



CAMOSUN COLLEGE
School of Arts & Science
Department of Criminal Justice

CRIM-170-D03
Law and Legal Institutions
Winter 2021

COURSE OUTLINE

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.

1. Instructor Information

(a) Instructor	Nour Maghnaoui
(b) Office hours	Th 4:30-6:00 pm or by appointment
(c) Location	Online
(d) Phone	250-370-3333 Alternative: _____
(e) E-mail	MaghnaouiN@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

(a) Texts

Boyd, N. (2019) Canadian Law – An Introduction, 7th 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 14, 2021 *First Class**

- Detailed introduction to the course, textbook, course assignments, website for course, course and classroom expectations.
- Course preparation and Blackboard Collaborate class
- Detailed introduction to the course
 - Textbook
 - Course assignments
 - Course and classroom expectations
- Constitutional Political Systems and Legal systems
- Basic Divisions of Law
- Legal Perspectives

- Chapter 1: "The Role of Law"

Week #2: January 21, 2021

- What is law?
- Legal perspectives
- Intended and unintended consequences of legality
- Review the basic court system and process of Canada

Readings:

- Chapter 2: 'The Sources of Canadian Law'

Week #3: January 28, 2021

- **Library guest speaker: research tips/skills*****
- History of Common Law
- Judges & Judicial Decision-Making
- Searching legal cases
- Basic Divisions of Law
- Sources of Law and the History of the Common Law
- The Criminalization of Drug Use and Distribution

Readings:

- Chapter 3: 'How do Judges Interpret Ambiguous Statutes?'
- <https://www.lawnow.org/the-evolution-of-five-legal-doctrines-in-the-supremecourt-of-canada/>
- https://papers.ssrn.com/sol3/papers.cfm?abstract_id=730284

Week #4: February 4, 2021

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

Readings:

- Chapter 4: 'The Constitution of Canada'
- Chapter 6: 'The Study of Law, Lawyers & Judges'

Week #5: February 11, 2021

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

Readings:

- Chapter 5: 'Canada's Courts'
- **Exam Review**

Week#6: February 18, 2021 * No Class (Reading Break)**

Week #7: February 25, 2021,

- International Criminal Law
- The International Criminal Court
- Reading linked through D2L site

Week#8: March 4, 2021

• **CASE SUMMARY ASSIGNMENT DUE: BEGINNING OF CLASS**

Class lecture:

- The Role of Judges
- Legal Reasoning

Readings:

Chapter 3: How do judges interpret ambiguous statutes

Week #9: March 11, 2021

- **Mid-term examination**
- The Adversarial System of Justice
- Role of Crown Counsel lawyers
- Role of Defense Counsel lawyers

Readings: Chapter 10 'Criminal Law'

Week #10: March 18, 2021

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

Readings:

- Chapter 5: "Canada's Courts: The Processes of Dispute Resolution"
- Supplemental readings will be posted on D2L

Week #11: March 25, 2021

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

Readings:

- Chapter 10
- Supplemental readings will be posted on D2L

Week #12: April 1, 2021

• **CASE ANALYSIS ASSIGNMENT DUE: BEGINNING OF CLASS**

- Tort Law
- Civil Law vs. Criminal Law

Readings:

- Chapter 7: 'Torts of Intention & Negligence'

Week #13: April 8, 2021

- Family Law
- Federal Court of Canada

Case Analysis Assignment due April 7th

Readings:

Chapter 8: 'The Changing Family & Family Law'

Week #14: April 15, 2021* Last Day of Instruction**

- Administrative Law
- The state and its duty to be fair

Readings:

- Chapter 9: Administrative Law: the state and its duty to be fair.
- **A Review Class*****

5. Basis of Student Assessment (Weighting)

ASSIGNMENTS	WEIGHTING	DATE
• Mid-term exam #1	20%	March 11th
• Final exam	20%	TBA on Camlink
• Directed Paraphrasing Summaries Quizzes	20%	Ongoing
• Case Summary Assignment	25%	March 4th
• Case Analysis Assignment	15%	April 1st

ASSIGNMENTS DESCRIPTION

1. EXAMS 40%

1. First mid-term 20%

2. Final exam 20%

There will be a mid- term exam 20%, and a final exam 20%. 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 be comprehensive and will be based on the material covered between exam periods (i.e. The final exam will NOT be cumulative; it will be based on material covered after the first midterm exam (March 11th) to the course end date (April 15th). That being said, some of the latter material covered will be based on concepts covered during earlier portions of the course. Therefore, you must retain and comprehend the essential concepts/ideas that we cover throughout the term.

The exams will consist of some combination of true/false statements, fill-in the blank, multiple choice, short answer questions, and short essay responses. The format of each exam (e.g., number and weigh of questions) will be discussed in class. Check the designated review classes listed below in the lecture schedule. More specific guidance will be provided during the designated class review.

Note: All exams will be conducted online via D2L. Therefore, it is very important to secure a laptop and reliable Internet. **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 exams 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 6:00 pm and 60 minutes were allotted to complete the exam, you will be required to complete the exam by 7 pm, regardless of the time of your arrival. 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.

I would like to note that some tablets may not function properly as they do not support certain formats and software. Therefore, make sure to secure a laptop and reliable internet connection. You may contact the Camosun College library to request assistance/support in this regard.

Also, please note that instructors may not have the required technical expertise to assist you in accessing your D2L, Camlink, and D2L email. Therefore, it is your responsibility as a student to contact the Camosun College IT support desk if you experience technical difficulty accessing your Camosun Email, D2L, and/or

Camlink at:

<http://camosun.ca/services/its/contact.html>

2. Directed Paraphrasing Summaries 20%

Directed Paraphrasing quiz is an informal assessment technique/strategy that aims to assess students' understanding of ideas and concepts that are discussed in class. Reading the assigned readings, and being pro-active in class by taking notes, participating in class discussions, and asking questions will equip you to perform very well in this assignment. In essence, this assignment aims to explore misunderstanding of concepts and ideas, and consolidate the students' understanding to prepare them for the midterm exam, final exam, Case Summary Assignment, and Case Analysis assignment (given that students must cite the legal theories, concepts and jurisprudence that will be covered in class).

Hence, throughout the term, on random basis, students will be asked, prior to the end of class, or at the beginning of the following class, to write a directed paraphrasing summary about the discussed content in the class lecture. Students will write FIVE directed paraphrasing summaries quizzes; each one weighs 4% of your total mark. Each quiz will ask you to answer 1-3 open short answer questions, and in order to get a full mark, students must use: 1) sentence format, and provide cohesive/comprehensive answers supported with examples (further instructions will be discussed in in the first class).

Please note that those five quizzes will be conducted on random basis during class time between 6:00 to 8:50 pm. Thus, it is your responsibility to attend all classes. If you miss one of the five quizzes, and want to write a deferred exam, you must provide a valid reason such as a doctor's note, or a family emergency. If are going to miss a class due to unforeseen circumstances, it is recommended to contact the instructor beforehand.

3. Case Summary Assignment (25%)

Due Date: March 11, 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:

1. Criminal Law.
2. Family Law, or,
3. Tort Law.

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.

Camosun Library Guest Speaker: January 28th:

In order to assist you in searching your three cases, the instructor will invite a Camosun library assistant to deliver a presentation about research skills, popular search engines, and citation guidelines.

WRITING INSTRUCTIONS:

After you select your three cases; you must follow these instructions when writing your

summaries (further instructions about this assignment, including the marking rubric will be post on D2L). Please do not hesitate to ask clarification questions about this class's assignments, either during class, or by contacting via D2L email. Nonetheless, I urge you to ask clarification questions during class to empower your classmates and generate the maximum benefit as some of your classmates may have the same question, but feel timid to ask.

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 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 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, Times New Romans 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/scccsc/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.

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.

Case Analysis Assignment (15%)

Due Date: April 1st, 2021

6. Grading System

Standard Grading System (GPA)

Competency Based Grading System

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

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 daybook 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.

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.

***** DISCLAIMER:**

The information in this Course Outline is subject to change; any changes will be announced in class, and communicated to you via email. Thus, it is the students' responsibility to stay informed by attending class, checking the D2L email, communicating and coordinating with classmates, and communicating with the instructor (Ignorantia juris non excusat- ignorance of the law is no excuse).