

LGST 230 The Canadian Legal System

Detailed Syllabus

Unit 1 – What is Law?

Overview

For a general overview of the Canadian legal system, read the Federal Department of Justice booklet "*Canada's System of Justice*." This reading introduces some general basic concepts, and will give you a framework around which you can expand and deepen your understanding as you work through the course. The second required reading is from the textbook. It begins a more in-depth exploration of the role of law in Canadian society and sets out some categories of legal theory that will help you understand different perspectives on how the law operates and is applied.

Learning Objectives

After completing this unit, you should be able to

- describe the fundamental elements of the Canadian legal system.
 - discuss the role of law in responding to social change or transformation.
 - identify and explain a theoretical framework to legal analysis.
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Unit 2 – Sources of Law and Application of Canadian Law

Overview

The readings for this unit introduce and explain the historical context of the Canadian legal system and the origin and meaning of the rule of law. The unit also describes the difference between divisions of law, and it explains why the Province of Quebec has a different legal system than the other provinces. The readings outline the powers of parliament and legislatures to enact statutes and of judges to interpret legislation in making decisions. The basic rules about statutory interpretation are also introduced and explained.

Learning Objectives

After completing this unit, you should be able to

1. describe the principles of Canada's legal system, including
 - the rule of law,
 - the common law tradition,
 - Quebec's civil law system and
 - divisions of law.
 2. discuss the role of precedent in judicial decision-making.
 3. explain some of the rules and principles used by judges to interpret and apply statutes and legislation.
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Unit 3 – Canadian Constitutional Law

Overview

This unit reviews the historical development of Canada's constitution and explains why it is important to understand its main elements. The unit goes on to discuss the division of legislative powers between federal and provincial governments and highlights the role of First Nations in the constitution.

Learning Objectives

After completing this unit, you should be able to

- describe the history of Canada's Constitution.
 - explain the role the Constitution plays in the Canadian legal system.
 - describe the division of federal and provincial powers under Canada's Constitution.
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Unit 4 – Rights and Freedoms in Canada

Overview

Unit Four is about rights and freedoms in Canada at the federal, provincial and international levels. The unit reviews the specific provisions of the *Charter of Rights and*

Freedoms and gives some examples of how those rights have been applied by the courts. The unit then takes a look at human rights protection in the international and provincial context.

Learning Objectives

After completing this unit, you will be able to

- describe the purpose of the *Canadian Charter of Rights and Freedoms*.
 - apply the provisions of the *Canadian Charter of Rights and Freedoms*.
 - identify other sources of human rights legislation.
 - discuss the role of human rights within the Canadian legal system.
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Unit 5 – The Canadian Court System

Overview

This unit discusses the structure of the court system in Canada. The importance of precedent and the role of the appellate courts are outlined, and essential elements of the legal system, including its adversarial nature and the role of juries, are explained.

Learning Objectives

After completing this unit, you should be able to

- outline the structure of the Canadian court system.
 - describe the essential characteristics of Canadian courts.
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Unit 6 – Judges and Lawyers

Overview

This unit focuses on the roles played by the key actors in the judicial system – judges and lawyers. The role of judges in the legal system is discussed, including how they are

appointed and disciplined, and the importance of their independence is analyzed. The second half of the unit describes the role, education and governance of the legal profession.

Learning Objectives

After completing this unit, you should be able to

- describe the role of judges in the legal system.
 - explain why judicial independence is important.
 - outline how lawyers are educated and governed.
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Unit 7 - Resolving Disputes outside the Court Room

Overview

When you started this course, you might have been under the impression that the courtroom is the focal point of the legal system. The reality is that most cases are not resolved in court - either a settlement is reached before a court trial or an administrative tribunal makes a decision. Most of the discussion so far in this course has been about the making of laws and their interpretation through traditional courtroom-based mechanisms. This unit describes some ways that disputes are resolved and rights are protected outside the courtroom. The two main sections of this unit are the role and function of administrative tribunals, and alternative dispute resolution.

Learning Objectives

After completing this unit, you should be able to

- discuss the role of administrative tribunals in the Canadian legal system.
 - identify the circumstances in which a decision made by an administrative tribunal may be reviewed by the courts.
 - describe the role played by various alternative dispute mechanisms in the Canadian legal system.
 - explain the advantages and disadvantages of the main alternative dispute resolution models.
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Unit 8 – Future Trends in the Canadian Legal System

Overview

As discussed in Unit One, the legal system faces the constant challenge of keeping up with, and attempting to lead, political and social change. Although the list of emerging issues is almost limitless, this unit focuses on three specific issues. Access to justice is a fundamental element of a democratic society, and this unit discusses some of the ongoing barriers to access. Over the last twenty years, technology has posed a significant challenge to existing legal structures; this unit outlines some of the ways in which technology has made an impact and raises some issues that remain unresolved. Finally, this unit explores the concept of restorative justice as an alternative to traditional criminal law proceedings.

Learning Objectives

After completing this unit, you should be able to

1. identify future trends in Canada's legal system.
2. discuss the future implications of:
 - access to justice,
 - technology and the legal system, and
 - restorative justice.

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 this *Course Manual*.

Assignment for Credit	Weighting	Assignment Due
Assignment 1	10% of final grade	Following completion of Unit One; Week 2 of the suggested study schedule.
Assignment 2	10% of final grade	Following completion of Unit Two; Week 4 of the suggested study

		schedule.
Assignment 3	10% of final grade	Following completion of Unit Four; Week 8 of the suggested study schedule.
Assignment 4	10% of final grade	Following completion of Unit Six; Week 12 of the suggested study schedule.
Assignment 5	10% of final grade	Following completion of Unit Seven; 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 14 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: <http://www.athabascau.ca/policy/registry/academicmisconductpolicy.htm>.

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 four parts. The first part is True or False questions (10 marks) and the second is Multiple-

Choice questions (also 10 marks). There will be a short-answer question section in which you will write a short paragraph on five items (20 marks). Finally, there is a single short-essay question based upon Unit 8 of the course (10 marks). These questions will be drawn directly from the learning objectives and the study questions or a combination of the two.

You will find it helpful to review your assignments, the unit learning objectives, 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.