



UNIVERSITY OF
CALGARY

EDUCATION

*Community Rehabilitation
and Disability Studies*

Approved: September 6th, 2007

CORE 603.08

Half (2-3)

sc. JB

Advanced Topics: Disability and Law

Calendar Description

Demonstrates knowledge of applications of Canadian legal principles and practices in individual civil law, advocacy and criminal justices

Content/Objectives

- Constitutional law: specifically the role of the Charter.
- Criminal justice (state vs. the individual) rights and responsibilities of the victim, the accused and the non-legal professional in criminal justice processes.
- Civil law (the individual vs. individuals or groups), personal injury, liability and tort.

Outcomes/Competencies

- Identify the legal issues and challenges underlying practice in community rehabilitation.
- Use legal resources to clarify and communicate issues and need for support to clients and members of a rehabilitation team.
- Work with legal professionals to incorporate legal requirements and safeguards in community rehabilitation practice.
- Demonstrate familiarity with various dispute resolution alternatives that may be beneficial to clients.
- Demonstrate knowledge of procedures related to providing expert opinion testimony.

Assignments

Student grades are based on:

1. Outline of research paper or project (see details)
2. Research paper or project

Value 40%
Value 60%

Resources

Course readings for Law and Disability course that includes on-line and local legal resources.

Local legal resource centre and/or 'friendly' lawyer.

An Interactive CD-ROM. *Disability and the Law*. Media Learning Systems

Details for current course offerings are available at: www.crd.s.org

Instructor and Course Information

COURSE: CORE 603.08

INSTRUCTOR: Jim Conway

TERM: Fall 2007

TELEPHONE: 297-4401

SECTION: L01/B01

FAX: 297-4201

TIME/DATE: Wednesday, 7pm – 9:30pm MST

EMAIL yawnoc@telusplanet.net
jconway@ycdo.ca

LOCATION: Online (Blackboard) Chat session

OFFICE HOURS:

Course Content

This course is an analysis and review of how Canadian legal principles, legislation and case precedents are applied to persons with disabling conditions and to the professionals who work with them. Legal issues of the Canadian Charter of Rights and Freedoms, criminal law, personal law, tort law and other areas. Information regarding the legal rights and obligations of professionals and their clients will be presented and discussed. Issues such as civil and criminal liability, confidentiality, liability of boards of directors and volunteers, and the role of professionals as expert witnesses will also be discussed. Recent cases and new legislation will be reviewed as examples of how the law is being applied in real fact situations.

Module I: The Canadian Charter of Rights and Freedoms

1. Review of Important Charter Provisions
2. Review and analysis of recent court decisions
3. Cases studies: R. V. Latimer
Re Rodriguez and Attorney-General of British Columbia

Module II: Issues in Criminal Law

1. Preliminary issues
 - (a) "Fitness to stand trial"
 - (b) Capacity to instruct counsel
2. Exemption from criminal liability by reason of mental disorder
 - (a) The legal concept of "mental disorder" (s.26 Criminal code)
 - (b) Legal consequences of a finding of "Not criminally responsible due to mental disorder"
3. Defenses of diminished responsibility
 - (a) Mental and developmental disabilities in general
 - (b) ARND and FAS/FAE
4. Euthanasia and the deliberate cessation of medical treatment leading to death
 - (a) Case study: London Health Services Center v. K.(R.)
5. Sentencing mentally disordered offenders
6. Barriers to participation in the criminal justice process for individuals with disabling conditions

Module III Issues in Personal Law

1. Adult guardianship
2. Substituted decision making
 - (a) (Enduring) Powers of Attorney
 - (b) Health care directives
3. Trusts and other financial issues
4. Review and comparative analysis of provincial legislation

Module IV Issues in Tort and Contract Law

1. Mental disorder and diminished responsibility in the context of civil law
2. Civil law issues arising from community living
3. Consumer protection legislation
4. Compensation for personal injuries
5. Workers' Compensation

Module V: Discrimination and Human Rights

1. Review of current legislation
2. The "duty to accommodate"

Module VI: Legal Issues for Professionals

1. Privacy and freedom of information
2. Vicarious liability
3. Professional negligence
4. Professional discipline
5. Roles for Rehabilitation Professionals in the Canadian Justice system
6. Alternate Dispute Resolution

Details of Assignments

1. Outline of below

Value 40%

Outline of research paper or project to be submitted to instructor by Oct. 10/06. Include in Outline the following:

- a) Purpose and rationale of paper
- b) Potential subheadings of areas to be covered
- c) Literature review of topic

Feedback will be given to student in order to proceed with Part 2

Due : October 08/07

2. Research paper or project

Value 60%

In each case the details of assignment chosen by the student will be negotiated with the instructor in order to cover the above competencies within the student's individualized interests. Student evaluation will be based on:

- a) Identification of the legal and public policy issues arising in the area of community rehabilitation practice chosen as a subject.
- b) Demonstration of familiarity with fundamental legal principles and processes, as well as specific statutes and case precedents, which apply to the subject chosen.
- c) Application of the knowledge base to the resolution of the issues identified.

Examples of acceptable projects:

- a) *Prepare a 'cost of future case' analysis for a hypothetical lawyer acting for the plaintiff in a personal injury case based on brain injury.*
- b) Identify and respond to challenges in current legislation and case law relating to community practice and, in particular, the 'duty to accommodate'.
- c) Critical analysis of existing or proposed legislation in the student's province of residence.

Due: December 04/07

Marking Scheme

95 – 100	A+	80 – 84	B+	65 – 69	C+	50 – 54	D+
90 – 94	A	75 – 79	B	60 – 64	C	45 – 49	D
85 – 89	A-	70 – 74	B-	55 – 59	C-	Below 44	F

NOTE:

*The last day to change/register for courses and pay balance of fees for the Fall session is **September 21st, 2007**.
The last day to withdraw is **December 7th, 2007**.*

All assignments will be held at the Community Rehabilitation and Disability Studies office for only one (1) year after the last day of term.

Academic Accommodation: Students with a disability, who require academic accommodation, need to register with the Disability Resource Centre <http://www.ucalgary.ca/UofC/Others/DRC> MC 295, telephone 220-8237. Academic accommodation letters need to be provided to course instructors no later than fourteen (14) days after the first day of class. ***It is a student's responsibility to register with the Disability Resource Centre and to request academic accommodation, if required.***

IMPORTANT: Intellectual honesty is the cornerstone of the development and acquisition of knowledge and requires that the contribution of others be acknowledged. Consequently, plagiarism or cheating on any assignment is regarded as an extremely serious academic offence. Students should examine sections of the University Calendar that present a Statement of Intellectual Honesty and definitions and penalties associated with Plagiarism/Cheating/and Other Academic Misconduct.

Purchasing a Textbook from the University of Calgary Bookstore:

- Shop On-line www.calgarybookstore.ca Click on --> Shop On-line; Click on --> Textbooks; Follow the directions.
- Order by Phone: (403) 220-5937; Toll Free: 1-877-220-5937
- In Person: Go to the University of Calgary Bookstore, MacEwan Student Centre, Room 155, 2500 University Drive NW, Calgary, AB T2N 1N4