

LAW 359 - CIVIL LIBERTIES AND THE CHARTER (1.5 UNITS)

FALL 2009

INSTRUCTOR: Professor Andrew Petter

CLASS TIME: Wednesday - 3:30 p.m. – 6:30 p.m.

1. COURSE DESCRIPTION AND OBJECTIVES

This course explores the structure, meaning and impact of the Canadian Charter of Rights and Freedoms by examining a number of general questions and specific rights issues arising under the Charter. General questions considered will include the origins of the Charter, the nature and legitimacy of judicial review, and the limitations, scope, and consequences of Charter adjudication. Specific rights issues covered will include freedom of religion, freedom of expression, freedom of association, the right to life, liberty and security of the person, and equality rights. The course seeks to familiarize students with some of the case law concerning the Charter and to assist them in critically evaluating the cases from doctrinal, theoretical and practical perspectives.

2. CLASS FORMAT

As much as possible, the course will be run as an advanced seminar class. Classroom time will be distributed between lectures, seminar discussions, classroom exercises and problem solving. Students are expected to attend class and to be prepared to discuss the issues raised in the assigned readings.

3. REQUIRED MATERIALS

The following materials are required for the course:

1. Web-based course materials (available on the moodle Law 359 website)
2. *Constitution Act, 1982*, including *Canadian Charter of Rights and Freedoms* (available at: <http://lois.justice.gc.ca/en/const/index.html>).

4. **EVALUATION**

There will be no examination. Your grade will be based on the following:

- (1) a **research paper** of approximately 5000 words (20 pages at 250 words per page) worth 85% of your final grade;
- (2) **class participation** (including attendance in class and participation in the moodle discussion forum and classroom discussions, exercises and case study simulations) worth 15% of your final grade.

A limited number of students may use their research paper to satisfy the Faculty's major paper requirement, in which case it can and must meet the length required by the Faculty for such papers (7500 words). If you wish to pursue this option, prior permission must be sought and received from me no later than the end of September.

DUE DATES

Research Paper: October 7 Topic Chosen
 October 28 Outline handed in
 December 4 Final paper handed in

Discussion forum comments: Originator comments to be posted by noon the Monday before class. Reaction comments to be posted by 2:00 pm the Tuesday before class.

Further information about these requirements is contained in the handout on evaluation.

5. **DISCUSSION FORUM**

Students must post one "originator" and one "reaction" comment in the discussion forum on the moodle website. The forum will operate for the five classes starting on September 16th and ending on October 14th. A "topic" will be posted for each of these dates, with student comments to be posted in relation to the date to which they pertain. Further information on the discussion forum is contained in the handout on evaluation.

6. **CASE STUDY SIMULATIONS**

Students are required to participate in two case study simulations. Simulations will occur in the six classes starting on October 21st and ending on December 2nd. Further information on the simulations is contained in the handout on evaluation.

7. **INSTRUCTOR CONTACT**

Feel free to contact me by email (apetter@uvic.ca) or in person, either by dropping by my office (Room 219) or by emailing me to make an appointment.