



School Vision: Building upon a foundation of social justice and an ethic of care, we are a community of learners actively engaged in the development of critical, transformative knowledge for social work practice.

Year/Term	2016 Summer
Course Title	SOWK 440H – Social Work and the Law
Course Schedule	Mondays and Wednesdays, 5:30pm-8:30pm
Course Location	Room 124, Jack Bell Building

Instructor	Office Location	Phone	e-mail address
Dr. Margaret M. Wright	Room 240	604-822-6073	margaret.wright@ubc.ca
Office Hours	By appointment		

COURSE DESCRIPTION:

This course provides an introduction to law in Canada and British Columbia as it intersects with the practice of Social Work. We will explore some of the many critical perspectives on law, the legal system and the legal processes that interact with our professional practice. In this course, students will become familiar with the legal process, legal research and legal analysis. This course will introduce students to and examine basic legal principles in relationship to social work. We will study the impacts of judicial decision making and the role of social work and legal ethics as well as the cultures of both professions. Since this course is an introduction to these concepts, only a few areas of law will be examined. These will include human rights; criminal and youth justice; child welfare; adoption; marriage and divorce; mental health, poverty; immigration; disability; and substitute decision-making.

REQUIRED COURSE TEXT:

Regehr, Cheryl, Kanani, Karima, McFadden, Jesstina, and Saini, Michael. (2016). *Essential Law for Social Work Practice in Canada*. 3rd Edition. Toronto: Oxford University Press.

SUPPLEMENTARY READINGS:

This library web page is a gateway to many law sites: <http://guides.library.ubc.ca/leggov>

Some of them are listed below:

- Supreme Court of Canada: <http://scc.lexum.org/en/index.html>
- Criminal Code of Canada: <http://laws.justice.gc.ca/en/C-46/>
- Centre for Elder Law Studies: <http://www.bcli.org/ccel>

- Community Legal Assistance: <http://www.clasbc.net/>
- Disability Law: <http://www.legaltree.ca/node/26>
- Aboriginal Law: <http://www.usask.ca/nativelaw/>
<http://www.bloorstreet.com/300block/ablawleg.htm> (scroll down to Canada section)

STRUCTURE OF THE COURSE: Seminar format combined with lecture and guest speakers.

OUTLINE AND READINGS:

SESSION 1:	May 9, 2016
TOPIC:	<p>Introduction: Chapters 1 and 2</p> <ul style="list-style-type: none"> ▪ Discussion about course expectations. ▪ Beginning discussion of Canadian legal system, most relevant areas for social work and provincial and federal jurisdictions. ▪ What is law? What is the purpose of law? What is the Canadian foundation of law? ▪ Distinction between laws and regulations. ▪ Levels of Court. ▪ Canada's Charter of Rights and Freedoms http://laws-lois.justice.gc.ca/eng/ http://www.justice.gc.ca/eng/csj-sjc/ccs-ajc/
SESSION 2:	May 11, 2016
TOPIC:	Human Rights, Class Interests and the Law
READING:	<p>Chapter 2</p> <p>Chesnay, Catherine T., Bellot, Céline, Sylvestre, Marie-Eve. (2013). Taming Disorderly People One Ticket at a Time: The Penalization of Homelessness in Ontario and British Columbia. <i>Canadian Journal of Criminology and Criminal Justice</i>, Volume 55, Number 2, pp. 161-185.</p> <p>Chunn, Dorothy and Gavigan, Shelley A.M. (2004). Welfare Law, Welfare Fraud and the Moral Regulation of the 'Never Deserving' Poor. <i>Social and Legal Studies</i>. Vol. 13(2), 219–243 ejournal.</p> <p>Mirchandani, Kiran, Chan, Wendy. (2005). The Racialized Impact of Welfare Fraud Control in British Columbia and Ontario. Canadian Race Relations Foundation. http://www.crr.ca/divers-files/en/publications/reports/pubRacialized_Impact_Welfare.pdf</p> <p>Janet Mosher January 14, 2015. Canadian Forum on Civil Justice. https://vimeo.com/116693960</p> <p>Canadian Welfare Laws and Reports: http://www.canadiansocialresearch.net/welfare.htm</p>
SESSION 3:	May 16, 2016

TOPIC:	Criminal Code
READING:	<p>Law Commission of Canada: What is a Crime? Challenges and Alternatives. http://dalspace.library.dal.ca/bitstream/handle/10222/10301/What%20Is%20a%20Crime%20Discussion%20Paper%20EN.pdf?sequence=1</p> <p>Maeder, Evelyn M.; Corbett, Richard. (2015). Beyond Frequency: Perceived Realism and the CSI Effect. <i>Canadian Journal of Criminology & Criminal Justice</i>. Vol. 57 Issue 1, p83-114. 32p. DOI: 10.3138/cjccj.2013.E44.</p> <p>Carleton, Rebecca; Brantingham, Patricia L.; Brantingham, Paul J. (2014). Crime Specialization in Rural British Columbia, Canada. <i>Canadian Journal of Criminology & Criminal Justice</i>. Vol. 56 Issue 5, p595-622. 28p</p> <p>Jung, Sandy; Ahn-Redding, Heather; Allison, Meredith. (2014). Crimes and Punishment: Understanding of the Criminal Code. <i>Canadian Journal of Criminology & Criminal Justice</i>. Vol. 56 Issue 3, p341-366.</p> <p>Verdun-Jones, Simon N.; Butler, Amanda. (2013). Sentencing Neurocognitively Impaired Offenders in Canada. <i>Canadian Journal of Criminology & Criminal Justice</i>. Vol. 55 Issue 4, p495-512.</p>
SESSION 4:	May 18, 2016
TOPIC:	Youth Justice
REQUIRED READING:	<p>Chapter 8</p> <p>Sprott, Jane B. Sutherland, Jessica. (2015). Unintended Consequences of Multiple Bail Conditions for Youth. <i>Canadian Journal of Criminology & Criminal Justice</i>. Vol. 57 Issue 1, p59-82. 24p.</p> <p>Green, Ross. (2015). Where the Systems Collide: Youth Court, Child Protection, Interdisciplinary Approaches, and Section 35 Reports. <i>Canadian Criminal Law Review</i>. 19.1 21-25.</p> <p>Sprott, Jane B. (2012). The Persistence of Status Offences in the Youth Justice System. <i>Canadian Journal of Criminology & Criminal Justice</i>. 54, 3, 309-332.</p> <p>Greene, Carolyn, Sprott, Jane B., Madon, Natasha S. Jung, Maria. (2010). Punishing Processes in Youth Court: Procedural Justice, Court Atmosphere and Youth's Views of the Legitimacy of the Justice System. <i>Canadian Journal of Criminology & Criminal Justice</i>. 52, 5, 527-544.</p> <p>Youth Court Statistics 2012: http://www.statcan.gc.ca/pub/85-002-x/2013001/article/11854-eng.pdf</p>
SESSION 5:	May 25, 2016
TOPIC:	Victims in the Criminal Justice System
READING:	<p>Chapter 9</p> <p>Manikis, Marie and Roberts, Julian. (Apr 2011). Recognizing Ancillary Harm at Sentencing: A Proportionate and Balanced Response. <i>Canadian Criminal Law Review</i>. 15.2: 131-144.</p>

	<p>Anderson, Kristin L. (2015). Victims' Voices and Victims' Choices in Three IPV Courts. <i>Violence Against Women</i>. Vol. 21(1) 105–124.</p> <p>Grubb, Amy, Turner, Emily. (2012). Attribution of blame in rape cases: A review of the impact of rape myth acceptance, gender role conformity and substance use on victim blaming. <i>Aggression and Violent Behavior</i> 17 443–452.</p> <p>Rogers, Linda J. and Erez, Edna, (1999). The Contextuality of Objectivity in Sentencing Among Legal Professionals in South Australia. <i>International Journal of the Sociology of Law</i>. 27, 267-286.</p>
SESSION 6:	May 30, 2016
TOPIC:	Child Protection and Adoption and Surrogacy Law
READING	<p>Chapter 4 and 5</p> <p>Representative for Children and Youth: https://www.rcybc.ca/</p> <p>Court Decisions: http://scc.lexum.org/en/2007/2007scc38/2007scc38.html http://scc.lexum.org/en/2010/2010scc11/2010scc11.html http://scc.lexum.org/en/2003/2003scc52/2003scc52.html</p>
SESSION 7:	June 1, 2016
TOPIC:	Canadian Law and Aboriginal People
READING:	<p>Manitoba Metis Federation Inc. v. Canada (Attorney General) http://scc.lexum.org/decisia-scc-csc/scc-csc/scc-csc/en/item/12888/index.do?r=AAAAAQFTWV0aXMMAAAAAAAB</p> <p>Metis Rights: http://www.cbc.ca/thecurrent/episode/2013/01/11/is-official-indian-status-good-or-bad-for-metis/</p> <p>Dickson-Gilmore, Jane. (2014). Whither Restorativeness? Restorative Justice and the Challenge of Intimate Violence in Aboriginal Communities. <i>Canadian Journal of Criminology & Criminal Justice</i>. Vol. 56 Issue 4, p417-446</p> <p>Jeffries, Samantha; Stenning, Philip. (2014). Sentencing, Aboriginal Offenders: Law, Policy, and Practice in Three Countries. <i>Canadian Journal of Criminology &</i></p>

	<p><i>Criminal Justice</i>. Vol. 56 Issue 4, p447-494.</p> <p>Mawani, R. (2005). Genealogies of the Land: Aboriginality, Law, and Territory in Vancouver's Stanley Park. <i>Social & Legal Studies</i>. 14: 315.</p> <p>Ochman, Patricia. (2008). Recent Developments in Canadian Aboriginal Law: Overview of Case Law and of Certain Principles of Aboriginal Law. <i>International Community Law Review</i>. 10. 319–350</p> <p>Nowlin, Christopher. (2004). Taking Aboriginal Justice Beyond Gladue: Canadian Criminal Law in Conflict with Human Rights. <i>Saskatchewan Law Review</i>. 67. 59 – 96.</p>
SESSION 8:	June 6, 2016
TOPIC:	Health and Mental Illness
READING:	<p>Chapter 7</p> <p>Guide to the Mental Health Act: www.health.gov.bc.ca/library/publications/year/2005/MentalHealthGuide.pdf http://www.viha.ca/NR/ronlyres/5CACE7D4-86ED-4403-886D-387DC6A4EBF2/0/mental_health_act_learning_module.pdf</p> <p>Davis, Krista M., Peterson-Badali, Michele, Weagant, Brian, Skilling, Tracey A. A Process Evaluation of Toronto's First Youth Mental Health Court. (2015). <i>Canadian Journal of Criminology and Criminal Justice</i>, Volume 57, No. 2, pp. 159-187.</p> <p>Disability and Substitute Decision Making: Chapter 6.</p> <p>Guest Speaker from Public Guardian and Trustee</p>
SESSION 9:	June 8, 2016
TOPIC:	Marriage and Divorce
READING:	<p>Chapter 3 http://www.familylaw.lss.bc.ca/ http://www.thecanadianencyclopedia.ca/en/article/marriage-and-divorce/</p> <p>Barbeau v. British Columbia (Attorney General), 2003 BCCA 251</p>
SESSION 10:	June 13, 2016
TOPIC:	Immigration
READING:	<p>Chapter 10</p> <p>Citizenship and Immigration Canada Website: http://www.cic.gc.ca/english/index.asp</p>

	<p>Pratt, A. (2010). Between a Hunch and a Hard Place: Making Suspicion Reasonable at the Canadian Border. <i>Social and Legal Studies</i>. 14. 461.</p> <p>Aliverti, A. (2012). Exploring the Function of Criminal Law in the Policing of Foreigners: The Decision to Prosecute Immigration-related Offences. <i>Social and Legal Studies</i>. 21. 511.</p> <p>Kaye, Julie; Winterdyk, John; Quarterman, Lara. (2014). Beyond Criminal Justice: A Case Study of Responding to Human Trafficking in Canada. <i>Canadian Journal of Criminology & Criminal Justice</i>. Vol. 56 Issue 1</p> <p>Human Trafficking in Canada: http://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/ntnl-ctn-pln-cmbt/index-eng.aspx http://www.cbc.ca/news/canada/manitoba/human-traffickers-going-unpunished-in-canada-experts-say-1.2584944</p>
SESSION 11:	June 15, 2016
TOPIC:	Social Workers as Experts and Regulation of Social Workers
READING:	Chapters 11 and 12
Session 12:	June 15, 2016
TOPIC:	Exam period

UNIVERSITY POLICIES

Excerpted from the UBC calendar:

Regular attendance is expected of students in all their classes (including lectures, laboratories, tutorials, seminars, etc.). Students who neglect their academic work and assignments may be excluded from the final examinations. Students who are unavoidably absent because of illness or disability should make every effort to notify their instructor ahead of time.

The University **accommodates students with disabilities** who have registered with the Disability Resource Centre. The University **accommodates students whose religious obligations** conflict with attendance, submitting assignments, or completing scheduled tests and examinations. Please let your instructor know in advance, preferably in the first week of class, if you will require any accommodation on these grounds. Students who plan to be absent for varsity athletics, family obligations, or other similar commitments, cannot assume they will be accommodated, and should discuss their commitments with the instructor before the drop date.

It is recommended that students retain a copy of all submitted assignments (in case of loss) and should also retain all their marked assignments in case they wish to apply for a Review of Assigned Standing. Students have the right to view their marked examinations with their instructor, providing they apply to do so within a month of receiving their final grades. This review is for pedagogic purposes. The examination remains the property of the university.

Academic Dishonesty: Please review the UBC Calendar “Academic regulations” for the university policy on cheating, plagiarism, and other forms of academic dishonesty. Also visit www.arts.ubc.ca and go to the students’ section for useful information on avoiding plagiarism and on correct documentation.

ASSIGNMENTS: First Assignment Due June 4th: Analysis of a BC Court of Appeal Decision or a Supreme Court of Canada decision that is relevant to social work practice. Detailed information about expectations will be handed out in class. 50%

SUBMITTING ASSIGNMENTS: Assignments should be submitted by email to the instructor.

RETURN OF MARKED STUDENT ASSIGNMENTS: Instructors coordinate the return of marked assignments. The options are as follows: a) the instructor will mark the paper on-line (with track changes) and return to the student on-line; b) the instructor will return hard copies of the assignments to students in class; c) the instructor returns the paper to the student by regular mail (the student provides a self-stamped, addressed envelope to the instructor). Marked papers not returned by any of the options above will be held by the instructor.

LATE ASSIGNMENTS: Students must discuss any potential late assignments and request extensions with the instructor ahead of time. Late assignments without prior approval may result in a deduction to the grade on the assignment. The rule of deduction is 2% a day. Any assignment that is more than a week late will not be accepted without prior approval or a medical certificate.

USE OF ELECTRONIC DEVICES: Students who use electronic devices to aid in their learning process (e.g. laptop computers) must have the wireless capacity device turned off. All cell phones must be turned to vibrate.

GRADING CRITERIA:

Letter Grade	Percent Range	Mid-Point	
A+ A A-	90-100 85-89 80-84	95 87 82	Represents work of exceptional quality. Content, organization and style are all at a high level. Student demonstrates excellent research and reference to literature where appropriate. Also, student uses sound critical thinking, has innovative ideas on the subject and shows personal engagement with the topic.
B+ B B-	76-79 72-75 68-71	77.5 83.5 69.5	Represents work of good quality with no major weaknesses. Writing is clear and explicit and topic coverage and comprehension is more than adequate. Shows some degree of critical thinking and personal involvement in the work. Good use of existing knowledge on the subject.
C+ C C-	64-67 60-63 55-59	65.5 62.5 57	Adequate and average work. Shows fair comprehension of the subject, but has some weaknesses in content, style and/or organization of the paper. Minimal critical awareness or personal involvement in the work. Adequate use of literature.
D	50-54	52	Minimally adequate work, barely at a passing level. Serious flaws in content, organization and/or style. Poor comprehension of the subject, and minimal involvement in the paper. Poor use of research and existing literature.
F	0-49		Failing work. Inadequate for successful completion of the course or submitted beyond final date of acceptance for paper.