



CAMOSUN COLLEGE
School of Arts & Science
Department of Criminal Justice

CRIM-170-D02
Law and Legal Institutions
Winter 2021

COURSE OUTLINE

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

☐ 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.

1. Instructor Information

(a) Instructor	Blair Fisher
(b) Office hours	Tuesdays & Thursdays 9-10:30am (by e-mail unless otherwise arranged)
(c) Location	Young 205 (Please note that the office will be attended remotely W 2021)
(d) Phone	Please contact via e-mail Alternative: _____
(e) E-mail	fisherb@camosun.bc.ca
(f) Website	online@camosun.ca

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.

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, Sixth Edition*. Toronto: Nelson Education.

Camosun College (2018) *Criminal Justice Writing Reference Manual*

4. Course Content and Schedule

Week #1 January 11th & 13th

- Course preparation and Blackboard Collaborate class
- 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.141-146 ‘Canada’s Courts’

Week #2 January 18th & 20th

- What is Law?
- Intended and unintended consequences of legality
- Review of the basic court system and process in Canada

- Chapter 2 p.31-50 ‘The Sources of Canadian Law’

Week #3 January 25th & 27th

- History of Common Law
- Judges & Judicial Decision-Making
- Searching legal cases

- Chapter 3 ‘How do Judges Interpret Ambiguous Statutes?’

Week #4 February 1st & February 3rd

- Sources of Law
- Charter of Rights & Freedoms
- Prosecution & Lawyers

- Chapter 4 p. 95-107 & p.114-136 ‘The Constitution of Canada’
Chapter 6 p. 178-193 ‘The Study of Law, Lawyers & Judges’

Week #5 February 8th & 10th

- Human Rights and the law
- International Law
- Constitutional Law
- Understanding the challenges and opportunities of legal systems in a globalizing world

- Chapter 5 p. 147-165 'Canada's Courts'

Week #6 February 15th & 17th

- **No Classes- Reading Break**

Week #7 February 22nd & February 24th

- **Case Summary due on February 24th**
- International Criminal Law
- The International Criminal Court

- Reading linked through D2L site

Week #8 March 1st & March 3rd

- **Mid-Term Examination-March 3rd**
- The Role of Judges
- Legal Reasoning

- No Reading from textbook this week

Week #9 March 8th & 10th

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

- Chapter 10 p. 301-328 'Criminal Law'

Week #10 March 15th & 17th

- Models of Dispute Resolution
- Review of Adversarial Justice System
- Inquisitorial Justice System
- Mediation & Arbitration

- No Textbook reading this week

Week #11 March 22nd & 24th

- Restorative Justice approaches to Dispute Resolution
- Indigenous Approaches to Jurisprudence
- Royal Commissions & Recommendations
- Inquiries Processes
- Standing Commissions
- Task Forces

- Chapter 10 p. 328-333 “Criminal Law”

Week #12 March 29th & 31st

- Tort Law
- Civil Law vs. Criminal Law

- Chapter 7 ‘Torts of Intention & Negligence’

Week #13 April 7th

- **No class April 5th Easter Monday**
- Family Law
- Federal Court of Canada
- **Case Analysis Assignment due April 7th**

- Chapter 8 ‘The Changing Family & Family Law’

Week #14 April 12th & 14th

- 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

5. Basis of Student Assessment (Weighting)

- Two exams worth 30% (15% each)
- Case Summary Assignment (30%)
- Case Analysis Assignment (20%)
- Small Assignments / Discussion Posts (4 worth 5% each)

6. Grading System

- Standard Grading System (GPA)
- Competency Based Grading System

7. Recommended Materials to Assist Students to Succeed Throughout the Course & Assignment Descriptions

Exams (30%)

Two exams are scheduled for this course.

March 3rd (15%)

Final Exam week (15%)

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 8th 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.

The exam will be timed and you should have extensive notes on the material covered to date. Although the textbook and class content will be available, the time will be insufficient to search out answers not already known.

Case Summary Assignment (30%)

Due Date: February 24th, 2021

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).
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 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, Ontario 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. 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 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
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 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 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.

Case Analysis Assignment (20%)

Due Date: April 7th, 2021

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 *Writing Reference Manual for the Criminal Justice Program* 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 posted on the D2L 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.

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, Student Ancillary Fees, Academic Integrity, Grade Review & Appeals, Student Misconduct and Academic Accommodations for Students with Disabilities 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.
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