

Course Outline

COURSE: LAWS 4307B – Medical Criminal Law Issues

TERM: Winter 2016

PREREQUISITES: Fourth-year Honours standing and LAWS 2301, LAWS 2302.

CLASS: Day & Time: Wednesdays 6:05 – 8:55 pm

Room: Please check with Carleton Central for current room location

INSTRUCTOR:
(CONTRACT) Amy Conroy

CONTACT: Office: Loeb B442

Hours: By appointment

Email: Amy.Conroy@carleton.ca

Academic Accommodations:

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://carleton.ca/equity/>

Religious obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://carleton.ca/equity/>

Academic Accommodations for Students with Disabilities: The **Paul Menton Centre** for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your **Letter of**

Accommodation at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (*if applicable*) at <http://carleton.ca/pmc/students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://carleton.ca/equity/>

Plagiarism

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's **Academic Integrity Policy** can be found at: <http://carleton.ca/studentaffairs/academic-integrity/>

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures.

Please review these documents to ensure that your practices meet our Department's expectations.

<http://carleton.ca/law/current-students/>

COURSE DESCRIPTION

This course examines the intersection of medicine and the criminal law through a variety of topics and current issues, including historical developments in the criminal law as a mechanism of social control, medical (particularly psychiatric) treatment within the prison system, laws on assisted death, and reproductive rights. The class will be primarily delivered through seminar discussions. Regular attendance and participation are crucial to success in this course.

REQUIRED TEXTS

There is no required textbook. Course readings will be available online and/or through cuLearn. Cases can be accessed on CanLii or through Carleton's library resources.

EVALUATION

Research Outline	If you would like to receive early and detailed feedback on your plan for your final paper, you may submit a research outline anytime before the beginning of class (i.e. by 6:10pm at the latest) on March 16 th . Please note that this is an <u>optional assignment</u> . If you do not submit an outline by the due date, your final paper will be worth 55% of the total grade). You may choose (but are not required) to work in pairs for the research outline and final paper.	10%
Midterm Examination	Administered in class on March 2 nd . The midterm will consist of multiple choice and short answer questions testing your knowledge of all readings, lecture discussions, and course material up to the date of the exam. The exam will last 1.5 hrs.	45%
Final Paper	Due April 6 th in class. The paper must be based on content delivered in one of the post-midterm lectures. Further guidelines on writing and general expectations for the final paper will be provided in the in-class academic writing workshop on March 9 th . Late papers will be penalized 5% per day, including weekends.	45%

Please note:

*All components must be completed in order to get a passing grade.

**You are responsible for checking our course website on a regular basis. Any updates to be communicated outside of class hours will be posted on cuLearn. Please note that attendance in this course is crucial. Not all course content reviewed in class will be posted online.

***Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

****The final exam period will be April 11-23, 2016.

SCHEDULE

Date	Topic	Readings
Jan. 6 th	Introduction / Course overview	N/A
Jan. 13 th	Asylums and Reformatories: The Emergence of the Prison System in Canada	Chuni Roy, "Dilemmas of Medical Ethics in the Canadian Penitentiary Service" (1976) 2 <i>Journ. of Med. Ethics</i> 180. Carolyn Strange. "The Criminal and Fallen of Their Sex: The Establishment of Canada's First Women's Prison, 1874 - 1901" (1985) 1 <i>Canadian Journal of Women and the Law</i> 79.
Jan. 20 th	Criminal Responsibility	The Right Honourable Beverley McLachlin, "Medicine and the Law: The Challenges of Mental Illness" (2006) 2:3 <i>High Ct. Quarterly Review</i> 86. *In class film: "NCR: Not Criminally Responsible" (National Film Board of Canada, 2013)
Jan. 27 th	Drug and Alcohol Regulations: From Early Twentieth Century Laws to Vancouver's Safe Injection Site	R. Solomon & M. Green. "The First Century: The History of Non Medical Opiate Use and Control Policies in Canada 1870-1970" (1982) 20 <i>University of Western Ontario Law Review</i> , 307. Dwight Newman, "The PHS Case and Federalism-Based Alternatives to Charter Activism" (2013) 22 <i>Constitutional Forum</i> 85.
Feb. 3 rd	Assisted Death in Canadian Criminal Law	Martha Butler, Marlisa Tiedemann, Julia Nicol & Dominique Valiquet, "Euthanasia and Assisted Suicide in Canada" (2010) <i>Parliamentary Information and Research Service Background Paper</i> . Please look through the materials on the Dalhousie "End of Life Project" online: http://eol.law.dal.ca/?page_id=221
Feb. 10 th	Reproductive Rights in Canadian History	Angus McLaren. "Birth Control and Abortion in Canada 1870 – 1920" (1978) 59(3) <i>Canadian Historical Review</i> 319. Sandra Rodgers. "Women's Reproductive Equality and the Supreme Court of Canada" in <i>Health Law at the Supreme Court of Canada</i> , Jocelyn Downie and Elaine Gibson eds. (Toronto: Irwin Law, 2007). Please review the facts and decision in <i>R v Morgentaler</i> [1988] 1 S.C.R. 30 and <i>R v Morgentaler</i> [1993] 3 S.C.R. 463.

		*In class film: “The Sterilization of Leilani Muir” (National Film Board of Canada, 1996).
Feb. 17 th	Reading Week – no classes	
Feb. 24 th	The Seizure of Bodily Samples as Criminal Evidence	RCMP, “The National DNA Data Bank of Canada: Annual Report” (2012-2013) available online: http://www.rcmp-grc.gc.ca/pubs/nddb-bndg/ann-12-13/ann-12-13-eng.pdf . Please review the facts of <i>R v Dymont</i> [1988] 2 S.C.R. and <i>R v Stillman</i> [1997] 1 S.C.R. 607.
Mar. 2 nd	Midterm	
Mar. 9 th	Midterm review and Academic Writing Workshop	N/A
Mar. 16 th	The Disclosure of Mental Health Records in Sexual Assault Trials	Lise Gotell, “Tracking Decisions on Access to Sexual Assault Complainants’ Confidential Records: The Continued Permeability of Subsections 278.1-278.9 of the <i>Criminal Code</i> ” (2008) 20 Canadian Journal of Women & Law 111. Please review the facts and decision in <i>R v Mills</i> , [1999] 3 S.C.R. 668.
Mar. 23 rd	Morality and Modern Science: the Criminalization of Genetic Research Activities	John D. Whyte “Federalism and Moral Regulation: A Comment of <i>Reference Re Assisted Human Reproduction Act</i> ” (2011) 74 Saskatchewan Law Review 45.
Mar. 30 th	HIV/AIDS and the Duty to Disclose Positive Status	Isabel Grant & Jonathan Betteridge, “A Tale of Two Cases: Urging Caution in the Prosecution of HIV Non-Disclosure” (2011) 15:3 HIV/AIDS Policy & Law Review 15. Please review the facts and decision in <i>R v Mabior</i> , [2012] 2 S.C.R. 584.
Apr. 6 th	Course Wrap Up/ Submission of Final Papers	N/A