

Law & Society 203
Introduction to Legal Knowledge
Winter, 2017
MWF 10:00 – 10:50
Room: MFH 160

Instructor: Rick Nilson, B.Comm., LL.B., MBA, LL.M.

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Office Hours: Monday/Wednesday 11:00 – 12:00

Course Description and Objectives:

This course will introduce students to the fundamental elements of Canadian law and the Canadian legal system. Students will gain an appreciation of how law can be used as an instrument of social engineering. The course is divided into three parts; each part will discuss fundamental legal concepts and then apply these concepts to particular topics of social significance.

Part 1 will discuss the purpose and nature of law, certain legal theories, the historical evolution of the Canadian legal system, sources of law in Canada and the protection of our fundamental rights and freedoms. **Part 2** will discuss Canadian public law, including criminal law and procedure, administrative and environmental law, aboriginal law and certain aspects of international public law. **Part 3** will introduce selected topics of Canadian private law, including civil procedure, contracts, torts, property law and business organizations.

Textbooks and Readings:

John Fairlie & Philip Sworden, *Introduction to Law in Canada* (Edmond Montgomery Publications, 2014); available for purchase at the University of Calgary Bookstore.

Internet links will be given for readings not in the textbook, or publicly available documents may be posted on D2L for convenience.

The Instructor will also be posting his class presentation slides on D2L, but students should be aware that these are at a summary level only and should not be used as a substitute for the assigned readings.

Schedule

The following is a proposed schedule for the term, but the Instructor reserves the right to add or delete content or readings, or to change the timing of individual topics, with appropriate notice to the class. Students are responsible to read the assigned material in advance of each class and be prepared to discuss the material and the cases in class. (All Chapter and page references are to the textbook, *Introduction to Law in Canada*, unless otherwise noted.)

Schedule	Topics	Readings
PART 1 - INTRODUCTION		
<u>Week One</u> Jan. 9 - 13	<u>Course Overview</u> Expectations; Grading; Expected Schedule <u>Legal Theory</u> What is Law; Legal Theory; Related concepts (morality, justice); Religion & The Law; Legal Divisions; Rule of Law <u>Application:</u> Legal Concepts	Course Syllabus Chapter 1 Chapter 2 (p. 47-49) Roncarelli v Duplessis (p. 24) The Case of the Speluncean Explorers (Harvard Law Review) http://ezproxy.lib.ucalgary.ca/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=a9h&AN=15309592&site=ehost-live
<u>Week Two</u> Jan 16 - 20	<u>Canadian Legal System</u> Historical Development; Key Features of our System; 3 Branches of Government: Legislative, Executive and Judicial Branches	Chapter 2 (p. 34-46); Chapter 3 Chapter 4 (p. 76-86) Chapter 5 (p. 104-105; 138-139) Chapter 6 (p. 148-154) Chapter 7 (p. 170-182; 189-192)
<u>Week Three</u> Jan. 23 - 27	<u>Sources of Law</u> Canadian Constitution; Legislation; Common Law; Academic Commentary	Chapter 4 (p. 86-97) Chapter 5 (p. 105-138) Chapter 7 (p. 185-186; 192-193) Constitution Act (1867) - Appendix A (textbook) Constitution Act (1982) - Appendix B (textbook)
<u>Week Four</u> Jan.30 – Feb 3	<u>Human Rights</u> <u>Canadian Charter of Rights and Freedoms</u> Illegal Discrimination <u>Application:</u> Employment Discrimination	Chapter 8 Constitution Act (1982) – PART 1 – Canadian Charter of Rights and Freedoms – Appendix B (textbook) R v Oakes (p. 227-228); Vriend v Alberta (p. 231) Alberta Human Rights Act , Sections 3-11, 15-17, 20-32, 44 http://www.qp.alberta.ca/Laws_Online.cfm Callan v Suncor , 2006 ABCA 15 http://www.canlii.org
February 6	<u>MID TERM #1</u> (In-Class = 1 hour)	Multiple Choice Exam – Part 1 – Introduction 30% of Final Grade

PART 2 - PUBLIC LAW

<p><u>Week Five</u> Feb. 8 -10</p>	<p><u>Criminal Law</u> Constitutional Basis Basic Principles Criminal Procedure <u>Application:</u> Sexual Assault</p>	<p>Chapter 13 <i>Constitution Act (1867)</i>, ss. 91(27), 92(14), 92(15) <i>Criminal Code</i>, ss. 265, 266, 271, 272, 273, 273.1, 273.2, 150.1 Sample Question - <i>R v Billy Smith</i></p>
<p><u>Week Six</u> Feb. 13 - 17</p>	<p><u>Administrative Law/ Environmental Law</u> Environmental Regulations Project Approvals Offences & Penalties <u>Application:</u> Oil Sands Development</p>	<p>Chapter 12 (p. 338-351) <i>Constitution Act (1867)</i>, ss. 91(8), 92(4) <i>Alberta's Oil Sands</i>, www.oilsands.alberta.ca Excerpts from <i>Oil Sands Conservation Act</i> Excerpts from <i>Alberta Environmental Protection and Enhancement Act</i>; <i>Alberta Energy Regulator</i>, http://www.aer.ca/about-aer/media-centre</p>
<p><u>Week Seven</u> Feb. 20 – 24</p>	<p>READING WEEK</p>	<p>NO CLASSES</p>
<p><u>Week Eight</u> Feb 27- Mar 3</p>	<p><u>Aboriginal Law</u> Aboriginal Rights; Land Claims; Treaties Obligations of the Crown Aboriginal Offenders <u>Application:</u> Constitutional Protection of Aboriginal Rights</p>	<p>Chapter 3 (p.63); Chapter 4 (p.91, 93-96); Chapter 10 (p.386) Chapter 13 (p.390-392); <i>Constitution Act (1982)</i>, ss. 25, 35, 35.1 <i>Treaty 7</i> <i>R v Sparrow</i> [1990] 1 SCR 1075 http://www.canlii.org</p>
<p><u>Week Nine</u> Mar. 6 - 10</p>	<p><u>International Law</u> Nature of International Law International Conventions <u>Application:</u> Climate Change</p>	<p>Chapter 12 (p. 351-365) Garret Hardin, <i>Tragedy of the Commons</i> http://www.sciencemag.org.ezproxy.lib.ucalgary.ca/content/162/3859/1243.fullpdf <i>United Nations Framework Convention on Climate Change</i> Excerpts from Alberta <i>Specified Gas Emitters Regulation</i></p>
<p>March 13</p>	<p><u>MID TERM #2</u> (In-Class – 1 hour)</p>	<p>Multiple Choice Exam – Part 2 – Public Law 30% of Final Grade</p>

PART 3 - PRIVATE LAW

<p><u>Week Ten</u> Mar. 15 - 17</p>	<p><u>Civil Procedure</u> Civil Procedure</p>	<p>Introduction to Private Law Excerpts from <i>Alberta Rules of Court</i></p>
<p><u>Week Eleven</u> Mar. 20 - 24</p>	<p><u>Contracts</u> Elements of a Contract Breach of Contract Remedies for Breach <i>Application:</i> Sale of Goods <i>Application:</i> Employment</p>	<p>Chapter 9 (p. 262-277) <i>Carlill v Carbolic Smoke Ball Company</i> <i>Sale of Goods Act</i> http://www.qp.alberta.ca/Laws_Online.cfm</p>
<p><u>Week Twelve</u> Mar. 27 - 31</p>	<p><u>Torts</u> Negligence, Nuisance, Assault, Defamation <i>Application:</i> Consumer Protection</p>	<p>Chapter 9 (p. 247-262) <i>Donaghue v Stevenson</i> Chapter 11 (p.324-332) The Case of <i>Dusty Flowers</i></p>
<p><u>Week Thirteen</u> April 3 - 7</p>	<p><u>Property Law</u> Real Property Personal Property Intellectual Property <i>Application:</i> Music/Video Piracy</p>	<p>Chapter 10 (p.284-297)</p>
<p><u>Week Fourteen</u> April 10 - 12</p>	<p><u>Business Law</u> Business organizations</p>	<p>Chapter 11 (318-324)</p>
<p><i>TBA</i> Registrar Scheduled</p>	<p><u>FINAL EXAM</u> (2 hours)</p>	<p><u>SECTION A</u> - Multiple Choice – <i>Part 3 – Private Law</i> 20% of Final Grade <u>SECTION B</u> – Written Component Covers entire course, but focus will be <i>Part 3</i> 20% of Final Grade</p>

Course Evaluation

Course evaluation will be based on three examinations:

Mid-Term #1 – Feb. 6, 2017 (30% of final grade). The first mid-term will cover Part 1 of the course: all material covered in class and the associated readings, up to and including the class immediately before Mid-Term #1. It will be a closed-book, multiple-choice examination, to be held in the classroom.

Mid-Term #2 – March 13, 2017 (30% of final grade). The second mid-term will cover Part 2 of the course: all material covered in class and the associated readings after Mid Term #1 up to and including the class immediately before Mid Term #2 (ie: this exam is not cumulative). It will be a closed-book, multiple-choice examination, to be held in the classroom.

Final Examination – To be scheduled by the registrar (40% of final grade). The final examination will consist of multiple choice questions and a multi-part long answer question. The multiple choice questions will cover only Part 3 of the course. The long answer question will relate to a given fact situation and will be cumulative (ie: questions may encompass material from the entire course). The final exam is closed book and will be at a time and place assigned by the Registrar during the scheduled Final Exam Period.

Examination Deferrals

Please provide **advance** notice (by e-mail to the Instructor) if you are unable to write a mid-term exam. All requests for deferral of an exam due to health reasons must be accompanied by written documentation as outlined in the University Calendar and should be obtained while the student has the health issue rather than after recovery. Deferrals may be allowed in the following circumstances: illness, domestic affliction or religious conviction. Travel arrangements, misreading the syllabus, and scheduling conflicts with other classes or employment are not valid reasons for requesting a deferral. Deferrals will not be granted if it is determined that just cause is not shown by the student.

If you have missed an exam for a legitimate reason, the instructor can require you to write a “make up” exam as close in time to the original test as possible or can choose to transfer the percentage weight to another course component. If the instructor schedules a “make up” exam for you, its date and location will be at the convenience of the Department of Sociology.

Deferred Final Exam Form: Please note that requests to defer a Registrar scheduled final exam are dealt with through the Registrar’s Office. Further information about deadlines, and where paperwork should be taken, is available on the form, which can be found at: <https://www.ucalgary.ca/registrar/student-forms>

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

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://www.ucalgary.ca/research/researchers/ethics-compliance>. This course does not involve research using human subjects.

Academic Misconduct

Please refer to the website listed below for information on University of Calgary policies on Plagiarism/Cheating/Other Academic Misconduct:

<http://www.ucalgary.ca/pubs/calendar/current/k-2-1.html>

Electronic Devices

Use of laptops and tablets is permitted during class, provided that they are **used for purposes of this course only**. The use of cell phones is **NOT** permitted during lectures. Please be sure to mute your cell phone and refrain from using it 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>

Student Representation

The 2016-17 Students' Union VP Academic is Alicia Lunz (suypaca@ucalgary.ca). The Faculty of Arts has four SU representatives who may be contacted at any of the following email addresses: arts1@ucalgary.ca, arts2@ucalgary.ca, arts3@ucalgary.ca, and arts4@ucalgary.ca. You may also wish to contact the Student Ombudsperson for help with a variety of University-related matters: <http://www.ucalgary.ca/provost/students/ombuds/role>

Emergency Evacuations

In the case of fire or other emergency evacuation of this classroom, please proceed to the assembly point at **Education Block - Food Court**. Please check these assembly point locations for all of your classes at: <http://www.ucalgary.ca/emergencyplan/assemblypoints>

Safewalk

The University of Calgary provides a "safe walk" service to any location on Campus, including the LRT, parking lots, bus zones, and campus housing. For Campus Security/Safewalk call 220-5333. Campus Security can also be contacted from any of the "Help" phones located around Campus.

Academic Accommodation

Students needing an Accommodation because of a Disability or medical condition should contact Student Accessibility Services (MC 293, phone 403-220-8237) in accordance with the Procedure for Accommodations for Students with Disabilities available at <http://ucalgary.ca/access/>. Please provide academic accommodation letters to the instructor as early in the semester as possible and no later than two weeks after the course begins.

Protection of Privacy

The Freedom of Information and Protection of Privacy (FOIPP) legislation does not allow students to retrieve any course material from public places. Anything that requires handing back will be returned directly during class or office hours. If students are unable to pick up their assignments from the instructor, they provide the instructor with a stamped, self-addressed envelope to be used for the return of the assignment.

Sociology Department

The main Sociology Department office does not deal with any course-related matters. Please speak directly to your instructor. Final grades are not posted by the Sociology Department. They are only available online.