

Law 12

Guide

Website References

Website references contained within this document are provided solely as a convenience and do not constitute an endorsement by the Department of Education of the content, policies, or products of the referenced website. The department does not control the referenced websites and subsequent links, and is not responsible for the accuracy, legality, or content of those websites. Referenced website content may change without notice.

Regional Education Centres and educators are required under the Department's Public School Programs Network Access and Use Policy to preview and evaluate sites before recommending them for student use. If an outdated or inappropriate site is found, please report it to <curriculum@novascotia.ca>.

Law 12

© Crown copyright, Province of Nova Scotia, 2009, 2019

Prepared by the Department of Education and Early Childhood Development

This is the most recent version of the current curriculum materials as used by teachers in Nova Scotia.

The contents of this publication may be reproduced in part provided the intended use is for non-commercial purposes and full acknowledgment is given to the Nova Scotia Department of Education.

Law 12
Draft 2009

Unit I: Foundations of Justice and Law

Unit I:	Foundations of Justice and Law
GCO F1:	Students will be expected to apply research methods to legal issues.
	<ul style="list-style-type: none"> – employ appropriate research methods to gather, organize, and synthesize information – evaluate the credibility of sources – communicate the results of their research using an appropriate format

Suggestions for Learning and Teaching:

- At the start of this unit (and course) a “Legal Word Wall” can be created. This will be a place for students to place unfamiliar or interesting legal terms and concepts they encounter throughout the course. Students and teachers can refer to this as the course progresses.
- Case and statute law will be central to any research students do for the Law 12 course. It is therefore necessary that students are able to read and understand statute and case citations. This is explained in *Law in Action* (p. 2-6). Teachers can give students short simple scenarios that describe either a civil or criminal case. Students can then write as much of a citation as is possible for each. This will help students to distinguish between civil and criminal citations and help them to understand case citations. Students can also be given BLM 1-3 on p. 14 of the *Law in Action: Teacher Resource*.
- Teachers can begin by giving students a list of credible sources of information to be used when conducting legal research. This list can be expanded upon throughout the course by students and teachers so that students end up with a solid reference file of credible sources of information. Teachers and students can also create a collaborative list of criteria for evaluating the credibility of sources. These criteria should help students, when conducting research, to distinguish between legal fact and opinion. It should also be designed as a starting point for any research done during the course.
- Time should also be spent explaining to students how best to begin researching legal topics. School librarians are often very helpful in this regard. Many librarians are more than willing to give information sessions to students about school holdings and online research tools that students can access via the school. This will improve students’ research skills and familiarize them with the school library’s holdings both print and electronic. If possible, a field trip to a local university library could also be arranged so that students can expand their resources through a tour by a university librarian.
- Students can also engage in a teacher designed webquest wherein they must apply their research skills and evaluate the credibility of sources.

Suggestions for Assessment:

- Teachers can have students do a small research project to assess their ability apply research skills. Students can choose an issue related to the Law and research it. Students should be required to gather information on their topic from at least 3-5 credible sources. They should also be able to provide sources that they found to be unreliable and the reasons why they were unreliable sources of information. Students can also design a case study similar to the ones in their textbook based on their topic. Teachers can use Assessment Masters G-2 and G-10 to assess students.

Notes and Resources:

Information relevant to these outcomes can be found in the *Law in Action* textbook on pages 1-6.

GCO F2:	Students will be expected to explain what law is and why laws are needed.
	<ul style="list-style-type: none"> – demonstrate an understanding of the complexity of the “nature of humans” – analyze the function of law in societies – demonstrate an understanding that law is a social construct – evaluate the relationship between law and justice

Suggestions for Learning and Teaching:

- **Law and Justice Cue Sort** – The teacher can break students into small groups. Each group is given a number of statements about law and justice. Each statement is written on its own piece of paper. Students must prioritize each statement by arranging them in order from most important to society to least important to society. Once this is done in groups, there can be a class discussion surrounding each group’s decisions. This can lead into a class discussion around law, laws versus rules, and the need for laws.
- The class can brainstorm characteristics of both “Law” and “Justice” and then discuss the relationship between the two once they have an understanding of each concept.
- Teachers can use Activity one on p.43 of *Law in Action: Teacher Resource* (Survivor Island Legal Code) to help students recognize the need for laws in society.

Suggestions for Assessment:

- Students can be assigned the case study of R. v. Clark (2002), B.C.S.C. on p. 47 of *Law in Action: Teacher Resource* and General Assessment Master G-3 can be used to assess students.
- Students can write a reflection about their Survivor Island activity wherein they explain how it helped them to understand the importance of rules and laws in a society.

Notes and Resources:

Information relevant to these outcomes can be found in the *Law in Action* textbook on pages 8-16

GCO F3:	Students will be expected to investigate the historical roots of Canadian law
	<ul style="list-style-type: none"> – identify contributions of ancient legal systems – examine Aboriginal principles of justice and their influence – investigate the key elements and the impact of English common law – explain the evolution of Quebec civil law

Suggestions for Learning and Teaching:

The modern Canadian legal system was influenced by several systems of justice. In order to understand the modern legal system in Canada it is important that students understand the developments that have helped to shape it.

- To understand the historical roots of Canada the class can create an annotated timeline of important historical influences on the Canadian legal system. The class can be broken into small groups and each group can be given one or more historical influences on the Canadian legal system to research. The list of influences can be generated by the teacher or the project can be extended so that students do their own research to identify key influences on the legal system in Canada. Once the research has been completed it should be presented to the class and placed on the class' timeline. The timeline can take a number of forms including a poster, a hand-out style version so that each student has a copy, or a student generated web page.
- Teachers can also use BLM 1-4 on p. 52 of the *Law in Action: Teacher Resource* and have students research each of the legal systems indicated.

Suggestions for Assessment:

- Students can write a reflection paper explaining which influence on Canadian law they feel is most important to society or most interesting to them. They should support their opinions.

Notes and Resources:

Information relevant to these outcomes can be found in the *Law in Action* textbook on pages 17-30

GCO F4:	Students will be expected to demonstrate an understanding of the law-making processes in Canada.
	<ul style="list-style-type: none"> – explain the statute-making process – explain the role of precedent (case law) – differentiate among various categories of Canadian law (e.g. criminal & civil, public & private, substantive & procedural) – explain the supremacy of the constitution – identify Canadian courts, jurisdictions, and appeal routes

Suggestions for Learning and Teaching:

It is expected that students will all vary in their levels of understanding of the Canadian law-making process. Teachers should therefore try to draw on students’ prior knowledge as much as possible so that those with more exposure to the law-making process feel as engaged as those with little exposure.

- To help students understand the law-making process the teacher can bring in guest speakers who are involved in the process. Local Members of Parliament and Members of the Legislative Assembly could speak about their role in the statute making process. Judges can be invited to speak to students about case law, the role precedent, and the impact of judicial decisions on the Canadian legal system.
- Once students have an understanding of the law-making process, they can do case studies so that they can better understand the real world implications of the material studied. Introductory criminal, civil, and constitutional case studies should be done with the class so that they can better understand the legal system.
- After being studying the various courts in Canada the class can study scenarios created by the teacher, as well as current cases reported in the media, and decide where each would be heard as well as where the appeals would be heard. The class can also decide on a selection of cases from the news to analyze and track. As the course progresses, the class can examine the progress of the cases selected to understand how cases progress and change over time.

Suggestions for Assessment:

- Teachers can have students compare and contrast statute and case law, possibly using a Venn diagram or something similar. Students can also create diagrams or flow charts of the categories and divisions of Canadian law to aid in their understanding of the various types of law in Canada.
- Students can create flow charts to diagram the Canadian court system. They should illustrate the different courts in Canada, the jurisdiction of each court, and the route for appeals in each court. This can be adapted to function as a class assignment where one large poster or diagram is created that can be placed in the classroom for students to refer back to as the course goes on.
- **Ongoing Assessment:** Once students have a basic understanding of the types of law and various courts in Canada they can begin an ongoing journal assignment. On a weekly or bi-weekly basis, students will need to find news articles relating to the law (from a newspaper or a credible online news service). In their journals students will include the article with the bibliographical information.

They should write as much of a case citation for the issue in the article as they are able (based on the information in the article). Students should also summarize the important and interesting information from the article as well as clearly explain their opinions of the issues in the article. Expectations for this assignment should increase over time as students become more familiar with Canadian Law.

Notes and Resources:

Information relevant to these outcomes can be found in the *Law in Action* textbook on pages 34-69

GCO F5:	Students will be expected to analyze the impact of the <i>Canadian Charter of Rights and Freedoms</i> on the administration of justice and law in Canada.
	<ul style="list-style-type: none"> – describe their rights and freedoms and the restrictions on these (e.g. sects 1, 33) – analyze the extent to which the rights and freedoms of Canadians were protected prior to 1982 – describe the process of seeking remedy against infringement of <i>Charter</i> rights – analyze the evolving relationship between the Supreme Court of Canada and legislative bodies

Suggestions for Learning and Teaching:

- Teachers can create a “*Canadian Charter of Rights and Freedoms* Scavenger Hunt”. Students can be presented with basic information questions regarding the *Charter* so as to help familiarize themselves with it. They should also be given scenarios that can be remedied using information from the *Charter*. This scavenger hunt can contain questions and scenarios which have both clear solutions and solutions that encourage debate.
- As many issues surrounding the *Charter* encourage spirited debate, this is an excellent opportunity to engage in a classroom debate. One way this can be done is the use of a “**Four Corners Debate**” on *Charter* issues. These can include issues such as Aboriginal rights, rights upon arrest, limitations of the *Charter*, euthanasia, the role of the Supreme Court of Canada, decisions of the Supreme Court of Canada, the “Notwithstanding Clause”, etc.

In a Four Corners Debate, each corner of the room will have a sign reading either “STRONGLY AGREE”, “AGREE”, “DISAGREE”, or “STRONGLY DISAGREE”. A statement is read aloud and students go to the corner of the room that reflects their opinion on the issue. Once students have chosen their corner, they will have 5 minutes to write down their arguments for choosing that position. They will also be asked to anticipate what arguments will be made by the other groups. At the end of the 5 minutes, a representative of each group presents (in turn) the arguments of the group – they will have 2 minutes to do so. After each group has done this, the teacher allows for 1 minute for rebuttal per group. This format can be modified to fit each individual classroom climate and can lead to in-depth classroom discussion. This form of debate works well with large classes as there are four possible stances for students to take on a given issue. This process can also be repeated a number of times in a period for debate on multiple issues.

- Teachers can use the case study *R. v. M. (M.R.)*, [1998] 3 S.C.R. 393 on p. 316 of *Law in Action* to have students use the questions as a guide to begin to examine the impact of the *Charter of Rights and Freedoms* on young people.

Suggestions for Assessment:

- Students can research a case heard by the Supreme Court of Canada dealing specifically with Constitutional Law. Students should prepare a report of their findings as well as a presentation of their findings for the class. A very useful website for researching this assignment is the site created by the Supreme Court of Canada and the LexUM Laboratory in University of Montreal's Faculty of Law. This site has decisions of the Supreme Court of Canada from 1967 to the present. Before going

starting this assignment students should be taught how to read and understand the parts of a Supreme Court decision. This can be done using a teacher selected case and mini assignment.

For their research assignment students should begin by choosing an issue in which they are interested. They should begin by summarizing the facts of the case and the points of constitutional law being decided. Students should then summarize and interpret the court's majority and minority opinions. They should also explain their opinion of the decision as well as any impact the court ruling has had or could have on Canadian society. A written report can be submitted in addition to a presentation to the class. The presentation can take the form of a PowerPoint slideshow, a student created video, a poster, or any form agreeable to both teacher and student.

Notes and Resources:

Information relevant to these outcomes can be found in the *Law in Action* textbook on pages 75-103

UNIT II: Criminal Law

Unit II:	Criminal Law
GCO CR1:	Students will be expected to demonstrate an understanding of what constitutes a criminal offense in Canada.
	<ul style="list-style-type: none"> – describe the two elements of a criminal offense (<i>actus reus</i> and <i>mens rea</i>) – differentiate among indictable, summary conviction, hybrid, and quasi-criminal offenses

Suggestions for Learning and Teaching:

- Because the media plays such a large role in student perceptions of the law, it is important for teachers to help students understand the difference between their preconceptions of the law and the reality of the law. One way to do this is to have students do a K-W-L chart at the beginning of the Criminal Law Unit. In a K-W-L chart students create a three column chart. The first column is for the **K** – in this column students write what they **Know** or what they think they know about Criminal Law in Canada. The second column is for the **W** – in this column students write what they **Want** to learn about Criminal Law. The third column is for the **L** – this column is filled in as the unit progresses and is filled with what students’ have **Learned** by the end of the unit. A class discussion can be centered on the chart at the beginning of the unit and at the completion of the unit.
- The elements of a criminal offense can often be difficult for students to fully understand at first. It is important for the teacher to clearly explain the concepts of actus reus and mens rea and to engage the class in discussion of these concepts.
- Once students have a basic understanding of the elements of a crime, teachers can give students sample scenarios in which they need to decide whether mens rea and actus reus were both present. Teachers can also give students case studies as well as the required actus reus and mens rea for a conviction under the *Criminal Code of Canada*. Students will decide whether the offense is a(n) indictable, summary conviction, hybrid, or quasi-criminal offense. Students can then decide whether or not the elements of the crime were present and whether or not the accused could be found guilty. This can also be done as a small group activity in which students are given copies of the *Criminal Code* and must first identify the required mens rea and actus reus for the offence and then decide whether both elements were present at the commission of the offence. (If copies of the *Criminal Code of Canada* are required teachers can contact their local courthouse as they often have surplus copies from previous years that they are willing to donate to schools. The *Criminal Code of Canada* can also be found on the internet through the Department of Justice website, but hard copies are much more student friendly.)

Suggestions for Assessment:

- In small groups students will create their own criminal scenarios. Students will need to identify a charge for each scenario and explain whether both elements of a criminal offense are present. These scenarios should be written in such a way that they can be given to the rest of the class in a manner similar to those already given by the teacher.

- Teachers can have students do Activity 4 on p. 165 of *Law in Action: Teacher Resource* “Fairy Tale Crimes” and use either BLM 6-2 or Assessment Master 6-2 as assessment tools.

Notes and Resources:

Information relevant to these outcomes can be found in the *Law in Action* textbook on pages 138-150.

The *Criminal Code of Canada* can be found online through the Justice Department’s website at <http://laws.justice.gc.ca/en/showtdm/cs/C-46> or in print. The Pocket Criminal Code is an invaluable resource for Law 12 teachers (P., Rodriguez. Gary. Pocket Criminal Code 2009. Scarborough: Carswell Legal Pubns, 2008.)

GCO CR2:	Students will be expected to describe the procedures and parties involved in bringing a criminal case to trial.
	<ul style="list-style-type: none"> – outline the process of a police investigation – identify the elements of a legal arrest – describe the rights of the accused under arrest or detention

Suggestions for Learning and Teaching:

- Teachers can begin this section by giving students a short pre-test on the rights of an accused under arrest or detention. As the lesson progresses, students will learn whether or not their initial assumptions were correct.
- “Would you know your rights if...?”
The teacher can divide the class into groups of four. Each group will receive a scenario involving an arrest or detention which they will role play in front of the class for no longer than one minute. After watching the role play, students will decide in their small groups if rights are being violated according to the *Canadian Charter of Rights and Freedoms*. Students will be given one minute to come to a consensus. After this time, groups will explain whether or not they thought the rights were being violated in the role play and support their opinion. Once this is done the teacher will reveal the answers according to the *Charter*. This will be repeated for each of the scenarios.
- This point in the course is an excellent time to ask the school’s police liaison officer or a member of the local police force to come into the class as a guest speaker. Police officers are experts on arrest and detention and can often answer some of the more unusual questions students may have on the topic.
- Students can be given case studies dealing with arrest and detention. Questions for the case study should centre on the rights of the accused and whether or not the arrest or detention was legal and would stand up under habeas corpus.

Suggestions for Assessment:

- Students can be given a “diary” assignment. They will have to take the position of either a person unlawfully arrested or detained or that of the lawyer representing such a person. They should explain in their diary the reasons they believe the accused’s rights were violated as well as the remedy they would seek in this situation. This can be written in the first person and students should make it as interesting as possible by including the feelings of the fictional diary writer.

Notes and Resources:

Information relevant to these outcomes can be found in the *Law in Action* textbook on pages 188-213

GCO CR3:	Students will be expected to describe criminal trial principles and processes.
	<ul style="list-style-type: none"> – demonstrate an understanding of criminal trial principles – identify and explain the roles of various officers of the court and other parties involved in criminal trials – describe important components of the criminal trial process – describe standard defences to criminal charges – understand the make-up and role of juries in criminal trials – evaluate the extent to which criminal trial principles are upheld in Canada

Suggestions for Learning and Teaching:

- Teachers can use pp.168-172 of *Law in Action* as a starting point for teaching students about the roles of various officers of the court and parties involved in criminal trials. The class can discuss the various parties involved in a criminal trial and students can be given an assignment where they must research the roles of various officers of the court and participants in a criminal trial. This will help them to prepare for the mock trial held at the end of the unit.

- After reviewing the information on pp.179-183 of *Law in Action* with students, teachers can arrange for a field trip to a court house to observe a criminal trial. The class can go to the local provincial court to observe the criminal trial process. Students should either take notes, complete a teacher designed observation sheet where students can take note of the layout of the court as well as the roles of various officers of the court and participants, or use BLM 7-1 on pp. 191-192 of *Law in Action: Teacher Resource*. Teachers can also have students fill out “exit cards” to be passed in after the court visit. On the cards students can write 3 interesting observations about the court visit or 3 questions they have about what they have seen.

Provincial Court has jurisdiction over most indictable offences; however, many times proceedings are very short and are often arraignments, hearings or cases that are committed to the Supreme Court of Nova Scotia Trial Division. As a result, it may be beneficial for students to attend a trial in the Supreme Court of Nova Scotia Trial Division where they can observe a trial by judge and jury. Appointments for such visits can be made by calling the local court house.

Teachers should make students aware of codes of behavior and dress for visiting court. Teachers should also take time to prepare students for types of behavior they may encounter at the court so that they are not caught off guard by what they may see (i.e. the accused in handcuffs, agitated parties, upset family members etc.). Trips to court are extremely beneficial as long as students know what to expect.

- It is important that teachers conduct a class debriefing after their field trip. Teachers can use the exit cards done at the end of the visit to start discussion about the students’ experience. Teachers should have students compare what they have learned in class with what they encountered on their field trip. This would also be a good time to discuss the differences between what they saw in court and what they expected based on entertainment media.

- Information about standard defences to criminal charges can be found on pp. 250-269 of *Law in Action*. Teachers can discuss the various defences with students and ensure that students understand how those defences are linked to the elements of a crime (mens rea and actus reus). Teachers can have students complete BLM 10-5 on p. 269 of the *Law in Action: Teacher Resource* so they have a working list of defences.
- Once students are familiar with the standard defences, teachers can have them apply their knowledge by having students discuss the best defence for criminal scenarios created by the teacher, cases from the textbook, cases in the news etc. Students should be able to explain why the defence they choose is the best one for each particular charge.
- Teachers can use Activities 2 and 3 on pp 186-187 of the *Law in Action: Teacher Resource* to help students understand Jury selection. “A Guide to Jury Duty” by the Legal Information Society of Nova Scotia (LISNS) can also be used as a resource in this activity.

Suggestions for Assessment:

- Teachers can have students write journal entries about their visit to court. Students can write about what they saw, what they expected, how they felt being there, and any other elements they wish to write about.
- Legal Scavenger Hunt - Students can be divided into groups. Each group will receive a copy of the *Criminal Code of Canada* (either a print copy or access to the electronic copy on the Department of Justice website) and a sheet that outlines possible defences. Each person will then be given a scenario where they have been accused of a criminal offence.
- Using the *Criminal Code*, students will decide what offence under the *Criminal Code of Canada* has been committed and find the maximum penalty and minimum penalty for the offense (if applicable). Using the sheet provided by the teacher, *Law in Action*, and class notes students will choose which defence they believe would best suit their case. Although each individual student is given a scenario, the task should be completed by the entire group for each student’s scenario. Once the activity is completed, each student will share their scenario, the name of the offence, the penalties and the defence that they have chosen to be the most appropriate.
- Students can research court decisions and news stories regarding trials. After reviewing several different trials students will write a position paper on the extent to which criminal trial principles are upheld in Canada.

Notes and Resources:

Information relevant to these outcomes can be found in the *Law in Action* textbook on pages 161-183, 250-269

The *Criminal Code of Canada* can be found online through the Justice Department’s website at <http://laws.justice.gc.ca/en/showtdm/cs/C-46>

GCO CR4:	Students will be expected to evaluate the objectives and effectiveness of various sentencing options.
	<ul style="list-style-type: none"> – demonstrate an understanding of the sentencing objectives stated in the Criminal Code of Canada – describe different options available for sentencing – evaluate the extent to which sentences in Canada reflect sentencing objectives – assess the appropriateness of the various sentencing objectives and options

Suggestions for Learning and Teaching:

- Teachers can ask a Judge to come in and speak to the class regarding sentencing. If they are available to speak to the class, judges are the ones best able to explain sentencing and answer student questions.
- After students have become familiar with objectives and options for sentencing, teachers can find real cases and sentences to present to students. Students should evaluate and discuss why the accused received the sentence imposed as well as if the sentencing objectives were met. This activity can lead to a class discussion on sentencing in Canada. It will also be helpful when the class does its mock trial. Students can even rewrite sentencing options for the mock trial.
- Teachers can use Activity 4 “Current Issues in Sentencing” from p. 289 of *Law in Action: Teacher Resource* with students to help them explore sentencing goals in Canada.
- Sentencing Group Activity:
Students are broken into small groups and given scenarios (actual cases where sentences were imposed) which include the information considered by the courts when deciding on a sentence. In groups students will decide on sentences for the guilty parties in each scenario and support their decisions. The teacher can create a point system for each scenario. Each group will get points at the end of the exercise based on how close their sentence was to the actual sentence imposed. The group with the most points at the end “wins”.

Suggestions for Assessment:

- The class can have a Four Corners Debate on sentencing. They can present arguments regarding the effectiveness of sentencing objectives and sentencing options. (For instructions on how to run a Four Corners Debate see outcome F5.) BLM 11-1 “Sentencing: Values and Beliefs” (p. 294 of *Law in Action: Teacher Resource*) can be used as a source of topics to debate regarding sentencing.
- Students can write a “Letter to the Editor” in which they discuss their feelings about sentencing. They can write in general about their thoughts regarding sentencing in Canada or about specific cases and sentences that have been heard in the courts.

Notes and Resources:

Information relevant to these outcomes can be found in the *Law in Action* textbook on pages 274-301 and in the Legal Information Society of Nova Scotia (LISNS) Sentencing resource found on the LISNS website.

GCO CR5:	Students will be expected to investigate and assess how criminal law affects young people.
	<ul style="list-style-type: none"> – identify the important differences between the Youth Criminal Justice Act and its two predecessors, the Young Offenders Act and the Juvenile Delinquents Act – analyze the Youth Criminal Justice Act and the impact it has on young people and the country as a whole – assess the sentencing provisions of these acts in relation to the different sentencing objectives stated in the Criminal Code of Canada – investigate other areas of criminal law that affect young people who are not covered by the Youth Criminal Justice Act

Suggestions for Learning and Teaching:

- Teachers can have students create a timeline that outlines the changes in youth criminal legislation in Canada. Students should research and include the Juvenile Delinquents Act, the Young Offenders Act, and the Youth Criminal Justice Act. Students should include not just the most current or most recent versions of these acts, but also any changes and amendments made to them so as to fully understand the progression of youth criminal justice law in Canada.
- Teachers can bring in guest speakers so that students are presented with the most current provisions of Youth Criminal Justice Act. Police officers, youth court judges, and attorneys that defend or prosecute young offenders can be asked to come into the class to answer student questions regarding criminal law and young people. Students should be required to have questions prepared ahead of time so that they are able to make full use of the guest speaker’s expert knowledge.
- Teachers can provide students with the YCJA Fact Sheet (Appendix) along with a copy of the sentencing objectives from the Criminal Code. Students can be broken into small groups and use these materials, along with any notes they have and the text book, to create a chart examining the similarities and differences between sentencing provisions in the Youth Criminal Justice Act and the Criminal Code. BLM 12-4 “Comparison of Youth Justice Legislation” on p. 320 of *Law in Action: Teacher Resource* can be used for this chart. Each group can present their findings to the class.
- In small groups, students can brainstorm aspects of criminal law that affect young people but are not covered in the Youth Criminal Justice Act. Each group can then come up with suggestions for how the Youth Criminal Justice Act should be amended to include the aspects they have listed.

Suggestions for Assessment:

- Students can write reflections on the provisions of the Youth Criminal Justice Act. They should choose aspects of the act that impact or are of interest to them. Students should then write about what they think of the YCJA as well as how the act and the chosen aspects of it impacts both themselves and society.
- Teachers can have students examine the issue of bullying and how it relates to the Youth Criminal Justice Act. “The Problem of Bullying” activity and recommended assessment masters can be found on p. 321 of *Law in Action: Teacher Resource*.

Notes and Resources:

Information relevant to these outcomes can be found in the *Law in Action* textbook on pages 306-334

Teachers can order the Your Criminal Justice Act Fact sheet from the Legal Information Society of Nova Scotia (LISNS) website.

SUGGESTIONS FOR CRIMINAL LAW UNIT ASSESSMENTS:

- Once the unit is complete, students should revisit their K-W-L charts done at the start of the unit. They should fill in the final column which will allow both student and teacher to assess what was learned during the unit on Criminal Law.
- Students can write a book report based on a “True Crime Novel”. They should choose a non-fiction book that deals with Criminal Law (books based on Canadian Crimes make this assignment much easier). For this assignment students should summarize the novel as well as summarize the legal information and aspects of the novel and analyze the legal information based on what was covered in the unit. They should also provide their opinion and a critique of the novel. This assignment can be done as a traditional book report or another agreeable format such as a mock newspaper, a PowerPoint, a video news broadcast, etc.
- Mock Trial:
An excellent way to engage students and assess their understanding of Criminal Law is to run a mock trial in class. Students can take on the roles of court officers, defendants, attorneys, witnesses, and jury members. They should spend at least 2-3 classes to prepare their performance and research their roles. Teachers can create their own mock trials or use one that is pre-made. The Courts of Nova Scotia website provides a number of mock trials in both French and English in the teachers’ resource section. Depending on the size of the class teachers can run more than one mock trial to ensure that all students have equal involvement in the process. This activity can also be used in the Civil Law unit.

UNIT III: Civil Law

Unit III:	Civil Law
GCO CII:	Students will be expected to differentiate between civil law and criminal law.
	<ul style="list-style-type: none"> – explain how the following differ between civil and criminal law: parties involved, burden of proof, onus, and juries – explain why violations are either civil breaches or criminal offences

Every effort should be made by teachers to ensure that the information presented in this unit is specific or applies to Nova Scotia Law (especially for the section on Family Law). Information specific to Nova Scotia can be obtained online or through the Legal Information Society of Nova Scotia.

Suggestions for Learning and Teaching:

- Teachers can give students scenarios and cases dealing with civil and criminal breaches and then ask students to explain why each violation would be either a civil or criminal offence.
- Teachers can have students complete Activity 11 on p. 362 of *Law in Action* to help students compare the differences between criminal and civil actions. BLM 13-3 “Comparing Civil and Criminal Actions” on p. 350 of *Law in Action: Teacher Resource* can be used as a guide for this activity.

Suggestions for Assessment:

- The journal assignment begun in the Foundations Unit can be used to assess students’ abilities to differentiate between Civil and Criminal law.
- Ongoing Assessment:
- Teachers can use a “Base Group” format to assess all outcomes in the Civil Law Unit. For this assessment students will be placed in teacher designed mixed ability groups. These groups will be fixed for the duration of the unit. Each group should be given a folder to hold their work along with an attendance sheet. At the beginning of each class or every other class students will get into their Base Groups. Each group will have a short assignment to complete (about 15-20mins). These assignments can be case studies, graphic organizers, 3 step interviews, Venn diagrams, or any other format the teacher deems appropriate. The assignment should go along with the outcome being covered that day and should promote discussion within the group about the outcome. Teachers can assess participation informally through observation. At the end of the unit groups should have a small portfolio demonstrating their learning in the unit which can be presented to the class or handed in for the teacher to assess. Alternatively, groups can choose three or four assignments that summarize their learning in the unit to be polished and handed in for assessment. Students can also write an individual reflection about an issue or assignment done in their base groups.

Notes and Resources:

Information relevant to these outcomes can be found in the *Law in Action* textbook on pages 336-349

GCO CI2:	Students will be expected to analyze the role of law as it applies to torts and the relationship between tort law and young people.
	<ul style="list-style-type: none"> – define what constitutes a tort – differentiate between intentional and unintentional torts and examine examples of various kinds of torts – explain and apply the concepts of “duty of care”, “standard of care”, “reasonable person”, and “causation” – outline the process of seeking remedy in tort law – identify and understand the types of liability in tort law – describe standard defences in tort law – assess the relationship between tort law and young people – examine the tort liability of minors and parental responsibility/liability

Suggestions for Learning and Teaching:

- Students can be given a list of examples of various torts. They should decide whether they are intentional or unintentional torts and explain their reasoning.
- With the help of the *Law in Action* text book (pp. 366-375), teachers can explain the concepts of “standard of care”, “duty of care”, and “reasonable person”. A role play activity can be used to help students understand these concepts. Teachers can create and cut out onto strips of paper short role play scenarios for various types of civil wrongs. Pairs or triads can be given a scenario to act out for the class. The class should discuss the duty of care and standard of care that would apply in each scenario as well as whether causation can be proven.
- To help students understand the remedies for civil wrongs and damages that can be sought, teachers can use the case studies in Chapter 13 of *Law in Action* and have students discuss the types of damages sought in each case. Further, when doing the case studies from the following chapters on Civil law with students, teachers should have students decide on the damages that could or should be sought in each case.
- Students can be given BLM 14-1 “Developing Your Legal Repertoire” on p. 376-377 of *Law in Action: Teacher Resource*. This chart can be completed at the beginning of the unit or as the unit progresses. It will help students to develop their understanding of legal terminology and will serve as an additional reference for them.
- Teachers can have students do Activity 1 “Role Play: Name That Tort” on p. 399 of *Law in Action: Teacher Resource* to help students differentiate between intentional torts and criminal law.

Defences:

- Unintentional Torts - After reviewing pp. 381-384 in *Law in Action* with students, teachers can have students revisit the previous cases in Chapter 14 and decide which defence would best apply to each case. This can also be done with current cases in the news.
- Intentional Torts - After reviewing pp. 401-404 in *Law in Action* with students, teachers can have students examine the cases in Chapter 15 and decide which defence would best apply to each case. This can also be done with current cases in the news.

- Teachers can assign “Putting It All Together” activity 13 on p. 410 of *Law in Action*. Students should be given BLM 15-2 “Researching Intentional Torts” on p. 406 of *Law in Action: Teacher Resource* to help them with this activity.
- Teachers can arrange for students to take a field trip to Small Claims Court. This way students can see civil trials first hand. Depending on the court schedule teachers can have students take an independent trip to Small Claims court and report to the class on their experience.

Suggestions for Assessment:

- Students can do Activity 4 “Details Count: Case Study” on p. 371 of *Law in Action: Teacher Resource* in small groups. Each group will be given a different case to analyze using the procedure outlined.
- Teachers can break the class into small groups to complete Activity 5 “Liability In-service” on p. 372 of *Law in Action: Teacher Resource*. This activity will allow students to demonstrate their knowledge of various types of liability in a creative format. Teachers can use the recommended Assessment Masters for this activity.
- Students can be divided into groups and assigned two cases – one dealing with unintentional torts and one dealing with intentional torts. Cases can be found on pp. 387-388, 411-412 of *Law in Action* as well as the Additional Cases for Chapters 14 and 15 of *Law in Action: Teacher Resource*. Each group should summarize the facts of their cases, the types of torts involved in the cases, and the possible defences available for their cases. Groups will then present their findings to the class and be prepared to answer questions about their findings from both their classmates and the teacher.

Notes and Resources:

Information relevant to these outcomes can be found in the *Law in Action* textbook on pages 336-408

GCO CI3:	Students will be expected to analyze the role of law as it applies to contractual obligations as well as the implications of contractual obligations to young people.
	<ul style="list-style-type: none"> – identify the essential elements and types of contracts – analyze issues regarding the validity of contracts – outline the processes and remedies available in law for breach of contract – investigate the relationship between young people and various types of contracts

Suggestions for Learning and Teaching:

- Students can be broken into pairs or triads and asked to role play scenarios dealing with forming contracts. After they have acted them out the class can identify the parties involved and whether there was a meeting of the minds. Alternatively, groups could write out scenarios, read them to the class, and have the class analyze their scenarios.
- Teachers can have students do Activity 2 “Contract Dispute” on pp. 472-473 of *Law in Action: Teacher Resource*. This will allow students to analyze contractual elements and contractual disputes.
- Students can use BLM 19-2 “Contracts Trial Organizer” on p. 514 of *Law in Action: Teacher Resource* to complete the “Communicating Your Ideas” section on p. 513 of *Law in Action*. Students will research a case involving contract issues and act out short mock trials. Detailed instructions can be found on p. 502 of *Law in Action: Teacher Resource*.

Suggestions for Assessment:

- Students can complete question 10 on p. 485 of *Law in Action*. This requires them to take a position on a contract issue and write an editorial about it. BLM 18-3 “Contracts Editorial” on p. 480 of *Law in Action: Teacher Resource* can be used as a guide.
- Teachers can have students create valid contracts for scenarios they could encounter in their daily lives. This could include rental agreements, purchase agreements, telephone contracts, etc. These contracts can also be written for scenarios in which both parties would be the age of majority, as some students may be at this age or close to it.
- Students can use BLM 19-1 “Contracts Essay Organizer” on the Government of Nova Scotia website to write a reflection like the one outlined in question 7 on p. 513 of *Law in Action*. Students will need to obtain copies of consumer protection legislation from the website (such as the Consumer Protection Act and the Direct Sellers Act) and write about how well consumers are protected in Nova Scotia.

Notes and Resources:

Information relevant to these outcomes can be found in the *Law in Action* textbook on pages 462-512

GCO CI4:	Students will be expected to analyze the relationship between law and family matters.
	<ul style="list-style-type: none"> – describe the differences between marriage and common-law relationships – explain the legal processes involved in separation and the legal dissolution of a marriage (death and divorce) – analyze issues regarding division of property, maintenance (spousal and child support), and custody – outline the process of seeking remedy in different areas of family law – examine children’s rights within the family (e.g. child protection & adoption)

Suggestions for Learning and Teaching:

- This section can begin with students brainstorming questions about family law. The class can create a list of questions they would like answers to regarding family law. The list can be placed in the classroom and as the section progresses the class should learn the answers to most of their questions. A K-W-L activity can also be used.
- Students may find understanding the differences between marriage and common-law relationships if time is first spent learning about marriage. Once students have an understanding of marriage (definition of marriage, requirements of a valid marriage, dissolution of marriage) teachers can present them with the differences between marriage and common-law relationships. Students will then complete BLM 17-1 “Comparison Organizer: Marriage Versus Cohabitation” to compare the two.
- Students will often have a great deal of prior knowledge as well as misconceptions related to separation, dissolution of marriages, maintenance, and custody and access. Teachers should take every opportunity to draw on students’ prior knowledge in addition to dispelling any misconceptions they may have.
- Teachers have students examine the various aspects and issues related to Family Law by having students research Family Law and prepare presentations for the class. The class can be divided into groups and each group given an aspect of Family Law (divorce, separation, custody, access, division of property, maintenance) to research. When researching their topic students should revisit the class’ list of family law questions in case some questions are about their topic. After students have researched their topic, groups should create a handout for the class with information about the topic and be prepared to present their topic to the class. Students should do their presentation in a form other than a lecture. This can be done through a PowerPoint presentation, a student video, student written song, etc.

Suggestions for Assessment:

- Activity 3 “Case Analysis” on p. 451 of *Law in Action: Teacher Resource* can be done with students. This analysis will allow them to apply their knowledge of family law and demonstrate what they have learned about family law. This can be done with more than just the case suggested in the guide.

- Students can write a “Letter to the Editor” about an issue regarding family law. These letters should outline the main points of the chosen topic, the students’ points of view, and evidence to support their opinions.

Notes and Resources:

Information relevant to these outcomes can be found in the *Law in Action* textbook on pages 413-458

Family Law varies from province to province and teachers should therefore make every effort to ensure they present information relevant to Nova Scotia to their students. The Legal Information Society of Nova Scotia is an excellent resource for material in this area.

Family Law information resources can be found on the Legal Information Society of Nova Scotia (LISNS) website.

UNIT IV: Other Areas of Law

Unit IV:	Others Areas of Law (must select 1 outcome from Aboriginal Law and at least any other 5 outcomes)
-----------------	---

This unit can be covered in different ways. Teachers can teach to the outcomes as they have for the previous units; however, the recommended way for teachers to teach this unit is through student directed seminars.

The class should be divided into six groups. Each group will be assigned a topic based on one or more of the outcomes for the unit. Teachers must ensure that one of the outcomes covered is from Aboriginal Law. The groups will eventually teach their topic to the class.

Class time should be devoted to student research on the topic. Computer labs should be made available to students for their research. Teachers can plan on 4-5 classes (depending on the length of class in their school) for research so that students can fully research their topic and prepare their presentation to the class. It should be made clear from the start that students will be taking on the role of the teacher for their topic.

Each group should prepare a fact sheet to be submitted for teacher approval before beginning to prepare their presentation to the class. This will allow teachers to make sure students are focusing on the appropriate material for their topic and not trying to research or cover too much or too little information.

Presentations should be at least 30mins-1hr in length and groups should:

- present the material to the class in a lecture, video, PowerPoint presentation, or other format.
- engage the class in at least 2 activities to help with their understanding of the topic. These can include case studies, games, debates, worksheets, etc.
- be prepared to conduct a class discussion around their topic as well as to answer questions from the class. They are the “experts” on their topic.

Teachers can also have students design their own assessments if they decide it will be beneficial.

Students should be provided with a list of print and online resources where they can begin their research.

ABORIGINAL LAW	<p><i>Students will be expected to:</i></p> <ul style="list-style-type: none"> • demonstrate an understanding of the legal impact of Aboriginal Rights and Treaty Rights • analyze the legal effects of the Indian Act (1876) and the Constitution Act (1982) on Aboriginal peoples • examine the importance and role of sentencing circles within Aboriginal communities
INTERNATIONAL LAW	<p><i>Students will be expected to:</i></p> <ul style="list-style-type: none"> • demonstrate an understanding of how international law is made and applied • analyze the effectiveness of international law
IMMIGRATION LAW	<p><i>Students will be expected to:</i></p> <ul style="list-style-type: none"> • chart the immigration process as defined by current Canadian immigration law • compare the current Immigration and Refugee Protection Act (2001) with previous immigration acts
HUMAN RIGHTS LAW	<p><i>Students will be expected to:</i></p> <ul style="list-style-type: none"> • demonstrate an understanding of provincial, federal, and international human rights legislation • evaluate the extent to which human rights in Canada are safeguarded today • examine the development of human rights law in Canada by analysing landmark cases and events
ENVIRONMENTAL LAW	<p><i>Students will be expected to:</i></p> <ul style="list-style-type: none"> • demonstrate an understanding of the purposes and types of environment protection laws in Canada • evaluate the effectiveness of environmental laws in sustaining natural resources
EMPLOYMENT LAW	<p><i>Students will be expected to:</i></p> <ul style="list-style-type: none"> • demonstrate an understanding of the statutes that govern terms of employments • evaluate the extent to which Canadian law balances the rights of employers and employees
CONSUMER LAW	<p><i>Students will be expected to:</i></p> <ul style="list-style-type: none"> • demonstrate an understanding of the purposes and types of consumer protection laws in Canada • evaluate the effectiveness of consumer protection laws in Canada
MEDIA AND INTERNET LAW	<p><i>Students will be expected to:</i></p> <ul style="list-style-type: none"> • examine the role of contracts as they pertain to Internet commerce • analyze the evolving relationship between Canadian law and the Internet

Appendix A: Portfolios in Law 12

Portfolios in Law 12

A major feature of assessment and evaluation in Law 12 is the use of portfolios. A portfolio is a purposeful selection of a student's work that tells the story of the student's efforts, progress, and achievement. The portfolio documents Law 12 activities.

Portfolios engage students in the assessment process and allow them to participate in the evaluation of their learning. Portfolios are most effective when they provide opportunities for students to reflect on and make decisions about their learning. The students and teacher should collaborate to make decisions about the contents of the portfolio and to develop the criteria for evaluating the portfolio.

Portfolios should be started at the outset of the course. Teachers should make clear to students their expectations for the portfolios and collaborate with students to create a rubric for the portfolios. Law 12 portfolios should be a semester long endeavour with teacher and students taking time 2-3 times throughout to re-evaluate the rubric and criteria.

Portfolios in Law 12 should be started at the beginning of the course with teachers and students collaboratively setting the guidelines and criteria for the portfolios. Students should be given time to carefully choose their portfolio pieces as well as time to reflect on their choices and revise them as the course progresses. Regular written reflections regarding portfolio entries as well as frequent student-teacher and peer conferences about selections are essential to the portfolio being an authentic assessment of student progress and achievement.

Portfolio Framework:

The goal for Law 12 portfolios is to allow students to demonstrate their progress and achievement of the outcomes for the course. At the beginning of the course teachers should make clear to students expectations for their portfolios.

The process should begin with teachers explaining to students that the Law 12 portfolios will be a collection of student work that includes class work and projects that have been formally or informally assessed, any other work students have done that demonstrate achievement of the outcomes, and student reflections explaining the link between their selections and the outcomes for the course. These portfolio "artifacts" can take the form of written work, photographs, video, music, student designed websites, etc.

Once students are clear on what the portfolios will be, the teacher and students should collaborate on creating a rubric for assessing the final portfolio at the end of the semester in addition to a checklist and timeline to keep students on track throughout the process.

Law 12 portfolios should be created using the following steps:

- 1) Collection - this should be an ongoing process. Whenever students come across something they think might fit into their portfolio they should store it there. It is important for students to think of this as being similar to brainstorming (i.e. there is no wrong artefact to collect).
- 2) Selection – Students will begin to select pieces from their collection that demonstrate their progress and achievement of the outcomes. Students should mainly be involved in the selection of artifacts as it is their portfolio. The teacher can support selection by making suggestions and

recommendations regarding the outcomes. Both the class and teacher should be involved in the establishment of review criteria. Students will find that as time goes on they will refine their selections and possibly exclude artifacts they had previously chosen to include. The refinement of selections should be done monthly to keep it manageable with major examinations and refinement done at the mid-semester reporting period.

- 3) Reflection – For this step students are given time with their portfolio selections to reflect upon their appropriateness. Students should do written reflections about why they have chosen these artifacts to demonstrate their progress and achievement. Time should be given on at least a bi-weekly basis for student reflection. This reflection gives students the opportunity to examine their portfolios and identify areas that require more attention as they re-examine the course outcomes and portfolio rubric.

These steps should be repeated throughout the course so that upon completion students have a comprehensive portfolio which they have created to demonstrate their progress, achievement, and reflection.

Student-teacher conferences should be scheduled regularly to discuss student selections and to allow teachers input into student portfolios. In addition, small work in progress groups should be set up so that students can discuss with each other their portfolio selections allowing for input from their peers. Time can also be given for students to present their portfolios to the entire class.

Portfolios can take many forms. They can be traditional paper portfolios or they can be more modern electronic portfolios. In a time when technology is so prevalent in students lives an electronic portfolio is probably the most efficient way for students to collect and organize their selections. Portfolios can be stored on school networks or on disks or portable drives. If electronic portfolios are used teachers should stress the incredible importance of backing them up on a regular basis.

With proper time and organization, portfolios will be an important aspect of the Law 12 course.

Appendix B: Online Resources

Online Resources:

<http://scc.lexum.umontreal.ca/en/index.html> Supreme court of Canada rulings provided by the Supreme Court of Canada and the LexUM laboratory in University of Montreal's Faculty of Law. (Accessed February, 2009)

http://www.courts.ns.ca/teachers/resource_mock_trials.htm Mock Trials The Courts of Nova Scotia (Accessed February, 2009)

<http://www.legalinfo.org/index.php> The Legal Information Society of Nova Scotia (LISNS) (Accessed February, 2009)

<http://www.gov.ns.ca/> The Government of Nova Scotia website (Accessed February, 2009)

<http://www.legalinfo.org/images/stories/pdf/happyeverafter.pdf> "**And they lived happily ever after...rights and responsibilities of common law partners**" a resource from the Public Legal Information Society of Nova Scotia (Accessed February, 2009)

<http://laws.justice.gc.ca/en/showtdm/cs/C-46> The *Criminal Code of Canada* online through the Justice Department's website (Accessed February, 2009)

<http://www.tryjudging.ca/> Try Judging is an interactive website where students can apply their legal knowledge (Accessed February, 2009)