

**School of Health Policy and Management
MA & PhD (Critical Disability Studies)
Faculty of Health
York University**

Course Title: Critical Disability Law

Course Code: GS/CDIS 5120 3.0
Term: Fall 2017
Class Time: Mondays 4:00 p.m. to 7:00 p.m. **September 11th to December 4th, 2017**
(Exceptions: No class on October 9th)

Location: Vari Hall 1156

Course Director: Brendon Pooran, Barrister & Solicitor
Office location: Room **TBA**, HNES Building
Email: bpooran@pooranlaw.com (see the Email Policy on p.3)

Office Hours: Monday, 2:45 p.m. to 3:45 p.m.
(or email me for scheduling appointments that are mutually convenient)

I. Course Description and Objectives:

This course examines disability as a legal category with implications for the rights of persons with disabilities. Students will be introduced to alternative conceptions and theories of disability and impairment and examine how law both constructs and regulates the lives of individuals with disabilities. Throughout the course we will analyze statutory provisions and jurisprudence in different areas to understand how disability is defined and regulated by law. This course examines and evaluates how law can best achieve the goals of social justice and equality for individuals with disabilities.

The topic areas of this course include:

- Historical approaches to the law of disability in Canada
- The development of conceptions and theories of disability and impairment including: the medical model; the social construction model; the human rights model; feminist and postmodern approaches to disability
- An examination of disability and impairment in relation to concepts of power, normalcy, health, illness, disease, ageing, dependence, embodiment, competence, human dignity and personhood
- Legal construction and regulation of disability in a number of contexts including: health, mental health, economic and social welfare, reproduction, death and dying
- Comparison and evaluation of various legal models (i.e. Anti-discrimination, social and economic entitlements) for addressing issues of social justice for people with disabilities

The objectives of this course are:

- To explore the role of law and the limits to the role of law in achieving the goals of social justice and equality for individuals with disabilities
- To provide an overview of existing law relating to the regulation of disability in Canada
- To develop critical responses to existing law regarding the regulation of disability in Canada.
- To provide an overview of alternative conceptions and theories of disability and impairment and to evaluate these in the context of the legal regulation of disability.

II. Method of Teaching:

This course will be organized and taught using a combination of lecture and seminar methods. Learning is expected to arise from reading, discussion, research and class participation. Students are expected to read the assigned materials before class and to participate in analytical class discussions and presentations.

The materials in this course are voluminous. Please don't be intimidated! You will not be responsible for a close reading of the materials every week. Rather, we will use a combination of in-class presentations, chief facilitators, and short written comments as a way of reducing the volume of material for which individual students are responsible, while at the same time exposing students to the depth and range of materials relating to each topic. Each class will begin with introductory remarks by the course director pertaining to the weekly topic. Following this, one, or possibly two, students will be required to do a presentation and/or to facilitate the class based on the course readings assigned for that week. Following the student presentation(s) a general seminar discussion will take place. Discussion questions may be distributed to students in advance and additional questions will be raised by student presenters.

III. Learning Resources:

1) Required Course Material

- A **course kit** can be purchased from the **York University Bookstore** which is located in **York Lanes** (#24 on the [Keele campus map](#))
- A **complete reading list is at the end of this course outline.** These materials contain the readings for each class and form the basis of class presentations and discussions. Discussion questions and problems handed out in class.

2) Optional Sources

- Students are encouraged to monitor the media and other sources of popular culture for recent developments in the area of disability and the law and to bring these to the attention of the class.

3) E-mail Policy

- **You** may contact me by email, **using your YorkU email account**, for any substantive or administrative matters related to the course. **Please include your full name and student number in email correspondence.**

IV. Evaluation:

a) Student Presentation/Facilitation – (20% of final grade)

As of **the 2nd class on September 18th**, each student is required to do a class presentation relating to a selected area in the course outline and to assist in facilitating class discussion. **Please submit your top 3 choices by email to the Course Director by the 1st class on September 11th.** Depending on the enrollment in the class, it may be necessary to have more than one student presentation per class.

Tips for student presentations:

- **Individual presentations should be no longer than 30 minutes (not including questions and discussion).** The presentation should not attempt to summarize all the issues raised by a particular article or articles but rather should be a thoughtful presentation of **some** of the key issues as well as a critical analysis of the way in which those issues are presented or argued. A good presentation will make connections and draw out differences between the articles under discussion and across the topic. **Students may use this forum as an opportunity to canvass ideas they want to develop further in a research essay.**
- Presentations that reference only one of the week's readings will receive a poor grade.
- Try to refrain from simply reading a prepared text.
- You may wish to consider distributing a handout which summarizes the articles or cases you are presenting and raises discussion questions and critiques of the article. These are often very useful for class members.
- Feel free to experiment with creative forms of presentation. In the past, students have produced videos, used role play, invited guests to assist them, created games, held mock trials, used film and written narratives etc.

Students will receive presentation grades once all presentations have been completed for the term.

b) Class Participation – (10% of final grade)

This component of your final grade will be based upon your attendance and contribution to class discussions and activities. I hope that your contributions will demonstrate attentiveness to the main ideas of each session. **Probing questions and comments are encouraged.**

c) Comments on Two Readings Assigned in Separate Weeks - (5% of final grade)

In addition, students are required to submit **written comments on the weekly readings for two separate weeks** to the course director. The brief comments (**500-750 words**) must be **paginated and submitted 48 hours before class by email**. A **cover sheet indicating the course code and title, course director's name, student's name and number** must be included as well. You can select the two weeks of your choice, provided that you do not cover the same material in your class presentation/facilitation. **Please email your choices to the course director by the 1st class on September 11th**. The comments are meant to be reflective, critical, provocative etc. provided they are, in some way, related to the materials. Students are graded on a pass/fail basis.

Late comments will not be accepted and will be given a grade of ZERO. The graded comments will be returned to students within 2 weeks of submission.

d) Term Paper – (65% of final grade)

All students are expected to write a term paper on a topic of your choice, provided that it is related to the areas studied in this course. The aim of the research essay is to allow you to develop your own critical theoretical position by researching an area in-depth. Students are strongly encouraged to meet with me after you have selected a specific paper topic. Students must submit a **paper outline and bibliography in the 4th class on October 2nd** for approval and submit **an electronic version of them by email on or before the same date**. **Term papers without prior outline approval will not be accepted**. Your outline must contain the thesis you wish to investigate and should be **no longer than 500 words (exclusive of bibliography)**.

Although a grade will not be given to the paper outline and bibliography, feedback will be provided to students in the 5th class on October 16th.

A **final draft of the essay** must be submitted to the course director **in the final class on December 4th**. Students are also required to submit **an electronic version of their essays to the course director by email on or before the same date**.

Late term papers will be deducted 5% per calendar day. The latest an assignment will be accepted with a mark deduction is within 7 calendar days of the original deadline.

The main body of the research paper is to be **double-spaced**. It is to be a **minimum of 6250 words** and a **maximum of 8750 words**. These limitations **do not include footnotes, appendices, charts, lists of figures or table of contents**. Papers must be in **Times New Roman of 12 font size**. **A cover sheet indicating the course code and title, course director's name, student's name and number must be included** as well. Restrictions will be rigorously enforced. Therefore, if students have any questions regarding length or format they should consult with the course director.

Students must save all drafts/revisions of their work and photocopies of all source documents until the final grade for the course is posted and be prepared to present them upon the request of the course director. This is done not only in case of suspected loss of academic integrity. It is also because it allows you to revisit your thinking on the content you are engaged with, an important scholarly practice.

Students are expected to state and develop a thesis in their papers and those which are purely descriptive will be penalized. Papers which are poorly written and organized and loosely argued will receive an inferior grade. The specific criteria used in grading your papers will include the following:

- i. Comprehensiveness of research (15 marks)** - This dimension involves the discovery, selection, and effective use of all relevant and up to date primary and secondary materials on the topic. Where appropriate, materials ought to include non-legal sources.
- ii. Writing and organization (20 marks)** - Superior grades will be awarded only for papers in which the subject matter has been logically and coherently presented and in which the writing is excellent. "Writing" includes style, diction, citation, punctuation, spelling and grammar.
- iii. Insight (20 marks)** - Students are required to achieve an understanding of the complexities of the subject matter that goes beyond the mere recitation of the arguments or conclusions presented by leading authorities; to regurgitate the ratio of a case or to present uninterpreted statistics.
- iv. Originality (10 marks)** - To achieve a high grade on this criterion, students must demonstrate an ability not only to identify the leading authorities and arguments, but also to deploy critical arguments in relation to the standard positions. This must then lead to the presentation and defence of an original position in relation to the topic. "Original" here does not mean one that is totally unprecedented in any of the literature. In this context, it can mean looking at a traditional or emerging issue in a fresh way, often by applying a novel source or argument (i.e. one that is not ordinarily associated with the legal literature in this area).

Students who have breached academic integrity will receive a grade of ZERO on the assignment.

V. Grading Scale:

Students work is evaluated with great care. Grades are not negotiable. Our program follows the grading and grade reappraisal policies as outlined in the program’s Student Handbook and Survival Guide.

The grades for a course are considered official following approval by the home graduate program of the course. The Faculty of Graduate Studies may change a grade if the program director concerned reports a clerical error or if an appeal to the program results in a change of grade.

Grade			Description pertaining to the program
A+	Exceptional	90–100%	Excellence in writing, research, reading and originality.
A	Excellent	85–89%	Work that shows a superior command of the subject, clearly written, creatively researched.
A-	High	80–84%	Work that shows a superior command of the material but limited in breath or depth of research and/or presentation.
B+	Highly Satisfactory	75–79%	Research and writing skills may be flawed in some visible and correctable way. Critical perspective is present and is consistently applied.
B	Satisfactory	70–74%	Work that meets minimum expectations of a graduate student in research, writing, and reading skills. Critical perspective is present but is not consistently applied.
C	Conditional	60–69%	Unsatisfactory work: flawed in methodology or critical assumption, incoherently organized, poorly written, or superficially researched. Critical perspective is beginning to develop.
F	Failure	0–59%	Work that is far below what is required. Does not address the assignment adequately. Absence of critical perspective. Work that breaches academic honesty is given a grade of ZERO.
I	Incomplete	N/A	

VI. Academic Integrity:

Any acts of academic dishonesty including but not limited to plagiarism, cheating by submitting the same course work twice, or failure to cite sources are taken seriously and handled according to York University Policy. For details, please refer to the [Faculty of Graduate Studies calendar](#) and the [Senate Policy on Academic Policy](#).

York University's online *Academic Integrity Tutorial* is designed to help students learn about academic integrity. You are strongly recommended to [complete this tutorial](#).

VII. Assignment Deferred Standing or Extension Policy

Exceptions to the lateness penalty for valid and unforeseen reasons such as illness, compassionate grounds, etc. will be considered by the course director **only** when supported by an **Assignment Deferred Standing Agreement** and appropriate written supporting documentation (e.g. Attending Physician's Statement, etc.).

Download the [Assignment Deferred Standing Agreement](#) from the program website.

Download the [Attending Physician's Statement](#) from the Faculty of Graduate Studies website.

VIII. Academic Accommodation for Students with Disabilities

Consult the instructors at the earliest possible date to ensure that you can be accommodated so as to be able to partake fully in the course. See [The York University Senate Policy on Academic Accommodation](#) for further information.

If the accommodation involves extended time to complete course work after the conclusion of the course, students will complete an [Assignment Deferred Standing Agreement](#) with the course director and then submit it to the Critical Disability Studies Graduate Program Office (Room 409, HNES Building) for record.

READING LIST

September 11

Introduction to Critical Legal Theory and Osgoode Hall Law Library Research Tutorial

The class will first meet in the classroom during which course descriptions and expectations will be discussed, presentation topics will be assigned by the course director and two weekly readings for comments submission will be chosen by students.

At 5:15 pm, the class will move to the Osgoode Hall Law Library for a legal research tutorial until 7:00 pm.

September 18

Chapter 1: Disability: Current and Historical Trends

Canada, <i>Advancing the Inclusion of Persons with Disabilities 2008</i> (Hull, PQ: HRDC, 2008), at 2
Ruth Enns, "Coming Out of the Attic: A Brief History of Disabled People's Activism" in <i>A Voice Unheard: The Latimer Case and People with Disabilities</i> (Halifax: Fernwood Publishing, 1999) 71
Geoffrey Reaume, "Introduction: The Physical and Medical Setting" in <i>Remembrance of Patients Past: Patient Life at the Toronto Hospital for the Insane, 1870-1940</i> . (Toronto, Oxford University Press, 2000) 1
Mary Ann McColl, "Disability Policy Making- Evaluating the Evidence Base" in Dianne Pothier & Richard Devlin, eds, <i>Critical Disability Theory: Essays in Philosophy, Politics Policy and Law</i> (University of British Columbia Press, 2006) 25
Michael J. Prince, "Canadian Disability Policy: Still a Hit-and-Miss Affair" (2004) 29 <i>Canadian Journal of Sociology</i> 59, online: https://muse.jhu.edu/article/54136/pdf
Steve Estey (2011), "The Road to the UN Convention", online: http://www.ccdonline.ca/en/international/un/canada/road-to-the-un-convention-march2011

September 25

Chapter 2: Theorizing Disability

Michael Oliver & Colin Barnes, "Constructing Disabled Identities" in Michael Oliver & Colin Barnes, <i>The New Politics of Disablement</i> (London: Palgrave MacMillan, 2012) 98
Carol Thomas, "Defining Disability: The Social Model" in Carol Thomas, ed, <i>Female Forms: Experiencing and Understanding Disability</i> (Philadelphia: Open University Press, 1999) 13
Carol Thomas, "Defining Disability: A Definition Riddle" in Carol Thomas, ed, <i>Female Forms: Experiencing and Understanding Disability</i> (Philadelphia: Open University Press, 1999) 33
Tom Shakespeare, "Disability: A Complex Interaction" in <i>Disability Rights and Wrongs</i> (New York: Routledge, 2006) 54
Tom Shakespeare, "Critiquing the Social Model" in <i>Disability Rights and Wrongs</i> (New York: Routledge, 2006) 29
Lennard J. Davis, "The End of Identity Politics and the Beginning of Dismodernism: On Disability as an Unstable Category," <i>Bending Over Backwards: Disability, Dismodernism, and Other Difficult Positions</i> (New York: New York University Press, 2002) 9
Peter Beresford, "Supporting the Sustainability of Mad Studies and Preventing its Cooption" (2016) 31:2 <i>Disability & Society</i> 270 http://www.tandfonline.com/doi/full/10.1080/09687599.2016.1145380

October 2nd

Chapter 3: Disability Rights, Citizenship and Equality Law

Dianne Pothier & Richard Devlin, "Introduction: Toward a Critical Theory of Dis-Citizenship" in Dianne Pothier & Richard Devlin, <i>Critical Disability Theory: Essays in Philosophy, Politics, Policy and Law</i> (University of British Columbia Press, 2006) 1
Marcia Rioux & Fraser Valentine "Does Theory Matter? Exploring the Nexus between Disability, Human Rights and Public Policy" in Dianne Pothier & Richard Devlin, <i>Critical Disability Theory: Essays in Philosophy, Politics, Policy and Law</i> (University of British Columbia Press, 2006) pp. 48-68
<i>The Constitution Act, 1982</i> , being Schedule B to the <i>Canada Act 1982</i> (U.K.), 1982, c. 11 (extracts)
<i>Eldridge v British Columbia (Attorney General)</i> , [1997] 3 SCR 624, online: https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1552/index.do

<i>Withler v Canada (Attorney General)</i> , [2011] 1 SCR 396, online: http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/7925/index.do
<i>Quebec (Attorney General) v A</i> , [2013] 1 SCR 61, online: https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/10536/index.do
<i>Stewart v Elk Valley Coal Corp.</i> , 2017 SCC 30 [headnote and paras 58 to 145 (Gascon dissent)] online: https://scc-csc.lexum.com/scc-csc/scc-csc/en/16679/1/document.do
Ani B. Satz, "Disability, Vulnerability, and the Limits of Antidiscrimination" (2008) 83 Wash L Rev 513, online: https://digital.law.washington.edu/dspace-law/bitstream/handle/1773.1/246/Satz%201709.pdf?sequence=1&isAllowed=y

THANKSGIVING – NO CLASS ON OCTOBER 9th

October 16

Chapter 4: Disability Rights, Equality and Accessibility

<i>Quebec (Commission des droits de la personne et des droits de la jeunesse) v Montreal (City); Quebec (Commission des droits de la personne et des droits de la jeunesse) v Boisbriand (City)</i> , [2000] 1 SCR 2000, online: https://scc-csc.lexum.com/scc-csc/scc-csc/fr/item/1789/index.do
<i>Granovsky v Canada (Minister of Employment and Immigration)</i> , [2000] 1 SCR 703, online: https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1791/index.do
<i>Canadian Human Rights Act</i> , RSC 1985, c H-6 (extracts)
<i>Ontario Human Rights Code</i> , R.S.O. 1990, c. H-19 (extracts)
Ministry of the Attorney General, "Ontario Passes <i>Human Rights Code Amendment Act</i> " 2006, online: http://www.attorneygeneral.jus.gov.on.ca/english/news/2006/120061205-hr.asp
Jerome E. Bickenbach, "Disability Human Rights, Law, and Policy" in Gary L. Albrecht, Katherine D. Seelman & Michael Bury, eds, <i>Handbook of Disability Studies</i> (Thousand Oaks, CA: Sage Publications Inc., 2001) 565
<i>Accessibility for Ontarians with Disabilities</i> , 2005, S.O. 2005, c. 11 (extracts)
United Nations, "The <i>Convention</i> in Brief", online: https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/the-convention-in-brief.html
<i>Braithwaite v Ontario (Attorney General)</i> , (2007) 88 OR (3d) 45, online:

<http://canlii.ca/t/1v9bd>

Emmett Macfarlane, "The Dilemma of Positive Rights: Access to Health Care and the Canadian Charter of Rights and Freedoms" (2014) 48:3 Journal of Canadian Studies 49

October 23

Chapter 5: The Duty to Accommodate

Ontario Human Rights Commission, "Policy on Ableism and Discrimination Based on Disability" (2016) (excerpts) online: <http://www.ohrc.on.ca/en/policy-ableism-and-discrimination-based-disability>

Ontario Human Rights Commission, *Policy on Preventing Discrimination Based on Mental Health Disabilities and Addictions* (Toronto: OHRC, 2014) 38, online: OHRC < <http://www.ohrc.on.ca/en/policy-preventing-discrimination-based-mental-health-disabilities-and-addictions> > ("Duty to Accommodate" >

Lennard Davis, "Bending Over Backwards: Disability, Narcissism, and the Law" (2000) 21 Berkeley J Emp & Lab L 193, online: <http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1278&context=bjell>

Council of Canadians with Disabilities v Via Rail Canada Inc., [2007] 1 SCR 650, online: <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2352/index.do>

Alberta v Hutterian Brethren of Wilson Colony, [2009] 2 SCR 567, online: <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/7808/index.do>

Honda Canada Inc. v Keays, [2008] 2 SCR 362, online: <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/5667/index.do>

Hydro-Quebec v Syndicat des employe-e-s de techniques professionnelles et de bureau d'Hydro-Quebec, section locale 2000 (SCFP-FTQ), [2008] 1 SCR 561, online: <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2507/index.do>

Gwen Brodsky, Shelagh Day & Yvonne Peters, "Accommodation in the 21st Century", (Canadian Human Rights Commission, 2012) online: http://www.chrc-ccdp.ca/pdf/accommodation_eng.pdf [Conclusion, pp 42-45]

Adga Group Consultants Inc. v Lane, 2008 CanLII 39605 (ON SCDC), online: <http://canlii.ca/t/205dq> [headnote and paras XXX]

Daniella A Schmidt, "Bathroom Bias: Making the Case for Trans Rights under Disability Law" (2013) 20 Mich. J Gender & L. 155, online:

<http://repository.law.umich.edu/cgi/viewcontent.cgi?article=1033&context=mjgl>

October 30

Chapter 6: Perspectives on Reproduction

<p><i>E. (Mrs.) v Eve</i>, [1986] 2 SCR 388, online; https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/170/index.do</p>
<p>Marcia H. Rioux & Lora Patton, "Beyond Legal Smokescreens: Applying a Human Rights Analysis to Sterilization Jurisprudence" in M. Rioux, L.A. Bassar, M. Jones, ed., <i>Critical Perspectives on Human Rights and Disability Law</i> (Leiden: Martinus Nijhoff Publishers, 2011) 243 (extracts)</p>
<p><i>Muir v. Alberta</i> (1996), 132 DLR (4th) 695 (Alta. Q.B.)</p>
<p>Judith Mosoff, "Reproductive Technology and Disability: Searching for the "Rights" and Wrongs in Explanation", (1993) 16 Dalhousie LJ 98</p>
<p><i>Cameron v Nova Scotia</i> (1999), 177 DLR (4th) 611 (NSCA)</p>
<p>Daphne Gilbert & Diana Majury, "Infertility and the Parameters of Discrimination Discourse" in Pothier, D., and Devlin, R. eds., <i>Critical Disability Theory: Essays in Philosophy Politics, Policy And Law</i>, (Vancouver: UBC Press, 2006) 285</p>

November 6

Chapter 7: Reproductive Genetics, Wrongful Life, and Wrongful

Birth

<p>Adrienne Asch, "Disability, Bioethics and Human Rights" in Gary L. Albrecht, Katherine D. Seelman & Michael Bury, eds, <i>Handbook of Disability Studies</i> Thousand Oaks, CA: Sage Publications Inc., 2001) 297</p>
<p>Erik Parens & Adrienne Asch, "The Disability Rights Critique of Prenatal Genetic Testing" (1999) 29 <i>The Hastings Center Report</i> 1</p>
<p>Tom Shakespeare, "Questioning Prenatal Diagnosis" in <i>Disability Rights and Wrongs</i> (New York: Routledge, 2006) 85</p>
<p><i>Assisted Human Reproduction Act</i> (2004), S.C. 2004, c. 2 (extracts)</p>
<p>M. Kerr, J. Kurtz, L. Olivo, "Negligence", <i>Canadian Tort Law in a Nutshell</i> (2nd ed.) (Toronto: Carswell, 2005) 35</p>
<p>Robert Solomon <i>et al.</i>, <i>Cases and Materials on the Law of Torts</i> (1st ed) (Toronto: Carswell, 2007) 361</p>
<p>Jen Rinaldo, "Wrongful Life and Wrongful Birth: The Devaluation of Life with Disability" (2009) 1 <i>Journal of Public Policy, Administration and Law</i> 1, online:</p>

http://jppal.journals.yorku.ca/index.php/jppal/article/viewFile/19130/21597
<i>RH v Hunter</i> , [1996] OJ No. 4477 (Gen. Div.)
<i>Krangle v Briscoe</i> , [2002] 1 SCR 205, online: https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1946/index.do
<i>Paxton v Ramji</i> , 2008 ONCA 697, online: < http://canlii.ca/t/215b2 >
“Legislative Summary - Bill S201: An Act to Prohibit and Prevent Genetic Discrimination” (6 December 2016), online https://lop.parl.ca/content/lop/LegislativeSummaries/42/1/s201-e.pdf

November 13

Chapter 8: Consent and Capacity

Sophie Nunnelley, “Involuntary Hospitalization and Treatment: Themes and Controversies” in J Chandler & Colleen M Flood, eds, <i>Law & Mind: Mental Health Law & Policy in Canada</i> (Toronto: LexisNexis, 2016)
Lana Kerzner, “Mental Capacity Through a Disability Law Lens” in M.A. McColl and L. Jongbloed, eds., <i>Disability and Social Policy in Canada</i> (Toronto: Captus, 2006), 336- 356 at 337-340, 342-345, 347-348, 349-355
<i>Health Care Consent Act</i> , SO 1996, c.2, Schedule A, ss.1 – 37.1, s.70.1
<i>Substitute Decisions Act</i> , SO 1992, c. 30, ss. 1 – 68.
<i>Starson v Swayze</i> , [2003] 1 SCR 722, online: https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2064/index.do
<i>Starson v Pearce</i> , 2009 CanLII 46 (ON S.C.)
Robert Solomon, J. Gray, R. O’Reilly & M. Nikolic, “Treatment Delayed and Liberty Denied” (2009), 87:3 <i>Canadian Bar Review</i> 679
D. Hiltz & A. Szigeti, “Consent and Capacity”, <i>Lawyers Weekly</i> (26 November 2004)
Sheila Wildeman, “Insight Revisited: Relationality and Psychiatric Treatment Decision-Making Capacity” in J. Downie & J. Llewellyn, eds., <i>Being Relational: Reflections on Relational Theory and Health Law</i> (Vancouver: UBC Press, 2012)
<i>Thompson v Ontario</i> , 2016 ONCA 676, online http://www.ontariocourts.ca/decisions/2016/2016ONCA0676.pdf
Law Commission of Ontario, “Executive Summary” in “Legal Capacity, Decision Making and Guardianship -Final Report” (March 2017) online: http://www.lco-cdo.org/wp-content/uploads/2017/03/CG-Final-Report-EN-online.pdf

November 20

Chapter 9: Death, Dying and Constructions of Disability

(i) Medical Assistance in Dying for People determined to be Decisionally-Capable
<i>Carter v Canada (Attorney General)</i> , [2015] 1 SCR 331, online: https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/14637/index.do
Maneesha Deckha, "A Missed Opportunity: Affirming the Section 15 Equality Argument against Physician-Assisted Death" (2016) 10:1 McGill J Law & Health S69 online: http://mjlh.mcgill.ca/pdfs/vol10-1/MJLH_10_1_Deckha.pdf
Jocelyn Downie, "And Miles to Go before I Sleep: The Future of End-of-Life Law and Policy in Canada" (2016) 39 Dalhousie LJ 413
Sherri Yazdani, Daniel Buchman, Linda Wright & Jennifer A. Chandler, "Organ Donation and Medical Assistance in Dying (MAID): Ethical and Legal Issues Facing Canada" (2017) McGill J Law & Health, forthcoming, online: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2974397
Vulnerable Persons Standard, online < http://www.vps-npv.ca/readthestandard >.
The College of Physicians and Surgeons of Ontario, "Medical Assistance in Dying" (2016), online < http://www.cpso.on.ca/Policies-Publications/Policy/Medical-Assistance-in-Dying >
Scott Kim & Trudo Lemmens, "Should Assisted Dying for Psychiatric Disorders Be Legalized in Canada?" (2016) 188:14 CMAJ 33
Catherine Frazee, "There Can be Dignity in All States of Life" <i>Ottawa Citizen</i> (14 October 2014), online: http://ottawacitizen.com/news/national/catherine-frazee-there-can-be-dignity-in-all-states-of-life
Graeme Bayliss "It Doesn't Get Better: The Mentally Ill Deserve the Right to Die with Dignity" (April 14 2016) <i>The Walrus</i> , online: https://thewalrus.ca/suicide-is-not-painless/
<i>Rodriguez v British Columbia (Attorney General)</i> , [1993] 3 S.C.R. 519
Tom Shakespeare, "Autonomy at the End of Life" in <i>Disability Rights and Wrongs</i> (New York: Routledge, 2006) 118
Harriet Johnson "Unspeakable Conversations" <i>The New York Times</i> (16 February 2003), online: http://www.nytimes.com/2003/02/16/magazine/unspeakable-conversations.html
<i>A.B. v Canada (Attorney General)</i> , 2016 ONSC 1912, online: < http://canlii.ca/t/gnr79 >
(ii) People Determined to be Decisionally Incapable

<i>Sawatzky v Riverview Health Centre</i> (1998), 167 D.L.R. (4th) 359 , online: < http://canlii.ca/t/gbsfj >
<i>An NHS Trust v B. and Others</i> , [2006] E.W.H.C. 507 (Fam.), online: http://www.familylawweek.co.uk/site.aspx?i=ed1721
<i>Swiss v Alberta Health Services</i> , [2009] A.J. No. 1303 Q.B
<i>Rasouli (Litigation Guardian of) v Sunnybrook Medical Centre</i> , [2013] 3 SCR 341, online: https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/13290/index.do

November 27

Chapter 10: Economic and Social Assistance

Statistics Canada, "A Profile of Persons with Disabilities among Canadians aged 15 years or older, 2012 (15 February 2017), online: http://www.statcan.gc.ca/pub/89-654-x/89-654-x2015001-eng.htm
<i>Ontario Disability Support Program Act</i> , SO 1997, c.25, Schedule B
Sunny Taylor, "The Right Not to Work: Power and Disability" (March 2004) 55:10 <i>Monthly Review</i> 55:10 30, online: https://monthlyreview.org/2004/03/01/the-right-not-to-work-power-and-disability/
Catherine. Frazee, Joan Gilmour & Roxanne Mykitiuk, "Now You See Her, Now You Don't: How Law Shapes Disabled Women's Experience of Exposure, Surveillance, and Assessment in the Clinical Encounter", in D. Pothier & R. Devlin, eds., <i>Critical Disability Theory: Essays in Philosophy, Politics, Policy and Law</i> (Vancouver: UBC Press, 2006), 223
<i>Fernandes v Manitoba</i> (1992) 78 Man. R. (2d) 172 (Man. C.A.), leave to appeal refused [1992] S.C.C.A. No. 386, online: < http://canlii.ca/t/g9mq5 >.
<i>B.C. v Hutchinson</i> , [2005] 2005 BCSC 1421 (BCSC), aff'g. <i>Hutchinson v B.C. Ministry of Health</i>) [2004], BCHRTD No. 55 (B.C. H.T. Trib.), online; http://www.courts.gov.bc.ca/jdb-txt/sc/05/14/2005bcsc1421err1.htm
<i>Nova Scotia (Workers' Compensation Board) v Martin; Nova Scotia (Workers' Compensation Board) v Laseur</i> , [2003] 2 SCR 504, online: https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2088/index.do
<i>Nova Scotia (Minister of Health) v J.J.</i> , [2005] 1 SCR 177, online: https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2212/index.do
<i>A.L. v Ontario (Minister of Community and Social Services)</i> [2006] O.J. No. 4637 (ONCA), leave to appeal denied [2007] S.C.C.A No. 36
<i>Director, Ontario Disability Support Program v Tranchemontagne</i> , (2009) 95 O.R.

(3d) 327
AJ Withers & John Clarke, “What Basic Income Means for Disabled People” (April 21 2017) The Bullet, E-Bulletin No. 1399, online: https://socialistproject.ca/bullet/1399.php
Dianne Pothier, “Tackling Disability Discrimination at Work: Towards a Systemic Approach” (2010) 4:1 McGill J Health and Law 17, online: http://mjhlh.mcgill.ca/pdfs/vol4-1/Pothier.pdf
Deborah Stienstra, “Disabling Women and Girls in Austere Times” (2017) 38:1 Atlantis 154 online: < http://journals.msvu.ca/index.php/atlantis/article/view/5330/154-167%20PDF >
Income Security Advocacy Centre, “Report Card: Coroner’s Report on the Implementation of Rogers Inquest Recommendations” (2004), online: ISAC < http://incomesecurity.org/publications/litigation/Rogers_Inquest_-_Report_Card_on_Implementation_of_Coroners_Jury_Recommendations_-_2004.pdf >
<i>Harris v Canada (Minister of Human Resources and Skills Development)</i> , [2009] 4 FCR 330, online: < http://canlii.ca/t/22f6v >
The Registered Disability Savings Plan, Online at: http://www.cra-arc.gc.ca/E/pub/tg/rc4460/rc4460-16e.pdf

December 4

Chapter 11: Education

Accessibility for Ontarians with Disabilities Act Alliance, “What an Ontario Education Accessibility Standard Could Include? – A Discussion Paper” (November 21, 2016)
Accessibility for Ontarians with Disabilities Act Alliance, “The AODA Alliance's Analysis of the August 12, 2015 KPMG Report for the Ontario Government on Accessibility Barriers in Ontario's Education System” (November 9, 2016)
Accessibility for Ontarians with Disabilities Act Alliance, “AODA Alliance's Response to Ontario Government Survey of the Public on Accessibility” (10 July 2017)
Nadir Khan & Adam Giancola, “TDSB SEAC Report” (1 May 2017)
UN Committee on the Rights of Persons with Disabilities, “General Comment 4: The Right to Inclusive Education”, UN Doc. CRPD/C/GC/4 (2 September 2016) Online: OHCHR < http://www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx >

Chapter 12: The Future of Disability Rights Law

UN Committee on the Rights of Persons with Disabilities, “Concluding Observations on the Initial Report of Canada” UN Doc. CRPD/C/CAN/CO/1 (8 May 2017), online: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fCAN

%2fCO%2f1&Lang=en

Tanudjaja v Canada, 2014 ONCA 852, online: <<http://canlii.ca/t/gffz5>>

Disability Rights Promotion International, "Summary" Expanding the Circle: Monitoring the Human Rights of Indigenous, First Nations, Aboriginal, Inuit and Métis People with Disabilities in Canada: Site Report" (March 2016) online: <http://drpi.research.yorku.ca/north-america/north-america-publications-resources/expanding-the-circle-monitoring-the-human-rights-of-indigenous-first-nations-aboriginal-inuit-and-metis-people-with-disabilities-in-canada-site-report/>

Ministry of Community and Social Services, Response to Guy Mitchell Inquest Recommendations (2016), online: <http://www.vanmeerfreepress.com/wp-content/uploads/2016/07/MCSS-responses-to-the-recommendations-July-22-2016.pdf>

Arlene S. Kanter, "The Globalization of Disability Rights Law" (2003) 30 *Syracuse J Int'l L & Com.* 241

Peter Barlett, "Implementing a Paradigm Shift: Implementing the CRPD in the Context of Mental Disability Law" in *Torture in Healthcare Settings: Reflections on the Special Rapporteur on Torture's 2013 Thematic Report* (Washington: Centre for Human Rights and Humanitarian Law, American University Washington College of Law, 2014) 169-180, online: <http://antitorture.org/wp-content/uploads/2014/03/PDF_Torture_in_Healthcare_Publication.pdf>.