

## **COURSE OUTLINE**

### **LAWS 1003 FUNDAMENTALS OF PUBLIC LAW 2018-19 SECTION B**

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#### **COURSE DESCRIPTION, OBJECTIVES AND MAJOR CONCEPTS**

*Part I – Fall 2018* Fundamentals of Public Law provides students with an understanding of the constitutional and administrative structures of Canadian law and government. An emphasis is placed on developing the skills required of lawyers whose public law work may range from appearances before administrative tribunals, to giving advice on the formulation and articulation of policy. Primary among the emphasized skills is the ability to work with and interpret constitutional, statutory and regulatory texts. A perspective on the administrative model of decision making will also be developed. As a necessary background for the development of these skills and for the general study of law, this course introduces students to the Canadian governmental and constitutional system.

*Part II – Winter 2019* Students will explore the legislative process, statutory interpretation, and the administrative system using human rights legislation as a model. Further, students will develop an understanding of the analytical framework of the Canadian Charter of Rights and Freedoms, through the study of the interpretation and development of equality rights.

#### **COURSE OBJECTIVES**

**Part I – Fundamentals of Public Law**, the course objectives of this part of the course are intended to enable students to:

- Understand the scope of the term "public law", and the principles of public law;
- Appreciate the nature of the Canadian constitutional state and its institutions (federalism/division of powers, the branches of government, i.e. legislative, executive, administrative and judicial);
- Recognize the importance of constitutional, statutory and regulatory sources of public law and how they relate to one another;
- Engage with general principles and practice techniques of statutory interpretation;

**Part II – Protection of Human Rights**, the course objectives of this part of the course are intended to enable students to:

- Understand concepts of discrimination and social inequality
- Appreciate the role and functions of independent administrative agencies
- Understand how the administration of human rights law impacts its substantive outcomes
- Recognize the principles of applicability of the Canadian Charter of Rights and Freedoms
- Engage with the framework of interpretation of sections 15 and 1 of the Charter on issues of equality

## **COURSE ADMINISTRATION**

Course requirements, procedures and schedules are detailed in two documents:

1. **Course Outline:** detailing the policies, procedures, materials and evaluation for the course (the document you are currently reading which is a supplement to the original given in September), and

2. **Course Reading List:** detailing the meeting dates and reading schedule (to be posted on the course website). The schedule document may be amended as necessary throughout the term(s). Notice of amendments will be provided in class and through the web-based course page (Brightspace).

## **CLASSES**

Two 1½ hour classes per week (minus holidays) for approximately 12 weeks in the fall term and 9 weeks in the winter term.

**Fall term: Tuesdays 11:00pm – 12:20 pm (rm 305) and Thursdays 1:30am-2:50 (rm 305)**

**Winter term: Mondays 3:00pm – 4:20pm (rm 104) and Wednesdays 12:30pm-1:50pm (rm 105)**

## **COURSE MATERIALS**

**Part I – Fundamental of Public Law:** All readings from C. Forcese et al., *Public Law – Cases, Commentary, and Analysis*, Emond Montgomery Publications, 2015 unless indicated otherwise on BrightSpace.

**Part II – Protection of Human Rights: *Fundamentals of Public Law - Course Materials*** to be posted (in pdf format) on the Brightspace course page.

## EVALUATION

**Sit-down examination component** (70% of the final grade in the course):

1. **Mid-term examination in December** to count as 30% of the sit-down examination mark if to the student's benefit. *This will be a closed-book examination. It is scheduled for [t.b.c.].*
2. **Final examination in the Spring** to count as 100% of the sit-down exam grade unless the December exam mark is higher, in which case the December exam counts for 30% of the sit-down exam grade and the April exam 70% of the sit-down exam grade.

*This will be a closed-book examination. It is scheduled for [t.b.c.].*

All examinations will be written on computer. Further information will be sent to students from the Associate Dean's office. Rules governing exams are listed in the *Academic Calendar*.

## STUDENT REQUESTS FOR ACCOMMODATION

Requests for special accommodation for reasons such as illness, injury or family emergency will require an application to the Law School Studies Committee. Such requests (for example, for assignment extensions) must be made to Associate Dean Professor Michael Deturbide or Ms. Dana-Lyn Mackenzie, Director of Student Services, as soon as possible, before a scheduled exam or a deadline for an assignment, and will generally require medical documentation. 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](http://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.

## 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, 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.

### **INCLUSIVITY**

Dalhousie University is committed to a welcoming and respectful working and learning environment that is free from harassment and discrimination. We encourage open dialogue, however members of the class are expected to refrain from speaking or behaving in ways that are harmful to others, through racism, homophobia, sexism, or other derogatory treatment based on characteristics protected under the Nova Scotia *Human Rights Act*. Please do not hesitate to speak with me if you have questions or concerns, or see [www.dalrespect.dal.ca](http://www.dalrespect.dal.ca) for further information on resources and supports.