

# INTRODUCTION TO CANADIAN LAW AND LEGAL INSTITUTIONS CRIM 170-001

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**Class:** Tuesdays & Thursdays; 0830 - 0950; Y303c

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## 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 TEXT:

Boyd, N. (2015) *Criminal Law: An Introduction, 6<sup>th</sup> Edition*. Toronto: Nelson Education.

Camosun College (2014) *Criminal Justice Writing Reference Manual*

Other readings will be distributed via the D2L

### **COURSE GRADING:**

- Two exams worth 50% (25% each)
- Case Summary Assignment worth 20%
- Case Analysis Assignment worth 20%
- Is this Law Just? Assignment worth 10%
- 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 (after 2 absences) without a doctor's note to a maximum of 10%. 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; Please note that some readings may be added, deleted or adjusted throughout the course of the semester due to a variety of reasons including changes to the law, emerging trends or readings, etc.)*

#### **Week #1 January 6<sup>th</sup> & 8<sup>th</sup>**

- Course preparation learning exercise
- Detailed introduction to the course
  - Textbook
  - Course assignments
  - Website for course
  - Course and classroom expectations
- **Please read for next week:**
- Chapter 5 of Boyd text

#### **Week #2 January 13<sup>th</sup> & 15<sup>th</sup>**

- What is Law?
- Review of the basic court system in Canada
- **Please read for next week:**
- Chapter 1 of Boyd text

#### **Week #3 January 20<sup>th</sup> & 22<sup>nd</sup>**

- The Nature of Law
- Sociology of Law
- **Please read for next week:**
- Chapter 2 of Boyd text

**Week #4 January 27<sup>th</sup> & 29<sup>th</sup>**

- Sources of Law
- Quebec Civil Law
- Human Rights and the law
  
- **Please read for next week:**
- D2L- Gallant, K.S. (2013). *What is International Law and where does it come from?* Presented at National and International Criminal Law Conference, July 20, 2013. p. 1-7.

**Week #5 February 3<sup>rd</sup> & 5<sup>th</sup>**

- Human Rights and the law, cont'd
- International Law
- Constitutional Law
  
- **Please read for next week:**
- Chapter 4 of Boyd text

**Week #6 February 10<sup>th</sup>**

- Authority and function of the courts
- The Charter of Rights & Freedoms
- **February 12<sup>th</sup>; No class-Reading Break**
  
- **Please read for next week:**
- Chapter 3 of Boyd text

**Week #7 February 17<sup>th</sup> & February 19<sup>th</sup>**

- **Case Summary due on February 17<sup>th</sup>**
- The Role of Judges
- Legal Reasoning
  
- **Please read for next week:**
- <http://www.ag.gov.bc.ca/prosecution-service/BC-prosecution/crown-counsel.htm> including the *Role of Crown Counsel Information Sheet*
- Chapter 6 of Boyd text

**Week #8 February 24<sup>th</sup> & 26<sup>th</sup>**

- **Mid-Term Examination-February 24<sup>th</sup>**

- Role of Crown Counsel lawyers
- Role of Defense Counsel lawyers

**Week #9 March 3<sup>rd</sup> & 5<sup>th</sup>**

- Guest Speaker
- The Adversarial System of Justice
  
- **Please read for next week:**
- Chapter 10 of Boyd text

**Week #10 March 10<sup>th</sup> & 12<sup>th</sup>**

- Models of Dispute Resolution
- Review of Adversarial Justice System
- Inquisitorial Justice System
- Mediation
- Arbitration
- Conciliation
- Negotiation
- Ombudsperson
  
- **Please read for next week:**
- <http://www.restorativejustice.org/editions/2008/november-2008-edition/a-truth-and-reconciliation-commission-for-canada>
- [http://www.creducation.org/resources/Alameda\\_County\\_Restorative\\_Justice\\_Report\\_2011.pdf](http://www.creducation.org/resources/Alameda_County_Restorative_Justice_Report_2011.pdf) Sections 1 to 3 only.

**Week #11 March 17<sup>th</sup> & 19<sup>th</sup>**

- Restorative Justice approaches to Dispute Resolution
- Truth Commissions
- Reconciliation
  
- **Please read for next week:**
- <http://www.trc.ca/websites/trcinstitution/index.php?p=10>
- <http://www.trc.ca/websites/reconciliation/index.php?p=312> View video on left from Justice Murray Sinclair.

**Week #12 March 24<sup>th</sup> & 26<sup>th</sup>**

- Royal Commissions & Recommendations
- Inquiries Processes
- Standing Inquiries
  
- **Please read for next week:**

- Chapter 7 of Boyd text
- Chapter 8 of Boyd text

**Week #13 March 31<sup>st</sup> & April 2<sup>nd</sup>**

- Divisions of Law:
- Criminal Law
- Tort Law
- Family Law
- Immigration Law
- Federal Court of Canada functions and responsibilities Royal Commissions and Recommendations
- **Case Analysis Assignment due April 2<sup>nd</sup>**
  
- **Please read for next week:**
- <http://www.pbc-clcc.gc.ca/infocntr/vision2020-eng.pdf> pages 5-16 only.

**Week #14 April 7<sup>th</sup> & 9<sup>th</sup>**

- Quasi-Judicial Governmental Systems
- Forensic Review Boards
- Parole Board of Canada
- 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 doctor's notes must be received by the final date of classes (April 9<sup>th</sup>, 2014). Two absences will be excused for each person for the semester without a doctor's note. If you are absent, it is your responsibility to get the notes and information missed from one of your classmates.

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 viewings and 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.

## Exams (50%)

Two exams are scheduled for this course.

**February 25<sup>th</sup>** (25%)

**Final Exam week** (25%)

Each will sample your recollection of the content from the assigned readings and 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 February 26<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, 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 (20%)

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

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 five cases in that division of law. It is recommended that you choose cases from one of the following divisions: Criminal law, Family Law or Tort Law. If you choose 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 five 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](http://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 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?); **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 per day.

### **Case Analysis Assignment (20%)**

**Due Date: April 2<sup>nd</sup> 2015**

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.** Choose two different disputes used and discuss how each could have been solved using your chosen model of dispute resolution. Choose 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.

### **Is This Law Just ? Assignment (10%)**

**Due Date: To be determined by class vote**

This course will instill in you an understanding by which societies imagine, create and enforce laws. However, the application of law without an understanding of justice undermines the very reasons for which laws exist in the first place. The expectation of this assignment is to take one of the examples from class and apply to it fundamental principles of ethics and justice.

This assignment must be written using *Writing Reference Manual for the Criminal Justice Program* and **utilize at least two academic references**. A detailed expectations list for this assignment will be posted on the D2L in late February.

## **INSTRUCTIONAL POLICIES**

### **1. Attendance & Participation**

Please see aforementioned attendance comments. It is expected that you will arrive on time, be attentive, non-disruptive, constructive and respectful.

### **2. 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. **After three days the assignment will not be accepted and a grade of “0” will be entered. The assignment will still require submission in order to complete the course.** An extension can be granted only with at least 72 hours notice and will only be granted for one assignment per student for the semester.

### **3. Plagiarism, Cheating & Academic Dishonesty**

Please see the College calendar! Any of these infractions will result in, at minimum, a zero grade for the assignment.

### **4. Course Completion Requirements**

You **must** complete all evaluative requirements (two exams and three 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.**