

INTRODUCTION TO LEGAL STUDIES: LAW ACROSS LEGAL TRADITIONS

Class activities*

INTRODUCTION

Bio and Picture

Write a short bibliographical note about yourself, including your interests, future plans, major concerns about college. Is this your first year in college? Do you come straight from High School? Did you do other studies? Do you work? If so, what do you do? What are your hobbies? What TV shows do you like the best? Films? Music groups? What are your objectives for this course? Have you studied Law before? Bring this note to class and include a picture of yourself

Analyze the following newspaper articles

The following questions may help you with the analysis

- 1) What is the article about? What happened?
- 2) What is the legal issue or legal problem?
- 3) What do you think about this issue or problem?
- 4) Do you agree with this legal issue and/or with the resolution of this legal issue or problem? Why or why not?

Supreme Court rejects payout for couple who wanted to order 7Up in French



The Supreme Court of Canada has denied financial compensation to an Ottawa couple who sued Air Canada when, among other things, they could not order a 7Up in French. Though the top court ruled by a five-to-two margin Tuesday that the airline violated Michel and Lynda Thibodeau's French-language rights, it found they did not qualify for monetary damages. The Federal Court of Canada had awarded them damages of \$12,000, but its judgment was set aside by the Federal Court of Appeal, which awarded the couple a lower amount.

The couple, who live in Orléans, filed eight complaints with the official languages commissioner over the English-only service they said they received during three trips they took between January and March 2009. On a flight from Charlotte, N.C., to Toronto in 2009, Lynda Thibodeau asked in French for a 7Up, Michel Thibodeau said in an affidavit filed with the court. The unilingual English-speaking flight attendant served her a Sprite instead.

In earlier court proceedings, Air Canada admitted to four breaches of the Official Languages Act in the Thibodeau case. Among other things, it admitted there was no bilingual flight attendant on the flights taken by the Thibodeaus in 2009 and that there was no translation of an announcement made by the pilot about arrival time and weather on one of the flights. The case was the second time that Michel Thibodeau, a crusader for French-language rights, had sued Air Canada or its subsidiaries for failing to provide service in French. In 2000, he was refused service in French when he tried to order a 7Up from a unilingual English flight attendant on a flight from Montreal to Ottawa. He filed suit in Federal Court for \$525,000 in damages. The court upheld his complaint, ordered the airline to make a formal apology and pay him \$5,375.95. Thibodeau was later honoured by the French-language rights group, Impératif français. In 2007, he filed a

complaint against the City of Ottawa, accusing it of not providing sufficient bilingual services on its buses.

Angry bank customer gets 2 years in jail for helping himself to \$6.20



The man hoped to make a withdrawal, but became enraged when staff told him fees had put him in the red. Angry, he hopped over the counter and took the money.

By David Harding , NEW YORK DAILY NEWS

A furious bank customer has been sent to jail for two years after stealing \$6.20 from his branch. The man received the sentence after taking the money from the bank in La Coruna, Spain, reports The Local. He had gone to the branch to make a withdrawal, he hoped, the last of the money from his account. But he was told that bank charges had actually pushed his account into the red.

The customer became furious and started shouting, according to The Local. When the bank manager appeared to see what the disturbance was, the angry customer thrust his fist into his face

and said he would beat up the manager. He then jumped over the counter and took €5 (\$6.20). The customer pleaded guilty in court and got two years for aggravated robbery.

Lehigh University student got a C+ and now seeks \$1.3 million in lawsuit

THE DAILY CALLER

February 12, 2013 7:49 AM

A graduate of Lehigh University in Bethlehem, Pa. has sued the school for \$1.3 million because she is unhappy that she got a C+ in a class in 2009. Megan Thode, 27, says the grade ruined her dream of becoming a licensed professional counselor, reports The Morning Call, an Allentown-based newspaper. Her civil suit alleges breach of contract and sexual discrimination. It contends that the grade was part of a broader attempt to force her to abandon the graduate degree she was pursuing.

Trial proceedings began Monday in Northampton County and could last the rest of this week. Thode was in the last year of a master's in counseling and human services in Lehigh's College of Education. She needed a B in the course at issue — a fieldwork class — to qualify for another round of field work, which was required to obtain the degree. Thode's lawyer, Richard J. Orloski, maintains that she deserved a higher grade. However, her professor, Amanda Carr, awarded her a big, fat zero for classroom participation. That zero brought her grade down.

Orloski has also alleged that Carr and Nicholas Ladany (who was the director of the degree program) conspired against Thode because she and three other students were critical when they were told they had to search for supplemental internships midway through a semester.

The suit also charges that the course professor treated Thode unfairly because of Thode's support for gay and lesbian causes — a claim Lehigh flatly disputes, according to The Morning Call.

Thode did graduate from Lehigh with a master's degree, but not the one she aspired to have. According to Orloski, the \$1.3 million Thode seeks in damages represents the money she'll lose

over the course of her career because she isn't able to be a state-certified counselor. "She's literally lost a career," said Orloski, according to The Morning Call. Neil Hamburg, an attorney for Lehigh, says Thode's lawsuit is outrageous. "I think if your honor changed the grade, you'd be the first court in the history of jurisprudence to change an academic grade," Hamburg told the judge presiding over the case. "She has to get through the program. She has to meet the academic standards."

Hamburg pointed out that Thode is the daughter of Lehigh finance professor Stephen Thode. One of the perks of that relationship was that she was able to enroll in the Lehigh graduate program tuition-free. The school provided her with a job as well. She also got to attend York College of Pennsylvania at no charge as an undergraduate thanks to her Lehigh connections, says The Call. Thode was on the witness stand Monday. Another Lehigh attorney, Michael Sacks, grilled her about her free ride. "Even after you sued Lehigh, you were getting free tuition and working for Lehigh?" Sacks queried. "Yes," Thode answered.

Lehigh's lawyers allege that Thode's behavior in class was not acceptable for someone seeking a master's degree in counseling. On at least one occasion, they said, she used profanity in class. Another time, she broke down crying. Before filing her lawsuit, Thode filed complaints with the university over the C+ grade, showing up at meetings with her father, the finance professor. She sought a written apology from Carr, the course instructor, and a "plan for compensating me financially," notes The Morning Call.

Subway Sued Over 'Footlongs' That Came Up Short

ABC News' John Muller reports:

Two New Jersey men sued Subway this week, claiming the world's biggest fast-food chain has been shorting them by selling "footlong" sandwiches that measure less than 12 inches. The suit, filed Tuesday in Superior Court in Mount Holly, N.J., might be the first legal filing aimed at the Milford, Conn.-based company since a Subway customer in Australia posted a photo of a "footlong" sub next to a ruler on the company's Facebook page to allege that the sandwich was

not as long as advertised. The photo quickly spread across the Internet; and the company has since been on the receiving end of a barrage of criticism.

Stephen DeNittis, the lawyer for the plaintiffs in the New Jersey suit, said he's seeking class-action status and is also preparing to file a similar suit in Pennsylvania state court in Philadelphia. He said he has had sandwiches from 17 shops measured, and every one came up short. The lawsuit claims it is a "deceptive practice for Subway to advertise its large sandwich as a 'footlong.'" "When you add this up over time, that comes out to be anywhere between 45 to 60 cents a sandwich over the course of six years," DeNittis said of the alleged shortchanged subs.

Subway has 38,000 stores around the world, nearly all owned by franchisees. Its \$5 "footlong" specials have been a mainstay of the company's ads for five years. DeNittis said both plaintiffs – John Farley of Evesham, N.J., and Charles Noah Pendrack of Ocean City, N.J. – came to him after reading last week about the short sandwiches.

The lawsuit seeks compensatory damages and a change in Subway's practices. The company should either make sure its sandwiches measure a full foot or stop advertising them as such, according to the suit. In response to the original photo on Facebook that unleashed the wave of complaints, Subway Australia posted a statement clarifying that "footlong" subs were just a trademark, not reality.

"'SUBWAY FOOTLONG' is a registered trademark as a descriptive name for the sub sold in Subway Restaurants and not intended to be a measurement of length," read a comment posted to Subway Australia's Facebook page Jan. 16. Prior to that statement, the company had told ABCNews.com that the size discrepancy was caused by the fact that the bread was baked fresh in each of the company's 38,000 restaurants around the world. "We are committed to providing a consistent product delivering the same amount of bread to the customer with every order," the statement read. "The length however may vary slightly when not baked to our exact specifications. We are reinforcing our policies and procedures in an effort to ensure our offerings are always consistent no matter which Subway restaurant you visit." In response to the lawsuit, the head baker for Subway reiterated their commitment to 12 inches with each "footlong" sub.

Idaho Inmates Sue Beer, Wine Companies: Convicts Claim Alcohol Led To Their Crimes

Five inmates at the Idaho State Correctional Institution are suing national beer and wine companies for \$1 billion, claiming that alcohol was responsible for their crimes, the Associated Press reports. The civil suit alleges that they were not sufficiently warned about alcohol's addictive properties.

The inmates, who do not yet have an attorney, drafted the litigation themselves. Keith Allan Brown, who pleaded guilty in 2010 to voluntary manslaughter, filed the suit on Dec. 10, according to the Kansas City Star. The 52-year-old wrote that over the course of his life, he has spent almost 30 years in prison, and that alcohol has "played a major role" in most of the situations that landed him there.

"At no time in my life," the suit states, "prior to me becoming an alcoholic, was I ever informed that alcohol was habit forming and addictive." Brown's co-plaintiffs are Jeremy Joseph Brown, Cory Alan Baugh, Woodrow John Grant and Steven Todd Thompson as co-plaintiffs.

Jeremy Joseph Brown, 34, is serving a 20-30 year sentence for a 2001 shooting that left his victim seriously injured. In his affidavit, he claims he never would have started drinking had he known alcohol was habit-forming. He was drunk when the shooting occurred, his affidavit states, and if he had not been an alcoholic, it "never would have happened." Baugh, also 34, and Thompson, 44, are both serving 3-7 years for grand theft and drug convictions, ABC news reports. Grant is serving up to 7 years for drug and aggravated battery convictions. Grant wrote that he "fears the day" of his release, because he does not know if he will be able to "control the desires and craving to use alcohol."

The companies targeted by the lawsuit are Miller Brewing Company, Anheuser-Busch Co., Adolph Coors Co., Brown-Furman Co., American Brands Inc., Pepsi-Cola, RJR Nabisco, Gallo's Winery, Ernest Gallo and Julio Gallo. None of them have yet responded to the suit. Boise

attorney Joe Filicetti points out that despite the inmates' claims, the addictive properties of alcohol aren't exactly a secret. "I think it's pretty common knowledge that it's addictive," he told KIVI. "It's well known to be something that causes you to reduce your inhibitions and to do things you otherwise wouldn't do."

Craziest Lawsuits Filed by Cruise Passengers

November 2, 2014 by Ben Souza

It is no secret that lawsuits have gotten out of hand in the past few years. While many lawsuits have merit, there have been a few ridiculous lawsuits against cruise lines by passengers. Here are some of the craziest lawsuits against cruise lines over the past few years.



A passenger on a Carnival cruise sued the cruise line after he burned his feet during a hairy man contest on the Carnival Legend. The lawsuit claimed that Kurt Gies suffered injuries, pain, and mental anguish due to the hot surface of the Lido Deck. Gies claimed that towels were laid down on the hot deck but were removed before the contest began. Although no other participants complained about their feet burning, Gies said he had "serious and permanent scarring, disfigurement, and embarrassment".

Carnival was also the target of another lawsuit when a mother sued the cruise line after her

daughter died on a cruise. The lawsuit stated that Carnival was “fostering a party atmosphere” and failing to properly train their staff.

Cruise passenger Angel Holcomb sat down at a poker table and began to have a few drinks in the casino on the Carnival Conquest. After having too much to drink, Angel’s fiance found her lost, confused, stumbling, and falling in a hallway due to being too intoxicated to walk. When she got out of bed to have a drink of water, she dropped the glass and a shard tore through her left arm severing her ulnar artery. The lawsuit also stated that the crew on the Conquest was not properly trained in serving alcohol to passengers allowing guests to become drunk and hurt themselves.

One of the absolute craziest lawsuits happened in 2011 when a passenger sued a cruise line saying that the ship went too fast and swayed from side to side causing her to get sick. The case was dismissed by the Indiana Court of Appeals.

In 2013, Alexandra Kirby made national news for suing Carnival after she became extremely intoxicated and “fell overboard” on the Carnival Destiny (now Sunshine). Her lawyers said that “she was holding onto the balcony’s wooden banister, lost her grip and balance, slipped off the ground and fell overboard into the ocean”. Kirby was rescued 90 minutes later with multiple broken bones, blood clots, and lung contusions. The lawsuit stated that the cruise line encouraged her to drink more by offering \$5 casino coupons with each purchase. Also included in the lawsuit were two of the ship’s doctors for negligence and intentional infliction of emotional distress.

Two men filed a lawsuit against Royal Caribbean in 2012 after being locked up in the ship’s brig after a drunk woman falsely accused them of rape. After woman recanted her story, the lawsuit said that the cruise line refused to release the men or to modify the conditions of their imprisonment. What is so crazy about this lawsuit? The men were suing Royal Caribbean for a staggering \$100 million in damages.

\$100 million wasn’t enough for a Polish crewman on the Liberty of the Seas who sued Royal Caribbean for over a quarter billion dollars (\$271 million) after he suffered a stroke that left him partially paralyzed in 2012. The lawsuit asked for \$77 million in damages, \$194 million in

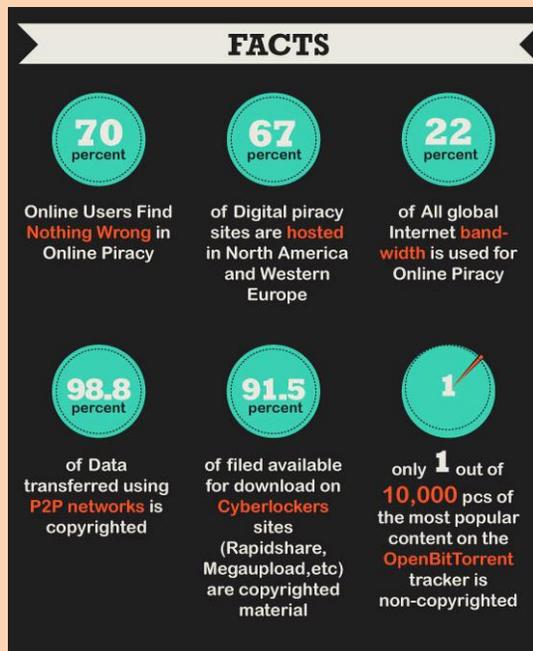
punitive damages, and \$19.4 million for his wife because of how the situation impacted her.

NOTIONS OF LAW

Scenarios

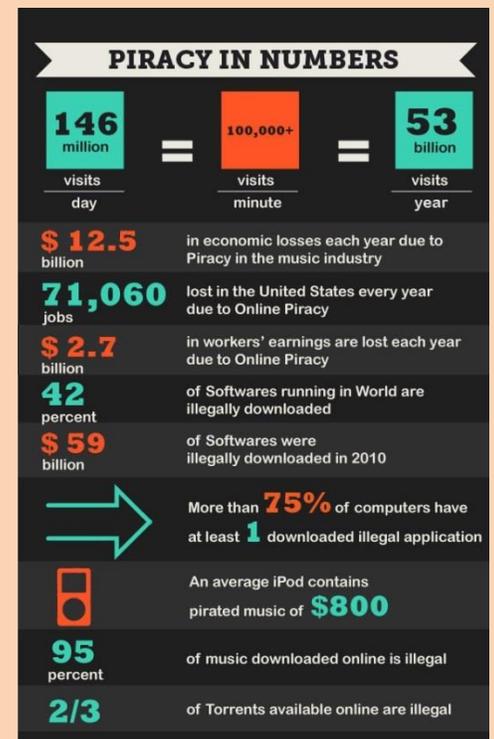
Identify whether the situations in the following scenarios constitute law for (i) Positivism; (ii) Legal Anthropology; (iii) both Positivism and Legal Anthropology; or (iv) neither Positivism or Legal Anthropology. Additionally, where appropriate, identify the legal rule. If the scenario does not explicitly state the legal rule, where appropriate, please infer it.

1. Parliament adopted a new bill dealing with consumer protection. Under the new bill, the government will create a website with information about consumers' rights in English, French, Spanish, Chinese, Arabic, and Italian.
2. The Canadian Criminal Code punishes murder with life in prison. According to Statistics Canada, the country's homicide rate fell last year to 1.44 victims for every 100,000 people, its lowest level since 1966.



3. The US Copyright Act and other laws punish online piracy with severe fines and lengthy prison terms.

4. According to the Canadian Criminal Code, nudity in a public place is punished as a summary conviction (fine and prison time). So according to the law, women are permitted to wear a bra and panties to school and work. No woman in



Canada wears only a bra and panties to work or school.

5. In Canada, most university students write final exams on the scheduled day within the final examination period and hand in papers and other assignments by the deadline set by their professors. Some students ask for an extension. If professors understand that there is a compelling reason for the extension, they generally grant it.

6. Last Monday evening, a middle aged man sat next to the one person alone in an empty movie theater (Sault Galaxy). Visibly upset, this person moved to another row.



7. It's illegal to chew gum in Singapore. According to Singapore's law, illegal chewing gum attracts a fine of \$500. This ban is strictly enforced and highly adhered to.

8. In Canada, when travelling in an elevator, people face the elevator door.

9. The Help America Vote Act (HAVA), a United States federal election law signed in by President Bush in 2002, encourages states to replace punch card and lever voting machines. So far, only a handful of states adopted the federal standards.

10. All school boards in North America sanction cheating and plagiarism with severe penalties, including expulsion. The Josephson Institute Center for Youth Ethics surveyed 43,000 high school students in public and private schools and found that: (i) 59% of high school students admitted cheating on a test during the last year (34% self-reported doing it more than two times); and (ii) one out of three high school students admitted that they used the Internet to plagiarize an assignment.

11. In a recent soccer match between Argentina and Croatia, Kalinic fouled Aguero inside the



penalty area. The referee awarded a penalty kick for Argentina. Lionel Messi scored the penalty.

12. Parliament passed a law that encourages provinces to elect potential senators for the Prime Minister to consider.

13. An International Law treaty to combat impunity encourages states to allow victims of crimes to institute and participate in criminal proceedings.

14. The Moms Opportunity to Access Help, Education, Research and Support for Postpartum Depression Act, or MOTHERS Act, a US federal law sponsored by U.S. Senators Robert Menendez, allocates funds for mothers and their families to access education programs about postpartum depression. The legislation includes two grants to help better educate healthcare providers to identify and treat PPD.

15. According to the United States Constitution, Federal Congress must approve war and other conflicts involving the US. It has only done so 11 times out of the over 200 armed conflicts.

16. Section 16 of the Canadian Charter of Rights and Freedoms literally reads that “English and French are the official languages of Canada and have equality of status and equal rights and privileges as to their use in all institutions of the Parliament and government of Canada.”



17. Section 3 of the Canadian Criminal Code states that “unless otherwise provided or ordered, anything done by a court, justice or judge is effective from the moment it is done, whether or not it is reduced to writing.”

18. The act of charging a player is a challenge for space using physical contact within playing distance of the ball without using arms or elbows. It is an offence to charge an opponent in

a careless manner, in a reckless manner, and using excessive force. Sanctions go from a free direct kick to send off.

19. Section 2 of the Quebec Civil Code states that “every person is the holder of a patrimony. It may be the subject of a division or of an appropriation to a purpose, but only to the extent provided by law.”
20. In *State v Donley*, Justice Albright of the Supreme Court of Appeals of West Virginia held that “the doctrine holding that if a statute or treaty is left unenforced long enough (desuetude) the courts will no longer regard it as having any legal effect even though it has not been repealed.”
21. The trial judge found Oscar Pistorius guilty of culpable homicide for the fatal shooting of his girlfriend Reeva Steenkamp.
22. Michael Gunn, an English undergraduate, was expelled from the University of Kent at Canterbury after a routine review of his work "revealed extensive plagiarism from internet sources". Michael Gunn, 21, claims he had no idea that his methods –cutting and pasting material from the internet without attribution- constituted plagiarism.

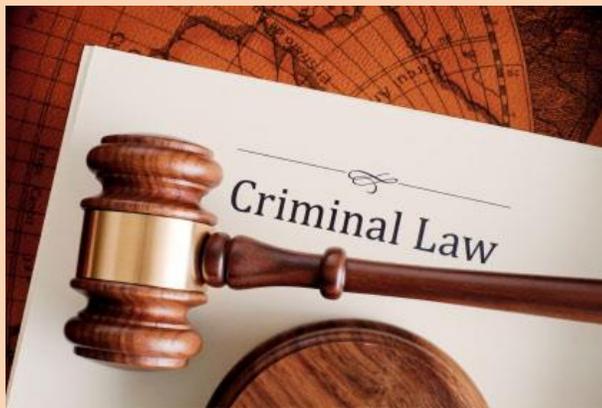
CRIMINAL LAW

Definitions of some crimes

Crime	Definitional terms
Theft	“Everyone commits theft who takes anything with intent to deprive another of property”.
Sexual assault	A person commits a sexual assault when without the consent of another person he or she conducts any form of sexual activity on that other person. No consent is obtained where the victim submits [...] by reason of authority or by abusing a position of trust, power or authority.

Breaking and entering	Every one commits breaking and entering who (<i>a</i>) breaks and enters a place with intent to commit an indictable offence therein.
Assault	A person commits an assault when without the consent of another person he or she applies force intentionally to that other person, directly or indirectly.
Mischief	Every one commits mischief who intentionally or recklessly destroys or damages property.
Kidnapping	Every person commits an offence who kidnaps a person with intent to cause the person to be confined or imprisoned against the person's will.
Homicides	The intentional, knowledgeable, reckless, or negligent causing of death of another human being.

Scenarios



Analyze the following scenarios and discuss whether they constitute a crime and why.

1. Homer hates Fat Tony. He picks up a gun and kills him.
2. Julian is moving his hands while lecturing. He walks around the classroom carelessly. Inadvertently, he hits a student.

3. One night after a particularly nasty argument with his wife Wilma, Fred throws an ashtray at her. The ashtray injures Wilma.
4. One night after a particularly nasty argument with his wife Wilma, Fred throws an ashtray at her. He misses, and the ashtray ends up hurting Betty, Wilma's friend, who happened to be standing by Wilma.
5. One night after a particularly nasty argument with his wife Wilma, Fred throws an ashtray at her. He misses her. And no one is hurt.
6. Mark is tired and does not want to walk home. He sees a house and figures out that its owners are out of town. He breaks in to spend the night. He leaves the house in the morning after an 8-hour sleep.
7. Fred needs money to pay back a gambling loan. So, he takes \$ 1000 from his employer's safety box without his knowledge. Fred bets \$ 1000 in college basketball and wins. Before his employer notices, Fred returns \$ 1000.
8. Fred is walking down the street when he sees that his friend Barney is getting beaten up. Fred defends Barney by hitting his friend's attacker.
9. Fred illegally enters Barney's property with the intent of swimming in the pond that is located on Barney's property.
10. Barney is mad at his friend because he thinks that he has been fooling around with his wife. Barney punches Fred in the eye.
11. Fred breaks into Barney's house with the intent of raping Barney's wife, Betty. Barney pulls out a gun and kills Fred.
12. Mr. Krabs is driving back home. He is sober, but he is speeding. While driving, he thinks about money. Suddenly, Plankton crosses the street at an intersection a few blocks from Mr. Krabs' house. Mr. Krabs tries to stop the car, but he runs over Plankton. As a consequence, Plankton has 4 broken ribs
13. Paula, who lives in Sault Michigan, asked her friend Mary to bring a box of cookies to their mutual friend Anne, who lives in Sault Ontario. When Mary crossed the border into Canada she was arrested for smuggling. There were prohibited drugs inside the box. Smuggling is defined as "intentionally transporting prohibited goods into Canada".
14. Barb was holding a glass in her hand at a party. Charles wanted to have sex with her, but she turned him down. Visibly upset, Charles slapped her and pushed her.

15. Homer and Marge have been married for years. They have 3 children: Bart, Lisa, and Maggie. One night, Homer comes late from work. Marge is sleeping. Homer gets into bed and starts kissing her. He then proceeds to have sex with her.
16. Sarah is held at gun point by Roger on a rooftop. Roger tells Sarah that she must shoot and kill Steven. Sarah pleads with Roger to let her go and that she does not want to kill Steven. Roger tells Sarah that unless she successfully shoots and kills Steven, he will kill Sarah and her entire family. Fearing for the safety of her family and herself, Sarah takes careful aim at Steven and fires a precise shot penetrating Steven's heart.
17. At a party, Homer puts Rohypnol (the so called date rape drug) in Marge's drink. Homer and Marge have been dating for a few weeks. Marge is not that steady on her feet; and he is trying to get her to go into a bedroom with him. Homer asks Marge if she wants to have sex with him, and she says she does. Homer and Marge have sex.
18. Mildred comes home from work early only to discover her husband Robert in the midst of a lewd affair with their neighbor Gladys. In sudden fit of rage, Mildred grabs a flower vase and smashes it over Gladys' head knocking her unconscious. With a broken shard of ceramic from the vase, Mildred stabs Robert in the neck. Robert dies from sudden blood loss within seconds.
19. Mildred comes home from work early only to discover her husband Robert in the midst of a lewd affair with their neighbor Gladys. In sudden fit of rage, Mildred decides to kill Gladys. She shoots at her, but the bullet penetrates Robert's head; and he dies within seconds.
20. Jim is driving down the freeway when he spills his bag of Skittles onto the front passenger floor. Not wanting to lose a single sugary morsel, Jim leans down to retrieve the handful of lost Skittles. In so doing, Jim takes his eyes completely off the road for 8 seconds. While reaching for the last Skittle, Jim inadvertently jerks the steering wheel which veers his car into the next lane. Jim's car strikes another car forcing it into the ditch. Upon entering the ditch, the other car flips into the air and lands on its roof. All three occupants are crushed to death
21. Melvin is 21 years old. He has been held back several grades and reads at approximately a 6th grade level. Laura is 15 ½ years old. She is a very bright student and takes nearly all AP classes. Laura and Melvin live in the same neighborhood. Laura has always felt sorry

for Melvin and was friendly to him even when the neighborhood kids teased and taunted him. As their friendship grew, their relationship, at Laura's suggestion, became sexual. Melvin never asked Laura how old she was nor did Laura ever tell Melvin her age. When Laura's father discovered the relationship, he turned Melvin into the police.

22. Brian David Mitchell, a street preacher, took Elizabeth Smart in the middle of the night at knifepoint from her parents' Utah home.

TORTS

1. Julian bought a chocolate bar at Metro. He was driving back home, when his car stopped. Julian noticed it had run out of gas. He used the chocolate bar as fuel as he remembered reading online that chocolate could be used as a substitute for fossil fuel in the future. The car started but went out of control killing two pedestrians. Can the manufacturer of the chocolate bar be sued for wrongful death?
2. Christa took a gun to her job to kill Paul, her ex-boss, who had fired her the day before. She shot at him but killed his secretary who was standing by him.
3. Laura is a single mother of two children aged 7 and 9. She has no family or friends in town. Laura has two jobs. She works 9 to 5 cleaning offices downtown and then as a waitress in a restaurant. Her children are bused from school and remain home alone until Laura comes back at 10 pm, when they are both asleep. Last Monday, their children broke into their neighbours' house and stole their Play Station, as they were bored and wanted to play some cool video games.
4. John went to the mall wearing only swim trunks and flip flops. The mall had a strict policy that said that you must wear a T-shirt or shirt. A security officer asked John to leave the mall. He said that he wanted to buy a T-shirt at a store. But the security officer insisted that he had to leave. John refused.
5. A space vehicle was launched from a space launch facility located outside Sault Ste. Marie, Ontario. Fuel emissions from the vehicle killed a family of four who lived at a farm situated 10 kilometers from the space launch site. The launch complied with all regulations. An investigation found no negligence on the part of the launch site operators.
6. Julian went to New York for a conference. He forgot his laptop at home. So, he rented a laptop computer from a local store. He had to return it by Saturday. He planned to do so

right before going to the airport on Friday afternoon. On Thursday evening he got a phone call from Air Canada saying that his flight was cancelled; and they offered him to fly on Thursday evening. He agreed. He had to pack his suitcases fast. He forgot the laptop at the hotel. He never returned it. In fact, he had completely forgotten about this incident until a few months later when he received a claim from the rental store.

7. Murphy asked his friend Oscar to drive Murphy's fancy car to Sault, Michigan. Shortly after setting off Oscar carelessly drove into a public library.
8. Chelsea locks Julian in the janitor's closet because he gave her a bad mark on her class participation.
9. A stranger peacefully enters your private property, you ask him to leave, but he refuses so you take reasonable steps to remove him.
10. An ambulance took too long to arrive at an emergency scene, causing the victim to suffer a massive heart attack.
11. Allie tells Suzanne to slap her if she falls asleep to wake her up. Allie falls asleep so Suzanne slaps her, but Allie's teeth go through her lip causing damage.
12. Angry at her professor, Nick throws Brandon's laptop at him. The professor dodges the laptop, which falls down and breaks.
13. At a bar, Peter punched Paul in the face. Paul fell down and broke his nose. The bar owner called 911; and an ambulance came a few minutes after the call. Paul died on the way to the hospital because of a congenital cardiac condition aggravated by the fall.
14. Kathy and Matt were walking down Queen Street when all of a sudden their friend Mark jumped in front of Matt from out of a driveway. Mark began yelling and shaking his fists like a mad man at Matt; Kathy then roundhouse kicked Mark to the face, causing him to fall onto the street and get hit by a bus (he was not fatally injured).
15. Paul and Leah have moved into their first home in a lovely neighbourhood. They both work full time and have to wake up at 5am every morning, except for weekends. Lately, they have not been able to get a good night's sleep because of the constant barking that the neighbour's dog, Bruce, makes. They have asked their neighbour several times to try to get Bruce to stop barking so late at night, but the barking has not stopped. They are almost at their wits end and are thinking of suing their neighbours.

16. Ashley and her husband have an adorable son, Jacob who is very adventurous. Though he is only four, he loves to climb trees, ride his tricycle and catch frogs in the ditches. He likes to play with his neighbour, Alex who is two years older. Alex has a pool and knows how to swim, but Jacob does not. There is no fence around the pool. One day, Jacob wandered over to Alex's house with his favourite ball. Jacob was bouncing the ball on the ground. Then it bounced away from him and right into the pool. Not wanting to leave his ball behind, Jacob jumped in after his ball but sank to the bottom of the pool. Luckily Jacob's dad who was just coming home from work saved Jacob from drowning. Jacob got a mild concussion and scraped his knees. Ashley and her husband are seeking damages for this situation.
17. In Desperate Housewives, Betty locks her son, Caleb, in the basement as punishment for him killing another girl. She would rather do this than report him to the police, but feels it is necessary for him to be punished in some manner. Caleb is confined to the basement 24 hours a day. This situation has been constant for a few months.
18. Paul and John play hockey for the Ice Queens. During practice, John skates by Paul with his stick in the air and hits him in the face with it breaking his nose. Unaware that Paul was injured John continues skating. Paul then skates after John and body checks him into the boards. John hits the boards face first and all his teeth brake.
19. Ryan witnessed a bank robbery and watched as a police officer caught the robber in action but the robber escaped. The police officer pursued the thief but tripped and fell as he attempted to run. Ryan could have trapped the robber but continued to do nothing.
20. Julian borrowed a laptop from the IT office to use at Algoma. He wanted to show a DVD to his JURI 1107 class. He had purchased the DVD (region 2) in Europe. The laptop had a sticker saying that you can only play region-1 DVDs. Julian did not notice the sticker and played the DVD. This caused permanent damage to the laptop.

SEXUAL HARASSMENT

Scenarios

1. A student finds that she does not enjoy going to class due to the fact that her professor frequently uses inappropriate language and makes sexually suggestive remarks in class.

When the professor does this, many of the male students laugh and after class they repeat the professor's comments. The student has started skipping class as the environment makes her uncomfortable. She talks to some of her male friends about it; and they tell her that she is being "over sensitive". The student brings a claim to the University Adjudication Committee. The professor defends himself by arguing that article 1 of the University's General Academic Rules, Standards and Practices adopted by Senate set forth that "teachers shall have absolute freedom as to the content and methodology of the classes they teach". The student argues that the University's Sexual Harassment Policy states that "the University does not condone or tolerate sexual harassment of any kind. Indeed, the University regards sexual harassment as unacceptable behavior that is subject to a wide range of disciplinary measures, including dismissal or expulsion from the University."

2. At Sudbury Law Firm, when Tom Bennet, the managing partner, gets all 15 lawyers together for their monthly planning session, he always asks Carol Jackson –the only female lawyer- to take notes and make coffee. Tom Bennet has three administrative assistants.

3. Nancy met Ted –both Algoma U students- in a first year psychology course. They would talk; and sometimes they went for coffee together after class. Ted began asking Nancy to go out with him. Nancy was not interested. Ted did not seem to understand that she was not going to change her mind. She was frustrated by his insistence. On a couple of occasions, she had told him off. But, upon seeing his hurtful expression, she relented and resorted to reasoning with him to go out with other women. He kept calling her on the phone and waiting for her after class. She sometimes missed going to her class because she didn't want to have to deal with him. She felt caught because she did not know how to get him to stop pestering her.

4. Shirley works at Eastlink in Halifax. Eugene is her supervisor and has asked her to join him for lunch a couple of times; but she has been busy so hasn't gone. Today Eugene has again asked her to lunch but has insisted that she make time for the lunch because it will be important to her job. According to the Human Rights Act, sexual harassment is illegal

in all areas of public life, including the workplace. The rules in Nova Scotia do not define what sexual harassment is. Eastlink does not define the term sexual harassment in its human resource policy.

5. Shirley arranged her schedule so that she could go to lunch with Eugene to discuss her job. During lunch, Eugene mentions that Shirley looks particularly appealing today. He also mentions that he would like to see her on a more social basis. She does not respond to Eugene comments.

6. Manuel, a University College of Cape Breton graduate student who just arrived from Montevideo, Uruguay, is the teaching assistant for a second-year undergraduate course. Denise, a star student in the course, has come to him for help with her assignment. Manuel spends a lot of time discussing it with her and explaining what she does not understand. In subsequent classes, he singles her out for attention. He waits after class to talk to her about the course. Denise feels grateful to Manuel because he has really helped her a lot. When Manuel asks her to go for coffee after class, she agrees. He talks about himself, telling her how lonely he is. As they leave, Manuel kisses her on the cheek and tells her he'll be there for her. Denise is very uncomfortable with what has happened. She is afraid that if she tells Manuel, he will grade her assignments unfairly. So, Denise decides to bring a sexual harassment complaint before the University Judicial Committee according to the rules in effect. Sexual harassment is sanctioned with expulsion. Manuel says that it was the first time he had ever heard of the term sexual harassment and that in Uruguay talking about oneself is considered as being friendly. Also, Manuel argued that everybody in Uruguay greets each other with a kiss on the cheek.

7. A. Alexis, an Algoma U female, student is doing an internship in a local law firm. There, the senior partner of the firm tells her that if she wants to get a permanent position she needs to have sex with him. The student is shocked; and she reports the behaviour to the University. Algoma sanctions both quid pro quo and hostile environment sexual harassment whether sexual harassment takes place on or off University property.

B. Cecilia, an Algoma U female, is shopping at the Station Mall. There, she meets a professor. He tells her if she wants to get a good job after her graduation she needs to have sex with him, as he has many contacts in the business community. The student is shocked; and she reports the behaviour to the University. Algoma sanctions both quid pro quo and hostile environment sexual harassment whether sexual harassment takes place on or off University property.

8. Laura, an Algoma U female student enrolled in a semester abroad at Paris I University in France, finds that she does not enjoy going to class due to the fact that her International Business professor frequently uses inappropriate language and makes sexually suggestive remarks in class. When the professor does this, many of the male students, including some Canadian male students from UofT, laugh and after class they repeat the professor's comments. Laura started skipping class as the environment makes her uncomfortable. She talks to some of her male friends about it and they tell her that she is being "over sensitive". Laura brings a claim to the University Adjudication Committee. The professor defends himself by arguing that article 1 of the University's General Academic Rules, Standards and Practices adopted by the University Senate set forth that "teachers shall have absolute freedom as to the content and methodology of the classes they teach".

9. After Laura finished her studies, she decided to stay in Europe for the summer to do an unpaid internship at Banque National de Paris in France. After the first month, her boss told her that if she slept with him, he would see that she gets paid for the internship. Laura thought that her boss was hot, so she agreed to sleep with him. When she finished the internship the following month, she approached her boss and asked him for her salary. He told her that the bank could not pay her anything as she was in France with a student visa, and was not allowed to get any remuneration. Laura, who had taken Introduction to Legal Studies at Algoma U, remembered something about French criminal policy regarding sexual harassment and decided to file criminal charges against her boss.

10. When Laura finished her internship, she received a job offer from a Spanish bank, BBV, to work at the International Accounts Department. They offered her a working

permit and a salary that Laura could not refuse. So, she moved to Madrid. The very first day of work, her boss –Pablo- took her out for lunch with the excuse of talking about her new job. Before going back to work, Pablo told Laura that she could get a huge salary increase if she gave him oral sex that night at his place. Horrified, Laura went back to the bank and asked her boss's manager to transfer her to another department without any explanation about what happened during lunch. Her request was denied. Pablo got mad and threatened to fire her if she told what happened or even if she asked for a transfer to another Department again.

11. Laura was assigned a shared cubicle with Jorgito. Jorgito continually displays sexually derogatory screen savers on his computer. Laura feels very uncomfortable. She doesn't know what to do.

12. Ted is a young, male professor who teaches Architecture 101. When he lectures, he tends to look at female students and not male students. When a female student gets up and walks out of the room, he looks at her. He does not do the same when male students leave the room.

13. Ross is a young, male professor who teaches Paleontology. All young, attractive female students have received an A as their final mark in the course. Unattractive female students and male students received different grades ranging from Cs to As.

14. James and Maria are both Algoma University students. James persists in asking Maria out to dinner, even though she turns him down each and every time he requests a date. She has told him several times to stop asking.

15. Suzanna and Haik enjoy a great working relationship and just recently have started dating. They can't seem to get enough of each other. They take breaks and lunch together and are often seen flirting at the copy machine. They are clearly infatuated with each other. The company's sexual harassment policy prohibits workers to date other co-workers. It clearly defines



co-workers' dating as sexual harassment.

16. Professor Ted Mosby has a poster in his office of his favorite TV news anchor: Robin Scherbatsky. That poster is also his computer screensaver.

INTELLECTUAL PROPERTY

1. *The Simpsons'* Louie acts a lot like Frank Sivero's character does in *Goodfellas*—and Sivero is filing a lawsuit against *The Simpsons*. In the lawsuit, Sivero claims that he and some *Simpsons* writers lived next

door to each other when Sivero was preparing for his role in *Goodfellas*, which came out in 1990. In 1991, *The Simpsons* debuted the character of Louie, a member of the Springfield mob who resembles Sivero in both looks and



mannerisms. Louie has appeared in multiple episodes since then. The lawsuit acknowledges that “over the years, *The Simpsons* were known for basing characters on the television series on those of real life people and real life characters,” but Sivero claims he “continues to suffer severe financial damages in the form of lost income [he] should have received in compensation for his name and likeness being used.” Although the *Simpsons* character doesn't share a name with either Sivero or his *Goodfellas* character, Frank Carbone, Sivero is asking for \$250 million in damages. (EW).

2. Julian likes the group Black Eyed Peas. So, as part of the Private Law exam, he played the song “I got a feeling”. He asked students to analyze legal issues arising from the song. Is this a copyright infringement?
3. Because some students did not come to class the day Julian gave the questions and played the song, Julian uploaded the song to his website. Is this copyright infringement?
4. Joe bought a picture of Cameron Diaz from Cameron Diaz's agent to put on his Facebook profile. He paid US\$ 500. The copyright agreement says that Joe is allowed to put the picture

online. Joe photoshopped the picture and added his photo next to Cameron Diaz. They appear to be hugging. Cameron Diaz's agent sent a letter to Joe saying that he has committed copyright infringement. Joe replied that he paid for the picture, and that he has expressly acquired rights to put the picture online. Is this a copyright infringement? US and Canadian laws are substantially the same in this respect.

5. During a boring class, Lauren thought of a plot for a documentary film. Instead of paying attention to the teacher, she told the plot to Liz. The title that Lauren thought for the film is "Future NBA champions". It is the story of Andy and Vyron, two Algoma U students who are hired to play for the NBA. The documentary gives the audience an in-depth look of Andy and Vyron, showing how their lives change as they become stars. Luke heard Lauren tell the plot to Liz. He wrote it down and sent it to Universal Studios. The studio liked the plot and decided to buy the rights from Luke. They paid him \$ 100,000. Lauren is upset and wants to sue Luke for copyright infringement. What do you think?



6. Boston Red Sox star David Ortiz took a picture of himself and President Barack Obama during a visit to the White House by the 2013 World Series winners. Ortiz, who has an endorsement deal with the company, tweeted out the picture and Samsung

retweeted the post to its 5.2 million followers.

7. Stevi wrote a song about a university student that falls in love with her best friend. She uploaded it to her blog. She never registered the song with the copyright office. Michelle liked the song. She found out that the song was never registered, so she recorded it, and sold a million copies. Stevi wants to sue Michelle for copyright infringement. Since neither came to class on Thursday, they don't know whether there is a violation of Canadian copyright laws. What do you think?

8. Kaija downloaded a YouTube Seinfeld video to her laptop. She claims that since everybody uploads videos to YouTube, anybody can download them. Did she commit copyright infringement?
9. Tracy is assisting a teacher with his research. She photocopied two articles from a journal for the research. Is this copyright infringement?
10. Justin formed a band with Louie. Justin liked the 1865-poem, O Captain! My Captain! by Walt Whitman. He composed the music, and sold 100,000 CDs. Since he did not come to class on Thursday, he is not sure if he has infringed copyright laws. What do you think?
11. Denise wrote a novel in French. Cait liked it very much. She translated into English and sold it. Denise wants to sue Cait for copyright infringement. Did she commit copyright infringement?
12. Vincent has the new Star Wars movie. Knowing that his brother would love it, he transformed it to DVD and gave it to him as a present for his birthday. Did Vincent commit copyright infringement?

LAW AND LAW-RELATED CAREERS

Discussion questions

- Do you want to go to Law School? Why? Why not?
- Would you like to explore legal careers that do not require a Law School degree? If so, what professions/career paths would you like to consider?
- What steps can you take to start preparing for that career?
- What does the lawyer in the video mean by “Law School does not prepare you for a legal career”? What do you think about the Law School curriculum?
- What is the life of a big law-firm lawyer like?
- What is your opinion about Law School tuition? What does it mean to owe several tens of thousands of dollars in loans? How do you think you can pay your debt off?
- Why does the lawyer in the video kill himself?

Career Scenarios

1. Sue wants to be a parole and probations officer. She has just completed her BA in Law and Justice at Algoma University. She did a minor in Business. She does not speak French. While studying at Algoma, she worked part-time as a clerk in a law firm that does Real Estate law. What are her chances of getting a job as a parole and probation officer? What can she do to improve her chances?
2. Miriam wants to be a parole and probations officer. She has just completed her BA in Law and Justice at Algoma University. She did not do a minor, but she took electives in Psychology, Social Work, and French. In high school, she went to a French immersion program. She has a blog on Criminal Justice. She writes about developments in Criminal Justice, summarizes new Criminal Law legislation and judicial cases; and she comments on news dealing with crimes. Her blog is quite popular. While studying at Algoma, she did volunteer work for a parole officer. What are her chances of getting a job as a parole officer? What can she do to improve her chances?
3. Paul is a second-year Algoma U student. He is majoring in Law and Justice; and he wants to plan his career. He is not sure what he wants to do, but he does not want to go to Law School. What can he do?
4. Ron is a graduate of Algoma University's BA in Law and Justice. He came to Algoma directly from High School. He never did volunteer work. He has had OSAP loans and has never worked. He has written a thesis on police interviewing techniques. He wants to apply to a police constable position with Sault Ste. Marie Police Service. What are his chances of getting the job? What can he do to improve his chances?
5. John is a graduate of the Police Foundations program at Sault College. He has also finished a BA in Law and Justice from Algoma University. He is actively involved in the community. He coaches a high school soccer team. He volunteers at the Soup Kitchen; and he volunteers at a retirement home every Saturday. While at Algoma University, he worked at the Wishart Library. He also worked at Walmart and Tim Hortons. He wants to apply to a police constable position with Sault Ste. Marie Police Service. What are his chances of getting the job? What can he do to improve his chances?
6. Tim is a graduate of Algoma University's BA in Law and Justice and Sault College's Police Foundations. He is actively engaged in the community as a volunteer. He weighs

200 lbs. He wants to apply to a police constable position with Sault Ste. Marie Police Service. What are his chances of getting the job? What can he do to improve his chances?

7. Rick is a graduate of Algoma University's BA in Law and Justice. He has never worked, as he has had OSAP loans. He wants to work as a paralegal in a law firm. What can he do? What are his chances of getting a job as a paralegal? What can he do to improve his chances?
8. Gaby is a graduate of Algoma University's 3-year BA in Law and Justice. She wants to work as a corrections officer. She has had several jobs in the hospitality industry. What are her chances of getting a job? What can she do to improve her chances?
9. Vanessa is a second-year Law and Justice student at Algoma University. She has applied for a position as a student border services officer with the Canada Border Services Agency (CBSA). She has had OSAP loans and has never worked. She does not speak French. Her application was denied. Why do you think this happened? What can she do to improve her chances next year?
10. Veronica is determined to be a Criminal Investigative Analyst, also known as criminal profiler. She is a graduate of Algoma University's BA in Law and Justice. She wants to plan her career and is prepared to do anything it takes to fulfil her dream, even to go to graduate school. She comes to you for advice. What can you tell her?

Non-lawyer careers

Title	Education	Accreditation/ Regulated profession	Skills for entry- level jobs	Knowledge and other requirements for entry-level jobs
Parole and Probations officers	BA in Social Sciences	N/A	English and French Communication skills	Interpretation and application of relevant legislation. Familiarity with courts and

			<p>Counselling and assessment skills</p> <p>Client and stakeholder relationships</p>	<p>legal practices and procedures;</p> <p>Case management/social work principles/practices;</p> <p>Interviewing and counselling principles.</p> <p>Proven problem solving and analytical skills.</p> <p>Computers.</p>
Police constable	<p>High School required</p> <p>In practice, College degree plus University degree</p>	N/A	<p>Physical skills</p> <p>Work experience</p> <p>Community involvement (very important)</p>	<p>Moral standards</p> <p>No criminal record</p>
Paralegal	College program (2 years)	<p>College degree in an accredited program</p> <p>Licensing examination</p> <p>Good character</p>	<p>Varies according to specialization.</p> <p>Communication and problem solving skills.</p>	<p>Varies.</p> <p>Experience is considered an asset.</p>
Corrections officer	High School		Test to determine aptitude, cognitive	Volunteer experience in corrections is considered an

			<p>and behavioural requirements of the correctional officer position.</p> <p>Fitness test.</p> <p>Security clearance.</p>	asset.
Student Border Services officer	<p>Full-time student in an accredited post-secondary institution; and willing to return to full-time studies in the next academic term;</p>			<p>Experience dealing with the general public.</p> <p>Secret security assessment.</p> <p>French may be required.</p>
Criminal Investigative Analyst (Criminal profiler)	<p>High School degree.</p> <p>University degree in Psychology, Criminology or related</p>	<p>N/A</p> <p>Currently the only three police forces in Canada that have CIA positions are the RCMP,</p>	<p>Criminal investigation analysis and profiling.</p>	<p>Extensive policing experience.</p> <p>Knowledge of crime scene investigation and police procedures regarding interviewing, interrogation, and forensic pathology.</p>

	field is considered an asset	OPP, and QPP.		
--	------------------------------------	---------------	--	--

CANADIAN LEGAL TRADITIONS

Discussion questions

1. What are the main similarities between common law and civil law?
2. What are the main differences between common law and civil law?
3. Is Canada a truly bijural nation? Should it be a trijural nation?
4. Given that Canada is a multicultural country, should it be open to other legal traditions, too?
5. Discuss the composition of the Supreme Court of Canada with respect to legal traditions. Is it fair? Why or why not? What changes, if any, would you introduce to the system of election of judges?
6. What is the role of globalization in the convergence of common law and civil law?
7. Do an online search and find examples of convergence between common law and civil law. Examples may be from Canada or from abroad.
8. Find a newspaper article online dealing with civil law issues in Canada
9. Find a newspaper article online dealing with civil law and common law, such as an article on convergence, differences, similarities, or law reform, among other issues.

Scenarios

1. Jean Pierre has a constitutional complaint in Quebec. He wants to know whether civil law or common law would govern his constitutional case in Quebec.
2. Jean Pierre has been arrested for fraud in Montreal, QC. He wants to know whether civil law or common law would govern his case in Quebec.
3. Patrick lives in Yukon. He was arrested for assault there. What legal tradition would govern his criminal case in Yukon?

4. Acme Corp., a Toronto-based corporation, does business in Mexico. Its supplier in Mexico has breached a contract. Acme wants to know what legal tradition will govern its case in Mexico.
5. Paul and Marie live in Gatineau, Quebec. They married 3 years ago. They want to divorce and split their assets. They want to know what legal tradition would govern the division of property.
6. Marge was injured in the mall in Regina, SK. The floor was slippery; and she fell down. She wants to know whether civil law or common law would govern her personal injury case.
7. Lorie has been unemployed for 3 months. She lives in Montreal, Quebec. Her employment insurance was cancelled. She wants to file an administrative law action to have insurance reinstated. She wants to know whether civil law or common law would govern her administrative law case.
8. Mr. Burns wants to expand his nuclear plant to Sault Ste. Marie, Ontario. He wants to know what legal tradition would govern potential personal injury and criminal law cases. He is also contemplating expanding to Montreal, Quebec. What legal tradition would govern potential personal injury and criminal law cases in Montreal?
9. Albert is from Montreal, Quebec. He is planning to study at the University of Waikato, in Hamilton, New Zealand. He has a bad temper and gets into fights quite frequently. If he is arrested, what legal tradition would govern his criminal case there? What about a torts case?
10. Paul lives in Navajo nation, located in northwestern New Mexico, in the United States. He was arrested for assault. What legal tradition would govern his criminal case in Navajo?

*** TRIGGER WARNINGS**



Some materials in this course may be sensitive. Course materials, including lectures, class activities, hypotheticals, scenarios, examples, court cases, and films shown in class, may have mature content, including violent, sexual, and strong language content.

Disclaimers

Except for newspaper articles and court cases, all class activities are hypothetical and fictitious. Any resemblance to actual persons, institutions, or events is purely coincidental. The views and opinions expressed in the articles assigned for reading in this course, as well as those expressed in videos shown in class, are those of the authors or the individuals who made those opinions and do not necessarily reflect the position of the course professor. Questions, follow-up questions, examples, and comments made within the context of class activities do not purport to reflect the opinions or views of the course professor. All such articles, comments, questions, examples, and activities are meant solely to facilitate the discussion and study of Law. They are not meant to advocate or promote any crime or unlawful action. Neither are they meant to advance any ideological perspective. Discretion advised before signing up for this course.