

CRIMINAL JUSTICE:
THE INDIVIDUAL AND THE STATE
(LAWS 1001X/Y)

Section B, small group 2018/2019 (Section 1)

6 Credits

Professor Jonathan Shapiro

Office: Weldon 420

Office Telephone: 494-4294

Email: jshapiro@dal.ca

Office Hours: Monday 3:00 – 5:00pm/Wednesday 3:00 – 4:00pm or by appointment

1. Class Place and Time

Fall:

Tuesdays 9:30 – 10:50am, Room 308; Wednesdays 10:00 – 11:20am, Room 309

Winter:

Tuesdays and Thursdays, 9:30am – 10:50am, Room 308 (T), Room 309 (Th)

2. Course Description

This course will examine the role criminal law plays in society, and the impact it has on the lives of individuals. It will examine the sources of criminal law, including statutes, judge-made law and the *Charter*. The major focus will be on substantive criminal law and the principles surrounding liability for criminal offences, but there will be some discussion of aspects of criminal procedure. Ultimately, the aim is to allow you to examine criminal law with a critical eye, but the primary goal is to allow you to become knowledgeable enough to make informed criticisms. For a further breakdown of the material covered in the course and the order in which it is taught, refer to the Overview of the Course, which is posted as a separate document on the class Brightspace site.

3. Course Materials

Required materials:

The casebook for this course is *Learning Canadian Criminal Law* (14th ed.) which is available in the bookstore. You **must** be sure you obtain a 14th edition. You are also required to obtain a Pocket Criminal Code – you will need the **2019** edition. This is also available at the bookstore.

Some of the materials for this course, including handouts, assignments, and a discussion forum,

are available on-line through Dalhousie's on-line course management software (often referred to as Brightspace, D2L or OWL). If you have any questions regarding on-line course materials please contact Geordie Lounsbury in the Information Media Center.

Suggested Materials

Books about criminal law which you might find useful include Don Stuart, *Canadian Criminal Law* or Kent Roach, *Criminal Law*. Both books discuss many of the cases that we will be studying, but deal with the general concepts rather than looking at each case in detail. The Stuart book is more comprehensive but many students find Roach more accessible. In addition, several Annotated Criminal Codes are available, either at the bookstore or on reserve in the library. These Annotated Codes provide brief descriptions of cases decided relative to individual sections of the *Criminal Code*.

4. Evaluation

This is a small-group course, which means it is a “non-exam” course, evaluated on the basis of written assignments and classroom participation. The breakdown of the marking components and a brief description of them is as follows:

(a) **Fall Writing Assignment** – 20%

This assignment will consist of a hypothetical problem, an essay question or a combination, and will be a “take home” assignment. It will be distributed on October 26, 2018 and will be due on October 29, 2018. The assignment has a maximum length of 2000 words.

(b) **Moot** – 30% combined (factum 20%, oral argument 10%)

Every first year student is required to take part in a moot (a mock appeal) as part of the small group class. It requires the preparation of a factum (which is a written argument) worth 20% and the presentation of an oral argument worth 10%. The factum problem will be distributed on January 17, 2019 and the factums themselves will be due February 1, 2019. The oral advocacy exercise will be held the week of February 11, 2019, with specific dates and times to be determined.

(c) **Major Final Assignment** – 40%

The major writing assignment consists of a hypothetical problem, legal memorandum, paper, or some combination of these. It may or may not contain an independent research component. It will be assigned on March 19, 2019 and will be due on April 4, 2019. It will have a maximum length of 4250 words.

(d) **Participation** – 10%

Participation is a marked component of the course, and attendance may be taken. You are expected to do the readings and to come to the class prepared to discuss them, and, in addition to being required, we will have a much more interesting year together if you do. Sometimes our class discussions will aim at detailed analysis of each case which was assigned: on other occasions the readings will be used only as background for a discussion of more general principles.

A Note about Evaluation Methods:

Because this course is evaluated by written assignments, you will have the opportunity to develop legal writing skills that you will not have in many other courses. I will be including feedback and providing marks based on *both* the content of your written work *and* the quality of your legal writing. If any assignment involves a research component, I will also be providing marks based on the quality of your independent research.

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 law school regulations: <http://www.dal.ca/faculty/law/current-students/academic-regulations.html>.

5. 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 (for example, for assignment extensions) must be made to Associate Dean Academic Michael Deturbide or the Director of Student Services and Engagement Dana-Lyn Mackenzie 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 may request accommodation for either classroom participation or the writing of tests and exams due to barriers related to disability, religious obligation, or any characteristic under the Nova Scotia *Human Rights Act*. Students who require such accommodation must make their request to the Advising and Access Services Center (AASC at the outset of the regular academic year. Please visit www.dal.ca/access for more information and to obtain the Request for Accommodation – Form A. Students may also contact the Advising and Access Services Centre directly at 494-2836.

6. 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://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>.

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.