

Course information

The course of General Public Law will be taught in classroom (in person), subject to University and Law Faculty directives and guidelines.

Course objectives

By the end of this course, students will have gained an advance understanding of the foundations of the Canadian constitutional system and its historical origins, as well as of the general legal framework within which most constitutional issues are examined. Students should understand:

- Key public law concepts such as the Rule of law, judicial oversight, the common law, Droit Civil, Parliamentary supremacy, and constitutional limits.
- Basic techniques to identify and apply public law principles from legislation, judicial decisions, and other sources.
- General public law principles in certain areas, including the interpretation of legislation, the *Charter of Rights and Freedoms*, and government administration.
- How public law disputes are resolved and the practical considerations for individuals and companies in managing such disputes.

Course description

The *General Public Law* provides an overview of general principles of public law, focusing on the institutions and organs of government, the sources and nature of the legal rules that create them, and the limits on their powers. The course is a general introduction to the fundamental principles of Canadian constitutional law (with the exception of federalism). These principles are largely inherited from the English constitutional system and have been influenced by US constitutional law. They will be studied and accompanied by a reading and discussion of relevant decisions of the Supreme Court of Canada.

The course also introduces the essential elements of the Canadian legal system, such as democracy, the rule of law, constitutional supremacy, parliamentary sovereignty, judicial independence, law of democratic organization, the rule of law, the independence of the judiciary, and fundamental public law. It will cover the rights enshrined in the Canadian Charter of Rights and Freedoms, as well as those Aboriginal and treaty rights guaranteed by Section 35 of the Constitution Act, 1982.

Teaching and assessment methods

The course will be taught in a format combining lectures and semi-structured exchanges. Student interventions in class are an important component of the course and therefore encouraged. Each week is devoted to a particular theme or cases first explored by students through their prior reading for the week. Therefore, the proper preparation by each student is essential to their success in the course.

- Each of the mentioned topics or decisions will be presented by one or group of students.
- The professor will lead a discussion forum, in which the students will have to participate.
- The professor will hold a Q&A session of approximately 15 minutes each week. These sessions will allow students to ask questions about the material or the exercise.

Evaluation

- Oral presentation (15 to 20 minutes) or research paper: 10% of the final grade
- Midterm exam: 30% (prejudicial)
- Final exam counting for 60% of the final grade

Students must ensure to complete the required readings and arrive to class prepared to actively participate in the discussion. The final method of evaluation will be two exams to take place on dates to be confirmed.

Main working tools

- F. CHEVRETTE and H. MARX, *Constitutional Law: Fundamental Principles – Notes and Cases*, 2nd ed. by H.-R. ZHOU, Éditions Thémis, 2021.
- Compilation of laws available on the Brightspace course page.
- Additional materials as may be uploaded on Brightspace from time to time.