

Law & Society 203 - 01
Introduction to Legal Knowledge
Fall, 2012
MWF 8:00 – 8:50
RM: ST 141

Instructor: Rick Nilson

Office Location: SS 1204

E-Mail: rnilson@ucalgary.ca

Office Hours: Wednesday 9:00 – 11:00

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, the historical evolution of the Canadian legal system, sources of law in Canada and the protection of our rights and freedoms.
- **Part 2** will discuss Canadian public law including, criminal law and procedure, environmental and regulatory law, aboriginal law and aspects of international public law.
- **Part 3** will cover selected topics of Canadian private law, including civil procedure, contracts, torts and property law.

Textbooks and Readings:

Jessie Horner, *Canadian Law and the Canadian Legal System* (Pearson Education Canada Ltd., 2006). 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 Blackboard for convenience.

Course Evaluation

Course evaluation will be based on three examinations:

Mid-Term #1 - (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 before Mid-Term #1. It will be a multiple-choice examination.

Mid-Term #2 - (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 before Mid Term #2 (ie: it is not cumulative). It will be a multiple-choice examination.

Final Examination – Registrar Scheduled (40% of final grade). The final examination will consist of multiple choice and long answer essay style questions. 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

The examinations may cover all assigned readings and all material covered in class. All examinations are closed-book.

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 in **advance**, as there will be class discussion on the readings.

| Schedule | Topics | Readings |
|---------------------------------|---|---|
| PART ONE | INTRODUCTION TO LAW | |
| Week 1 Sept. 10,12,14 | Legal Theory The nature and purpose of law The "Rule of Law" | Horner, Chapter 1 (pp. 2-18; 29-35); <i>The Case of the Speluncean Explorers</i> (Lon Fuller, Harvard Law Review, 1949). http://www.nullapoena.de/stud/explorers.html |
| Week 2 Sept. 17,19,21 | The Canadian Legal System Historical evolution of the Canadian legal system The Judiciary/Lawyers | Horner, Chapter 1 (pp. 19 -29); Horner, Chapter 2; Horner, Chapter 7 (pp. 238 -249) Horner, Chapter 8 (pp. 275-298; 304-319). |
| Week 3 Sept. 24,26,28 | Sources of Law Constitutional Law Legislation Common Law Basic Legal Divisions | Horner, Chapter 6 (pp 197 -214); <i>The Constitution Act, 1867</i> (Horner, Appendix A); <i>The Constitution Act, 1982</i> (Horner, Appendix C); Horner, Chapter 5; Chapter 4 (pp. 121-128; 146-153; Chapter 3 (pp. 73-81). |
| Week 4 Oct. 1,3,5 | Human Rights <i>Canadian Charter of Rights</i> Illegal Discrimination Application: Pre-Employment Drug Testing | Horner, Chapter 6 (pp. 215 -232); Horner, Appendix C (pp. 331-336); <i>Alberta Human Rights Act</i> , Sections 3-11, 37, 44 http://www.qp.alberta.ca/Laws_Online.cfm <i>Alberta (Human Rights and Citizenship Commission) v Kellogg Brown & Root</i> 2007 ABCA 426) |
| Oct. 10 | MID TERM #1 | |
| PART TWO | PUBLIC LAW | |
| Week 5 Oct. 12 | Criminal Law Criminal Offences Elements of Crimes Application : Sexual Assault | Horner, Chapter 3 (pp. 82-87) Excerpts from the <i>Criminal Code of Canada</i> Horner, Chapter 7 (263-272); |
| Week 6 Oct. 15,17,19 | Criminal Law (Cont'd) Criminal Offences Elements of Crimes Criminal Procedure Application : Illegal Drugs | Horner, Chapter 8 (299-303); <i>Controlled Drugs and Substances Act</i> (Particularly sections 4, 6, 7, 10, 11 & 12). <i>Report of the Senate Special Committee on Illegal Drugs</i> (Particularly pp. 33-54). |

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| Week 7 Oct. 22,24,26 | <u>Environmental & Regulatory Law</u> Environmental Regulations Project Approvals Offences, Prosecution & Penalties Application : Alberta's Oil Sands | Horner, Chapter 3 (pp.88-89); Chapter 7 (p.272); Chapter 8 (p. 318-319). <i>Facts about Alberta's Oil Sands;</i> Excerpts from <i>Alberta Environmental Protection and Enhancement Act;</i> |
| Week 8 Oct. 29,31 Nov. 2 | <u>Aboriginal Law</u> Aboriginal Rights Treaties Obligations of the Crown | Horner, Chapter 2 (pp. 37-41); Horner, Chapter 3 (pp. 89-91); Horner, Chapter 6, (pp. 232-233); <i>R v Sparrow</i> (Headnote); Treaty 7 |
| Week 9 Nov. 5,7 | <u>International Public Law</u> Nature of International Law Application: Climate Change | Garret Hardin, <i>Tragedy of the Commons</i> http://www.sciencemag.org/content/162/3859/1243.full.pdf United Nations Framework Convention on Climate Change – Fact Sheet <i>Alberta Specified Gas Emitters Regulation</i> |
| Nov. 9 | <u>MID TERM #2</u> | |
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| PART THREE | PRIVATE LAW | |
| Week 10 Nov. 14, 16 | <u>Civil Procedure</u> Civil Procedure | Horner Chapter 7 (pp. 254-263); |
| Week 11 Nov. 19,21,23 | <u>Contracts</u> Elements of a Contract Employment Law Application: Consumer Protection | Horner, Chapter 3 (pp. 102-104); <i>Carlill v Carbolic Smoke Ball Company</i> Horner, pp 131-136 <i>Sale of Goods Act</i> http://www.qp.alberta.ca/Laws_Online.cfm |
| Week 12 Nov. 26,28,30 | <u>Torts</u> Negligence Nuisance Application: Consumer Protection | Horner, Chapter 3 (pp. 95-101) <i>Donoghue v Stevenson</i> – Horner, pp. 137-146 |
| Week 13 Dec. 3,5,7 | <u>Property Law</u> Real Property Personal Property Intellectual Property Application: Music Piracy | Horner, Chapter 3 (pp. 92-95) |
| TBA | <u>FINAL EXAM</u> | |

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.

Internet and electronic communication device information

Laptops are allowed in class, provided that they are used for notes and access to materials only. All cell phones must be turned off during class.

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 now four Arts reps because of the amalgamation, with the email addresses being arts1@su.ucalgary.ca, arts2@su.ucalgary.ca, arts3@su.ucalgary.ca, and arts4@su.ucalgary.ca. Please contact 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 new Faculty of Arts Program Information Centre (PIC) is your information resource for everything in Arts! Drop in at SS110, 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.