

# *Canning for Success*

An Academic Success Lecture

UBC | **FACULTY OF LAW**



## What is a Can?



- Short for “condensed annotated notes”
- Well-structured set of notes that will assist you in studying and preparing for exams
- May include:
  - Class notes
  - Cases
  - Sections of statutes
  - Outside materials (e.g. *Hogg* for Constitutional)

# Make Your Own Can



- **Why?**
  - Through the process of creating a Can, you will learn the law, and how to approach a legal problem
  - There is little time to read your Cans during exams: what makes you remember your Can is making it
- This doesn't mean you can't draw from other Cans
- Your Can will become your primary study aid for exams. Start Canning now.

# Using Another Can as a Template

## Advanced Criminal Procedure

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# Using Another Can as a Template

After

## ADMINISTRATIVE LAW

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# Using Another Can as a Template

Before

<p><i>Reference re Validity of Section 5(a) of the Dairy Industry Act (Margarine Reference) [1949] SCC FORM 91(27) / PUBLIC PURPOSES</i></p>	
FACTS:	Margarine manufacture, possession, and sale were banned under criminal law pursuant to the impugned section. This was considered to be an attempt to protect the dairy industry.
ISSUE:	Is section 5(2) of the Dairy Industry Act valid under criminal law power?
DECISION:	Not in relation to criminal law pursuant to s.91(27)
RATIO: (Rand J.)	<ul style="list-style-type: none"> <li>• As prohibitions are not enacted in a vacuum, we can properly look for some <u>evil or injurious or undesirable effect upon the public</u> against which the law is directed.</li> <li>• <b>Form 91(27)</b> → [Prohibition + Penalty + Public Purpose]</li> <li>• <i>Some Traditional Public purpose: Public peace, order, security, health, morality</i></li> <li>• Traditional list of <u>public purposes is NOT exhaustive</u></li> </ul>
REASON:	<ul style="list-style-type: none"> <li>• Subject matter of the Act (pith &amp; substance) is to protect private interests of dairy farmers. This objective is not a fit subject to support a criminal prohibition</li> <li>• New scientific evidence <u>prove</u> that margarine is not bad for your health.</li> <li>• <b>**obiter:</b> <i>Prohibition of importation could be upheld under the federal <u>govt's power of int'l trade</u>, S.91(2)</i></li> </ul>

# Using Another Can as a Template

After

<p><i>Reference re: Validity of Section 5(a) Dairy Industry Act [1949]</i>          FORM = PROHIBITION + PENALTY + PUBLIC PURPOSE (CAPABLE OF EXPANSION)</p>	
FACTS:	- Manufacture, sale and possession of margarine banned by impugned section of the federal statute the <i>Dairy Industry Act</i>
ISSUE:	Was the impugned section of the <i>Dairy Industry Act</i> ultra vires Parliament's s. 91(27) powers?
DECISION:	<ul style="list-style-type: none"> <li>The impugned section of the Dairy Industry Act was ultra vires Parliament's powers under s. 91(27) – pith and substance is to protect farmers' interests</li> </ul>
RULES:	Impugned section of the <i>Dairy Industry Act</i>
REASONING:	<ul style="list-style-type: none"> <li>Originally, margarine thought to be dangerous to your health → however, no evil, or injurious, or undesirable effect on the public</li> <li>Therefore, no public purpose</li> </ul>
RATIO:	<ul style="list-style-type: none"> <li><b>Form of legislation in relation to s. 91(27) = [prohibition + penalty + public purpose]</b></li> <li><b>Some traditional public purposes which such legislation aimed to protect: public peace, order, security, and morality in relation to an “evil” or “injurious” effect.</b></li> </ul>

# Each Can is Unique



- There is no one way to prepare a Can
  - We all learn and remember differently
  - Exams differ
- Canning = Synthesizing, organizing and compiling your notes and readings
- To make a Can you need
  - (1) Class Notes & Textbook/Casebook
  - (2) Syllabus and/or Table of Contents from Casebook
  - (3) Outside Source: e.g. Peter Hogg, *Constitutional Law of Canada*

# Steps to Canning

## (1) Create an Organizational Scheme

- Use syllabus or table of contents to Identify Categories or Concepts as Headings/Subheadings
- Build your Can around Concepts NOT cases

## (2) Include brief Class Notes, Definitions, Rules, Explanations under each Heading.

## (3) Add Cases and Hypotheticals

Ask: What concept was this case meant to illustrate?



# Steps to Canning cont...



## (4) Flesh out your Can

- Fill in missing information; clarify uncertainty; add detail and insight
- Include policy considerations, your professor's particular view
- Look for relationships among concepts/terms

# Excerpt of a Can for Torts

## Assault

Elements:

(1)(Voluntary)

(2)Intentional creation in the mind of another of...

(3)Reasonable apprehension of...

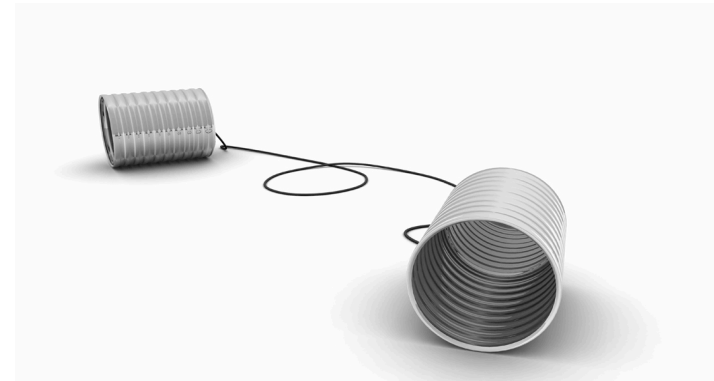
(4)Imminent physical contact

- Reasonableness element is measured on an objective standard, whether the P reasonably would have thought an attack might take place.
- In *Holcombe v. Whitaker* (D threatened to kill P if she sued him, and hit the wall) the court held that where words were intended to cause reasonable apprehension of imminent physical contact the P established assault. This rejected the traditional rule that conditional threats, future threats, and words alone, without some over act, do not to constitute assault. The court reconsidered the traditional rule, rather focusing on the impression created in the P's mind. In this case, the court focused on the fact that the D had no right to tell her she could not carry out her legal right to sue and that an act (banging the door) could give meaning to mere words.
- In *Police v. Greaves* (D tells police that will stab if move one step closer) the court held that a conditional threat could satisfy the requirement for the elements of assault if there was a reasonable apprehension of being harmed.

# Steps to Canning cont...

## (5) Review and Revise Your Can

- A Can is a Work in Progress
  - Don't be afraid to add, delete or move information
  - Start the process of condensing your Can
- Use underline, bold and highlighting to make info stand out
- Make sure you understand everything now



# Excerpt of a *Condensed Can*

## Assault

### Elements

- (1) **Intentional** creation in the mind of another of...
- (2) **Reasonable apprehension** of...
- (3) **Imminent** physical contact
  - *Holcombe v. Whitaker* – where words intended to cause apprehension of harm in P, it is not necessary to have an overt act, and words may constitute assault.
  - *Police v. Greaves* – conditional threat may constitute assault if reasonable apprehension of harm.

# Your Can is Your Study Guide

- Aim to have your Can for each course finished prior to the end of term
- Read your Can in Hard Copy with your books and class notes open; Mark it up:
  - Add where unclear or info missing
  - Rearrange to make more sense; create diagrams or charts
  - Delete unnecessary information



# Condense, Refine and Practice

- Condense your Can into High Level Summary
  - Continuous process
  - Not a straight reduction; rather you should organise material conceptually
- Create Flowcharts, Diagrams and Checklists
- Use your Can to tackle Hypotheticals and Practice Exams; then refine
- Open v. Closed Book exam?



# Resources

- Upcoming Academic Success Lecture – Exam Writing Tips
  - Tuesday, Nov. 15 @ 12:30, Allard 122
  - Tuesday, Nov. 22 @ 12:30, Allard 104
  - (both sessions are identical; please attend one)
- Get Matched with a Peer Tutor : free & confidential



# Questions

