

<b>LWSO 203: Introduction to Legal Knowledge</b>			
<b>Pre/Co-Requisites</b>			
<b>Instructor:</b>	Roxanna (Roxy) Petts	<b>Lecture Location:</b>	ICT 102
<b>Phone:</b>		<b>Lecture Days/Time:</b>	M, W, F @ 10:00 – 10:50 am
<b>Email:</b>	Roxanna.petts@ucalgary.ca		
<b>Office:</b>	N/A		
<b>Instructor Email Policy</b>	<p>Feel free to contact me over email at any time. Please put your course number and section in your email's subject line, and include a proper salutation, your full name, student ID, and a proper closing in the body of your email. I do not answer emails over the weekend. Please take that into account when emailing me questions pertaining to assignments or exams. If you have a course-related question, please check the course outline first. Also, please e-mail me for administrative purposes only, for example to set up an appointment. Please do not use e-mail as a replacement for an office visit, if there is something you want to discuss. Questions about the course content and readings, concerns about grades, or any other personal issues should be dealt with in person.</p>		

### **Course Description**

This course is intended as an introduction to legal knowledge in a Canadian context. We will be examining both the historical roots of law in Canada, some of its philosophical justifications, and the way it is reflected in institutions and legal practices. The course will also examine some of the challenges to Canadian law by its critics and skeptics on all ends of the ideological spectrum. The course will be driven by weekly lectures introducing students to the topic, which will include slides, an audio-visual component, and ideally some discussion of the material.

### **Course Objectives/Learning Outcomes**

This course will introduce the production of Canadian legal knowledge and practice to students through major texts and authors. It will be mainly text driven, meaning there will be minimal assignments but quite a bit of weekly reading. By the end of the course students will be able to:

- Understand the origins of law in Canada
- Understand the structure of the judicial system, and have some knowledge of alternative dispute resolution mechanisms in the context of the Canadian legal system
- Understand how Canadian courts and the legal system grapple with broader social issues
- Conceptualize what is meant by legal knowledge and practice in Canada
- Have a better understanding of some of the major theoretical and practical questions underpinning Canadian law

The hope is that the class will provide a broad survey of Canadian law as well as what its limitations and possibilities might be. Students will have a better sense of law and society in Canada by the conclusion.

### **Required Textbooks, Readings, Materials, Electronic Resources**

The standard textbook we will be using for this course is *Canadian Law: An Introduction* by Dr. Neil Boyd. Ideally students will use the Seventh Edition of this text. The textbook will be supplemented by other course readings made available on D2L. Students are expected to come to class having completed the readings and being prepared to answer questions on them if prompted.

### **LEARNING TECHNOLOGIES AND REQUIREMENTS**

Access to the internet

### **Schedule of Lectures and Readings**

**Weeks 1 & 2; Sept 6<sup>th</sup> – 9<sup>th</sup>, Sept 12<sup>th</sup> – 16<sup>th</sup>:**

#### Readings

Chapter 1, Canadian Law: An Introduction, Neil Boyd; p.6

Chapter 2, Canadian Law: An Introduction, Neil Boyd, pp. 29-49

Chapter 5, Canadian Law: An Introduction, Neil Boyd

[www.lawsociety.sk.ca/throwback/extorted-by-force-the-magna-carta-in-1266-1297-throwback-thursday/](http://www.lawsociety.sk.ca/throwback/extorted-by-force-the-magna-carta-in-1266-1297-throwback-thursday/); Parts I & II

<https://www.judiciary.uk/about-the-judiciary/history-of-the-judiciary>

#### Lecture Content – the history, structure of the court system, and role of law in Canada

What is law? Law as a tool for dispute resolution in the broader social context - “culture is contested”

The historical origins of Canadian law & courts;

- 1066 & the Norman Conquest; a new political system & the rise of land and property rights
- Magna Carta & the Charter of the Forest, Provisions of Oxford; parliament & the concept of “no taxation without representation”
- The evolution of the court system

Sources of law in Canada; statutory law, case law, aboriginal law

Legal Systems: common law systems vs. Justinian codes

Conceptual Divisions of Domestic Law; public/private, substantive/procedural

Types of law in Canada; criminal law, civil law, administrative law

Structure of the court system in Canada

Role of Judges; development of the common law, interpretation of statute “filling in the blanks”, protectors of due process and individual rights against the power of the state

Role of lawyers in the Canadian legal system; advocates & officers of the court

Recognized actors in the Canadian legal system; influences from the Enlightenment

**Week 3 Sept 19<sup>th</sup> – 23<sup>rd</sup>:**

Reading

Chapter 4, Canadian Law: An Introduction, Neil Boyd

*R. v. Oakes*, [1986] 1 SCR 103

*R. v. Harrison*, 2009 SCC 34

*M. v. H.*, [1999] 2 SCR 3

*Rizzo & Rizzo Shoes Ltd. (Re)*, [1998] 1 SCR 27 (headnotes only)

Lecture Content – Exploring the Division of Powers in Canada, the Constitution & Charter, and the role of the Supreme Court

British North America Act & The Constitution of Canada; division of powers between the provinces and federal government (sections 91 & 92)

*Charter of Rights and Freedoms*; who it applies to, and how it operates

An exploration of sections 8 & 9 of the *Charter*

An exploration of the concepts of “substantive vs. formal equality” under s. 15 of the *Charter*

An exploration of case law and statutory interpretation as espoused by the Supreme Court of Canada – “a contextual & purposive” approach

An exploration of how the Supreme Court of Canada grapples with systemic discrimination within the law

## **Week 4 Sept 26<sup>th</sup> & 28<sup>th</sup>:**

### Reading

Chapter 1, Canadian Law: An Introduction, Neil Boyd

Chapter 3, Canadian Law: An Introduction, Neil Boyd, pp. 263-261 (optional reading)

*Divorce Act*, RSC 1985, c 3 (2nd Supp), section 2(1), definition of “child of the marriage”, and section 15.2

*Federal Child Support Guidelines*, SOR/97-175, sections 3(1)(a) & 19 in particular

*Alberta Child Support Guidelines*, Alta Reg 147/2005

*Moge v. Moge*, [1992] 3 SCR 813

*Jackson v. Jackson*, [1973] SCR 205 (headnotes only)

*Hunt v. Smolis-Hunt*, 2001 ABCA 229

### Lecture Content – Applying Critical Theory to Law

Applying social science theory to the law

Examining the concept of precedents in law

Examining the role of courts in interpreting laws, and filling in the gaps in statutory legislation

## **Week 5 Oct 3<sup>rd</sup> – 7<sup>th</sup>:**

### Reading

Chapter 10, Canadian Law: An Introduction, Neil Boyd

Learning Canadian Criminal Procedure, 9<sup>th</sup> edition, Stuart, Delisle, Quigley; pp. 541-7, 555-9, 565-72, 579-585, 591-98 (available on D2L)

### Lecture Content – An Introduction to Criminal Law

Burden of proof: “proof beyond a reasonable doubt”

*Actus reus* and *mens rea* requirements

Exploring the limits of the adversarial system

Exploring the roles of Crown prosecutors and criminal defence lawyers

Discussing the role of the judiciary in protecting an individual's rights to due process from the oppression of the state; exploring the "voire dire"

Exploring the contradictions of desired outcomes in criminal law; rehabilitation vs. punishment

**Week 6 Oct 12<sup>th</sup> & 14<sup>th</sup>:**

Reading

Chapter 7, Canadian Law: An Introduction, Neil Boyd

Canadian Tort Law, 12<sup>th</sup> edition, Linden, Klar & Feldthusen, pp. 792-796 (available on D2L)

Lecture Content – An Introduction to Civil Law (Torts)

Burden of Proof: "balance of probabilities"

Exploring causes of action

Exploring the limits of the legal system to adjudicate disputes; remedies and underlying theories

Residential Schools and the jurisprudence

**Week 7 Oct 17<sup>th</sup> – 21<sup>st</sup>:**

Reading

Chapter 8, Canadian Law: An Introduction, Neil Boyd, pp. 239 – 250, 261 – 7

*Divorce Act*, RSC 1985, c 3 (2nd Supp), section 2(1), definition of "family dispute resolution process", sections 7.3, 7.7(2) & 7.7(3)

*Arbitration Act*, RSA 2000, c A-43

Lecture Content – An Introduction to Family Law

Family Law in Canada; the four major topics of division of property, parenting, child support & spousal support

Alternative Dispute Resolution Systems and Processes

**Week 8 Oct 24<sup>th</sup> – Oct 28:**

Reading

To be posted on D2L

Lecture Content – An Introduction to Aboriginal Law

The concept of Aboriginal Title

Other First Nations Rights

The Duty to Consult

**Week 9 Oct 31<sup>st</sup> – Nov 4<sup>th</sup>:**

Reading

*Morguard Investments Ltd. V. De Savoye*, [1990] 3 SCR 1077

*International Child Abduction Act*, RSA 2000, c I-4

Convention on the Civil Aspects of International Child Abduction (the “Hague Convention”)

*Interjurisdictional Support Orders Act*, SA 2002, c I-3.5

Lecture Content – An Introduction to International Law & Civil Systems

The Constitution as a “Living Tree”

The Concept of Statutes as Complete Codes

Conflict of Laws – who has jurisdiction? The “real & substantial connection” test & attorning to the jurisdiction

**Week 10 Nov 7<sup>th</sup> – Nov 11<sup>th</sup>:** No Scheduled Classes

**Week 11 Nov 14<sup>th</sup> – Nov 18<sup>th</sup>:**

Reading

Chapter 9, Canadian Law: An Introduction, Neil Boyd

Lecture Content – An Introduction to Administrative Law

Immigration & Refugee Law

Boards & Tribunals

Duties of the State

**Week 12 Nov 21<sup>st</sup> – Nov 25<sup>th</sup>:**

Reading

*Rodriguez v. British Columbia (Attorney General)*, [1993] 3 SCR 519

*Carter v. Canada (Attorney General)*, 2015 SCC 5 (CanLII), [2015] 1 SCR 331

*Gordon v. Goertz*, 1996 CanLII 191 (SCC), [1996] 2 SCR 27

*Divorce Act*, RSC 1985, c 3 (2nd Supp), section 16, versions 8 & 9 of the Act

*Family Law Act*, SA 2003, c F-4.5, section 18

### Lecture Content – Evolution of Law in Canada

Feedback on assignments

When the Supreme Court Changes its' Mind

Reflexivity between Parliament, Legislatures, and the Courts in the development of the law; examining the development of the “best interests of the child test” in family law

### **Week 13 Nov 28<sup>th</sup> – Dec 2<sup>nd</sup>:**

#### Reading

Chapter 6, Canadian Law: An Introduction, Neil Boyd

Sections 102 & 106(1), *Legal Profession Act*, RSA 2000, c L-8

Code of Professional Conduct (available on Law Society of Alberta’s website)

*Law Society of British Columbia v. Trinity Western University*, [2018] 2 SCR 293

### Lecture Content – The Legal Profession

Law as a self-regulating profession; Ethics in law

Law Schools in Canada

Independence of the Judiciary – how judges are appointed

Judges as “social engineers”

The tension between an independent judiciary and an elected Parliament & Prime Minister

### **Week 14 Dec 5<sup>th</sup> – Dec 7<sup>th</sup>:**

Review; guest lectures

### **Methods of Assessment and Grading Weights**

COMPONENT	WEIGHTING	DUE DATES/DAY
Assignment 1	10%	October 14, 2022
Assignment 2	15%	November 14, 2022
Midterm Exam	25%	October 21, 2022
Final Exam	50%	Registrar Scheduled
Total	100%	

**Assignment 1** – Attend morning chambers (Court of Queen’s Bench) or family docket court (Provincial Court) or master’s chambers, and write a short description of your experience. This should be 300 to 500 words. It should include some impressions of judges and lawyers at work. The relevant courtrooms are 1001, 1002, 1004, 904, or 1208. 1001, 1002, 1004, and 904 sit at 10 am. 1208 begins at 9:30 am or at 2 pm. You do not need to be in court longer than 1-2 hours. Calgary Courts Centre is located at 601 5<sup>th</sup> Street SW, Calgary, AB. We will discuss this assignment the first week of class, and students can begin this at any time.

This is not a group project.

**OR**

Write a short synopsis (300 to 500 words) about a Justice of the Supreme Court of Canada (past or present) including why that particular Justice interests you.

This is not a group project.

**Assignment 2** – Compare and contrast the cases:

*Rodriguez v. British Columbia (Attorney General)*, [1993] 3 SCR 519  
*Carter v. Canada (Attorney General)*, 2015 SCC 5 (CanLII), [2015] 1 SCR 331

Your assignment should be 600 words maximum. These cases explore how law changes in Canada, and address the concept the choice to terminate one’s own life. We will discuss this assignment the first week of class, and students can begin this at any time.

This is not a group project.

**Midterm Exam** – written, in class. This will cover up to and including the lectures on torts, and associated reading materials. It will be a combination of multiple choice, true/false and short answer. This is not an open book examination. No laptops or mobile devices are permitted.

**Final Exam** – written; this will be a registrar scheduled final exam. This will cover all lecture content, and associated reading materials for the entirety of the course. It will be a combination of multiple choice, true/false and short answer. This is not an open book examination. No laptops or mobile devices are permitted.

**Final Exam Information**

*Provide the following detailed information*

Final Exam	Y
Length	2 hours
Format	<i>registrar scheduled</i>
Type	written
Aids	None



### **Grading Scale**

Letter grades will be assigned and submitted to the registrar based on the following scale:

Grade	Percent range	Grade Point Value	Description
A+	96 – 100%	4.0	Outstanding performance
A	90 – 95.99%	4.0	Excellent performance
A-	85 – 89.99%	3.7	Approaching excellent performance
B+	80 – 84.99%	3.3	Exceeding good performance
B	75 – 79.99%	3.0	Good performance
B-	70 – 74.99%	2.7	Approaching good performance
C+	67 – 69.99%	2.3	Exceeding satisfactory performance
C	63 – 66.99%	2.0	Satisfactory performance
C-	59 – 62.99%	1.7	Approaching satisfactory performance
D+	55 – 58.99%	1.3	Marginal pass. Insufficient preparation for subsequent courses in the same subject
D	50 – 54.99%	1.0	Minimal Pass. Insufficient preparation for subsequent courses in the same subject.
F	<50%	0	Failure. Did not meet course requirements.

### **Passing Grades**

An overall passing grade must be achieved in order to pass the course.

### **Technology Use**

Students are at liberty to bring in laptops or other mobile devices to assist with note taking, and to access the internet, during lectures.

Students are not permitted to video record any of the lectures or examinations.

### **Libraries & Cultural Resources**

To contact your librarian or find out about the resources and services available to sociology students go to the Sociology Library guide: <https://library.ucalgary.ca/guides/sociology>

To access the main Library website, go to: <https://library.ucalgary.ca>

Bennett Jones Law Library, University of Calgary, Murray Fraser Building

Alberta Law Library, Calgary Courts Centre, 5<sup>th</sup> Floor, 601 5<sup>th</sup> Street SW, Calgary, AB

[www.canlii.org](http://www.canlii.org); this website provides access to all cases and statutes referenced

## **IMPORTANT POLICIES AND INFORMATION**

### **Absence From a Mid-term Examination**

Students who are absent from a scheduled term test or quiz for legitimate reasons are responsible for contacting the instructor via email within 48 hours of the missed test to discuss alternative arrangements. A copy of that email may be requested as proof of the attempt to contact the instructor.

**Deferred Term Work Form:** Deferral of term work past the end of a term requires a form to be filled out by the student and submitted, along with any supporting documentation, to the instructor. The form is available at: [https://live-ucalgary.ucalgary.ca/sites/default/files/teams/14/P22\\_deferral-of-term-work\\_lapseGrade.pdf](https://live-ucalgary.ucalgary.ca/sites/default/files/teams/14/P22_deferral-of-term-work_lapseGrade.pdf)

Once an extension date has been agreed between instructor and student, the instructor will email the form to the Faculty of Arts Program Information Centre ([ascarts@ucalgary.ca](mailto:ascarts@ucalgary.ca)) for approval by the Associate Dean.

### **Deferral of a Final Examination**

Deferral of a final examination can be granted for reasons of illness, domestic affliction, and unforeseen circumstances, as well as to those with three (3) final exams scheduled within a 24-hour period. Deferred final exams will not be granted to those who sit the exam, who have made travel arrangements that conflict with their exam, or who have misread the examination timetable. The decision to allow a deferred final exam rests not with the instructor but with Enrolment Services. Instructors should, however, be notified if you will be absent during the examination. The Application for Deferred Final Exam, deadlines, requirements and submission instructions can be found on the Enrolment Services website at <https://www.ucalgary.ca/registrar/exams/deferred-exams>.

### **Reappraisal of Grades:**

*For Reappraisal of Graded Term Work, see Calendar I.2*

<http://www.ucalgary.ca/pubs/calendar/current/i-2.html>

*For Reappraisal of Final Grade, see Calendar I.3*

<http://www.ucalgary.ca/pubs/calendar/current/i-3.html>

### **Academic Misconduct:**

Academic Misconduct refers to student behavior that compromises proper assessment of students' academic activities and includes: cheating; fabrication; falsification; plagiarism; unauthorized assistance; failure to comply with an instructor's expectations regarding conduct required of students completing academic assessments in their courses; and failure to comply with exam regulations applied by the Registrar.

Student committing academic misconduct during the final exam will not receive a passing grade for the course.

For information on the Student Academic Misconduct Policy, Procedure and Academic Integrity, please visit: <https://www.ucalgary.ca/pubs/calendar/current/k-3.html>

### **Plagiarism And Other Forms Of Academic Misconduct**

Academic misconduct in any form (e.g. cheating, plagiarism) is a serious academic offence that can lead to disciplinary probation, suspension or expulsion from the University. Students are expected to be familiar with the standards surrounding academic honesty; these can be found in the University of Calgary calendar at <http://www.ucalgary.ca/pubs/calendar/current/k.html>. Such offences will be taken seriously and reported immediately, as required by Faculty of Arts policy.

### **Recording of Lectures:**

Recording of lectures is prohibited, except for audio recordings authorized as an accommodation by SAS or an audio recording for individual private study and only with the written permission of the instructor. Any unauthorized electronic or mechanical recording of lectures, their transcription, copying, or distribution, constitutes academic misconduct. See <https://www.ucalgary.ca/pubs/calendar/current/e-6.html>.

### **Academic Accommodations:**

Students seeking an accommodation based on disability or medical concerns should contact Student Accessibility Services. SAS will process the request and issue letters of accommodation to instructors. Students who require an accommodation in relation to their coursework based on a protected ground other than disability should communicate this need in writing to their instructor. The full policy on Student Accommodations is available at <https://www.ucalgary.ca/legal-services/university-policies-procedures/accommodation-students-disabilities-procedure>

### **Research Ethics**

Students are advised that any research with human subjects – including any interviewing (even with friends and family), opinion polling, or unobtrusive observation – must have the approval of the Conjoint Faculties Research Ethics Board. In completing course requirements, students must not undertake any human subject research without discussing their plans with the instructor, to determine if ethics approval is required.

### **Instructor Intellectual Property**

Course materials created by instructors (including presentations and posted notes, labs, case studies, assignments and exams) remain the intellectual property of the instructor. These materials may NOT be reproduced, redistributed or copied without the explicit consent of the instructor. The posting of course materials to third party websites such as note-sharing sites without permission is prohibited. Sharing of extracts of these course materials with other students enrolled in the course at the same time may be allowed under fair dealing.

### **Freedom of Information and Protection of Privacy (FOIP) Act:**

Personal information is collected in accordance with FOIP. Assignments can only be returned to the student and will be accessible only to authorized faculty and staff. For more information, see <https://www.ucalgary.ca/legal-services/access-information-privacy>

### **Copyright Legislation:**

See the University of Calgary policy on Acceptable Use of Material Protected by Copyright at <https://www.ucalgary.ca/legal-services/university-policies-procedures/acceptable-use-material-protected-copyright-policy> Students who use material protected by copyright in violation of this policy may be disciplined under the Non-Academic Misconduct Policy.

Course materials created by instructors (including presentations and posted notes, labs, case studies, assignments and exams) remain the intellectual property of the instructor. These materials may NOT be reproduced, redistributed or copied without the explicit consent of the instructor. The posting of course materials to third party websites such as note-sharing sites without permission is prohibited. Sharing of extracts of these course materials with other students enrolled in the course at the same time may be allowed under fair dealing.

### **Evacuation Assembly Points**

In the event of an emergency evacuation from class, students are required to gather in designated assembly points. Please check the list found at <https://www.ucalgary.ca/risk/emergency-management/evac-drills-assembly-points/assembly-points> and note the assembly point nearest to your classroom.

### **Important Dates:**

Please check: <http://www.ucalgary.ca/pubs/calendar/current/academic-schedule.html>.

### **Faculty of Arts Program Advising and Student Information Resources**

- Have a question, but not sure where to start? The Arts Students' Centre is your information resource for everything in Arts! Drop in at SS102, call them at 403-220-3580, or email them at [artsads@ucalgary.ca](mailto:artsads@ucalgary.ca). You can also visit the Faculty of Arts website at <http://arts.ucalgary.ca/undergraduate>, which has detailed information on common academic concerns, including program planning and advice.
- For registration (add/drop/swap), paying fees and assistance with your Student Centre, contact Enrolment Services at 403-210-ROCK [7625] or visit them in the MacKimmie Tower.

### **Important Contact Information**

Campus Security and Safewalk (24 hours a day/7 days a week/365 days a year)  
Phone: 403-220-5333

Faculty of Arts Undergraduate Students' Union Representatives  
Phone: 403-220-6551  
Email: [arts1@su.ucalgary.ca](mailto:arts1@su.ucalgary.ca), [arts2@su.ucalgary.ca](mailto:arts2@su.ucalgary.ca), [arts3@su.ucalgary.ca](mailto:arts3@su.ucalgary.ca),  
[arts4@su.ucalgary.ca](mailto:arts4@su.ucalgary.ca)  
Students' Union URL: [www.su.ucalgary.ca](http://www.su.ucalgary.ca)

Graduate Students' Association  
Phone: 403-220-5997  
Email: [askgsa@ucalgary.ca](mailto:askgsa@ucalgary.ca)  
URL: [www.ucalgary.ca/gsa](http://www.ucalgary.ca/gsa)

Student Ombudsman  
Phone: 403-220-6420  
Email: [ombuds@ucalgary.ca](mailto:ombuds@ucalgary.ca)

### **Campus Mental Health Resources**

The University of Calgary recognizes the pivotal role that student mental health plays in physical health, social connectedness and academic success, and aspires to create a caring and supportive campus community where individuals can freely talk about mental health and receive supports when needed. We

encourage you to explore the excellent mental health resources available throughout the university community, such as counselling, self-help resources, peer support or skills-building available through the following resources:

*SU Wellness Centre:* <http://www.ucalgary.ca/wellnesscentre/>

*Student Wellness Services:*

<https://www.ucalgary.ca/wellness-services/services/mental-health-services>

*Campus Mental Health Strategy website:* <https://www.ucalgary.ca/mentalhealth/>.