

**INTRODUCTION TO CANADIAN LAW AND
LEGAL INSTITUTIONS
CRIM 170 Section 01**

Blair Fisher, M. Ed.

Office: Young 205

Office Hours: Tuesdays & Thursdays, 10:00am-11:00am

Phone: 250 370-3109

E-mail: fisherb@camosun.bc.ca

Class: Young 201; Tuesdays & Thursdays, 11:30am-2:20pm

CALENDAR DESCRIPTION:

This course is 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 the exercise of judicial power. Pre-requisites: C+ in English 12 or assessment.

LEARNER OUTCOMES:

After successful completion of this course, you should be able to:

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

REQUIRED TEST:

Kaercher, K. (2009) *Writing Reference Manual for the Criminal Justice Program*.

- All other reading sources are available online and linked through the D2L. It is your responsibility to download or print out the materials as required.

COURSE GRADING:

- Two exams worth 50% (25% each)
- Case Summary Assignment worth 25%
- Case Analysis Assignment worth 25%
- Note: There is no direct grade given to participation in this course, however, **1% of your overall course grade will be deducted for each class missed without a doctors note.** Late arrivals and early exits also interfere with your ability to participate and you will lose marks accordingly so please be on time and ready to fully participate in class.

CLASS SCHEDULE OF TOPICS AND READINGS
(subject to revision)

Class #1 May 8th

- Course preparation learning exercise
- Detailed introduction to the course
 - o Textbook
 - o Course assignments
 - o Website for course (D2L)
 - o Course and classroom expectations

•Please read for next class:

- <http://www.canada.justice.gc.ca/eng/dept-min/pub/just/02.html>
- <http://www.duhaime.org/LawMuseum/LawArticle-133/Origin-of-Law.aspx>

Class #2 May 10th

- What is Law?
- Review of the basic court system in Canada

• Please read for next class:

- http://www.sv.uio.no/arena/english/research/publications/arena-publications/workingpapers/working-papers2000/wp00_14.htm Chapters 1 & 2.

Class #3 May 15th

- The Nature of Law
- Sociology of Law

- **Please read for next class:**
- <http://www.un.org/en/documents/udhr/index.shtml>
- http://www.un.org/en/documents/udhr/hr_law.shtml
- Matas, D. (2000) "The Universal Declaration of Human Rights: Fifty Years Later" *McGill Law Journal*, v.46, p.203-215. Available on the D2L.

Class #4 May 17th

- Human Rights and the Law
- Universal Declaration of Human Rights

- **Please read for next class:**
- Reiff, D.S. (2000) "Are Good Intentions Enough? The Limits of The New World of International Justice" *McGill Law Journal*, v.46, p.172-177. Available on the D2L.

Class #5 May 22nd

- Human Rights and the law, cont'd
- International Criminal Court

- **Please read for next class:**
- <http://www.canada.justice.gc.ca/eng/dept-min/pub/jc/vol8/no1/index.html>

Class #6 May 24th

- Sources of Law
- Quebec Civil Law
- Constitutional Law
- Authority and function of the courts

- **Please read for next class:**
- <http://www.canada.justice.gc.ca/eng/dept-min/pub/ccs-ajc/page4.html>
- <http://www.canada.justice.gc.ca/eng/dept-min/pub/jc/vol7/no2/page3.html>

Class #7 May 29th

- **Case Summary due**
- The Charter of Rights & Freedoms
- The Role of Judges
- Legal Reasoning
- Midterm Review

- **Please read for next class:**
- <http://www.canada.justice.gc.ca/eng/dept-min/pub/jc/vol8/no2/page2.html>

Class #8 May 31st

- **Mid-Term Examination**

Class #9 June 5th

- Guest Speaker
- Role of Crown Counsel lawyers
- Role of Defense Counsel lawyers
- The Adversarial System of Justice

- **Please Read for next class:**
- <http://www.canada.justice.gc.ca/eng/pi/ajs-sja/his.html>
- <http://camosun.ca/documents/about/ombudsman/difficult-problem.pdf>

Class #10 June 7th

- Models of Dispute Resolution
- Review of Adversarial Justice System
- Inquisitorial Justice System
- Mediation
- Arbitration
- Conciliation
- Negotiation
- Ombusperson

- **Please read for next class:**
- <http://www.canada.justice.gc.ca/eng/dept-min/pub/jc/vol7/no2/page5.html>
- http://www.creducation.org/resources/Alameda_County_Restorative_Justice_Report_2011.pdf Section 1 only.

Class #11 June 12th

- Restorative Justice approaches to Dispute Resolution
- **Please read for next class:**
- <http://www.restorativejustice.org/editions/2008/november-2008-edition/a-truth-and-reconciliation-commission-for-canada>
- <http://www.amnesty.org/en/library/asset/POL30/004/2010/en/1f74d7de-f82d-4942-8b3a-a5f8f7858d77/pol300042010en.pdf> pages 11-19.

Class #12 June 14th

- Truth Commissions
- Reconciliation
- **Please read for next class:**
- <http://www.thecanadianencyclopedia.com/articles/law#SEC823245> jump to Divisions of Law
- <http://www.duhaime.org/LegalResources/TortPersonalInjury/LawArticle-72/Tort-Law-in-Canada--An-Introduction.aspx>

Class #13 June 19th

- **Case Analysis Assignment due**
- Divisions of Law:
- Criminal Law
- Tort Law
- Family Law
- Immigration Law
- Tax Law
- Federal Court of Canada functions and responsibilities
- Administrative Law
- Contract Law
- **Please read for next class:**
- <http://www.pbc-clcc.gc.ca/infocntr/vision2020-eng.pdf>
- R. V Owen (2003)
<http://www.bcrb.bc.ca/Decisions/all%20cases%20together/R.%20v.%20Owen%202003.pdf> (Pages 1-4)

Class #14 June 21st

- Quasi-Judicial Governmental Systems
- Forensic Review Boards
- Parole Board of Canada
- Course Review
- Exam Review
- Any catch-up we may need

METHODS OF EVALUATING YOUR LEARNING

Participation

As noted above, regular attendance and active participation is required. It is expected that you will arrive on time, be attentive, non-disruptive, constructive and respectful.

For example, using headphones, engaging in text messaging, looking at voice messages, surfing the internet or using any means of disengaging with your classmates and the learning process is not accepted in this class. You will be asked to leave the classroom setting and will receive a deduction of 1% of your overall course grade.

You are expected to complete the assigned readings before coming to class. This often becomes increasingly more difficult as the semester moves along. Please find a way to assist you in managing your assignments and readings.

You are also expected to participate in class discussions and activities based on the readings. To help you engage in this, you will likely want to find an active means of doing your readings. For example, you can take notes (questions and answers often work well) or highlight your textbook and write in the margins before coming to class.

If you are sick or injured and cannot attend class due to this please get a doctors note and that class will be excused from the deduction. **All doctor notes must be submitted on or before the final exam date** in order for the Final grades to be properly prepared.

Exams (50%)

Two exams are scheduled for this course.

May 31st (25%)

Final Exam week (25%)

Each will sample your recollection of the content from the assigned readings as well as the material addressed in class (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 June 5th 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. This is a content heavy and condensed course so be sure to actively read your assigned readings. The format may include true / false, fill in the blank, short answer, multiple choice and essay questions.

Case Summary Assignment (30%)

Due Date: May 29th

To complete this assignment you must **find and summarise three case decisions** from one area of law from **differing Appeal Courts and the Supreme Court of Canada and then write a comparative summary**. You will need to begin by selecting a division of law and then finding court decisions for three cases in that division of law. It is recommended that you choose cases from one of the following divisions: Criminal law, Family Law, Human Rights or Tort Law. If you chose another division of law you must check with your instructor first. **Cases summarised must be Canadian. Cases chosen must be from the same division of law.** 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 level. You may write on similar cases in different jurisdictions. **One of your five cases must be the most recent Supreme Court of Canada decision in the area you have chosen.**

Research, meaning selecting cases and finding decisions, **is a key part of this assignment**. Once you have found your three cases, the summarizing part of the assignment will be fairly straightforward. If you select cases that involve constitutional questions or where the courts have made 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 an easy search engine to use. (use links from D2L or go to www.courts.gov.bc.ca and www.scc.lexum.umontreal.ca).

For the purpose of this assignment summarizing means: **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 voted (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?); **5.** Stating the central reason for the decision (why did the court decide the case this way?) and identifying 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.** When you have answered these questions in each case you must write a short comparative conclusion about common trends or principles in order to complete the assignment. Ask yourself questions like: Why did similar cases have similar or different outcomes? How has the opinion of the courts changed over time? Did higher courts have a different opinion than lower courts?

This assignment is worth 25% of your mark. You should submit copies of the decisions (usually the first five pages will do). Your own written work should total at least 500 words, the equivalent of approximately two pages, double-spaced, in 12 point font. Include a title page, **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. A Works Cited page must be provided only if other sources like newspapers were used. Otherwise case citations provide adequate documentation. Please consult the *Writing Reference Manual for the Criminal Justice Program* for assistance with how to cite cases and use references.

Late assignments will be penalized by a deduction of 10% of the mark (2.5 out of the 25) per day.

Case Analysis Assignment (25%)

Due Date: June 19th

The expectation of this assignment is to conduct a detailed examination of the conflict in one (1) 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.

This assignment must be written using *Writing Reference Manual for the Criminal Justice Program* and utilize at least two **academic** references. Please carefully read the *Writing Reference Manual* to see how to format and use citations in an academic paper.

Choose a dispute that was used in the first assignment and discuss how your original conflict could have been solved using your chosen, non-adversarial, model of dispute

resolution. Outline the process of your form of dispute resolution and discuss why it was chosen for your particular dispute. To do this you will need to describe your chosen method of dispute resolution in detail as to how it should work given the research you have done as well as what we have discussed in class. The next part is to describe the process of how your chosen resolution technique would go about dealing with your dispute.

You must choose one of the disputes used in your original paper from an appellate court. You are not using the portion of the dispute that was appealed but going back to the original dispute to see how it could have been resolved using a non-adversarial resolution style.

The length for this assignment should be a maximum of four pages so the expectation is to edit and use clear concise language in your written work.

The grading will be as follows (/25 points):

Introduction	2 points
Brief description of original conflict or dispute (50 words)	2 points
Description and understanding of Dispute Resolution	6 points
Application of Dispute Resolution to current case	6 points
Conclusion	2 points
Spelling/ Grammar/ Sentence Structure	3 points
References (parenthetical and works cited page)	2 points
Formatting (<i>Writing Reference Manual</i>)	2 points

INSTRUCTIONAL POLICIES

1. Attendance & Participation

Regular attendance and active participation is required. It is expected that you will arrive on time, be attentive, non-disruptive, constructive and respectful.

For example, using headphones, engaging in text messaging, looking at voice messages, surfing the internet or using any means of disengaging with your classmates and the learning process is not accepted in this class. You will be asked to leave the classroom setting.

2. Class Preparation

You are expected to complete the assigned readings before coming to class. This often becomes increasingly more difficult as the semester moves along and as the completion of assignments and preparation for exams takes a great deal of your time. I would strongly recommend that you use some type of day book where you can keep track of each assignment, readings, exams and other expectations being placed on you.

3. 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 48 hours notice and will only be granted for one assignment per student for the semester.** Procrastination can 'get the best of us' so be certain to manage the time you need to complete assignments.

4. Plagiarism, Cheating & Academic Dishonesty

Please see the College calendar!

<http://camosun.ca/policies/Educatio-Academic/E-2-Student-Services-&-Support/E-2.5.pdf>

5. Course Completion Requirements

You **must** complete all evaluative requirements (two exams and two assignments) to receive a passing grade in this course. Unfortunately, if you do not complete all requirements, you will receive an F grade. **All late work must be handed in by the scheduled final exam start time or you will not write the final exam.**