

INTRODUCTION TO CANADIAN LAW AND LEGAL INSTITUTIONS

CRIM 170 Sections 01, 02 & 03

Blair Fisher, M.Ed

Office: Young 205

Office Hours: Tuesdays & Thursdays, Noon-1:00pm

Phone: 250 370-3109

E-mail: fisherb@camosun.bc.ca

Class: Tuesdays & Thursdays, 10am-11:20am; 1pm-2:20pm;
4pm-5:20pm

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 30%
- Case Analysis Assignment worth 20%
- 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)*

Week #1 January 8th & 10th

- Course preparation learning exercise
- Detailed introduction to the course
 - Textbook
 - Course assignments
 - Website for course
 - Course and classroom expectations
- **Please read for next week:**
- <http://www.canada.justice.gc.ca/eng/dept-min/pub/just/02.html>
- <http://www.duhaime.org/LawMuseum/LawArticle-133/Origin-of-Law.aspx>
- http://www.cscja-acjcs.ca/structure_of_courts-en.asp?l=4

Week #2 January 15th & 17th

- What is Law?
- Review of the basic court system in Canada
- **Please read for next week:**
- http://www.sv.uio.no/arena/english/research/publications/arena-publications/workingpapers/working-papers2000/wp00_14.htm Chapters 1 & 2.

Week #3 January 22nd & 24th

- The Nature of Law
- Sociology of Law

- **Please read for next week:**
- <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.
- http://www.cscja-acjcs.ca/sources_of_law-en.asp?l=4

Week #4 January 29th & 31st

- Sources of Law
- Quebec Civil Law
- Human Rights and the law

- **Please read for next week:**
- 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.

Week #5 February 5th & 7th

- Human Rights and the law, cont'd
- International Law
- Constitutional Law

- **Please read for next week:**
- pi.library.yorku.ca/ojs/index.php/sclr/article/download/34920/31701
- <http://www.mapleleafweb.com/features/supreme-court-canada-role-history-and-operation>

Week #6 February 12th & 14th

- Authority and function of the courts
- The Charter of Rights & Freedoms

- **Please read for next week:**
- <http://www.canada.justice.gc.ca/eng/dept-min/pub/ccs-ajc/page4.html>
- http://www.cscja-acjcs.ca/role_of_judge-en.asp?l=5
- http://www.cscja-acjcs.ca/judges_decisions-en.asp?l=5
- http://www.cscja-acjcs.ca/judges_selected-en.asp?l=5
- http://www.cscja-acjcs.ca/judges_accountable-en.asp?l=5

Week #7 February 19th

- **Case Summary due on February 19th**
- The Role of Judges
- Legal Reasoning
- **February 21st; No class-Reading Break**

- **Please read for next week:**
- <http://www.ag.gov.bc.ca/prosecution-service/BC-prosecution/crown-counsel.htm>
- http://justice.alberta.ca/programs_services/about_us/Pages/defence_counsel_roles.aspx

Week #8 February 26th & 28th

- **Mid-Term Examination-February 26th**
- Role of Crown Counsel lawyers
- Role of Defense Counsel lawyers

Week #9 March 5th & 7th

- Guest Speaker
- The Adversarial System of Justice

- **Please read for next week:**
- <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>
- http://www.cscja-acjcs.ca/criminal_civil_law-en.asp?l=4

Week #10 March 12th & 14th

- Divisions of Law:
- Criminal Law
- Tort Law
- Family Law
- Immigration Law
- Tax Law
- Federal Court of Canada functions and responsibilities

- **Please read for next week:**
- <http://www.canada.justice.gc.ca/eng/pi/ajs-sja/his.html>
- <http://hrsbstaff.ednet.ns.ca/porterk/PeerHelpers/steps.htm>
- <http://camosun.ca/documents/about/ombudsman/difficult-problem.pdf>

Week #11 March 19th & 21st

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

- **Please read for next week:**
- <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.
- http://www.creducation.org/resources/Alameda_County_Restorative_Justice_Report_2011.pdf Section 1 only.
- <http://www.bridgew.edu/soas/jiws/nov00/seeking.htm>

Week #12 March 26th & 28th

- Restorative Justice approaches to Dispute Resolution
- Truth Commissions
- Reconciliation

- **Please read for next week:**
- <http://www.missingwomeninquiry.ca/wp-content/uploads/2010/10/Forsaken-ES-web-RGB.pdf> pages 4-6 & pages 160-169
- <http://epe.lac-bac.gc.ca/100/206/301/pco-bcp/commissions/sponsorship-ef/06-02-10/www.gomery.ca/en/openingstatement/default.htm>

Week #13 April 2nd & 4th

- Royal Commissions and Recommendations
- Administrative Law
- Contract Law
- **Case Analysis Assignment due April 4th**

- **Please read for next week:**
- <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>

Week #14 April 9th & 11th

- 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 (-1% for each missed class)

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. Excuses will be made for medical absences. All doctors notes must be received by the final date of classes (April 11th, 2013)

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.

Exams (50%)

Two exams are scheduled for this course.

February 26th	(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 based on the material covered between exam periods (ie. The final exam will be based on material covered from February 28th 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.

If you arrive late for either exam and have not made previous arrangements with the instructor, you will not be allowed to write the exam after the first person has left the examination room.

Case Summary Assignment (30%)

Due Date: February 19th

To complete this assignment you must **find and summarise five case decisions** from one area of law from an **Appeal Court 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 Law 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 all 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 levels. You should 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 which 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 <http://scc.lexum.org/decisia-scc-csc/scc-csc/en/nav.do>)

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 30% of your mark. You should submit copies of the decisions (usually the first five pages will do) along with written comments of about 100 words on each case. Your own written work should total at least 750 words, the equivalent of at least three 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 (3 out of the 30) per day.

Case Analysis Assignment (20%)

Due Date: April 4th

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.

This assignment must be written using *Writing Reference Manual for the Criminal Justice Program* and **utilize at least two academic references.** Chose two different disputes used and discuss how each could have been solved using your chosen model of dispute resolution. Chose two forms of dispute resolution and describe why each was chosen for your particular disputes.

A detailed expectations list for this assignment will be posted on the D2L in late February.

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.**