

University of British Columbia
LASO 204: Introduction to Law and Society
SESSION FALL 2016

INSTRUCTOR: Dr Mark Harris
PHONE: 6048271583
EMAIL: markharr@mail.ubc.ca
OFFICE HOURS: Tuesday 5 -6 & Thursday 11 -12
OFFICE: Room 133 Jack Bell Building

LECTURES: Tues & Thursday 3.30 – 4.30 ANG 098

DISCUSSIONS:

COURSE DESCRIPTION

Law seems to be everywhere; it regulates, controls, enables, prohibits, determines, projects and shapes our lives in countless ways. This course is intended to introduce students to ideas, concepts and frameworks for thinking about the nature of law and legal processes in a global and historical – as well as a Canadian – context. We examine the connections and relationships of law and society using an interdisciplinary approach that draws from scholarship in law, sociology, history, anthropology and political science. The course considers the locus and nature of legal authority, the purpose of law in society, why people should or do obey the law, the relationship of law to morality and between law and society.

This course is required to complete the Law and Society Minor in the Faculty of Arts.

Course Learning Objectives

The learning objectives define the overall goals of study in this subject.

On successful completion of this subject students are expected to:

1. Have an understanding of the mechanisms of the legal system and how the law operates in society
2. Apply appropriate written and oral communication skills in their assessment tasks
3. Apply team-work skills in a small group setting.
4. Think reflectively about the social and ethical issues that are relevant for contemporary Canadian society.

CLASS POLICIES

1. ATTENDANCE AND OTHER REQUIREMENTS

Students are expected to attend ALL lecture and discussion meetings and be prepared to discuss or comment on the readings. Students who do not attend class will have serious difficulty in doing well in the course.

We accommodate students with disabilities who have registered with Access and Diversity as well as those students whose religious obligations conflict with the course schedule and requirements. Please let us know in advance, preferably in the first week of class, if you require any accommodation on these grounds.

Whatever the reason for an excused or unexcused absence it is the student's responsibility to submit assignments on time, contact the instructor about work missed and understand the material. Missed exams may be made up at a time set by the instructor. Papers may be submitted after class on the due date for diminishing credit: 5% if submitted after class on the due date, another 5% if submitted the next week day and 5% for each additional weekday after the due date. No paper is accepted after one week without prior accommodation granted.

You should check on the dates for last day change or registration or without a W on your transcript and also the date to withdraw with an W instead of an F on your transcript.

2. COURSE WORK & READINGS

After the first week it is assumed you have read all the required assignments before that week's meeting.

All handouts will be made available during the term on CONNECT. Some reading selections will be made available on line. The prescribed text is Larsen, N & Burtch, B *Law in Society: Canadian Readings*, 2010.

3. EXAMS AND GRADING POLICY

Evaluation in this course is by way of an overall participation mark in the discussion group for each student, a mid-term quiz, a prepared case brief and the final exam.

3.1 Participation Mark

Each student will given a mark for their participation in the class which will be worth ten percent (10%) of the total mark. This mark will comprise a component for both attendance **and** participation. Students will lose .5 of a mark for each class missed without a valid reason being provided to the tutorial leader. It is not sufficient to simply attend without contributing to discussion and debate if you want to receive a good mark for participation.

3.2 The Case Brief and Presentation

The case brief and presentation is worth 20% of the total marks for LASO 204.

The exercise involves students working in groups to "brief" a legal case and to present the case orally to the tutorial group. The tutorial leader will allocate students with the legal decision to be

briefed, and the week in which the presentation is to be made to the class, in the first tutorial. If you miss the first tutorial, it is YOUR responsibility to contact your tutorial leader and have a case assigned to you.

Each group of students will be required to submit one typed, case brief of no more than 250 words to their tutorial leader at the time of their oral presentation.

The oral presentation should be no longer than fifteen minutes in total. Presentations that are over, or significantly under the time limit will be penalised. The purpose of the presentation is for students to develop their oral communication skills. Students should NOT read their case brief, but aim to inform their tutorial group of the essence of their case and its interesting/important aspects. Students may divide the presentation between themselves as they see fit. Students are encouraged to use one of the following formats of presentation or to develop one of their own:

- Quiz
- Role play
- Debate
- Mock trial
- Media interview

As this piece of assessment is designed to develop and encourage teamwork skills, each student is required to share an equal load of the work involved in the assignment, and each student in the group will receive the same mark. Students are required to discuss and resolve any issues arising within the group before the date of their presentation. If a student fails to participate equitably in the assignment, that student will not be considered part of the group and will receive zero (0) marks for the assessment.

The rules relating to extensions and special arrangements apply to this assessment. Students who fail to present their case brief at the tutorial date assigned them by their tutorial leader will be penalised according to school policy, unless they have previously been granted a different arrangement by their tutorial leader.

Presentations will commence in week eight, with one case being presented in each tutorial group. In order to ensure equal treatment of students, grades for case briefs and presentations will not be handed back to students until presentations for the entire cohort are completed.

3.3 The mid term examination

The examination will comprise of two hours of writing time, and is worth thirty percent (30%) of the total marks in LASO 204. The examination in this subject is closed book, meaning that students will not be able to take any written materials into the examination room with them. More information about the examination will be provided in the coming weeks. The content will be drawn from the material covered in weeks two to five of the course.

3.4 Final reflective take-home paper.

The final paper will ask you to draw from the materials and concepts discussed during the course of the semester. The length will be in the region of 2000 words and the questions will be made available on the last day of class (December 1) and the paper will be due the following Thursday (December 8). Since it is a take-home examination it will not be possible to have an extension (except legitimate documented emergencies).

Discussion section participation and activities	10%
Mid-term Exam Tuesday 11 October	30%
Case Brief – weeks 8 to 13 discussion groups	20%
Final Term Paper	40%

LECTURE OVERVIEW

COURSE SCHEDULE, WINTER SESSION 2015, TERM 2

Dates	Topics	Readings
Week 1 Sept 8	Introduction to the Subject What is Law? Systems of Law	Waller, L. "What then is Law" in <i>Introduction to Law</i> , 2000, pp.197-211.
Week 2 Sept 13-15	Canada: Colonial Origins and the Law of the Land	Prescribed Reading Law in Society: Canadian Readings (Nick Larsen and Brian Burch, eds) Toronto: Harcourt Brace Canada , 2010: 163-193
Week 3 Sept 20-22	Introduction to the Canadian Legal system Styles of Legal Reasoning	Prescribed Reading Courten, "Canada's System of Justice" Ontario Justice Education Network "How to Write A Case Brief"
Week 4 Sept 27-29	Lawyers, Legal Knowledge, the Language of the law & Reading case law	Prescribed Reading Parker, Christine. "Critical Morality for Lawyers: Four Approaches to Lawyers' Ethics, A." <i>Monash UL Rev.</i> 30 (2004): 49. Mosher, L., (1997) "Legal Education: nemesis or ally of social movements" 35 <i>Osgoode Hall L.J.</i> , 613
Week 5 Oct 4-6	The Judge, the Jury and the Courtroom	Prescribed Reading Fuller, L., "The Case of the Speluncean Explorers" <i>Harvard Law Review</i> Vol. 62, No. 4, February 1949 Austin, W. T. "Portrait of a Courtroom Social and Ecological Impressions of the Adversary Process." <i>Criminal Justice and Behavior</i> 9.3 (1982): 286-302. Further Reading D'Amato, Anthony, "The Speluncean Explorers--Further Proceedings" (2010). Faculty Working Papers. Paper 98. http://scholarlycommons.law.northwestern.edu/facultyworkingpapers/98 D'Amato, Anthony, "The Effect of Legal Theories on Judicial Decisions" (2010). Faculty Working Papers. Paper 82. http://scholarlycommons.law.northwestern.edu/facultyworkingpapers/82

Week 6 Oct 11-13	NO CLASS	MID TERM EXAM 3.30-5.30 THURSDAY 13 OCT – VENUE TO BE CONFIRMED
Week 7 Oct 18-20	A Just Society? Canada, Human Rights, Unequal Treatment And the Charter	<p>Prescribed Reading <i>Charter of Rights and Freedoms</i></p> <p><i>Law in Society: Canadian Readings</i> (Nick Larsen and Brian Burtch, eds) Toronto: Harcourt Brace Canada, 2010: 148-162,</p> <p>Further Reading Weinrib, Lorraine, “The Supreme Court of Canada in the Age of Rights: Constitutional Democracy, the Rule of Law and Fundamental Rights Under Canada's Constitution” (2001). (2001) 80 <i>Can. Bar Rev.</i> 699-748 <i>Canadian Charter of Rights and Freedoms</i> <i>Victoria City v Adams</i> 2009 British Columbia Court of Appeal</p>
Week 8 Oct 27-29	Approaches to Legal Theory: Critical Race Theory and the Law	<p>Prescribed Reading Delgado, R & Stefancic, J <i>Critical Race Theory: An Introduction</i>, chapter one pp. 1-14</p> <p>Law in Society: Canadian Readings (Nick Larsen and Brian Burtch, eds) Toronto: Harcourt Brace Canada, 2010: 108-147.</p> <p>Further Reading Tanovich, David M. <i>The Colour of Justice: Policing Race in Canada</i> (2006) Part 2 “How Pervasive is Racial Profiling in Canada” pp. 71-118 (ON LINE LIBRARY RESOURCE)</p> <p>Julian V. Roberts and Anthony N. Doob “Race, Ethnicity and Criminal Justice in Canada”: <i>Crime and Justice</i>, Vol. 21, (1997), pp. 469-522</p> <p>Scot Wortley and Julian Tanner “Discrimination or “Good” Policing? The Racial Profiling Debate in Canada” <i>Our Diverse Cities</i></p> <p>Elizabeth Comack (2012) <i>Racialized Policing: Aboriginal People's Encounters with the Police</i> Winnipeg, MB: Fernwood Publishing.</p> <p>Wendy Chan (2002) <i>Crimes of colour : racialization and the criminal justice system in Canada</i></p>
Week 9 Nov 1-3	Gender Discrimination Feminist Legal Theory, Class and the Law	<p>Prescribed Reading <i>Law in Society: Canadian Readings</i> (Nick Larsen and Brian Burtch, eds) Toronto: Harcourt Brace Canada, 2010: 264-291</p> <p>Further Reading <i>Chamberlain v Surrey School District</i> No 36 2002 SCC 86, [2002] 4 SCR 710, para 1-74 <i>Book v Minister of Justice</i>, 1996 CanLII 3465 (BC SC) para 225-283.</p>

		Marchetti, Elena. "Intersectional race and gender analyses: Why legal processes just don't get it." <i>Social & Legal Studies</i> 17.2 (2008): 155-174.
Week 10 Nov 8-10	Sexuality, Discrimination and Canadian Society	Prescribed Reading <i>Law in Society: Canadian Readings</i> (Nick Larsen and Brian Burtch, eds) Toronto: Harcourt Brace Canada, 2010, 194-214, 320-337.
Week 11 Nov 15-17	Questions for Canadian Society in the Law: Euthanasia	Prescribed Reading <i>Law in Society: Canadian Readings</i> (Nick Larsen and Brian Burtch, eds) Toronto: Harcourt Brace Canada, 2010, 55-87.
Week 12 Nov 22-24	Questions for Canadian Society: Protecting the Environment	Prescribed Reading <i>Law in Society: Canadian Readings</i> (Nick Larsen and Brian Burtch, eds) Toronto: Harcourt Brace Canada, 2010, 356-390
Week 13 Nov 29-Dec 1	Questions for Canadian Society: Access to Justice and Corporate Accountability	Prescribed Reading <i>Law in Society: Canadian Readings</i> (Nick Larsen and Brian Burtch, eds) Toronto: Harcourt Brace Canada, 2010: 88-106.