Glickman & Gough, eds., *Readings In Risk* (1990), at 120
4. Hudson, Barbara. (2003). “Doing justice in the risk society,” in *Justice in the risk society: Challenging and re-affirming ‘justice’ in late modernity*. London: SAGE Publications, pp. 203-226
5. Rigakos, George., and Law, Alexandra. (2009). Risk, realism and the politics of resistance. *Critical Sociology*, 35(1), 79-103.
6. Beck, Ulrich. “Risk Society – Towards a New Modernity”, Ch. 1 On the Logic of Wealth Distribution. Pgs 19-50.

WEEK TWO (JANUARY 16) - RISK IN LITIGATION, CONTRACT AND TORT**REQUIRED READINGS:**

1. Tort Law, Risk, and Technological Innovation in England Oliphant, Ken; Zagbayou, Nancy ; Redko, Olga McGill law journal, 2014, Vol.59 (4), p.819-845
2. Iezzi, Tony; Duckworth, Melanie P; Schenke, Stephen R. “To Crack or Crumble: Use of the Thin Skull and Crumbling Skull Rules”, *Psychological injury and law*, 2013, Vol.6 (2), p.156-159
3. Williams, Glanville. “Causation in the Law”. *The Cambridge law journal*, 1961, Vol.19(1), p.62-85
4. Young, Robert. “Causality and Causation in Tort Law”. *International review of law and economics*, 2005, Vol.24(4), p.507-523.
5. Osborne, Philip H. “The Law of Torts”. Pgs 308-316
6. <https://www.cbc.ca/news/canada/representing-self-court-lawyers-1.3375609>
7. Emma Compeau, “The Price of God Understanding Reason and Religion in the Duty to Mitigate”, 2020 25 *Appeal: Review of Current Law and Law Reform* 89, 2020 CanLIIDocs 1671

WEEK THREE (JANUARY 23) – RISK IN NATIONAL SECURITY AND PUBLIC SAFETY PART I – TERRORISM AND GUN CONTROL**REQUIRED READINGS:**

1. Bell, Colleen. “Subject to Exception: Security Certificates, National Security and Canada's Role in the “War on Terror””. *Canadian Journal of Law and Society*, 2006, Vol.21 (1), p.63-83
2. Ahmad, Fahad; Monaghan, Jeffrey. “From probabilities to possibilities: terrorism peace bonds, pre-emptive security, and modulations of criminal law”. *Crime, Law, and Social Change*, 2020, Vol.74 (3), p.341-359

3. Boyd, Neil. "Gun Control: Placing Costs in Context". *Canadian Journal of Criminology and Criminal Justice*; Toronto Vol. 45, Iss. 4, (Oct 2003): 473-478.
4. Nagra, Baljit and Maurutto, Paula. "No-Fly Lists, National Security and Race: The Experiences of Canadian Muslims". *British Journal of Criminology*, 2020, Vol.60 (3), p.600-619
5. *Charkaoui v. Canada* (Citizenship and Immigration), 2007 SCC 9 (CanLII), [2007] 1 SCR 350.
6. Davis, Jeff. *Firearms prohibitions skyrocket in Canada*. Postmedia News; Don Mills, Ont. [Don Mills, Ont]. 24 Jan 2012.
LAW 4801 RISK AND THE LEGAL PROCESS
7. Gabor, Thomas. "The Federal Gun Registry: An Urgent Need for Independent, Non-partisan Research." *Canadian Journal of Criminology and Criminal Justice*; Toronto Vol. 45, Iss. 4, (Oct 2003): 489-498.

WEEK FOUR (JANUARY 30) – RISK IN NATIONAL SECURITY AND PUBLIC SAFETY PART II – OBSCENITY, HATE SPEECH AND FAKE NEWS

REQUIRED READINGS:

1. *R. v. Zundel*, 1992 CanLII 75 (SCC), [1992] 2 SCR 731
2. *R. v. Keegstra*, 1990 CanLII 24 (SCC), [1990] 3 SCR 697
3. *Canadian Constitution Foundation v. Canada* (Attorney General), 2021 ONSC 1224 (CanLII)
4. Newman, Stephen L. "Finding the Harm in Hate Speech: An Argument against Censorship". *Canadian Journal of Political Science*; Cambridge Vol. 50, Iss. 3, (Sep 2017): 679-697
5. *Little Sisters Book and Art Emporium v. Canada* (Minister of Justice), 2000 SCC 69 (CanLII), [2000] 2 SCR 1120

WEEK FIVE (FEBRUARY 6) –THE VOLUNTARY ASSUMPTION OF RISK IN SPORT AND TORT**REQUIRED READINGS:**

1. Gilchrist, & Osborn, G. (2017). “Risk and benefits in lifestyle sports: parkour, law and social value.” *International Journal of Sport Policy and Politics*, 9(1), 55–69.
2. Folick, Lorne. Sports and recreation liability law in Canada, 2017. Ch 6: Defences in Tort. Pgs 155-180.
3. Mikayla Paolini (2019). COMMENT: NFL TAKES A PAGE FROM THE BIG TOBACCO PLAYBOOK: ASSUMPTION OF RISK IN THE CTE CRISIS. *Emory Law Journal*, 68, 609.
4. Sharma, Bhanu ; Cusimano, Michael D. “Can legislation aimed at preventing sports-related concussions in youth succeed?” *Injury Prevention*, 2014, Vol.20 (2), p.138-141.
5. *R. v. Bertuzzi*, 2004 BCPC 472 (CanLII)
6. https://www.espn.com/nhl/story/_/id/11375870/steve-moore-lawsuittodd-bertuzzi-vancouver-canucks-settled-court
7. <https://abcnews.go.com/Sports/story?id=100318&page=1>
8. <https://abcnews.go.com/Sports/story?id=100399&page=1>
9. www.espn.com/nhl/news/2000/0926/779481.html

OPTIONAL READINGS:

1. Veuthey, Alexandra. Concussion in professional team sports: time for a harmonised approach? 2020, pgs 29-107 *really cool chronology and analysis of traumatic brain injury research and litigation in the NFL and NHL*
2. <https://www.cp24.com/news/police-arrest-man-on-suspicion-of-manslaughter-in-death-of-hockey-player-adam-johnson-1.6644550>

WEEK SIX (FEBRUARY 13) – PROFESSIONAL REGULATION, LIABILITY AND RISK**REQUIRED READINGS:**

1. <https://lso.ca/about-lso/legislation-rules/rules-of-professionalconduct/complete-rules-of-professional-conduct> (just peruse them)
2. Davis, Anthony E. “Legal Ethics and Risk Management: Complementary Visions of Lawyer Regulation”. *The Georgetown journal of legal ethics*, 2008, Vol.21 (1), p.95
3. Woolley, Alice. “Regulation in Practice: The 'Ethical Economy' of Lawyer Regulation in Canada and a Case Study in Lawyer Deviance”. *Legal ethics* (Oxford, England), 2012, Vol.15 (2), p.243-275.
4. Michele Henry ; Kenyon Wallace. “Law firms face crackdown; Regulator moves to rein in hefty referral fees charged to clients by personal injury lawyers”. *Toronto Star*, 2017, p.A1
5. Lunau, Kate. “Lawyers behaving badly: a new campaign cracks down on lawyers who are rude and aggressive--with clients or even in their private lives”. *Maclean's*. 2011, Vol.124(10), p.22
6. Anupam B Jena, Lena Schoemaker, Jay Bhattacharya and Seth A Seabury. “Physician spending and subsequent risk of malpractice claims: observational study”. *BMJ: British Medical Journal*, Vol. 351 (02 Nov 2015 - 08 Nov 2015) (9 pages)
7. E. Parimbelli, B. Bottalico, E. Losiouk, M. Tomasi, A. Santosuosso, G. Lanzola, S. Quaglini, R. Bellazzi. “Trusting telemedicine: A discussion on risks, safety, legal implications and liability of involved stakeholders”, *International Journal of Medical Informatics*, April 2018, Volume112 (IssueComplete). pp.90-98
8. Vogel, Lauren. “Rise of medical AI poses new legal risks for doctors”, *Canadian Medical Association journal (CMAJ)*, 2019, Vol.191 (42), p.E1173-E1174
9. <https://www.science.org/content/article/gene-testing-surges-lawsuitsarent->

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WEEK SEVEN (FEBRUARY 20) – NO CLASS! WINTER BREAK!

WEEK EIGHT (FEBRUARY 27) - RISK IN THE CRIMINAL JUSTICE SYSTEM – PART ONE – Judicial Interim Release and Mental Health, Peace Bonds, and Sentencing

REQUIRED READINGS:

1. Criminal Code of Canada – s. 515(1) and following
2. Myers, Nicole M. Shifting Risk: “Bail and the Use of Sureties”. *Current issues in criminal justice*, 2009, Vol.21 (1), p.127-147.
3. Rogin, Jillian. “GLADUE AND BAIL: THE PRE-TRIAL SENTENCING OF ABORIGINAL PEOPLE IN CANADA”. *Canadian Bar review*, 2017, Vol.95 (2), p.325
4. Maurutto, Paula; Hannah-Moffat, Kelly ; Lynch, Mona. “Shifting and targeted forms of penal governance: Bail, punishment and specialized courts”. *Theoretical criminology*, 2012, Vol.16 (2), p.201-219
5. <https://www.cbc.ca/news/opinion/bail-change-1.5245986>
6. <https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccd/checked/art11e.html>
7. Mental Health Act, R.S.O. 1990, c. M.7 – Part II only (hospitalization)
8. Criminal Code of Canada – s. 810
9. <https://www.justice.gc.ca/eng/cj-jp/victims-victimes/factsheetsfiches/peace-paix.html>
10. <https://www.ppsc-sppc.gc.ca/eng/pub/fpsd-sfpg/fps-sfp/tpd/p3/ch18.html>
11. Criminal Code of Canada – ss. 716-745;

WEEK NINE (MARCH 5) – RISK IN THE CRIMINAL JUSTICE SYSTEM – PART TWO – Dangerous Offenders, Parole, Expert Evidence and the case of Paul Bernardo and Karla Homolka

REQUIRED READINGS:

1. R. v. Mohan, 1994 CanLII 80 (SCC), [1994] 2 SCR 9
2. Criminal Code of Canada – s. 752
3. <https://criminologyweb.com/wp-content/uploads/2019/12/Hare-Psychopathy-Checklist-Revised-PCLR.pdf>
4. <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/dvcs-ssmnt/index-en.aspx>
5. <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/rsk-ssmnt-tls/indexen.aspx>
6. <https://www.canada.ca/en/parole-board/corporate/publications-andforms/parole-board-of-canada-contributing-to-public-safety.html>
7. <https://www.theglobeandmail.com/canada/article-inmate-riskassessment-tool-still-in-use-16-years-after-report-calls/>
8. “Offender Risk Assessment Practices Vary across Canada”. November 2017. *Canadian Journal of Criminology and Criminal Justice/La Revue canadienne de criminologie et de justice pénale* 60(2):1-39
https://www.researchgate.net/publication/321326495_Offender_Risk_Assessment_Practices_Vary_across_Canada
9. <https://www.cbc.ca/news/canada/toronto/quebec-judge-lifts-homolkarestrictions-1.556186>
10. <https://allthatsinteresting.com/paul-bernardo-ken-and-barbie-killers>

WEEK TEN (MARCH 12) – RISK IN THE CRIMINAL JUSTICE SYSTEM PART THREE: Wrongful Convictions

REQUIRED READINGS:

1. *R. v. Mullins-Johnson*, 2007 ONCA 720 (CanLII)
2. “Wrongful Convictions in Canada”.
https://publications.gc.ca/collections/collection_2021/bdp-lop/bp/YM32-2-2020-77-eng.pdf
3. Criminal Conviction Review: <https://www.justice.gc.ca/eng/cj-jp/ccr-rc/index.html>
4. Royal Commission on the Wrongful Conviction of Donald Marshall Jr:
https://novascotia.ca/just/marshall_inquiry/docs/Royal%20Commission%20on%20the%20Donald%20Marshall%20Jr%20Prosecution_findings.pdf

WEEK ELEVEN (MARCH 19) – RISKS IN PUBLIC HEALTH – Pandemics, Vaccines, Blood Donation, and Sex Work

REQUIRED READINGS:

1. Richard Jochelson, James Gacek, Lauren Menzie, Kirsten Kramar, Mark Doerksen. *Criminal Law and Precrime*, 1st ed. (2017). Chapter 3: Sex, Sexuality, and the Law – “Society’s Proper Functioning’ and Precautionary Governance of Sex Work. Pgs. 1-28
2. *Canada (Attorney General) v. Bedford*, 2013 SCC 72 (CanLII), [2013] 3 SCR 1101
3. Andre Smith, Jay Fiddler, Kevin Walby and Sean Hier. “Blood donation and institutional trust: risk, policy rhetoric, and the men who have sex with men lifetime deferral policy in Canada”. *Canadian Review of Sociology* (Vol. 48, Issue 4) Nov 2011.
4. “WestJet getting serious about having flyers wear masks: Travellers risk being placed on no-fly list for a year if they refuse PPE”. Toronto star, 2020.
5. Barry, John M. “Pandemics: avoiding the mistakes of 1918: as bodies piled up, the United States' response to the 'Spanish flu' was to tell the public that there was no cause for alarm. The authority figures who

glossed over the truth lost their credibility.” *Nature* (London), 2009, Vol.459 (7245), p.324

6. Van Aken, J. “Ethics of reconstructing Spanish Flu: Is it wise to resurrect a deadly virus?”. *Heredity*, 2007, Vol.98 (1), p.1-2.

7. “Historical evidence to inform COVID-19 vaccine mandates”. *The Lancet*. Vol.397(10276), p.791-791

8. Orsini, Michael. “The politics of naming, blaming and claiming: HIV, hepatitis C and the emergence of blood activism in Canada”. *Canadian Journal of Political Science*; Cambridge Vol. 35, Iss. 3, (Sep 2002): 475-498

WEEK TWELVE (MARCH 26) – RISK IN CHILD PROTECTION

Possible Guest Speaker – TBC!

*****DEADLINE FOR ALL PAPERS TO BE SUBMITTED*****

REQUIRED READINGS:

1. Starr, Victoria. “Preventing Parental Child Abduction – The Role of the Lawyer in Managing the Risk.” *Canadian Family Law Quarterly* 2013, Vol.32 (2), p.137

2. Hiatt, Jennifer L. “The rules of professional conduct: a conflicting guide for counsel in child custody and access proceedings”. *The University of Western Ontario journal of legal studies*, 2012, Vol.1 (1), p.1

3. *Child, Youth and Family Services Act*, 2017, SO 2017, c 14, Sch 1 – Parts V and VI

4. Laura Olszowy; Peter G. Jaffe; Myrna Dawson; Anna-Lee Straatman; Michael D. Saxton. “Voices from the frontline: Child protection workers’ perspectives on barriers to assessing risk in domestic violence cases”. *Children and Youth Services Review* September 2020, Volume 116.

5. Bryn King, Barbara Fallon, Ami Goulden, Carolyn O’Connor, Joanne

Filippelli. “What Constitutes Risk of Future Maltreatment Among Young Mothers? An Examination of Child Protection Investigations in Ontario, Canada”. *Families in Society: The Journal of Contemporary Social Services*. Volume 100 issue 4, page(s): 409-421.

6. Alan J. Dettlaff and Ilze Earner. “Children of Immigrants in the Child Welfare System: Characteristics, Risk, and Maltreatment”. *Families in Society: The Journal of Contemporary Social Services*. Volume 93 issue 4, page(s): 295-303.

7. Jelena Zumbacha, Peter Wetzelsb, Ute Kogolina. “Predictors of psychological recommendations in child protection evaluation”. *Child Abuse & Neglect* Volume 84, October 2018, Pages 196-204.

WEEK THIRTEEN (APRIL 2) – ENVIRONMENTAL REGULATION, CLIMATE CHANGE AND CORPORATE RESPONSIBILITY

REQUIRED READINGS:

1. Briand, Adam. “Reverse onus: An effective and efficient risk management strategy for chemical regulation”. *Canadian public administration*, 2010, Vol.53 (4), p.489-508.

2. Wu, David W.-L., “Embedding Environmental Rights in Section 7 of the Canadian Charter: Resolving the Tension Between the Need for Precaution and the Need for Harm”. *National Journal of Constitutional Law*; Toronto Vol. 33, Iss. 2, (Dec 2014): 191-225.

3. Stephen J. Collier; Rebecca Elliott; Turo-Kimmo Lehtonen. “Climate change and insurance”. *Economy and Society*. April 2021, Volume 50 (Issue2) p.158-172

4. Savitz, Ryan ; Dan Gavriletea, Marius. “Climate Change and Insurance”. *TRANSFORMATIONS IN BUSINESS & ECONOMICS*, 2019, Vol.18 (1), p.21-43.

5. European Insurance and Occupational Pensions Authority, Fache Rousová, L., Giuzio, M., Kapadia, S. (2021). *Climate change*,

catastrophes and the macroeconomic benefits of insurance, Publications Office. <https://data.europa.eu/doi/10.2854/407671>

6. Barnett, Allain J. Wiber, Melanie G. “What Scientists Say about the Changing Risk Calculation in the Marine Environment under the Harper Government of Canada (2006-2015)”. *Science, technology, & human values*, 2019, Vol.44 (1), p.29-51.

7. <https://www.canada.ca/en/health-canada/services/scienceresearch/reports-publications/about-science-research/primer-scientificrisk-assessment-health-canada-health-canada-2010.html>

8. Sunstein, Cass R. “The Paralyzing Principle”, 25:4 (2002) *Regulation* 32-37.

WEEK FOURTEEN (APRIL 9) – EXAM REVIEW, LOOSE ENDS AND QUESTIONS