

Criminal Law Problems

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Laws 2045
Fall 2011
Room 308

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Fall Term: Thursday, 5:30pm-7:30pm*

* **Note:** It is anticipated that class will not be held on Thursday September 22, October 27 and November 10, 2011 (Reading day). To make up for this lost time, classes will be held from 5:30pm-8:30pm on October 13 and 20 and November 3 and 17. Please speak with the instructor if this presents difficulties.

Course Objectives

Criminal law attempts to achieve a finely weighted balance between various pressing and often conflicting objectives. While this tension is present in many areas of law, it is arguable that it is most apparent in criminal law. This course will challenge students to critically explore criminal law and will focus on recent developments in criminal procedure, substantive criminal law and evidence. It will pursue the extent to which we have departed from traditional and orthodox views about the way in which the system is supposed to work, and whether those departures are improvements or not.

Teaching Method

This is a small group seminar course and relies heavily upon group discussion and student participation. Students are expected to come to class having read the materials and must be prepared to engage actively in class discussions.

This course will begin with a series of instructor-led seminars examining some of the broader issues in criminal law including how the rule of law is being advanced (or not) in criminal law, the role of morality in criminal law, the flexibility of “elements of the offences”, defining and shaping police powers, *etc.* As will be discussed, such broader issues typically find some relevance in all specific issues in criminal law.

The remainder of the course will focus upon specific issues in criminal law. These topics will be the focus of the student-chosen paper topics.

Evaluation

Evaluation in this course is based on the following components:

(a)	Major Paper	60%
(b)	Participation	40%
	(i) Class Presentation	20%
	(ii) Reaction Papers (2)	10%
	(iii) In Class Participation	10%

(a) Major Paper - 60%

The paper must be a minimum of 25 pages long, in accordance with the requirements for a major paper course. Students are heavily encouraged to keep their paper within the 25-30 page range. A focused and concisely written paper is the aim. Please speak with the Instructor if you feel your topic cannot be covered within that range.

The papers will be due by 4:00pm on Tuesday December 6th, 2011. The paper will be worth 60% and will be evaluated according to the criteria for major papers set out in the Calendar.

Major papers must be submitted in hard copy. Students should hand papers in to the reception desk and ensure they are date and time stamped. Please note students are also required to provide an identical electronic copy of their paper to the instructor by email by the due date and time.

(b) Class Participation - [Total of 40%]

Informed class participation is essential to this course and 40% of each student's grade will be accounted for on this basis. The goal is for each student to bring thoughtful and meaningful contributions as a means of assisting their own education and that of their fellow classmates. A student's mark for class participation will be accounted for by the following sub-categories: (i) Class Presentation; (ii) Reaction Papers and (iii) In Class Participation

(i) Class Presentations - 20%

Each student will do a class presentation, totaling approximately 50-55 minutes. The presentation should include the student speaking for approximately 20-25 minutes with the balance of the presentation consisting of class discussion. Your presentation should, to the extent possible, focus upon and explore the issue(s)/thesis you intend to examine in your major paper.

Each student must prepare materials for distribution in class one week ahead which will leave your fellow students sufficiently informed about the issue in question to be able to form some preliminary thoughts. These readings can be excerpts from a series of cases, a single case, an article, something you have written yourself to introduce the subject matter, or a combination of those. The readings should be no more than the equivalent of 20 legal size pages, and they could be shorter if that is sufficient to inform people and spark discussion.

(ii) Reaction Papers (2) - 10%

Each student is required to complete two short reaction papers relating to any of the assigned readings. These papers are expected to be between a half page and a full page, singled spaced and type-written. The reaction papers must be emailed to the Instructor no later than 24 hours before the class to which they relate.

(iii) Class Participation - 10%

Students are expected to contribute to this course. Please note that regular attendance alone will not result in more than a bare pass for the class participation portion of the grade. Quantity of contributions is not as important as quality of contributions.

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 <http://academicintegrity.dal.ca/> website, and the Law School policy on plagiarism, as set out in the law school regulations, available online at http://law.dal.ca/Current_Students/Course_Selection_Materials/Regulations_Handbook/index.php

Any paper or assignment submitted by a student at the Schulich School of Law 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 and should consult with the instructor if they have any questions. Ignorance of the policies on plagiarism will not excuse any violation of those policies.

Students with Special Needs/Requests for Accommodation

Requests for special accommodation for reasons such as illness, injury or personal circumstances will require an application to the Law School Studies Committee. Such requests must be made to Associate Dean Michael Deturbide or Assistant Dean Elizabeth Hughes as soon as possible, before a scheduled exam or a deadline for an assignment. Retroactive accommodation will not be provided. Please note that individual professors cannot entertain accommodation requests. Students wishing to discuss arrangements for classroom assistance, such as note-taking, should see Professor Jennifer Llewellyn, the law faculty advisor to students with disabilities.

Students may request accommodation as a result of barriers related to disability, religious obligation, or any characteristic under the Nova Scotia Human Rights Act. These requests must be made to the Office of Student Accessibility & Accommodation (OSAA) prior to or at the outset of each academic term. Please see <http://www.studentaccessibility.dal.ca> for more information and to obtain Form A - Request for Accommodation. Students may also contact the Office of Student Accessibility & Accommodation directly at 494-2836, or they may contact Associate Dean Michael Deturbide or Assistant Dean Elizabeth Hughes for more information.