



**CAMOSUN COLLEGE**  
**School of Arts & Science**  
**Department of Criminal Justice**

**CRIM-170-003**  
**Law and Legal Institutions**  
**Winter 2020**

**COURSE OUTLINE**

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The course description is online @ <http://camosun.ca/learn/calendar/current/web/crim.html>

Ω Please note: This outline will *not* be kept indefinitely. It is recommended students keep this outline for their records, especially to assist in transfer credit to post-secondary institutions.

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**1. Instructor Information**

(a) Instructor	Len Statz, LL.B.
(b) Office hours	Thursdays, 5:00-6:00pm
(c) Location	Young 205
(d) Phone	250-370-3333 <b>Alternative:</b> _____
(e) E-mail	StatzL@camosun.bc.ca
(f) Website	_____

**2. Intended Learning Outcomes**

Upon completion of this course the 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.

**3. Required Materials**

Boyd, N. (2015) Canadian Law – An Introduction, 7<sup>th</sup> Edition Toronto: Nelson Education

**4. Course Content and Schedule**

**CLASS SCHEDULE OF TOPICS AND READINGS**  
*(subject to revision)*

**\*NOTE: Weekly readings should be completed prior to that week's class**

**Week #1: January 9, 2020**

- Detailed introduction to the course, textbook, course assignments, website for course, course and classroom expectations
- Course preparation learning exercises

**Week #2: January 16, 2020**

- Legal perspectives
- Intended and unintended consequences of legality

Readings:

- Chapter 1 'The Role of Law'

**Week #3: January 23, 2020**

- Basic Divisions of Law
- Sources of Law and the History of the Common Law
- The Criminalization of Drug use and Distribution

Readings:

- Chapter 2 'The Sources of Canadian Law'

**Week #4: January 30, 2020**

- Review of the basic court system and process in Canada
- Judges & Judicial Decision-making

Readings:

- Chapter 5 p. 143-165
- Chapter 3 p. 64-74 (stop at The Persons Case of 1927) & 85-87 (Conclusion: Precedent – the Guiding Hand of Statutory Interpretation)

**Week #5: February 6, 2020**

- Role of Judges, Lawyers, Prosecutors, Defense Counsel
- Constitutional Law

Readings:

- Chapter 6 p. 175 – 177 (stop at 'A Brief History of Legal Education in Canada) & 183-196 (start at 'The Lawyer in Practice')
- Chapter 4 p. 93-105

**Week #6: February 13, 2020**

- Charter of Rights & Freedoms
- Human Rights law
- Exam Review

Readings:

- Chapter 4 p. 113-138

**Week #7: February 20, 2019, Reading Break – NO CLASS**

**Week #8: February 27, 2020**

- Mid-term examination

Readings: NONE

**Week #9: March 5, 2020**

- The Adversarial Justice System
- Inquisitorial Justice System

Readings:

- Chapter 5 p. 147-148 'Canada's Courts: The Adversarial System'

**Week #10: March 12, 2020**

- Criminal Law
- Mental Health and the Criminal Justice System

Readings:

- Chapter 10 'Criminal Law'

**Week #11: March 19, 2020**

- CASE SUMMARY ASSIGNMENT DUE: BEGINNING OF CLASS
- Tort Law
- Civil v. Criminal Law
- Disability and the Law

## Readings:

- Chapter 7 'Torts of Intention & Negligence'

**Week #12: March 26, 2020**

- Models of Dispute Resolution
- Negotiation, Mediation and Arbitration
- Restorative Justice approaches to Dispute Resolution

## Readings:

- Chapter 5 p. 166-169 'Canada's Courts: Models of Conflict Resolution'

**Week #13: April 2, 2020**

- Family Law
- International Law

## Readings:

- Chapter 8 'The Changing Family & Family Law'

**Week #14: April 9, 2020**

- Administrative Law
- Exam Review

## Readings:

- Chapter 9 'Administrative Law: The State and Its Duty to Be Fair'

**5. Basis of Student Assessment (Weighting)****Exams (55%)**

Two exams are scheduled for this course.

<b>February 27, 2020</b>	<b>(25%)</b>
<b>Final Exam week</b>	<b>(30%)</b>

Each will sample your recollection/understanding 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 (i.e. The final exam will be based on material covered from February 28<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.

**Failure to attend an exam will result in a mark of ZERO (0) and an 'F' Grade in the course, pursuant to point #4 under Instructional Policies.**

If you arrive late for either exam and have not made previous arrangements with the instructor, you will be required to complete the exam within the allotted time period from the time the examination began. No further time will be provided. For clarity, if the examination began at 6 pm and 60 minutes were allotted to complete the exam, you will be required to complete the exam by 7pm, regardless of the time of your arrival.

**Case Summary Assignment (30%)**

**Due Date: March 17, 2020**

## **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 focused 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).
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 from the Supreme Court of Canada. At least two cases, must be from the Provincial Courts of Appeal and you must have at least one case from two different jurisdictions (provinces). For examples:

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

You may write two summaries on the same case only if there were differing decision at the Provincial Appeal Court and Supreme Court of Canada levels. One (1) of your four (4) cases must be the most recent Supreme Court of Canada decision on the topic you have chosen.

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 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 a search engine to use and there is a free legal research platform called CanLII. Links will be posted on 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 opinion given (were there concurring or dissenting opinions?); and
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 summarizing briefly. You should be able to summarize the case in approximately 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 Supreme Court of Canada have a different opinion that one or more Courts of Appeal? Why?
2. Opinion/argument:  
Briefly explain your opinion about the area of law you have reached 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 a maximum 1250 words, the equivalent of four (4) to five (5) pages, double-spaced, in 12-point font. Include a title page.

### 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. That page must also be submitted independently to your instructor electronically on the D2L or via email.

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

A Works Cited page using APA Citation must be provided only if other sources like newspapers were used. Otherwise case citations provide adequate documentation.

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.

### Participation (15%)

Regular attendance and active participation are expected of all students. For the purposes of your participation grade, FIVE (5) in-class participation exercises will be assigned. These exercises will take the form of individual or group projects, group discussions or presentations, or individual written projects. Each exercise will be worth THREE PERCENT (3%) of your total grade for the course, for a total participation mark of 15%.

Each participation exercise will be graded out of THREE (3) POINTS as follows:

- 1 Point – Completeness (did the student complete the task/assignment as instructed)
- 1 Point – Correctness (did the student provide accurate/correct information)
- 1 Point – Quality of work (effort put into completing the task, grammar, spelling, etc.)

In-class participation exercises will be held during various classes throughout the semester. I will not provide advanced notice of the dates of those assignments and students who are not in attendance for the classes in which participation exercise occur will receive ZERO (0) on that exercise. Accommodation

will only be provided to students who provide advance notice via email by 5:00pm on the date of class of an absence due to illness, injury, illness/injury of a dependent. In the case of emergencies or unforeseeable incidents, accommodation will also be offered at the discretion of the instructor, but supporting documentation will be required (e.g. doctor's note). Such documentation must be provided by the end of class April 11, 2020, or the student will receive ZERO (0) for the missed participation exercise.

## **INSTRUCTIONAL POLICIES**

### **1. Class Preparation and Participation**

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.

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 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.

I welcome the use of laptops to take notes in class. However, should any student's use of a laptop become disruptive or distracting to other students, I will ask that student to leave the class. Should there be repeated incidents of laptops becoming distractions in class, I may prohibit their use for the remainder of the semester.

### **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. An extension can be granted only with at least 72 hours notice and will only be granted for good reason; supporting documentation may be required.

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

Please see the College calendar and the Writing Reference Manual for the Criminal Justice Program or the Plagiarism unit in CRIM 120 for more information.

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

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

You must complete all evaluative requirements (two exams and case summary assignment) to receive a passing grade in this course. Unfortunately, if you do not complete all requirements, you will receive an F grade.

This policy does NOT include incomplete participation exercises, only the exams and case summary assignment. Late case summary assignments must be handed in by the scheduled final exam start time or you will not write the final exam.

## **6. Grading System**

Standard Grading System (GPA)

Competency Based Grading System

## **7. Recommended Materials to Assist Students to Succeed Throughout the Course**

## 8. College Supports, Services and Policies



### Immediate, Urgent, or Emergency Support

If you or someone you know requires immediate, urgent, or emergency support (e.g. illness, injury, thoughts of suicide, sexual assault, etc.), **SEEK HELP**. Resource contacts @ <http://camosun.ca/about/mental-health/emergency.html> or <http://camosun.ca/services/sexual-violence/get-support.html#urgent>

### College Services

Camosun offers a variety of health and academic support services, including counselling, dental, disability resource centre, help centre, learning skills, sexual violence support & education, library, and writing centre. For more information on each of these services, visit the **STUDENT SERVICES** link on the College website at <http://camosun.ca/>

### College Policies

Camosun strives to provide clear, transparent, and easily accessible policies that exemplify the college's commitment to life-changing learning. It is the student's responsibility to become familiar with the content of College policies. Policies are available on the College website at <http://camosun.ca/about/policies/>. Education and academic policies include, but are not limited to, Academic Progress, Admission, Course Withdrawals, Standards for Awarding Credentials, Involuntary Health and Safety Leave of Absence, Prior Learning Assessment, Medical/Compassionate Withdrawal, Sexual Violence and Misconduct, Student Ancillary Fees, Student Appeals, Student Conduct, and Student Penalties and Fines.

#### A. GRADING SYSTEMS <http://camosun.ca/about/policies/index.html>

The following two grading systems are used at Camosun College:

##### 1. Standard Grading System (GPA)

Percentage	Grade	Description	Grade Point Equivalency
90-100	A+		9
85-89	A		8
80-84	A-		7
77-79	B+		6
73-76	B		5
70-72	B-		4
65-69	C+		3
60-64	C		2
50-59	D		1
0-49	F	Minimum level has not been achieved.	0

##### 2. Competency Based Grading System (Non GPA)

This grading system is based on satisfactory acquisition of defined skills or successful completion of the course learning outcomes

Grade	Description
COM	The student has met the goals, criteria, or competencies established for this course, practicum or field placement.
DST	The student has met and exceeded, above and beyond expectation, the goals, criteria, or competencies established for this course, practicum or field placement.
NC	The student has not met the goals, criteria or competencies established for this course, practicum or field placement.

## B. Temporary Grades

Temporary grades are assigned for specific circumstances and will convert to a final grade according to the grading scheme being used in the course. See Grading Policy at <http://camosun.ca/about/policies/index.html> for information on conversion to final grades, and for additional information on student record and transcript notations.

Temporary Grade	Description
I	<i>Incomplete:</i> A temporary grade assigned when the requirements of a course have not yet been completed due to hardship or extenuating circumstances, such as illness or death in the family.
IP	<i>In progress:</i> A temporary grade assigned for courses that are designed to have an anticipated enrollment that extends beyond one term. No more than two IP grades will be assigned for the same course.
CW	<i>Compulsory Withdrawal:</i> A temporary grade assigned by a Dean when an instructor, after documenting the prescriptive strategies applied and consulting with peers, deems that a student is unsafe to self or others and must be removed from the lab, practicum, worksite, or field placement.