

Carleton University
Department of Law and Legal Studies

LAWS 2908E – Approaches in Legal Studies I
Winter 2015

LECTURES:	Thursday 10:05-11:35 Southam Hall 518	Note: This course uses a blended learning model that involves both live lectures (held in class) and online learning modules that you will review outside of class. <i>Please review the Course Schedule to see which classes will include live lectures.</i>
TUTORIALS:	Thursday 11:35-12:55 Southam Hall 518	Mandatory Attendance. All tutorials require in-person attendance at the tutorial. Attendance will be recorded.
PREREQUISITES:		LAWS 1000
INSTRUCTOR:		Dr. Zeina Bou-Zeid
CONTACT:	Office:	D598 Loeb
	Office Hrs:	Mondays 10:30-11:30 am
	Email:	Zeina_Bou-Zeid@carleton.ca
CULEARN:	Essential	Students must be able to access and use cuLearn for this course. Email to Instructor, lecture slides, assignments and many video resources are available <u>only</u> through this modality. Contact CCS for assistance if required at www.carleton.ca/ccs

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://www2.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://www2.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://www2.carleton.ca/pmc/new-and-current-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://www2.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://www.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://www.carleton.ca/law/student-resources/department-policies/>

COURSE DESCRIPTION:

The Law Program at the Department of Law and Legal Studies at Carleton University is firmly grounded in a "legal studies" approach which situates law in its social, economic, political and historical contexts. As such, courses focus not just on 'what the law is' in a particular area but also on a range of academic and practical considerations: How does the law 'as it is' reflect particular (normative) visions of society and distributions of power within it? How and why does law change? How is the law 'on the books' operationalized (e.g., by the police or business-people) and experienced by ordinary people in everyday life? How do the narratives of law (e.g., judicial decisions) communicate cultural meanings in our society? How do law and legal processes interact with other institutions in our society? Who creates law – and is all 'law' (in the sense of regulation of conduct) formally prescribed law?

Engaging with questions such as these requires that students are able to deploy a range of effective research skills and strategies. The Department offers two research courses to assist students to master their law discipline. This course, Laws 2908, introduces students to legal materials in legal studies research. By this we mean judicial decisions (cases), legislative instruments (statutes and regulations), government documents (including Parliamentary materials and policy), and secondary sources published in academic journals. It also addresses 'legal method' in comprehending and working with these materials. This course is compulsory for all students majoring in a Law or Law Honours programs. A second course, Laws 3908, offered at the 3000 level, introduces students to a variety of interdisciplinary

approaches, including the use of social science research sources and methods in legal studies and more advanced consideration of theory in legal research.

COURSE FORMAT

LECTURES

This course engages a blended learning model. It will include both live lectures (held in class) and online lecture modules that you will review outside of class. The lectures in this course are designed to introduce students to the important role of research and the approaches to research that may be engaged in the field of legal studies. Lectures will also provide foundations for effective analysis of different types of primary and secondary sources in law.

TUTORIALS

Attendance at tutorials is **MANDATORY**. Tutorials are used to provide hands-on introduction to research skills and training with electronic resources. Some tutorials will be 'labs' and other will be workshops addressing writing skills and assignments. *All tutorials will be held in our course classroom and will be led by your Instructor.*

COURSE MATERIALS:

A. RECOMMENDED TEXT:

Text:

1. McGill Law Journal, *Canadian Guide to Uniform Legal Citation*, 8th ed (Scarborough, Ontario: Carswell, 2014) [The *McGill Guide*]. This text explains the basic rules of legal citation. It is an essential reference text for anyone conducting research concerning legal issues. You will use it as a resource in other courses as you progress in the law program. Several copies will be available in the University Bookstore.
 - Note: You can also purchase the 7th ed (2010) of the McGill Guide (some used copies might be available at the the University Bookstore). However, it is highly recommended that those students that plan to continue to Law School should consider purchasing the new 8th edition.

B. REQUIRED READINGS:

Articles and Cases :

Other required readings will include articles and cases. These will be available through a link on the CULearn home page and through the library ARES system. You may need to provide your Patron ID to access readings linked through the University Library. These readings are indicated on the Schedule of Lectures and Tutorials. You may also search by course name at <http://library.carleton.ca> for readings. Students will be expected to retrieve copies of these readings and read them in preparation for the appropriate

lectures and tutorials. For some weeks direct web URLs are provided to required readings.

C. OTHER WEB-BASED RESOURCES

The lectures and tutorials in this class are supported by a variety of materials available through CuLearn.

These supporting materials include video-recorded demonstrations and guides, captivate videos, youtube videos and power-point slides. Students are responsible for reviewing these supporting materials before the lectures or tutorials they are meant to support.

EVALUATION

This course is DEMANDING AND INTENSIVE. It will require considerable ongoing attention every week. Generally there is something DUE EVERY WEEK. These components are explained in detail below. Please review carefully and note all requirements and due dates.

We know that this is a lot of work for you (and for us) and that the course may seem much heavier than your other courses. However, this course is foundational in your Law Program. It is designed to provide you with the opportunity to develop research skills and understanding that will serve you well in your other law courses. The course is also designed to encourage you to stay engaged with the material being covered each week. Notably, the evaluation of the course is weighted to reward those students who stay engaged, submit the weekly exercises on time, attend and participate in tutorial.

Evaluation Component	Value	Due Dates
ASSIGNMENTS		
There are TWO Assignments in the course. Each is submitted through the cuLearn Assignment Tab. Full instructions will be provided with the Assignment Sheets which will be posted on the Assignment Tab on cuLearn.		
Assignment 1 Case Brief and Analysis This assignment will require students to summarize and analyze a judicial decision in a case to be assigned by the instructors.	30%	February 23, 2015
Assignment 2 Summary and Analysis of Secondary Sources This assignment is designed to provide students with the opportunity to analyze several journal articles assigned by the instructors.	40%	April 8, 2015
ATTENDANCE AND PARTICIPATION Lecture & Tutorial attendance is mandatory . Tutorials take two different formats (labs and workshops): <ul style="list-style-type: none"> <u>Labs</u>: the 6 labs cover nuts and bolts of legal 	10%	Ongoing

Evaluation Component	Value	Due Dates
<p>research and databases. Students will complete worksheets in these labs.</p> <ul style="list-style-type: none"> • <u>Workshops</u>: the 4 workshops cover specialized themes such as analyzing legal material and writing. Students will submit Exercises ahead of time for Workshops on Analyzing Cases and Secondary Sources. (See Tutorial Workshops and Prep Exercises below) 		
<p>TUTORIAL WORKSHOP PREP EXERCISES Tutorial workshop prep exercises must be completed prior to the Workshop on Analyzing Cases and Using them in Research and the Workshop on Analyzing Secondary Sources and Using Them in Research. These completed exercises must be submitted in person at the beginning of the corresponding workshops. They are worth 3 marks each.</p>	6%	<p><i>Cases Analysis Workshop Prep Exercise – due in week 5 tutorial</i></p> <p><i>Article Analysis Workshop Prep Exercise – due in week 9 tutorial</i></p>
<p>LECTURE QUIZZES There are 11 Lecture Quizzes that are based on the content discussed in the lectures and a designated reading for each lecture. They are posted on CUOL. Each Quiz gets activated the day the lecture for that week is scheduled in the course schedule below.</p> <p>All Quizzes stay open for only one week. Students will have one hour to complete each Quiz.</p> <p><u>Important Note:</u> Each Quiz is worth 2 marks out of your final grade. Only your marks from your best 7 Quizzes will be counted towards your final grade. This means that students may choose to only complete 7 of the Quizzes if they are satisfied with their marks from these 7 Quizzes.</p>	14%	<p>Week 1 Quiz – open from Jan. 8 until Jan 14. Week 2 Quiz – open from Jan. 15 until Jan. 21. Week 3 Quiz – open from Jan. 22 until Jan 28. Week 4 Quiz – open from Jan. 29 until Feb 4. Week 5 Quiz – open from Feb. 5 until Feb 11. Week 6 Quiz – open from Feb 12 until Feb 25. Week 7 Quiz – open from Feb 26 until March 4. Week 8 Quiz – open from March 5 until March 11. Week 9 Quiz – open from March 12 until March 18. Week 10 Quiz – open from March 19 until March 25. Week 11 Quiz – open from March 26 until April 1.</p>
<p>Important Notes on Evaluation:</p>		
<p>You must complete all components of Evaluation to receive a passing mark in the course.</p>		
<p>Standing in a course is determined by the course instructor subject to the approval of the Department</p>		

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.

You must provide meticulously correct citations compliant with the *Canadian Guide to Uniform Legal Citation*, 8th edition (the McGill Guide) in Assignments. Marks will be deducted in each assignment if citation is not fully correct. Marks will also be allocated for effective writing.

Submission: Due dates for assignments are on **Monday & Wednesday**. Due time for all work is **NOON**.

- This is set during University working hours so you can contact CCS if you have a problem with submission.
- There is a 'grace period' or leeway of a few minutes in case you have technical issues (this means 30 minutes maximum and it is at our discretion).
- You will be subject to **heavy late penalties** if you do not submit on time (see later information on this).

Feedback: You will receive a marking feedback and evaluation sheet with your marks and some comments when your marks are posted. You should wait 48 hours before emailing your TA if you have questions on your marks. Please make your queries specific and detailed so that the TA can review your points and get back to you. If necessary, your TA will set up an appointment to meet with you.

Timelines:

- It will take about 14 days to mark and return Assignment 1 to you through the Assignments Tab.
- Assignment 2 will be marked within the timeframe for finalizing the Final Grade Report. You will receive your mark around the same time as the FGR is submitted to the Dean's Office.
- Marks for other submissions will be input by your TA using Grade Book. These are likely to be posted 'en bloc' near the end of the semester. You will know if you have obtained the associated marks in any case, by submitting on time.

Grade Book: Initially, you will obtain your mark through the Assignments Tab on CULearn. After a short time, we will also release the marks onto grade book. Please check from time to time so we can catch any errors or omissions early and make corrections.

Keep a copy: Keep a copy of all assignments and other submissions until your final grade is confirmed.

Individual work only! See later discussion of Academic Integrity.

LATE PENALTIES

We have every commitment to your success in the course and we also know that 'life' (and other coursework) can intervene. We also realise that it is common for students (and even professors) to work towards the 'last minute deadline.' As the seconds tick towards the deadline however, there seems to be a correlated 'disaster clock' – a computer crash, lost file etc. We urge you to set earlier 'self-deadlines' and to allow time for revision for major Assignments.

This is a very large class. Late assignments create a significant administrative burden across the (large) team of people who work with us on the course. There is a significantly higher risk of assignments going astray. There are many deliverables. Accordingly, we expect and require students to get their assignments in ON TIME. We are remorseless about lateness and impose extremely heavy penalties without exception as follows:

ASSIGNMENTS

Late Assignments will be penalized as follows:

- Deduction of 5% marks if the assignment is handed in on the due date after the deadline of NOON but before midnight.
- A further 5% if the assignment is handed-in anytime the 'next day' - from 12:01am to 11:59 pm.
- A further 10% is deducted at beginning of each following day (at 12:01am) including weekend days.
 - In other words, if a paper is due at NOON on Monday and you submit it anytime on Wednesday, the penalty is -20% - **So don't be late!!!**
- If an Assignment is handed in more than seven days late, it will be accepted towards course completion but will receive zero marks.

EXTENSIONS FOR THE ASSIGNMENTS

Students can request an extension on Assignments for serious illness or family and personal emergencies. They will be required to provide official supporting documentation. Students requesting an extension **MUST** contact the Course Instructor prior to the assignment deadline.

Extensions will not granted for computer problems of any kind. We URGE you to back up your work as you go along: email a draft to yourself whenever you finish a segment of work on it or copy it to a USB thumb-drive or an external hard drive.

A cold or the flu is not a sufficient reason for an extension.

Competing workloads in other courses is not a sufficient reason for an extension.

Work schedule or family schedule conflicts are not sufficient reasons for an extension.

COURSE SCHEDULE: LECTURES, TUTORIALS, DUE DATES FOR EVALUATION
Subject to revision. Please review carefully and mark down due dates in particular.

Week		Lecture	Tutorial
1	Topic	January 8 Introduction to the Course <i>*** In-Class Lecture ***</i>	January 8 Introduction to Labs and Electronic Resources. <i>*** In-Class Tutorial ***</i>
	Material	Read: Course Outline	See resource videos in Tutorials Folder (cuLearn). (Note: The videos posted in this folder are meant to provide you with additional instruction on how to use the databases and websites covered in tutorials.)
	Due Complete by Jan. 14	Week 1 Lecture Quiz	
2	Topic	January 15 Starting Research in Legal Studies <i>***View Pre-Recorded Lecture Segments on cuLearn***</i>	January 15 Finding Secondary Sources (Library Databases, Quicklaw, Westlaw) <i>*** In-Class Tutorial ***</i>
	Material	Read: T Brettel Dawson, "Legal Research in a Social Science Setting: The Problem of Method" (1992) 14 Dalhousie Law Journal 445. (<u>Lecture Quiz</u>) Richard F Devlin, "Mapping Legal Theory" (1994) 32 Alta L Rev 602.	See resource videos in Tutorials Folder (cuLearn). Read: "Is Google Making Us Stupid?" http://www.theatlantic.com/magazine/archive/2008/07/is-google-making-us-stupid/6868/
	Due Complete by Jan. 21	Week 2 Lecture Quiz	
3	Topic	January 22 Cases I: Judges and Judgment <i>***View Pre-Recorded Lecture Segments on cuLearn***</i>	January 22 Finding and Noting-Up Cases I (West Law and CanLii) <i>*** In-Class Tutorial***</i>

	Material	<p>Read:</p> <p>Martin Davies, "Reading Cases" (1987) 50(4) Mod L Rev 409. (Lecture Quiz)</p> <p><i>Layland v Ontario</i>, (1993), 14 OR (3d) 658</p> <p><i>Recommended:</i> Albie Sachs, "Chapter 2: Tock-Tick: The Working of a Judicial Mind" in Albie Sachs, <i>The Strange Alchemy of Life and Law</i> (London: Oxford University Press, 2009) 47.</p>	See resource videos in Tutorials Folder (cuLearn).
	Due Complete by Jan. 28	Week 3 Lecture Quiz	
4	Topic	<p>January 29 Cases II: Anatomy of a Case</p> <p>***<i>View Pre-Recorded Lecture Segments on cuLearn</i>***</p>	<p>January 29 Finding and Noting Up Cases II (Quicklaw including International sources)</p> <p>*** <i>In-Class Tutorial</i> ***</p>
	Material	<p>Read:</p> <p><i>Layland v Ontario</i>, (1993), 14 OR (3d) 658 (Lecture Quiz)</p> <p>UBC Fac of Law - "Introduction to Reading and Briefing a Case":</p> <p>ALPN-"<i>Ratio decidendi</i> and <i>Obiter dicta</i>":</p> <p><i>Recommended:</i> R Johnson and M-C Belleau, "I beg to differ: Interdisciplinary Questions about Law, Language and Dissent", ch 6 in Logan Atkinson and Diana Majury eds, <i>Law Mystery and the Humanities: Collected Essays</i> (Toronto: University of Toronto Press, 2008)</p>	See resource videos in Tutorials Folder (cuLearn).

	Due Complete by Feb. 4	Week 4 Lecture Quiz	
5	Topic	February 5 Cases III: Precedent, Law Reporting and Citation <i>***View Pre-Recorded Lecture Segments on cuLearn***</i>	February 5 Workshop: Analyzing Cases and Using them in Research (Halpern) <i>*** In-Class Tutorial ***</i>
	Material	Read: Debra Parkes, “Precedent Unbound? Contemporary Approaches to Precedent in Canada” (2007) 32 Man LJ 135 ALPN – “Law Reports”: (focus on concepts not details) ALPN-“Updating Cases”: McGill Guide, Section 3 (Or review Legal Style Sheet: posted to cuLearn: Section on Cases) <i>Recommended: Susan W. Brenner, “Of Publication and Precedent: An Inquiry Into The Ethnomethodology Of Case Reporting in The American Legal System”, (1989-90) 39 DePaul L Rev 461</i>	Read (and complete exercise): <i>Halpern v Canada (Attorney General)</i> (2003), 65 OR. (3d) 161
	Due Feb. 5	Tutorial Workshop Prep Exercise	
	Due Complete by Feb. 11	Week 5 Lecture Quiz	
6	Topic	February 12 Legislation and Gov Docs I: Legislation and Legislative Process <i>***View Pre-Recorded Lecture Segments on cuLearn***</i>	February 12 Tracing the Legislative Process and Finding Government Docs <i>*** In-Class Tutorial ***</i>
	Material	Read:	See resource videos in tutorials folder on cuLearn

		<p>Speeches of Prime Minister Paul Martin and Opposition Leader Steven Harper that are found at pages 3574-3585 of Hansard, vol 140, no 58. (A pdf of the Hansard document is posted in the Lectures folder under the tab for week 6) (Lecture Quiz)</p> <p>Law Commission of Canada, <i>Beyond Conjuality: Recognizing and Supporting Close Personal Adult Relationships</i> (Ottawa: Minister of Public Works and Government Services, 2001), pp 113-141.</p> <p><i>McGill Guide</i>, chapter 2(Or review Legal Style Sheet: posted to cuLearn: Section on Legislation)</p>	
	Due Complete by Feb. 25	Week 6 Lecture Quiz	
	Due Feb. 23	Assignment 1: Case Brief and Analysis	
		February 16 – 20 – Winter reading week; no classes	
7	Topic	<p>February 26 Legislation and Government Docs II: Interpreting Legislation and Understanding Legislative Drafters</p> <p><i>***View Pre-Recorded Lecture Segments on cuLearn***</i></p>	<p>February 26 Finding and Noting Up Legislation</p> <p><i>*** In-Class Tutorial ***</i></p>
	Material	<p>Read:</p> <p>Sandra Markman, "Training of Legislative Counsel: Learning to Draft without Nellie" (2010) 36(1) Commonwealth L Bull 25. (Lecture</p>	See resource videos in tutorials folder on cuLearn

		<p><u>Quiz</u></p> <p>Ruth Sullivan, <i>Statutory Interpretation, 2nd ed.</i> (Irwin Law, 2007) pp 5-13, 40-48.</p> <p>Ruth Sullivan, <i>Sullivan and Driedger on the Construction of Statutes, 4th ed</i> (Toronto: Butterworths, 2002) pp 613-624.</p> <p>CBC News, “Same-sex marriage law change addresses divorce, online: http://www.cbc.ca/news/canada/ottawa/story/2012/02/17/gay-marriage-loophole.html</p> <p><i>Civil Marriage Act</i>, SC 2005, c 33. [cuLearn link]</p> <p><i>Marriage Act</i>, RSO 1990, cM-3. [cuLearn link]</p> <p><i>McGill Guide</i>, chapter 4 (Or review Legal Style Sheet: posted to cuLearn: Section on Government Documents)</p>	
	Due Complete by March 4	Week 7 Lecture Quiz	
8	Topic	<p>March 5 Secondary Sources I – Introduction to Secondary Sources</p> <p>***View Pre-Recorded Lecture Segments on cuLearn***</p>	<p>March 5 Workshop: Writing and Editing</p> <p>*** In-Class Tutorial ***</p>
		<p>Read: Nicholas Bala, “Controversy over Couples in Canada: The Evolution of Marriage and Other Adult Interdependent Relationships” (2003) 29 Queen’s LJ 41. (<u>Lecture Quiz</u>)</p>	<p>Read: Pamela Samuelson, “Good Legal Writing: Of Orwell and Window Panes” (1984) 46 U Pitt L Rev.149.</p> <p>Additional readings posted in tutorials folder on CUOL.</p>

	Due Complete by March 11	Week 8 Lecture Quiz	
9	Topic	March 12 Secondary Sources II – Analyzing Secondary Sources <i>***View Pre-Recorded Lecture Segments on cuLearn***</i>	March 12 Workshop: Analyzing Secondary Sources and Using Them in Research <i>*** In-Class Tutorial ***</i>
	Material	Read: Nicholas Bala article from Wk 8 (<u>Lecture Quiz</u>) <i>McGill Guide</i> , chapter 6(Or review Legal Style Sheet: posted to cuLearn: Section on Secondary Sources)	Read (and complete exercise): Claire Young and Susan Boyd, “Losing the Feminist Voice? Debates on the Legal Recognition of Same Sex Partnerships in Canada” (2006) 14 Fem Legal Stud. 213
	Due March 12	Tutorial Workshop Prep Exercise	
	Due Complete by March 18	Week 9 Lecture Quiz	
10	Topic	March 19 International Law – Sources and Research <i>***View Pre-Recorded Lecture Segments on cuLearn***</i>	March 19 Workshop: Research Hygiene - Ethical Issues & Plagiarism <i>*** In-Class Tutorial ***</i>
	Material	Read: UN Human Rights Committee, Communication No 902/1999 (cuLearn Link) (<u>Lecture Quiz</u>) UN – “Explanation of Human Rights Treaty Bodies”: http://www.ohchr.org/EN/HRBodies/ /Pages/TreatyBodies.aspx	Read: Materials posted in cuLearn folder

	Due Complete by March 25	Week 10 Lecture Quiz	
11	Topic	March 26 Faculty Forum <i>***View Pre-Recorded Lecture Segments on cuLearn***</i>	March 26 To be announced
	Material	TBA (<u>Lecture Quiz</u>)	
	Due Complete by April 1	Week 11 Lecture Quiz	
12	Topic	April 2 Conclusion and Review <i>*** In-Class Lecture ***</i>	April 2 No Tutorial
	Material	No new readings this week	
	Due April 8	Assignment 2: Summary and Analysis of Secondary Sources	