



UNIVERSITY OF  
CALGARY

SC  
Fall 2011

Department of Community Health Sciences  
Faculty of Medicine

Academic Year 2011-2012  
Fall SESSION

**CORE 603.08**  
**Law in Community Rehabilitation**

**Course Instructor:** **Dr. Jim Conway**  
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**Course Dates:** **Wednesdays, 7:00 pm – 9:30 pm - Elluminate Sessions**  
**Sept. 14 to December 7, 2011**

**Location:** Web-based course

**Course Description**

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

**Prerequisite**

NA

**Required Resources**

Course readings on Blackboard

**Suggested Textbook**

See above

**Course Goals**

The course goals are to:

- 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.

**Learner Objectives**

Following completion of this course, students will be able to:

- Identify the legal issues and challenges underlying practices 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



**Academic Integrity**

The Department of Community Health Sciences expects **intellectual honesty** from its students. Course participants should be aware of University policies relating to Principles of Conduct, Plagiarism and Academic Integrity. These are found in the printed Faculty of Graduate Studies Calendar, or online under Faculty Regulations in the Faculty of Graduate Studies Calendar, or at [www.ucalgary.ca/pubs/calendar/current/how/How\\_LB.htm](http://www.ucalgary.ca/pubs/calendar/current/how/How_LB.htm).

**Cut Points For Grades**

This course adheres to the grading system outlined in the University of Calgary, Faculty of Graduate Studies Calendar. Percentage/letter-grade conversions are standard for courses in the Department of Community Health Sciences.

Grade	Course %	Grade Point Value*	Graduate Description*
A+	97-100	4.0	Outstanding
A	90-96.5	4.0	Excellent
A-	85-89.5	3.7	Very good performance
B+	77-84.5	3.3	Good performance
B	72-76.5	3.0	Satisfactory performance
B-	68-71.5	2.7	Minimum pass for students in the Faculty of Grad Studies
C+	63-67.5	2.3	All grades below B- are indicative of failure at the graduate level and cannot be counted toward Faculty of Graduate Studies course requirements.
C	60-62.5	2.0	

**Late Assignments:**

- Assignments are due on the specified date by 9 AM. Students who hand in assignments late will be penalized 5% per day for handing in late. Assignments that are handed in 14 calendar days or more after the due date will be refused and the students assigned a score of zero for the assignment.
- Students may hand in assignments late without penalty under the following circumstances:
  - The student has discussed the timelines with course instructor in advance of the due date and the course instructor has granted an extension
  - There is a valid health or family emergency such as is discussed under the University regulations for deferral of final examinations. Students may be required to provide the Course Coordinator with such documentation related to illness and/or emergency as is discussed and required in the University regulations pertaining to deferral of final examinations. This information can be found in the University Calendar.



**Evaluation Plan**

Student grades are based on:

Due Date	% of Final Mark	Evaluation Method
October 22, 2011	40%	<p><b>1. Outline of research paper or project</b> Outline of research paper or project to be submitted to instructor by <b>October 22, 2011</b>. Includes in outline the following:</p> <ul style="list-style-type: none"> <li>• Purpose or rationale of paper</li> <li>• Potential subheadings of areas to be covered</li> <li>• Literature review of topic area</li> </ul> <p>Feedback will be given to student in order to proceed with Part 2</p>
December 14, 2011	60%	<p><b>2. Research paper or project</b> 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:</p> <ul style="list-style-type: none"> <li>• Identification of the legal and public policy issues arising in the area of community rehabilitation practice chosen as a subject</li> <li>• Demonstration of familiarity with fundamental legal principles and processes, as well as specific statutes and case precedents, which apply to the subject chosen</li> <li>• Application of the knowledge base to the resolution of the issues identified</li> </ul> <p><b>Examples of acceptable projects:</b></p> <ol style="list-style-type: none"> <li>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</li> <li>b) Identify and respond to challenges in current legislation and case law relating to community practice and, in particular, the 'duty to accommodate'</li> <li>c) Critical analysis of existing or proposed legislation in the student's province of residence.</li> </ol>

**Course Timetable**

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



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**NOTE:**

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/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.**