

LGST 230 The Canadian Legal System

Detailed Syllabus (Rev C5)

Unit 1 – What is Law?

Learning Outcomes

After completing this unit, you should be able to:

1. Explain how law relates to morality, justice, and religion.
 2. Describe three forms of justice.
 3. Describe key theories of law including natural law theory, legal positivism, and legal realism.
 4. Explain the concept of the rule of law.
 5. Describe and give examples of the main divisions of law including substantive and procedural law, and public and private law.
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Unit 2 – Legal Systems in Canada

Learning Outcomes

After completing this unit, you should be able to:

1. Describe the origin of the British common law and some of its key characteristics.
 2. Describe the origin of the European civil law and some of its key characteristics.
 3. Explain the key difference between the common law and civil law systems.
 4. Describe two other types of legal system found today in other countries.
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Unit 3 – Courts and the Judiciary

Learning Outcomes

After completing this unit, you should be able to:

1. Explain the role of the judiciary in Canada.
2. Describe the constitutional basis and the organization of the Canadian court system.

3. Explain the doctrine of precedent and how it operates within the Canadian court system.
 4. Explain the open court principle and the principle of judicial independence.
 5. Describe the format of a law report containing the decision of a court.
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Unit 4 – Civil Liberties

Learning Outcomes

After completing this unit, you will be able to:

1. Describe the historical evolution of civil liberties and human rights in Canada.
 2. Explain how human rights are protected in the private sector by provincial and federal human rights legislation.
 3. Explain how rights and freedoms are protected by the *Charter* in relation to government action.
 4. Suggest some ideas about the future of human rights and civil liberties in Canada.
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Unit 5 – Tort and Contract Law

Learning Outcomes

After completing this unit, you should be able to:

1. Explain what is meant by private law and its relationship to other areas of law.
 2. Describe the constitutional basis of private law in Canada.
 3. Explain what is meant by the burden of proof and the standard of proof in private law claims.
 4. Describe the purposes of the law of torts, the main types of torts, some defences to tort claims, and the remedies provided by the courts in tort claims.
 5. Describe the function of the law of contract, how contracts are formed, some important types of contracts, and the remedies provided by the courts in contract disputes.
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Unit 6 – Property and Family Law

Learning Outcomes

After completing this unit, you should be able to::

1. Describe the types of property recognized by law, forms of ownership of property, and the rights associated with the different forms of ownership.
 2. Explain the rights and duties associated with ownership of land and the two different systems of land registration in Canada.
 3. Describe the steps of a real estate transaction in Canada.
 4. Describe the main laws governing marriage and divorce in Canada.
 5. Explain the role of family law concerning divorce, property, financial support, and care of children.
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Unit 7 – Business and Consumer Law

Learning Outcomes

After completing this unit, you should be able to:

1. Describe the most common legal structures for business in Canada, their advantages and disadvantages.
 2. Explain what is meant by a builders' lien.
 3. Explain the legal effect of the *Sale of Goods Acts* in Canada.
 4. Identify and describe federal legislation protecting consumers.
 5. Identify and describe provincial legislation protecting consumers.
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Unit 8 – Administrative Law

Learning Outcomes

After completing this unit, you should be able to:

1. Explain what is meant by administrative law.
 2. Describe the constitutional basis of Canadian administrative agencies and limits on their power.
 3. Describe the structures of some administrative agencies and identify some of the functions of such agencies.
 4. Describe the process of appeal from administrative decisions and the process of judicial review.
 5. Identify and describe some remedies which may be provided by the courts when challenging administrative decisions.
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Unit 9 – Criminal Law

Learning Outcomes

After completing this unit, you should be able to:

1. Explain the division of responsibility for criminal justice between the federal and provincial governments in Canada.
 2. Describe the sources of Canadian criminal law.
 3. Explain police powers to investigate crime.
 4. Identify constitutional protections in the *Charter* applicable to: criminal justice.
 5. Explain the function of the *Youth Criminal Justice Act* and describe its key provisions.
 6. Identify some issues of concern to Indigenous peoples in Canada relating to the criminal justice system.
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Unit 10 – Other Areas of Law

Learning Outcomes

After completing this unit, you should be able to:

1. Identify and describe other areas of law included in public and private law.
 2. Explain the division of law and legal practice into the categories of substantive law, procedural law, and practice norms.
 3. Identify and describe some areas of law that are mixed or “hybrid” in belonging to several different branches of law.
 4. Explain what is meant by transnational law and give some examples.
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Unit 11 – The Legal Profession

Learning Outcomes

After completing this unit, you should be able to:

1. Describe the origins and development of the Canadian legal profession.
 2. Describe the practice of law in Canada today and the different classes of practitioners.
 3. Explain the educational requirements for legal professionals.
 4. Identify and describe some of the range of careers that are law related.
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Unit 12 – Access to Justice and Law Reform

Learning Outcomes

After completing this unit, you should be able to:

1. Describe some initiatives to provide wider access to legal services.
 2. Explain how alternative dispute resolution processes function in comparison with courts.
 3. Describe some initiatives to increase public knowledge of law.
 4. Explain what is meant by law reform and identify some governmental law reform initiatives.
 5. Explain how non-governmental groups influence law reform.
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Student Evaluation

Your final grade in *Legal Studies 230: The Canadian Legal System* will be based on the grades you achieve on five written assignments and the final examination. Please note that the passing grade for the final examination is 50 per cent. To receive credit for the course, you must achieve an overall course grade of 50 per cent or better and a passing grade of 50 per cent or better on the final examination. The following chart indicates the assignments for credit, their weighting toward your final grade, the units covered by each assignment, and the week each assignment is due according to the study schedule provided in the *Course Manual*.

Assignment for Credit	Weighting	Assignment Due
Assignment 1	10% of final grade	Following completion of Unit 1; Week 2 of the suggested study schedule.
Assignment 2	10% of final grade	Following completion of Unit 4; Week 4 of the suggested study schedule.
Assignment 3	10% of final grade	Following completion of Unit 8; Week 8 of the suggested study schedule.
Assignment 4	10% of final grade	Following completion of Unit 10; Week 12 of the suggested study schedule.
Graded Quiz	10% of final grade	Following completion of Unit 12; Week 14 of the suggested study schedule.
Final Examination	50% of final grade	Following completion of all units and submission of all course assignments; Week 15 to 19 of the suggested study schedule.
Total	100%	

Assignments

Instructions for completing the Assignments will be found on the course home page. Please use the online assignment "drop boxes" to submit all assignments. Do not email your assignments; if you are unable to use the online links, contact your tutor.

Before you begin any of the assignments you should read Athabasca University's Academic Misconduct Policy, which can be found at:

<https://www.athabascau.ca/university-secretariat/documents/policy/student-academic-misconduct-policy.pdf>.

A violation of the policy will result in an automatic failure of a given paper and possibly other penalties.

Legal Studies 230 is a junior undergraduate course, but you will conduct some research for the assignments. The growth of the Internet and Internet based materials has offered new avenues for research but also new pitfalls. Tools such as Wikipedia can be useful for background information but you are not permitted to use Wikipedia as a source for the assignments in *Legal Studies 230*. The reason for this is simple. Wikipedia is not a permanent source so that what is cited today could be changed tomorrow. The same goes for other Internet sources. If you do use an internet source it must be a source that is considered a permanent link, usually in a database of one sort or another. An example would be Project Gutenberg or many of the sources found in Google Scholar or in databases that can be accessed through the Athabasca University Library online catalogue. If you are unsure about a source contact your tutor. With regard to quoting, remember, the standard rule of thumb is that you cannot quote any more than three words from a sentence or a string without attributing the source. The same goes for ideas. If you come across an interesting idea that you read somewhere you cannot take that idea and present it as your own; you must give credit for the idea. Do not confuse ideas with facts. Basic historical facts, such as that Canada's Constitution was repatriated in 1982, do not need to be cited unless there is a dispute about the fact itself. A large part of your learning at the junior undergraduate level should include the acquisition of basic critical analytical skills, which can be practiced by completing assignments like the ones in this course.

Final Examination

The examination for *Legal Studies 230* will be a three-hour closed-book examination written in person. By arrangement with the University it may be written anywhere in the world. The examination will consist of three parts. The first part is Multiple-Choice questions (50 marks). The second part is a short-answer question section in which you will write a short paragraph on six items (30 marks). Finally, the third part is a single short-essay question (20 marks). These questions will be drawn directly from the learning outcomes and the study questions or a combination of the two.

You will find it helpful to review your assignments, the unit learning outcomes, the study questions, and the reading assignments in preparation for the examination. You

will be expected to be able to synthesize information from various units in answering the examination questions.

When you feel you are ready to take the examination you may request it using the online examination request system. Please consult the section of the *Student Manual* titled "[Procedures for Applying for and Writing Examinations](#)" or the current [Athabasca University Calendar](#) for the procedures to be followed. Please note the required lead times between submission of your request and the date on which you wish to take the examination.

To receive credit for the course, you must complete all other assignments, and you must obtain a grade of 50% or better on the final examination, and an overall course grade of at least 50%. Should you obtain a grade of less than 50% on the final examination, or if you wish to improve your overall grade, you are urged to re-study the material and write a supplemental final examination. A passing grade of 50% is also required for the supplemental examination. Should you write a supplemental examination, your official score for the final examination will be the higher of the two grades received.