

Criminal Justice: The Individual and the State

(Section C, Small Group)

COURSE SYLLABUS

September 2009

Professor Williams-Lorde

Office: Room W324
Office Hours: Tuesdays, 3:00 to 4:30 p.m. or by appointment
Office Phone: 494-1542
E-mail address: michelle.williams-lorde@dal.ca
Class Hours:

Fall/Winter Term

Tuesdays 10:30-12:00 p.m. (Rm. L406)
Thursdays 10:30-12:00 p.m. (Rm. L406)

A. Course Description

Criminal Justice: The Individual and the State will examine the balance between state interests and those of the individual within the criminal law context. The legal rights provisions of the *Charter of Rights and Freedoms*, selected topics in criminal procedure and sentencing, and the principles of the substantive criminal law will be the main focus of the class. The latter concentrates on elements of offences, justifications, excuses, non-exculpatory defences, inchoate crimes and secondary liability for offences (Law School Calendar).

The objective is to provide a basic knowledge of substantive criminal law and an understanding of the purposes, sources and value choices underlying various aspects of criminal law and procedure. A combination of lecture, discussion, case method and problem analysis will be used throughout the course. Students are encouraged to develop their own critical assessment of the role that criminal law plays in mediating contemporary social issues and to consider how perspectives shaped by gender, class, culture and race may influence the criminal justice system.

B. The Course Plan

The year will take us through what you will find as the common table of contents to all three volumes of the material entitled *Criminal Justice: The Individual and the State - Cases and Materials (2009-2010 Edition)* prepared by Professors Archibald, Aylward, Martin & Williams-Lorde. The Table of Contents provides the intellectual framework for the course in schematic form.

C. Materials

1. Required Materials:

The following materials, along with your personal notes, can be taken into the examination room with you:

- (a) Archibald, Aylward, Martin & Williams-Lorde, *Criminal Justice: The Individual and the State-Cases and Materials* (2009-2010) Dalhousie University, Halifax - Available at the University Bookstore. (Obtain Vol. 1, The Constitutional, Procedural and Policy Framework for the Criminal Law, immediately).
- (b) *Carswell Pocket Criminal Code* (2010), Thompson Publishing Toronto - Available at the University Bookstore. (Obtain immediately)
- (c) Handouts – Occasionally supplementary materials will be handed out in class. Any cases or materials to be added or omitted will be announced in class, or by posted notice that supplementary “handouts” are to be obtained from the “Materials Room” (Room 113) on the ground floor of the Weldon Law Building. These will usually be recently decided cases, new statutory provisions, reform proposals, background material, etc.

2. Recommended Materials:

These materials will provide helpful background reading but are not permitted in the examination room.

- (a) Manning, Mewett & Sankoff, *Criminal Law*, 4th ed., (Toronto: Butterworths, 2009).
- (b) Don Stuart, *Canadian Criminal Law: A Treatise*, 5th ed., (Toronto: Carswell/Thompson Publishing, 2007).
- (c) Kent Roach, *Essentials of Canadian Criminal Law*, 4th ed., (Toronto: Irwin Law Inc., 2008).
- (d) *Annotated Criminal Codes*
There are a number of annotated criminal codes widely used by criminal law practitioners that are on reserve in the Law Library. “Martin’s” and “Tremear’s” are available in the University Bookstore.

D. Teaching Method

Teaching is by way of lecture, small group work, discussion of assigned reading materials, and by analysis of periodic review problems. Please read the assigned materials in advance and attend classes regularly (attendance will be taken).

E. Evaluation

1. Fall Term

(a) Written Assignment – 15%

The assignment will consist of a hypothetical problem or an essay type question and will be a “take home” assignment distributed on October 30th and returned on November 3, 2009.

Plagiarism:

All students in this course must read:

- the University policies on plagiarism and academic honesty referenced in the Policies and Student Resources sections of the plagiarism.dal.ca website, and
- the Law School policy on plagiarism, as set out in
 - the law school regulations (available in hard copy from the Associate Dean’s office and online at http://law.dal.ca/Current_Students) or
 - the First Year Handbook (provided to all first year students and available from Assistant Dean’s Office).

Any paper or assignment submitted by a student at Dalhousie Law School may be checked for originality to confirm that the student has not plagiarized from other sources. Plagiarism is considered a serious academic offence which may lead to loss of credit, suspension or expulsion from the law school, or even revocation of a degree. It is essential that there be correct attribution of authorities from which facts and opinions have been derived. Prior to submitting any paper or other assignment, students should read and familiarize themselves with the policies referred to above.

Ignorance of the policies on plagiarism will not excuse any violation of those policies.

(b) Mid-Year Examination (open-book)

The mid-year exam is tentatively scheduled for Wednesday, December 18th, 2009 at 2:00 p.m. This exam is “failsafe”, which means that it will only count (as 30% of the final exam component of your grade, i.e. 15% of your total grade) if this improves your final examination grade.

2. Winter Term

(c) Oral Advocacy Exercise (Moot) – 25%

Every first year student is required to take part in a moot (a mock appeal) as part of their small group during the winter term. We will work out the timing of the moots in class early in the year.

(d) Final Examination – 50% (open-book)

The final examination is tentatively scheduled for April 5th, 2010 at 2:00 p.m. The final exam grade is subject to improvement by your mid-year exam result. That is, if your final exam grade is higher than your mid-year exam, your final exam grade will comprise the entire 50% of your overall mark. If, however, your mid-year exam is higher than your final exam grade, the mid-year mark will count for 30% of the exam portion (15% of your total mark).

(e) Class Participation/Attendance – 10% (Fall/Winter terms)

You are expected to do the readings for each week, and come to class prepared to discuss them. Attendance will be taken at the beginning of each class and will form part of your class participation mark.

F. Grading Scheme

In accordance with Law School requirements, the marks for this course are expected to correspond to a Bell Curve. More details on the curve can be found in the 2009-10 Law School Calendar. The grading scheme and numerical and letter grade equivalents used at the LL.B. level in the Faculty of Law (which differ from those used elsewhere in the University) are found on p. 46 of the 2009-2010 Calendar for the Faculty of Law.

The following new grading scheme was approved at the March 11, 2005 Faculty Council meeting:

A	10-20%	(unchanged)
B	40-60%	
A+B	60-75%	
C	15-25%	
D	0-15%	
F	0-5%	(unchanged)

The overall marks in the course may be affected by the Law Faculty's "Permissible Grade Distribution" also described on page 46 of the Law School Calendar.

G. Students with Special Needs/Requests for Accommodation

Professor Pothier is the faculty advisor to students with disabilities. Students wishing to discuss in-class accommodation or in-class study assistance needs should see Professor Pothier.

Students seeking special accommodation with regard to any aspect of course evaluation (including exam deferrals and extensions to deadlines) must make an application to the Studies Committee. Academic regulations require such requests to be made as soon possible and, in any event, no later than the date on which the exam is to be written or the paper or other assignment is to be submitted. Students should contact Associate Dean Michael Deturbide or Assistant Dean Elizabeth Hughes for more information about requests for accommodation and about the Studies Committee process.

H. Pandemic H1N1 Influenza Advisory in relation to Academic Continuity

In the event of an escalation of the pandemic H1N1 influenza virus, the University may need to authorize Academic Units to change elements of class schedules and/or evaluation plans as outlined in course syllabi. Any change is intended to support the primary goal of reducing the risk of spreading a pandemic influenza among students, faculty and staff.

Although it is difficult to predict the severity of the pandemic, the University is committed to minimizing the impact on student's academic progress. Therefore, every effort will be made to provide students with options for continued learning and for continued fair evaluations.

Changes may include but are not limited to:

- Adjustments to course assignments;
- Changes to the dates of exams;
- Arrangements for alternative evaluations for students affected by H1N1 influenza virus;
- Adjustments to work terms;
- Modification of marks awarded for participation;
- Adjustments to attendance policies.

Any alternative plan made in individual courses may be superseded by University-wide or Government measures to reduce the spread of the pandemic H1N1 influenza virus.

Please do not hesitate to contact me at any time with questions or concerns. I look forward to working with you this year.

Prof. Williams-Lorde