

**Syllabus**  
**Summer 2009**  
**The Canadian Legal System Law, Government and Business**  
**Prof. Larry Bakken**  
**June 23<sup>rd</sup> – July 24<sup>th</sup> – 2009**

**Classes will meet:** June 23<sup>rd</sup>, 25<sup>th</sup>, 26<sup>th</sup>, 30<sup>th</sup>, July 2<sup>nd</sup>, 3<sup>rd</sup>, 7<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>, 21<sup>st</sup>, 22<sup>nd</sup>, 24<sup>th</sup>

**Ottawa visit:** July 12<sup>th</sup> – July 18<sup>th</sup>.

Law School Class Times will be Determined

**Required Readings:** The Canadian Legal System Gerald Gall Thompson/Carswell 5<sup>th</sup> ed.(2009)

**Other Readings:** As provided see supplement

**Course Description:** The course is designed to introduce students to Canada's law and legal system. Specific attention will be given to how the Canadian system regulates individuals, corporations, and government. In addition it will examine how law in Canada influences standards of conduct and morality. The course will focus on the Canadian Constitution, case law, statutes and regulations.

Canada is influenced by both the common law and civil law. This duality makes the study of Canadian law demanding but also very interesting. The Canadian legal system seems familiar because of its written constitution, legislative and legal institutions that resemble those of the United States. However, upon closer analysis it is clear many aspects of its law, government, and society are strikingly different than found in the United States.

Canada, because of its history and NAFTA is the most important trading partner of the United States. It is also one of our closest allies and reflects a high degree of diversity of thought, values, cultures, language and international thinking. Due to its diversity, its economy and its politics it is an important player in the world. Because of this importance American lawyers should acquire an understanding of Canada's law, economy and society.

The course will examine the principles and legal traditions of Britain and France and how they influence the present day legal system of Canada, particularly its constitution and the individual rights of its citizens.

The course will include readings, cases, lectures, videos and discussions concerning Canada and its legal system. In addition students will spend one week in Ottawa visiting judges, lawyers, Parliament, trade representatives, business leaders, faculty members and representatives of the Foreign Ministry of Canada.

The course will require a journal when in Canada, a final exam and a short research paper.

**Course Objective:** To introduce law students to the framework and principles of Canadian Law. Special attention will be given to the dual legal system, the special status of Quebec in Canada

and issues relating to individual rights for Canadians. The course will also exam several areas of Canadian Law such as contract, Torts, and Criminal law. If time permits other topics will also be introduced.

**Class Requirements:**

**Participation and attendance** – students are expected to attend classes and visits,

**Journal** – students will keep a journal while in Ottawa. The journal should reflect experiences, new knowledge, insights and observations while in the Canadian capital. **Due July 24, 2009.**

**Exam** – An exam will be given while in class and while in Ottawa on **July 18, 2009** . The purpose of the exam is to determine what has been learned about Canadian legal system the Canadian economy and Canadian society.

**Research Paper** – Students will submit a 12-15 typed research paper. Each paper should be in 12 point font, margins should be 1" on the right side and top, and the left margin should be 1.25" double space. The paper should address some aspect of the Legal System in Canada. Topics must be approved by Professor Bakken – papers will be due the last day of summer school. An oral presentation of the paper will be scheduled before the final draft is **due July 24, 2009.**

**Grading:**

Class Participation	10%
Journal	10%
Exam	30%
Research Paper	50%

**Class Schedule:**

<b><u>Date</u></b>	<b><u>Topic</u></b>	<b><u>Pages</u></b>
June 23	Introduction & Background What means to be Canadian	
June 25	Current issues in business politics and society	
June 26	Nature of Law and Divisions of Law British and French Legal Traditions	1-35 55-67
June 30	Constitutional Basis	67-179
July 2	The Legal System in Quebec and the Civil Law Tradition	263-284
July 3	The Role of Courts in Canada	179-263
July 7	Constitutional Law and Criminal Law	TBA
July 9	Torts and Contracts	TBA

July 10	Corporations	TBA
July 12-17	Lectures, visits and discussion in Ottawa	TBA
July 18	Examination	
July 21	Review and Debriefing	
July 23-24	Oral Presentations	