

# **LAW 302 - CRIMINAL LAW II**

**Spring 2010**  
**Professor Gerry Ferguson**

## **A. COURSE OBJECTIVES**

1. To provide an historical understanding of the development of criminal law and the research skills which are necessary to trace the history of any particular part of the Criminal Code.
2. To provide a sound theoretical basis for analysing and solving substantive criminal law problems.
3. To examine in greater detail basic principles of criminal law which were introduced in the first year course.
4. To examine in detail areas of criminal law not covered in the first year course.
5. To examine the impact of certain provisions of the Charter on substantive criminal law.
6. To acquire a technique, an approach, or a methodology for solving substantive criminal law problems.

## **B. PERSPECTIVE**

Because the first year course tends to emphasize the criminal law process, students are only given a preliminary introduction to many substantive criminal law issues. The first year criminal law course does not provide students with an opportunity to deal with several of the more complex issues in criminal law. Thus one important purpose of this course is to provide students with an opportunity to study substantive criminal law principles and concepts in considerable depth. The course is designed to be analytical--an opportunity to refine and improve upon the analytic skills developed in first year--as well as historical.

## **C. SUBJECT MATTER TO BE COVERED**

1. Historical development of criminal law, especially the codification movement resulting in Canada's first Criminal Code in 1892.
2. Review of basic principles of liability (*actus reus* and *mens rea*) covered in first year plus new subject matter such as:

- (a) aiding and abetting;
  - (b) counselling and procuring;
  - (c) accessories after the fact;
  - (d) vicarious liability;
  - (e) attempts;
  - (f) conspiracy;
  - (g) corporate criminal liability;
  - (h) laws on criminal organizations and terrorist groups
  - (i) defences.
3. The impact of sections 2, 7 and 15 of the Charter on criminal law offences and defences.

#### **D. COURSE MATERIALS**

1. Course materials on the History of Criminal Law (122pp.) (available on course website).
2. D. Stuart, *Canadian Criminal Law: A Treatise* (5th ed. 2007).
3. *Canadian Criminal Code* (relatively recent copy of the Code - e.g. Tremear's, Martin's, etc.).

#### **E. METHODOLOGY TO BE EMPLOYED**

1. Lecture
2. Classroom discussion
3. Problem method
4. Optional legal memorandum.

#### **F. METHODS OF EVALUATION**

1. History Quiz (10%): Due Tuesday, January 26, 2010.
2. Optional legal memorandum (approximately 15 typed pages) with either an historical or current research focus: - 50% (only if higher than exam grade).
3. Final examination (3 hours, open book) - worth 40% to 90% of final grade.
4. Anyone wishing to do their major paper requirement in this course should consult with me.

Late Assignment Policy: One letter grade for each day a paper is late, if an extension has not been granted.

## G. GRADING SCHEME

The Law Faculty uses the following marking scheme to determine your final letter grade. The “narrative description” column reflects a rough general consensus among faculty members in regard to assessing student performance. I adopt this description in my grading for this course:

Letter Grade	Grade Point Value	Percentage Value	Narrative Description	
A+	9	90-100%	Exceptional	Grades in this range are normally achieved by a minority of students. These grades indicate a student who is self-initiating, exceeds expectation, and has an insightful grasp of subject matter.
A	8	85-89%	Outstanding	
A-	7	80-84%	Excellent	
B+	6	75-79%	Very Good	Grades in this range are normally achieved by the largest number of students. These grades indicate a good grasp of subject matter or excellent grasp in one area balanced with satisfactory grasp in the other area.
B	5	70-74%	Good	
B-	4	65-69%	Solid	
C+	3	60-64%	Satisfactory	These grades indicate a satisfactory performance and knowledge of subject matter.
C	2	55-59%	Minimally Satisfactory	
D	1	50-54%	Marginal	A student receiving this grade demonstrates a superficial grasp of subject matter.
F	0	49 and below	Unsatisfactory	

## H. Other Important Notes

### *Classroom Climate:*

An inclusive, respectful, and diverse classroom environment is crucial to our work in this course. To ensure that all class members feel welcomed and equally able to contribute to class discussions, both I as instructor and you as students must endeavor to be respectful in our language, our examples, and the manner in which we conduct our discussions and group work. We have both an ethical and legal obligation to support this kind of environment. For your reference, you may wish to consult the University’s Discrimination and Harassment Policy [<http://web.uvic.ca/uvc-policies/pol-1000/1150HPP.html>]. The University of Victoria and the

Faculty of Law are committed to promoting, providing and protecting a positive, supportive and safe learning and working environment for all its members. I expect all aspects of this class to be conducted with this commitment firmly in mind.

If you have any concerns about the climate of the class, please feel free to contact me or the Associate Dean.

***Academic Integrity:***

As part of the academic community of both the Faculty of Law and the University as a whole, academic integrity is centrally important in the work of faculty and students. Please consult the University Calendar for policies respecting paraphrasing, plagiarism, and cheating. If you have any concerns or questions, or require clarification, do not hesitate to drop by my office or to send me an e-mail.

The policy on academic integrity can be found on the web at the following address:

[<http://web.uvic.ca/calendar2006/FACS/UnIn/UARE/PoAcI.html>].

***Students with a Disability:***

If you have any type of disability, there are support systems, resources, and accommodation actions available to you. If you wish to access any of these supports, resources or accommodations, I encourage you to contact the Associate Dean or the Resource Centre for Students with a Disability [<http://rcsd.uvic.ca/home.ihtml>] and I would be more than happy to work with you to ensure your success in this course.

***Accommodation of Religious Observances:***

The University of Victoria and the Faculty of Law have policies guaranteeing accommodation for those students who are unable to participate in a class or an aspect of the course owing to a religious holiday or observance [<http://web.uvic.ca/calendar2006/GI/GUPo.html>]. If you will be missing a class, know that you will be unable to complete an assignment or exam, or otherwise require accommodation on account of a religious holiday or observance, please speak with me (or the Associate Dean) and I will be pleased to work out some satisfactory form of accommodation.