

# COURSE SYLLABUS



COURSE TITLE: CRIM-170: Law and Legal Institutions

CLASS SECTION: 002

TERM: Winter 2023

COURSE CREDITS: 3

DELIVERY METHOD(S): In-person

Camosun College campuses are located on the traditional territories of the Lək'wəḡən and W̱SÁNEĆ peoples. We acknowledge their welcome and graciousness to the students who seek knowledge here.

Learn more about Camosun's [Territorial Acknowledgement](#).

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For COVID-19 information please visit <https://legacy.camosun.ca/covid19/index.html>.

*Camosun College requires mandatory attendance for the first class meeting of each course. If you do not attend, and do not provide your instructor with a reasonable explanation in advance, you will be removed from the course and the space offered to the next waitlisted student.*

## INSTRUCTOR DETAILS

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NAME: Blair Fisher

EMAIL: [fisherb@camosun.ca](mailto:fisherb@camosun.ca)

OFFICE: Young 205

HOURS: Posted on door and on D2L

*As your course instructor, I endeavour to provide an inclusive learning environment. However, if you experience barriers to learning in this course, do not hesitate to discuss them with me. Camosun College is committed to identifying and removing institutional and social barriers that prevent access and impede success.*

## CALENDAR DESCRIPTION

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An introduction to the fundamental principles of law; the development of law and legal institutions; the process of law reform; the structure and system of Canadian courts; the philosophy of Canadian jurisprudence; judicial law making; and exercise of judicial power.

### PREREQUISITE(S):

One of:

- C+ in English 12
- C in Camosun Alternative

### CO-REQUISITE(S):

### EXCLUSION(S):

## COURSE LEARNING OUTCOMES / OBJECTIVES

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Upon completion of this course a student will be able to:

1. Summarize and demonstrate comprehension of fundamentals of Canadian law, the Canadian legal system and legal institutions.
2. Articulate the fundamental concepts of Canadian law, of the framework within which legislative and judicial authority are exercised, of the roles of lawyers and judges in the Canadian legal system, and of the concept of human rights.
3. Distinguish clearly between criminal and civil law.
4. Critically evaluate the strengths and weaknesses of the Canadian system of law and legal institutions.

## REQUIRED MATERIALS & RECOMMENDED PREPARATION / INFORMATION

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Boyd, N. (2019) *Canadian Law: An Introduction, Seventh Edition*. Toronto: Nelson Education.

## COURSE SCHEDULE, TOPICS, AND ASSOCIATED PREPARATION / ACTIVITY / EVALUATION

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The following schedule and course components are subject to change with reasonable advance notice, as deemed appropriate by the instructor.

### **Week #1 January 10<sup>th</sup> & 13<sup>th</sup>**

- Course preparation and Syllabus discussion
- Detailed introduction to the course
  - o Textbook
  - o Course assignments
  - o Website for course
  - o Course and classroom expectations
- Basic Divisions of Law
- Legal Perspectives
  
- Chapter 1 ‘The Role of Law’; Chapter 5 p.143-149 ‘Canada’s Courts’

### **Week #2 January 17<sup>th</sup> & 20<sup>th</sup>**

- What is Law?
- Intended and unintended consequences of legality
- Review of the basic court system and process in Canada
  
- Chapter 2 p.29-49 ‘The Sources of Canadian Law’

**Week #3 January 24<sup>th</sup> & 27<sup>th</sup>**

- History of Common Law
- Judges & Judicial Decision-Making
- Searching legal cases
  
- Chapter 3 ‘How do Judges Interpret Ambiguous Statutes?’

**Week #4 January 31<sup>st</sup> & February 3<sup>rd</sup>**

- Sources of Law
- Charter of Rights & Freedoms
- Prosecution & Lawyers
  
- Chapter 4 p. 93-105 ‘The Constitution of Canada’  
Chapter 6 p. 183-198 ‘The Study of Law, Lawyers & Judges’

**Week #5 February 7<sup>th</sup> & 10<sup>th</sup>**

- Human Rights and the law
- International Law
- Constitutional Law
- Understanding the challenges and opportunities of legal systems in a globalizing world
  
- Chapter 5 ‘Canada’s Courts’ p.149-165

**Week #6 February 14<sup>th</sup> & 17<sup>th</sup>**

- **Case Summary due on February 17<sup>th</sup>**
- International Criminal Law
- The International Criminal Court
  
- Reading linked through D2L site

**Week #7 February 21<sup>st</sup> & 24<sup>th</sup>**

- **No Classes- Reading Break**

**Week #8 February 28<sup>th</sup> & March 3<sup>rd</sup>**

- **Mid-Term Examination-March 3<sup>rd</sup>**
- The Role of Judges
- Legal Reasoning
  
- No reading this week

**Week #9 March 7<sup>th</sup> & 10<sup>th</sup>**

- The Adversarial System of Justice
- Role of Crown Counsel lawyers

- Role of Defense Counsel lawyers
- Chapter 10 p. 309-336 'Criminal Law'

**Week #10    March 14<sup>th</sup> & 17<sup>th</sup>**

- Models of Dispute Resolution
- Review of Adversarial Justice System
- Inquisitorial Justice System
- Mediation & Arbitration
- p. 166-168 'Emerging Models of Dispute Resolution' & p. 336-341 'Restorative Justice'

**Week #11    March 21<sup>st</sup> & 24<sup>th</sup>**

- Restorative Justice approaches to Dispute Resolution
- Indigenous Approaches to Jurisprudence
- Royal Commissions & Recommendations
- Inquiries Processes
- Standing Commissions
- Task Forces
- No reading this week

**Week #12    March 28<sup>th</sup> & 31<sup>st</sup>**

- Tort Law
- Civil Law vs. Criminal Law
- Chapter 7 'Torts of Intention & Negligence'

**Week #13    April 4<sup>th</sup> & 7<sup>th</sup>**

- Family Law
- Federal Court of Canada
- **Case Analysis Assignment due April 4<sup>th</sup>**
- Chapter 8 'The Changing Family & Family Law'

**Week #14    April 11<sup>th</sup> & 14<sup>th</sup>**

- Quasi-Judicial Governmental Systems
- Provincial Forensic Review Boards
- Parole Board of Canada
- Exam Review
- Any catch-up we may need
- No Assigned Readings for this Week

Students registered with the Centre for Accessible Learning (CAL) who complete quizzes, tests, and exams with academic accommodations have booking procedures and deadlines with CAL where advanced notice is required. Deadlines can be reviewed on the [CAL exams page](http://camosun.ca/services/accessible-learning/exams.html). <http://camosun.ca/services/accessible-learning/exams.html>

## EVALUATION OF LEARNING

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### **Exams (40%)**

Two exams are scheduled for this course.

**March 3<sup>rd</sup> (20%)**

**Final Exam week (20%)**

Each will sample your recollection of the content from the assigned readings and the material addressed each week (course readings, guest speakers, power point, video presentations, etc). Each exam will not be comprehensive and will be based on the material covered between exam periods (ie. The final exam will be based on material covered from March 7<sup>th</sup> to the course end date). That being said, some of the latter material covered will be based on concepts covered during earlier portions of the course. The format may include true / false, fill in the blank, short answer and multiple-choice questions.

### **Case Summary Assignment (30%)**

**Due Date: February 17<sup>th</sup>, 2023**

**\*Late assignments will be penalized by a deduction of 10% of the mark per day.\***

This assignment will require you to identify and summarize four (4) cases from Canadian appellate courts, to compare those cases and to provide an opinion of those cases. That opinion must include reference to theories studied in this course.

#### *I. SELECTING CASES*

To complete this assignment, you must select one of the following divisions of the law: Criminal Law, Family Law or Tort Law. If you wish to choose another division of law, you must obtain approval from your instructor first.

Once you have selected your division of law, you must identify a specific topic in that division. That topic should be sufficiently focussed to narrow your research and allow for effective comparison of your cases. Consider the following examples:

1. Criminal Law: (The test for first degree murder vs. second degree murder; the test for manslaughter, the defence of mistake of fact in cases of sexual assault; the defence of provocation for second degree murder, provincial variation in Driving while Intoxicated).
2. Family Law: (Entitlement to spousal support after divorce; access rights for grandparents; best interests of the child test in awarding custody).

3. Tort law: (Intentional infliction of mental distress; damages for traumatic brain injury in motor vehicle collisions; commercial host liability).

To identify your topic, consider reviewing the relevant chapters in your textbook for ideas. Consult your instructor if you are having trouble selecting a topic.

You must find and summarise four (4) case decisions on your specific topic in accordance with the instructions below. **At least one (1) case must be the most recent decision from the Supreme Court of Canada on your topic. At least two cases, must be from Provincial Courts of Appeal** and you must have **at least one case from two different jurisdictions (provinces)**. For example:

- Supreme Court of Canada, BC Court of Appeal, Alberta Court of Appeal, Manitoba Court of Appeal
- Supreme Court of Canada, Ontario Court of Appeal, Nova Scotia Court of Appeal, BC Court of Appeal

You may write two summaries on the same case only if there were differing decisions at the Provincial Appeal Court and Supreme Court of Canada levels.

Research, meaning selecting cases and finding decisions, is a key part of this assignment. Once you have found your four (4) cases, the summarizing part of the assignment will be fairly straightforward. If you select cases that involve constitutional questions or where the courts have altered new law or changed existing law, the assignment will be easier to complete. Media coverage may be helpful in finding cases and in writing your summary in terms of identifying issues and outcomes, but research outside of the case decisions is not required.

Decisions of courts are available online. Each court has a search engine to use and there is a free legal research platform called CanLII. Links will be posted to D2L.

## *II. SUMMARIZING YOUR CASES*

Each case should be presented individually and summarized. **Start with the name of the case, the jurisdiction and court name and the citation for that case.**

For each case you summarize, you must cover the following topics:

1. Identifying the issue(s) of law at question (What is the case about?);
2. Stating the outcome of the case, including how the judges decided (was the decision unanimous, 5-0, 3-2, 6-3?);
3. Identifying the author of the majority decision;
4. Noting if there were other opinions given (were there concurring or dissenting opinions?); and briefly, what that opinion is.
5. Briefly describing the central reason for the decision (why did the court decide the case this way?) and the points of argument in the case (What were the main questions to be settled or questions where the judges continued to disagree?). Do not repeat the full arguments of the court. Longer is not better. The key skill you are demonstrating here is summarising briefly. **You should be able to summarize each case in under 150 words.**

## *III. COMPARISON/OPINION*

After you have summarized all your cases, you must also complete the following:

1. Comparative summary:

Write a short comparative summary about the cases you have researched. You should discuss common trends or principles in the cases or areas in which the cases appeared to differ. Ask yourself questions like: Why did similar cases have similar or different outcomes? How has the opinion of the courts changed over time? Did the Supreme Court of Canada have a different opinion than one or more Courts of Appeal? Why?

2. Opinion/argument:

Briefly explain your opinion about the area of law you have researched and what the state of the law is according to the cases you have reviewed. You must include at least one of the theoretical approaches to law discussed in class and Chapter 1 of the textbook, other than Positivism (e.g. Legal Realism, Feminism, Marxism, etc.), and may apply your own ideas as well.

**Your own written work should total approximately 1000 to 1200 words, the equivalent of four (4) to five (5) pages, double-spaced, in 12-point font. Include a title page and brief introduction to the area of law you are examining.**

#### IV. REFERENCES

**You must include a reference page** with the name and citation for each case you have used, with web links to each case. It should also include other sources of information referenced.

- EXAMPLE: *R. v. Mann*, [2004] 3 S.C.R 59 <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2167/index.do>

Submitting work that is not your own is plagiarism and may result in a zero grade for the assignment. For each case, you must start by providing the case citation.

## Case Analysis Assignment (30%)

**Due Date: April 4<sup>th</sup>, 2023**

The expectation of this assignment is to conduct a detailed examination of the conflict in two of the cases used in your Case Summary Assignment and discuss how the original conflict could have been resolved using an alternative model of dispute resolution that has been discussed in the course content.

This assignment must be written using APA style and **utilize at least two academic references**. Choose **two different disputes used in your Case Summary assignment** and discuss how each could have been solved using your chosen model of dispute resolution. **Choose one form of dispute resolution discussed in class** and describe why it was chosen for your particular disputes. A detailed expectations list for this assignment will be discussed in class in early March.

### **Please Note: Late Penalty**

All assignments must be completed and submitted on the date and at the time assigned. The penalty for late assignments will be 10% per day. An extension can be granted only with at least 72 hours notice and will be for one assignment per student per semester.

If you have a concern about a grade you have received for an evaluation, please come and see me as soon as possible. Refer to the [Grade Review and Appeals](http://camosun.ca/about/policies/education-academic/e-1-programming-and-instruction/e-1.14.pdf) policy for more information.  
<http://camosun.ca/about/policies/education-academic/e-1-programming-and-instruction/e-1.14.pdf>

## COURSE GUIDELINES & EXPECTATIONS

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## SCHOOL OR DEPARTMENTAL INFORMATION

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## STUDENT RESPONSIBILITY

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Enrolment at Camosun assumes that the student will become a responsible member of the College community. As such, each student will display a positive work ethic, assist in the preservation of College property, and assume responsibility for their education by researching academic requirements and policies; demonstrating courtesy and respect toward others; and respecting expectations concerning attendance, assignments, deadlines, and appointments.

## SUPPORTS AND SERVICES FOR STUDENTS

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Camosun College offers a number of services to help you succeed in and out of the classroom. For a detailed overview of the supports and services visit <http://camosun.ca/students/>.

Academic Advising	<a href="http://camosun.ca/advising">http://camosun.ca/advising</a>
Accessible Learning	<a href="http://camosun.ca/accessible-learning">http://camosun.ca/accessible-learning</a>
Counselling	<a href="http://camosun.ca/counselling">http://camosun.ca/counselling</a>
Career Services	<a href="http://camosun.ca/coop">http://camosun.ca/coop</a>
Financial Aid and Awards	<a href="http://camosun.ca/financialaid">http://camosun.ca/financialaid</a>
Help Centres (Math/English/Science)	<a href="http://camosun.ca/help-centres">http://camosun.ca/help-centres</a>
Indigenous Student Support	<a href="http://camosun.ca/indigenous">http://camosun.ca/indigenous</a>



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International Student Support	<a href="http://camosun.ca/international/">http://camosun.ca/international/</a>
Learning Skills	<a href="http://camosun.ca/learningskills">http://camosun.ca/learningskills</a>
Library	<a href="http://camosun.ca/services/library/">http://camosun.ca/services/library/</a>
Office of Student Support	<a href="http://camosun.ca/oss">http://camosun.ca/oss</a>
Ombudsperson	<a href="http://camosun.ca/ombuds">http://camosun.ca/ombuds</a>
Registration	<a href="http://camosun.ca/registration">http://camosun.ca/registration</a>
Technology Support	<a href="http://camosun.ca/its">http://camosun.ca/its</a>
Writing Centre	<a href="http://camosun.ca/writing-centre">http://camosun.ca/writing-centre</a>

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If you have a mental health concern, please contact Counselling to arrange an appointment as soon as possible. Counselling sessions are available at both campuses during business hours. If you need urgent support after-hours, please contact the Vancouver Island Crisis Line at 1-888-494-3888 or call 911.

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## COLLEGE-WIDE POLICIES, PROCEDURES, REQUIREMENTS, AND STANDARDS

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### Academic Accommodations for Students with Disabilities

The College is committed to providing appropriate and reasonable academic accommodations to students with disabilities (i.e. physical, depression, learning, etc). If you have a disability, the [Centre for Accessible Learning](#) (CAL) can help you document your needs, and where disability-related barriers to access in your courses exist, create an accommodation plan. By making a plan through CAL, you can ensure you have the appropriate academic accommodations you need without disclosing your diagnosis or condition to course instructors. Please visit the CAL website for contacts and to learn how to get started:

<http://camosun.ca/services/accessible-learning/>

### Academic Integrity

Please visit <http://camosun.ca/about/policies/education-academic/e-1-programming-and-instruction/e-1.13.pdf> for policy regarding academic expectations and details for addressing and resolving matters of academic misconduct.

### Academic Progress

Please visit <http://camosun.ca/about/policies/education-academic/e-1-programming-and-instruction/e-1.1.pdf> for further details on how Camosun College monitors students' academic progress and what steps can be taken if a student is at risk of not meeting the College's academic progress standards.

### Course Withdrawals Policy

Please visit <http://camosun.ca/about/policies/education-academic/e-2-student-services-and-support/e-2.2.pdf> for further details about course withdrawals. For deadline for fees, course drop dates, and tuition refund, please visit <http://camosun.ca/learn/fees/#deadlines>.

### Grading Policy

Please visit <http://camosun.ca/about/policies/education-academic/e-1-programming-and-instruction/e-1.5.pdf> for further details about grading.

### Grade Review and Appeals

Please visit <http://camosun.ca/about/policies/education-academic/e-1-programming-and-instruction/e-1.14.pdf> for policy relating to requests for review and appeal of grades.

### Mandatory Attendance for First Class Meeting of Each Course

Camosun College requires mandatory attendance for the first class meeting of each course. If you do not attend, and do not provide your instructor with a reasonable reason in advance, you will be removed from the course and the space offered to the next waitlisted student. For more information, please see the “Attendance” section under “Registration Policies and Procedures” (<http://camosun.ca/learn/calendar/current/procedures.html>) and the Grading Policy at <http://camosun.ca/about/policies/education-academic/e-1-programming-and-instruction/e-1.5.pdf>.

### Medical / Compassionate Withdrawals

Students who are incapacitated and unable to complete or succeed in their studies by virtue of serious and demonstrated exceptional circumstances may be eligible for a medical/compassionate withdrawal. Please visit <http://camosun.ca/about/policies/education-academic/e-2-student-services-and-support/e-2.8.pdf> to learn more about the process involved in a medical/compassionate withdrawal.

### Sexual Violence and Misconduct

Camosun is committed to creating a campus culture of safety, respect, and consent. Camosun’s Office of Student Support is responsible for offering support to students impacted by sexual violence. Regardless of when or where the sexual violence or misconduct occurred, students can access support at Camosun. The Office of Student Support will make sure students have a safe and private place to talk and will help them understand what supports are available and their options for next steps. The Office of Student Support respects a student’s right to choose what is right for them. For more information see Camosun’s Sexualized Violence and Misconduct Policy: <http://camosun.ca/about/policies/education-academic/e-2-student-services-and-support/e-2.9.pdf> and [camosun.ca/sexual-violence](http://camosun.ca/sexual-violence). To contact the Office of Student Support: [oss@camosun.ca](mailto:oss@camosun.ca) or by phone: 250-370-3046 or 250-3703841

### Student Misconduct (Non-Academic)

Camosun College is committed to building the academic competency of all students, seeks to empower students to become agents of their own learning, and promotes academic belonging for everyone. Camosun also expects that all students to conduct themselves in a manner that contributes to a positive, supportive, and safe learning environment. Please review Camosun College’s Student Misconduct Policy at <http://camosun.ca/about/policies/education-academic/e-2-student-services-and-support/e-2.5.pdf> to understand the College’s expectations of academic integrity and student behavioural conduct.

**Changes to this syllabus:** Every effort has been made to ensure that information in this syllabus is accurate at the time of publication. The College reserves the right to change courses if it becomes necessary so that

course content remains relevant. In such cases, the instructor will give the students clear and timely notice of the changes.