

Course Syllabus

Law & Society 203 - 01

Introduction to Legal Knowledge

Winter 2014

MWF 10:00 – 10:50; Science A Room 106

Instructor: Chidinma B. Thompson, LLB, LLM, Ph.D Candidate.

Office Location: Social Sciences 942

E-Mail: chidinmaokafor@yahoo.com

Office Hours: Friday 11:00 – 12:00; other times by e-mail, phone, Blackboard and appointment

Course Description and Objectives

This course will introduce students to the fundamental components of law focusing on the Canadian legal system. Students will learn the mechanics of law and its relationship to society.

The course is divided into three parts as follows.

PART ONE – INTRODUCTION TO LAW explores the definition, characteristics and functions of law, the different legal systems and the societal paradigms in which law operates. Students will learn legal theoretical perspectives, the sources of law, and the organization of Law - particularly the Canadian legal system.

PART TWO – PUBLIC LAW introduces constitutional law focusing on division of powers and Charter rights. Criminal law will be discussed and applied to the offence of terrorism under the Canadian *Criminal Code*. Students will also learn administrative law as a branch of law-making, and Aboriginal law as instituted in Canada. Part Two concludes with international law applied in the context of climate change.

PART THREE – PRIVATE LAW discusses the substantive areas of contract law, tort law and property law. The key concepts in business law and family law are introduced. Part Three also reviews alternative dispute resolution mechanisms and concludes with civil procedure in Alberta.

Textbooks and Readings

Required readings are: Jessie Horner, *Canadian Law and the Canadian Legal System* (Pearson Education Canada Ltd., 2007); and Steven Vago and Adie Nelson, *Law and Society*, 4th ed. (Toronto: Pearson, 2014).

Both are available for purchase at the University of Calgary Bookstore.

Internet links will be given for readings not in the textbook. Publicly available documents may be posted on Blackboard for convenience.

Course Assignments and Evaluation

Mid-Term Examination - (30% of final grade). The first mid-term will cover all material covered in class and the associated readings, up to and including the class before the mid-term examination. It will be multiple-choice and short answer questions.

Assignment - (30% of final grade). The students will analytically read chapter 8 of Horner and chapter 8 of Vago and Nelson. The Assignment will involve three short essay-type questions based on these two chapters. More information will be available on an assignment sheet posted on the Blackboard website for the course. Assignments submitted after the deadline are subject to a penalty of the loss of a grade (e.g. A- to B+) for each day late. There is no dropbox available for submitting assignments: if it is impossible to submit your assignment in person, you must make alternative arrangements with the instructor.

Final Examination – Registrar Scheduled (40% of final grade). The final examination will consist of multiple choice, short answer, and fact situation questions. The final exam will be cumulative (i.e. it will cover all of the course) and will test the student on all assigned readings and all material covered in class.

All examinations are closed-book.

Registrar-scheduled Final Examination: Yes

Please note: If your class is held in the evening, the Registrar's Office will make every attempt to schedule the final exam during the evening; however, there is NO guarantee that the exam will NOT be scheduled during the day.

Final grades will be calculated based on the marks accumulated by students on each of the course requirements. Students do not need to pass each requirement to pass the course.

Freedom of Information and Protection of Privacy Act

This course is conducted in accordance with the Freedom of Information and Protection of Privacy Act (FOIP). As one consequence, students should identify themselves on all written work by using their ID number. Also you will be required to provide a piece of picture identification in order to pick up an assignment or look at a final exam. For more information see also <http://www.ucalgary.ca/secretariat/privacy>.

Grading System

	Grading Scale
A+	96-100
A	90-95.99
A -	85-89.99

B+	80-84.99
B	75-79.99
B-	70-74.99
C+	65-69.99
C	60-64.99
C-	55-59.99
D+	53-54.99
D	50-52.99
F	0-49

Schedule of Lectures and Readings

The following topics and readings will be covered, time permitting. Please read the assigned readings and further materials posted on blackboard in **ADVANCE** as there will be class discussion on them.

Schedule	Topic	Readings
PART ONE	INTRODUCTION TO LAW	
January 8, 10 and 13	<u>What is Law?</u> Definition and characteristics Types of law Major Legal Systems Functions of law and Societal Paradigms	Vago and Nelson, chapter 1 Horner, chapter 1 and chapter 3 (pp. 74-82)
January 15, 17, 20	<u>Theories of Law</u> Theoretical Perspectives Law and Social Control Law and Social Change	Vago and Nelson, chapters 2, 5 and 7 Horner, chapter 1
January 22, 24, 27	<u>The organization of Law and the Canadian Legal System</u> The roles of the legislature, the executive and the judiciary The role of the legal system Historical evolution of the Canadian Legal System	Horner, chapters 1, 2 and 7 (pp. 238-254; 269-271) Vago and Nelson, chapter 3 (pp. 57-73; 88-107)
January 29, 31 and February 3	<u>Sources of Law and Perspectives on Law-Making</u> Statute Law Common Law	Horner, chapter 5, chapter 4, and chapter 3 (p. 111) Vago and Nelson, chapter 4

	<p>Secondary Sources</p> <p>Introduction to Case Analysis</p>	
PART TWO	PUBLIC LAW	
February 5, 7 and 10	<p><u>Constitutional Law</u></p> <p>Canadian Constitutional Principles</p> <p>The Constitutional Framework</p> <p>Division of Powers Application: the doctrine of paramountcy</p> <p>The Charter of Rights and Freedom – the nature of rights and freedoms</p> <p>Application: Life, liberty and security of person</p>	<p>Horner, chapter 3 (pp. 83-84); chapter 6; Appendices A and C</p> <p><i>Rothmans, Benson & Hedges Inc. v. Saskatchewan</i>, 2005 1 S.C.R. 188 http://canlii.ca/t/1jz6k</p> <p>Excerpts from <i>Chaoulli c. Québec (Procureur général)</i>, 2005 SCC 35 http://canlii.ca/t/1kxrh and excerpts from <i>R. v. Morgentaler</i>, [1988] 1 S.C.R. 30 http://canlii.ca/t/1ftjt</p>
February 12 and 14	<p><u>Criminal Law</u></p> <p>Categories of criminal offences</p> <p>Elements of a criminal offence</p> <p>Defences</p> <p>Application: terrorism</p> <p>Criminal Procedure: kinds of offences</p>	<p>Vago and Nelson, chapter 3 (pp. 74-80)</p> <p>Horner, chapter 3 (pp. 84-87); chapter 7 (pp. 263-269)</p> <p><i>R v. Sault Ste. Marie (City)</i>, [1978] 2 S.C.R. 1299 http://canlii.ca/t/1mkbk</p> <p>Excerpts from the <i>Criminal Code</i>, RSC 1985, c C-46 http://canlii.ca/t/7vf2</p> <p>Excerpts from <i>R. v. Khawaja</i>, 2010 ONCA 862 http://canlii.ca/t/2f041</p>
February 16-23	READING WEEK	
February 24	MID TERM EXAMINATION	
February 26 and 28	<p><u>Regulatory/Administrative Law</u></p> <p>The Administrative Process</p> <p>Example: the Alberta Energy Regulator</p>	<p>Horner, chapter 3 (pp. 88-89); chapter 7 (p. 272)</p> <p>Vago and Nelson, chapter 3 (pp. 97-101); chapter 4 (pp. 114-116)</p> <p>http://www.aer.ca/</p>

	<p>Administrative Offences, Penalties and Defences</p> <p>Application: Fisheries Protection and Pollution Prevention</p>	<p>Excerpts from <i>Fisheries Act</i> RSC 1985, c F-14, ss. 34-43. http://canlii.ca/t/7vg7</p> <p>Excerpts from <i>R. v. McMillan Bloedel (Alberni) Ltd.</i> (1979), 12 B.C.L.R. 29 http://canlii.ca/t/23gkc</p> <p>Excerpts from <i>R. v. MacMillan Bloedel Ltd.</i>, 2002 BCCA 510 http://canlii.ca/t/5j9f</p>
March 3 and 5	<p><u>Aboriginal Law</u></p> <p>Nature and content of Aboriginal Rights</p> <p>Crown Obligations</p>	<p>Horner, chapter 2 (pp. 37-41); chapter 3 (pp. 89-91); chapter 6 (pp. 232-233)</p> <p>Vago and Nelson, chapter 3 (pp. 90-94)</p> <p>Excerpts from <i>Mitchell v. Canada (MNR)</i>, [2001] 1 SCR 911 http://canlii.ca/t/521d</p> <p>Excerpts from <i>Delgamuukw v. British Columbia</i>, [1997] 3 SCR 1010 http://canlii.ca/t/1fqz8</p> <p><i>The Constitution Act</i>, 1982, s. 35 http://canlii.ca/t/8q7l</p>
March 7 and 10	<p><u>International Public Law</u></p> <p>Nature and Sources of International Law</p> <p>Application: Climate Change Process and Key Steps</p>	<p>Statute of the International Court of Justice, specifically Article 38 http://www.icj-cij.org/documents/index.php?p1=4&p2=2&p3=0&</p> <p><i>United Nations Framework Convention on Climate Change</i> http://unfccc.int/key_documents/the_convention/items/2853.php</p> <p>The Kyoto Protocol http://unfccc.int/kyoto_protocol/items/2830.php</p> <p>The <i>Kyoto Protocol Implementation Act</i>, SC 2007, c 30 [repealed 2012-06-29] http://canlii.ca/t/51w4x</p>
PART THREE	PRIVATE LAW	
March 12 and 14	<p><u>Business Law</u></p> <p>Forms of Business Organizations</p> <p>Nature of a Corporation and its consequences</p>	<p>Horner, chapter 3 (pp. 108-110)</p> <p>Excerpts from <i>Kosmopoulos v. Constitution Insurance Co. of Canada</i> (1983), 149 D.L.R. (3d) 77 (Ont. C.A.) http://canlii.ca/t/g1jww affirmed by [1987] 1 S.C.R. 2 http://canlii.ca/t/1ftpw</p>

March 17 and 19	<p><u>Torts</u></p> <p>Intentional Torts</p> <p>Negligence</p>	<p>Vago and Nelson, chapter 3 (pp. 80-88)</p> <p>Horner, chapter 3 (pp. 95-101)</p> <p>Horner, chapter 4 (pp. 137-146)</p> <p><i>Donoghue v Stevenson</i></p>
March 21 and 24	<p><u>Contracts</u></p> <p>Elements of a Contract</p>	<p>Horner, chapter 3 (pp. 102-104) and chapter 4 (pp. 131-136)</p> <p><i>Carlill v Carbolic Smoke Ball Company</i></p>
March 26	<p><u>Property Law</u></p> <p>Real Property</p> <p>Personal Property</p>	<p>Horner, chapter 3 (pp. 92-95)</p>
March 28	<p><u>Family Law</u></p> <p>Key Concepts</p> <p>Federal and Provincial jurisdictions</p>	<p>Horner, chapter 3 (pp. 104-108)</p> <p>Excerpts from <i>Divorce Act</i>, RSC 1985, c 3 (2nd Supp) http://canlii.ca/t/7vbw</p> <p><i>Family Law Act</i>, SA 2003, c F-4.5 http://canlii.ca/t/81vc</p> <p><i>Matrimonial Property Act</i>, RSA 2000, c M-8 http://canlii.ca/t/81r2</p>
March 31	<p><u>Dispute Resolution</u></p> <p>Adjudication and alternative processes</p>	<p>Horner, chapter 3 (p. 92) and chapter 7 (pp. 272-273)</p> <p>Vago and Nelson, chapter 6</p>
April 2	ASSIGNMENT DUE	
April 2, 4 and 7	<p><u>Civil Procedure</u></p> <p>Life-cycle of a civil law suit</p>	<p>Horner, chapter 7 (pp. 254-263)</p>
April 9	<u>Review Class</u>	
TBA	<u>Final Exam (Registrar Scheduled)</u>	

Ethics

Whenever you perform research with human participants (i.e. surveys, interviews, observation) as part of your university studies, you are responsible for following university research ethics guidelines. Your instructor must review and approve of your research plans and supervise your research. For more information about your research ethics responsibilities, see <http://arts.ucalgary.ca/research/for-researchers/ethics>. This course does not involve research using human subjects.

Plagiarism

Using any source whatsoever without clearly documenting it is a serious academic offense. Consequences include failure on the assignment, failure in the course and possibly suspension or expulsion from the university.

You must document not only direct quotations but also paraphrases and ideas where they appear in your text. A reference list at the end is insufficient by itself. Readers must be able to tell exactly where your words and ideas end and other people's words and ideas begin. This includes assignments submitted in non-traditional formats such as Web pages or visual media, and material taken from such sources.

Please consult your instructor if you have any questions regarding how to document sources.

Internet and Electronic Communication Device Information

Laptops are allowed in class, provided that they are used for notes and access to class materials only. All cell phones must be turned off during class. No electronics are allowed during examinations, including midterm examinations.

Policy on Recording of Lectures

Recording shall be permitted for individual private study only at the discretion of the instructor. For any other use, whether by duplication, transcription, publication, sale or transfer of recordings, written approval must be obtained from the instructor for the specific use proposed. Any other use of recordings constitutes academic misconduct and may result in suspension or expulsion. For more information on recording of lectures please see: <http://www.ucalgary.ca/pubs/calendar/current/e-6.html>

Academic Misconduct

For information on academic misconduct and the consequences thereof please see the current University of Calgary Calendar at the following link:
<http://www.ucalgary.ca/pubs/calendar/current/k.html>

Academic Accommodation Policy

If you are a student with a disability who may require academic accommodation, it is your responsibility to register with the Disability Resource Centre (220-8237) and discuss your needs with your instructor no later than fourteen (14) days after the start of the course. For further information, please see <http://www.ucalgary.ca/drc/node/46>

Emergency Evacuation and Assembly Points

Please note the evacuation points for this particular classroom. All classrooms on campus exit to specific places in case of emergency. The emergency assembly points differ depending upon where your classroom is located. For information on the emergency evacuation procedures and the assembly points see <http://www.ucalgary.ca/emergencyplan/assemblypoints>

"SAFEWALK" Program

Campus Security will escort individuals day or night -- call 403-220-5333 for assistance. Use any campus phone, emergency phone or the yellow phone located at most parking lot booths.

Student Representation

There are four Arts reps, with the email addresses being arts1@su.ucalgary.ca, arts2@su.ucalgary.ca, arts3@su.ucalgary.ca, and arts4@su.ucalgary.ca. Please contact them if you have questions related to Students Union matters, events, or concerns. For your student ombudsman, please see <http://www.ucalgary.ca/provost/students/ombuds>

Faculty of Arts Program Advising and Student Information Resources

- Have a question, but not sure where to start? The Faculty of Arts Program Information Centre (PIC) is your information resource for everything in Arts! Drop in at SS102, call us at 403-220-3580 or email us at 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.
- For program planning and advice, contact the Student Success Centre (formerly the Undergraduate programs Office) at (403) 220-5881 or visit them on the 3rd Floor of the Taylor Family Digital Library.
- For registration (add/drop/swap), paying fees and assistance with your Student Centre, contact Enrolment Services at (403) 210-ROCK [7625] or visit them at the MacKimmie Library Block.