



# LANDS

## Monthly Newsletter



### ABOUT OUR NEWSLETTER

Welcome to the January edition of the Law and Society Students' Association Newsletter! In this newsletter, we bring you updates on legal news, insightful recommendations and highlights of our club activities and events.



### IN THIS EDITION, YOU WILL FIND:

- ◆ PUBLIC VS PRIVATE LAW
- ◆ LEGAL NEWS UPDATES
- ◆ FAMOUS LEGAL CASES
- ◆ CATCHING UP WITH ALUMNI
- ◆ AND MORE!







# What's New For LANDS

## Check Us Out!



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The Law and Society Students' Association



[www.landssyu.com](http://www.landssyu.com)





# Jurisprudence: The Key That Unlocked the Law

**By: Nicole Singh**

Jurisprudence is a fundamental legal term that represents the philosophy of law. The term “jurisprudence” is defined as the “practical wisdom about law” (Shiner, 2013). Jurisprudence refers to the study of law’s foundations such as “the general characteristics of legal rules, of legal norms, of legal systems and institutions; topics of legal reasoning and decision making; and topics of legal validity, legal rights and legal interpretation,” (Shiner, 2013). Ultimately, jurisprudence is the application of theoretical principles to make sound legal judgments (Shiner, 2013).

Jurisprudence refers to the foundations of legal, moral, political, and economic policies of law and legal decisions (Shiner, 2013). The following example further conceptualizes the term of jurisprudence: when one mentions “the jurisprudence of Canadian constitutional law” this refers to the foundational principles of legal, moral, political, and/or economic policies that Canadian constitutional law is based on (Shiner, 2013). Jurisprudence is an interdisciplinary subject that is often taught in university and college departments under the title of “Philosophy of Law,”



hence it bridges the subjects of law and philosophy (Shiner, 2013). Together with this, jurisprudence remains a strong discipline of study in Canada (Shiner, 2013). The International Society for Philosophy of Law and Social Philosophy, an international publication of internationally known scholars (Queen Mary University of London, 2016), includes a Canadian chapter as a contribution to this interdisciplinary study (Shiner, 2013).

It is important to recognize jurisprudence’s importance in the practice of law (Shiner, 2013). Since the enactment of Canada’s constitution, the Canadian Charter of Rights and Freedoms is a vital document that represents jurisprudence (Shiner, 2013). The Canadian Charter is a tangible piece of jurisprudence as it consists of moral and legal principles that have created the legal framework of norms and decisions in Canadian law (Shiner, 2013). The Charter holds all levels of Canadian courts accountable for exploring fundamental principles of “freedom of expression,” “equality,” “security of person” and many more, to determine that forms of legislation and legal decisions are consistent with the Charter (Shiner, 2013). Through a global retrospect, the Canadian legal community of systems and courts have proven effective in using the Charter as an application of jurisprudence to the practice of law (Shiner, 2013).



# Public Law vs. Private Law

**Public Law** manages the rules and regulations that define the relationship between individuals and the state, focusing on laws that affect society as a whole. This includes constitutional law, which outlines the powers of the government and protects citizens rights, and criminal law, which addresses offenses like theft or assault that harm society. Administrative law also comes under public law, ensuring that government actions are fair and lawful. Cases under public law often involve the government as a party, for example, in criminal cases, the government prosecutes individuals accused of breaking the law. To convict someone, the evidence must meet a very high standard, known as "beyond a reasonable doubt," meaning there is almost no chance the person is innocent.



**Private Law**, on the other hand, focuses on resolving disputes between individuals, groups or businesses. It includes areas like contract law, which governs agreements such as selling goods; tort law, which addresses harm caused by one person to another, like in accidents; and family law, which handles issues such as divorce or child custody. Unlike public law, private law cases are initiated by individuals rather than the government. For example, if one party fails to fulfill a contract, the other party can sue. To succeed in such cases, the person bringing the claim must show that their version of events is more likely true than not, a standard of proof called the "balance of probabilities". The solution in private law typically involves financial compensation or actions to restore fairness rather than punishment.



The key difference between public and private law lies in their scope, parties, and outcomes. Public law aims to protect societal interests and often involves government action, while private law resolves personal disputes and focuses on individual interests. Public law cases, especially criminal ones, require stronger evidence than private law cases. Moreover, public law seeks to punish wrongdoing, whereas private law focuses on compensation and restoring balance between parties. Together, public and private law work to create order and fairness, addressing both societal needs and personal conflicts.



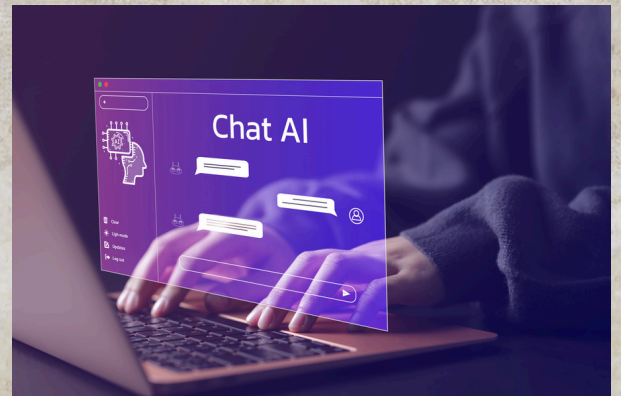
# Legal News Update

## *"CANADIAN MEDIA OUTLETS LAUNCH LANDMARK COPYRIGHT LAWSUIT AGAINST OPENAI"*

**By: Joel Thomas**

**IN A REVOLUTIONARY CASE, FIVE OF CANADA'S LARGEST MEDIA COMPANIES, INCLUDING THE CBC/RADIO-CANADA, THE GLOBE AND MAIL, AND POSTMEDIA, HAVE FILED A COPYRIGHT INFRINGEMENT LAWSUIT AGAINST OPENAI.**

The suit alleges that OpenAI unlawfully scraped content from their websites and reproduced it to train its ChatGPT model, violating both the Copyright Act and the terms of service of their platforms. The media outlets claim that their news articles and materials were used to develop a commercial product without authorization or compensation. According to the statement of claim, OpenAI's data collection constitutes a breach of copyright laws designed to protect the intellectual property rights of Canadian creators.



However, OpenAI argues that its actions are covered by "fair dealing," a Canadian legal framework that permits the restricted use of copyrighted content for criticism, teaching, and research. Michael Geist, a well-known copyright specialist, stated that "this lawsuit highlights the growing tensions between copyright protection and

A global wave of legal challenges against AI corporations includes this case. Artists, authors, and organizations have accused AI developers of illegal data scraping in similar lawsuits filed in the U.S. and Europe. The results of the judges' deliberations may establish guidelines for how AI systems relate to copyright regulations both domestically and internationally. Media companies argue that since unchecked AI scraping could further deplete news organizations' revenue streams, the stakes are high for journalism. At the heart of this controversy is OpenAI's ChatGPT, a program that uses huge amounts of training data to produce language that appears human. The outcome of the lawsuit might change the parameters of copyright law in the digital era and make AI creators pay for the material they use.

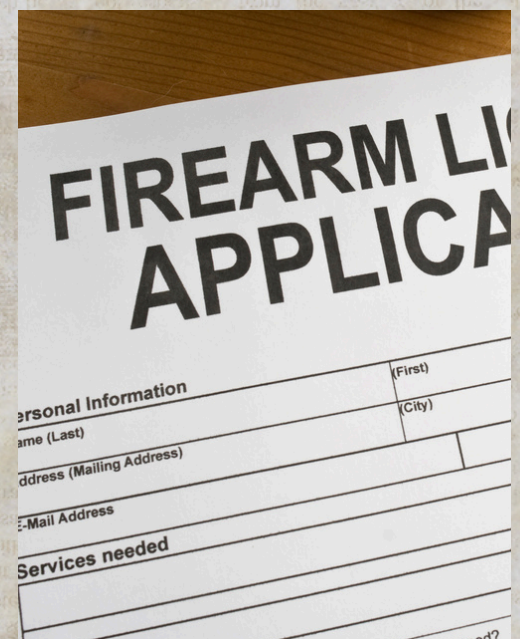


# Legal News

## “CANADA EXPANDS GUN BAN TO HUNDREDS OF ADDITIONAL FIREARMS”

*The Canadian government has significantly broadened its firearm prohibitions by adding 324 more gun models and variants to its list of prohibited weapon. This expansion is part of a wider push to combat gun violence and enhance public safety, according to Public Safety Minister Dominic LeBlanc.*

LeBlanc declared during a news conference that these actions are essential to lowering gun violence and guaranteeing the safety of our communities. Variants of the AR-15 rifle, which has long been a hot topic in Canada's gun control discussions, are among the recently outlawed weapons.



The 2020 Order in Council (OIC), which outlawed several firearms that "have no place in Canadian society," now applies to the 324 additions. In order to guarantee that these firearms are taken out of circulation, owners of the impacted weapons must either abide by the ban or make use of the government's buyback system. Conservative MP Pierre Paul-Hus and other critics of the government's strategy contend that the policies unfairly single out law-abiding gun owners while ignoring the underlying causes of gun violence, including organized crime and illegal trafficking. Paul-Hus said, "We must concentrate on the actual issue, which is the illegal entry of firearms into Canada."

In order to give people more time to turn in or get rid of their guns, the amnesty period for owners of illegal firearms has been extended until October 2025. In addition to the enlarged bans, the government has put out additional legislative proposals that would allow law enforcement to seize firearms from people who are a threat to themselves or others. These include "red-flag" regulations and restrictions on magazine capacities. While gun control advocates have welcomed the changes as overdue, the expansion has reignited debates about the balance between public safety and individual rights. This policy shift aligns with Prime Minister Justin Trudeau's broader commitment to strict gun regulations, a hallmark of his administration since 2015.



# FAMOUS CANADIAN LEGAL CASES THROUGHOUT THE YEARS



## *R. V. Oakes (1986)*

In 1986, David E. Oakes was accused of possession of drugs for the purpose of trafficking. During this time, section 8 of the Narcotics Control Act stated that any individual found in possession of drugs was presumed to have the intent to traffic it. Oakes argued to the Supreme Court of Canada that this section of the Narcotics Control Act was in violation of the Canadian charter of rights and freedoms, specifically section 11 (d) which stated that everyone is presumed innocent until proven guilty. After careful consideration and a review of section 1 of the charter, they found that this was a violation of presumption of innocence, and that this suppression of a right did not have a sufficient purpose for doing so.

## *Calder V. British Columbia (The Calder Case)*

in 1973, Frank Calder helped bring forward a case to the courts that argued for Aboriginal ownership over the lands that have been historically occupied by the Nisga'a people. While frank lost the case on a technicality (failing to obtain permission to sue the Government of British Columbia from the attorney general), the case made an impact on Canadian law; the Supreme Court of Canada finally recognized the Nisga'a tribe's ownership of the land they inhabited and paved the way for indigenous rights.

## *Ford V. Quebec (The Ford Case)*

in 1988, Ford sued the Quebec Government over Law 101 in the Charter of the French Language due to the fact that it excluded the english community living in Quebec at the time, and it infringed on subsection 2 (b) of the Canadian Charter of Rights and Freedoms. Law 101 required all commercial signs and the style of firm names to be exclusively French, leading to Ford's argument stating that it excluded English speaking individuals. After taking this case to the supreme court, they declared that Law 101 was not compatible with the charter of rights's protection of freedom of expression, and ordered Quebec to change the signs. Even though Quebec attempted to fight back unsuccessfully with section 9.1 of the Quebec Charter and section 1 of the Canadian Charter of Rights and Freedoms, they even eventually changed all the signs, changing the linguistic landscape of the province forever.

## *Edwards V. Canada (The Persons Case)*

By the early 1900s, women were slowly being allowed the same rights and freedoms as their male counterparts, being allowed to vote in both provincial and federal elections, and then eventually being allowed run for office in the house of commons. Despite this massive reform, women were still not allowed to be appointed to the senate, which pushed the prominent women activist group called the Famous Five to initiate a case to allow women into the senate. In 1928, in response to the case, the Supreme Court of Canada ruled that women were not seen as "persons" according to the now named Constitution Act, 1867. Despite this major loss, a year later the Judicial Committee of the Privy Council reversed this decision, allowing women into the senate, and effectively eliminating any discrimination of rights against women based on interpretations of the law.

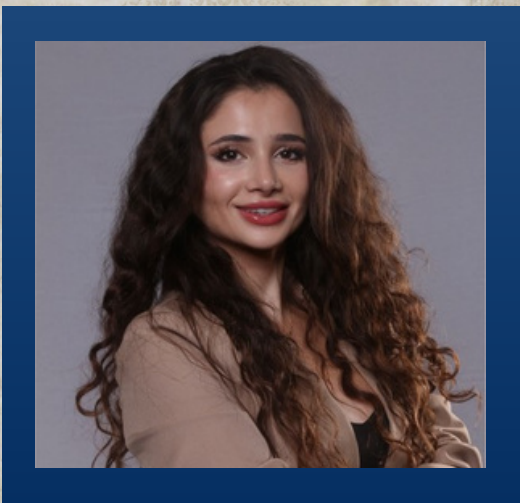






# CATCHING UP WITH

## *Alumni*



**Kimiya Asadi**

Law Student  
**Osgoode Hall School of  
Law**

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BACHELOR OF ARTS  
LAW & SOCIETY

(CLASS OF 2023)

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### **COULD YOU SUMMARIZE YOUR POST-GRAD JOURNEY (FURTHER EDUCATION, CAREER ETC)?**

I studied for the LSAT in my 3rd and last year of undergrad and applied to law schools in Canada and got into my dream school Osgoode Hall School of Law. I am currently in my 3L and graduating from Osgoode this upcoming April 2025. I also work as a figure skating coach and a personal trainer, as well as an LSAT tutor. These roles have helped me to keep my skillsets diverse and bring a novel perspective to my legal education and career.

### **WHAT ADVICE OR TIPS DO YOU HAVE FOR CURRENT STUDENTS IN THE PROGRAM?**

If a legal career and getting into law school are your goals make sure to keep your GPA high, start studying LSAT as soon as possible during your undergrad, and make connections with your professors. Don't shy away from seeking extra research opportunities from your professors in the courses that you are interested in. This will make your application stand out more and give the professor a chance to really get to know you so they can write you a personalized reference letter.

### **WHAT SKILLS OR EXPERIENCES FROM THE LAW AND SOCIETY PROGRAM HAVE YOU FOUND MOST VALUABLE IN YOUR POST GRAD JOURNEY?**

Critical analysis and research skills, writing, reading and comprehending dense articles, which are all necessary for passing the LSAT and getting through law school itself