

**LAWS 2295 – Criminal Appeals Practice  
Winter 2019**

**Instructors: Lee Seshagiri & Rob Currie**

Thursdays, 4:30 – 7:20 pm  
Room L305  
Office Hours: By Appointment

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**Course Description**

This course will provide students with a broad overview of criminal appellate practice. Legal principles and practical skills will be enhanced via lectures, mock case materials preparation, in-class exercises and a mock appellate moot. Topics potentially covered include: appellate litigation strategy; seeking leave to appeal; bail pending appeal; summary conviction appeals and questions on forum; appeals to the Supreme Court of Canada; intervenors and the public interest; appellate reasons and judicial decision-making; and self-represented litigants/access to justice on appeal. Students are expected to have—and will further develop—strong legal research and writing skills and proficiency in criminal and evidence law.

**Required Texts**

There will be regular required readings for each class. However, most of it will be online and/or posted the Brightspace page for the course. Occasionally you will read portions of Mark Halfyard et al, *Criminal Appeals: A Practitioner's Handbook*, which is on reserve at the library. The major document is the trial transcript, which we will be using all through the term. A pdf version is posted on Brightspace, and if you wish to obtain a printed hard copy you may do so by contacting Geordie Lounsbury in the Print Centre (price is \$25 in cash). Of course, you may print it yourself in whatever manner you wish.

The course schedule and reading list will be posted on Brightspace and updated as needed. The readings for each class will be posted by Friday of the preceding week, at the latest.

## Evaluation

1. Merit Assessment Memo: *R. v. Farmer*
  - Worth 25% of overall mark
  - Assigned January 10, 2019, due February 14, 2019 (in class, hard copy)
  
2. Research Assignment
  - Worth 5% of the overall mark
  - Assigned on January 24, 2019, due January 31, 2019 (in class, hard copy)
  
3. Bail Pending Appeal Assignment
  - Worth 10% of overall mark
  - Assigned on February 28, 2019, due March 7, 2019 (in class, hard copy)
  
4. Factum: *R. v. Farmer*
  - Worth 25% of overall mark
  - Assigned on March 7, 2019, due March 28, 2019 (by email to instructors)
  
5. Oral Argument: *R. v. Farmer*
  - Worth 25% of overall mark
  - You will make oral argument in this case twice: during class time on April 4, 2019, with the instructors acting as judges; and during the week of April 8-12, 2019, before a panel of the Nova Scotia Court of Appeal
  
6. Class Participation
  - Worth 10% of overall mark
  - Evaluated on active participation in class discussion and activities
  - Note: attendance is mandatory and you do not receive participation marks for attendance, though you will be penalized for non-attendance unless it is cleared with the instructors in advance.

## **Administrative Notes**

### **(1) Communication with Instructors**

We will typically communicate with you using the email function in the **Brightspace** site for the course, which means that email from us will come to your dal.ca addresses. The subject line will always begin “Criminal Appeals” in order to flag that it is a note from me. The best way to reach us is by email ([lee.seshagiri@nslegalaid.ca](mailto:lee.seshagiri@nslegalaid.ca), [robert.currie@dal.ca](mailto:robert.currie@dal.ca)), and we can book in-office appointments as required.

### **(2) 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, 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, and will generally require 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 (902) 494-2836.

### **(3) Submission of Major Papers and Assignments**

Major papers and assignments must be submitted in hard copy. Students should hand papers in to the place stipulated by the instructor and ensure they are date and time stamped. Please read the law school policy on late penalties: <https://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>

Please note students may also be required to provide an identical electronic copy of their paper to the instructor by the due date. Papers may be submitted by the instructor to a text-matching software service to check for originality. Students wishing to choose an alternative method of checking the authenticity of their work

must indicate to the instructor, by no later than the add/drop date of the course, which one of the following alternative methods they choose:

- a) submit copies of multiple drafts demonstrating development of their work
- b) submit copies of sources
- c) submit an annotated bibliography

#### **(4) Plagiarism**

All students must read the University policies on plagiarism and academic honesty <http://academicintegrity.dal.ca/> and the Law School policy on plagiarism <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.

#### **(5) Care Obligations**

If you have an unexpected care obligation during one of our classes (an example might be the impossibility of finding childcare on a school P.D. day), you are most welcome to bring the person under your care with you to class. This is also true for office appointments.