

CARLETON UNIVERSITY

CRCJ 3003B: Legal Research Methods

Winter 2013

Professor: Dr. Lara Karaian
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Class Meets: Wednesdays, 11:35-2:25 pm
Class Location: Southam Hall room 502
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COURSE DESCRIPTION:

The objective of this course is to provide you with the fundamental knowledge and skills to conduct traditional and electronic legal research pertinent to criminological inquiry. Students will learn how to design a research question grounded in the context of law in Canada, create a research plan, and find legal materials such as judicial decisions (cases), legislative instruments (statutes and regulations), government documents (including Parliamentary materials and policy), and secondary sources published in academic journals. Students will also be required to reflect upon conceptual or theoretical dimensions of research. Ultimately, students should develop the ability to identify, find, analyze and apply the information necessary to conduct legal research in the field of Canadian criminology.

Due to the changes within the ICCJ this is no longer a seminar course. As such students will be introduced to various elements of the research process through a series of lectures, library workshops, and assignments.

COURSE OBJECTIVES:

- Advance an understanding of the how to design a research question and appropriate methodology
- Develop the fundamental skills pertinent to conducting traditional and electronic legal research
- Extend the student's ability to critically evaluate criminological literature and case law
- Develop the ability to work individually and in a partnership

COURSE THEME:

The course is organized around the research theme of the legal regulation of youth sexuality. Lectures will draw on material related to age of consent laws, teenage sexting, and child prostitution. Assignments will engage with some aspect of current criminological issues related to the legal regulation and construction of youth sexuality.

Youth sexuality is an intensely charged issue that gives rise to frequent calls to 'save the children' through a law and order agenda. The law defines a child, it regulates at what age youth can consent to sexual acts, it classifies youths' sexual expression as child pornography, and forbids youths (and adults) from engaging in commercial sexual relations. Normative visions of the 'child', their legal capacities, and their rights are enacted and negotiated through law. With the development of what some are calling the 'pornification of a generation' and the increasing affordability of digital technology, notions of childhood and youth sexual relations have changed over time and in response to a range of social and legal factors.

This general theme will be used as a general backdrop to the course as a way of providing a coherent and linked structure to cover a range of legal materials and methodological questions. The in-class coverage on the general theme will also assist students in their final essay by providing a conceptual introduction to the area and approaches. Some of the animating questions linking the theme with the course objectives include:

- What sorts of legal research questions about youth sexuality are generated within a criminological context?
- How (and why) do we use primary sources of law to seek answers to those research questions? How do we find (and update) those sources? What are the 'basic rules' through which they are generated including the structure and authority of courts and legislatures? In what ways do we 'read' and 'apply' these sources? (e.g. cases, statutes, regulations)
- How (and why) do we use official government sources in a criminological enquiry? How do we find (and update) those sources? In what ways do we 'read' and 'apply' such sources (e.g. Parliamentary Proceedings, Commissions of Inquiry, Government policy papers)
- How do we use secondary sources when undertaking research? How do we find those sources? How (and why) does one assess the methods used, the theoretical and conceptual framework(s) used, the logic of argument and conclusion in 'reading' and 'using' secondary sources? (e.g., scholarly journal articles and books).
- What does it take to write a good legal research essay in criminology? How do you organize yourself (preparation is key) and how do you express yourself?

Prerequisites: third-year standing in the B.A Honours program in Criminology and Criminal Justice. Precludes additional credit for LAWS 3907 (no longer offered), LAWS 2908 and LAWS 3908.

REQUIRED TEXTS:

Margaret Kerr et al., *Legal Research: Step by Step*, 3rd ed. (Toronto: Emond Montgomery, 2010). (available at the bookstore and on RSV in the library)

Wayne C. Booth et al., *The Craft of Research*, 3rd ed. (Chicago: University of Chicago Press, 2008). (available at the bookstore and as an e-book on the library website. The e-book will be posted on the course website)

Additional course readings will be made available through the course's cuLearn web site.

RECOMMENDED TEXTS:

Online: *Best Guide to Canadian Legal Research:* www.legalresearch.org. This is an excellent resource addressing processes and resources for legal research with many relevant hyperlinks.

WEB SITE:

This course will be managed with Carleton's cuLearn course management system. Course PowerPoint slides, announcements, grades, discussion groups and weblinks will be posted on this site. You must activate your cuLearn account by going to the following page <https://www.carleton.ca/culearn/>. Student support is available via a link on the right side of the page. Only students registered in the course have access to the site. Your Username and Password to sign on are the same as those for your Connect account (make sure that your Connect account has been activated first). See <https://portal.carleton.ca> for instructions on how to set up your account. It is imperative that each student is able to access the course web site and that they do so frequently.

EVALUATION:

There are three assignments in the course. Each assignment is submitted through the cuLearn Assignment Tab **and** as a print copy. Full instructions will be provided with the Assignment Sheets that will be posted on the Assignment Tab on cuLearn.

Case Brief and Analysis	30% (Due: Feb. 6, 2013)
Film Analysis	30% (Due: March 13, 2013)
Research Proposal & Annotated Bibliography	40% (Due: April 3, 2013)

Please note that a component of the grade for any paired work will be based on peer assessment.

Letter Grade Percent

A+	90 – 100%	C+	67 – 69%
A	85 – 89%	C	63 – 66%
A-	80 – 84%	C-	60 – 62%
B+	77 – 79%	D+	57 – 59%
B	73 – 76%	D	53 – 56%
B-	70 – 72%	D-	50 – 52%
		F	0 – 49%

Case Brief and Analysis - 30%

This short assignment is designed to expose you to reading and understanding case law. Using your legal research skills you will have to locate and download a case (chosen by me) on a topic of relevance to our course. You will be asked to summarize and analyse the court’s reasoning. Further assignment guidelines will be **distributed on Jan. 23, 2013**. The assignment is **DUE: Feb. 6, 2013**.

Film Analysis - 30%

This assignment is meant to do two key things: 1) expand your notion of legal research in a criminological context via an introduction to cultural criminology; 2) engage you in legal research on the issue addressed in the film. Drawing on legal research you will write a short critical analysis of the movie ‘Easy A’ (2010). The movie will be screened during one of our classes and is also widely available to rent. I will distribute the exact requirements of this assignment in class just prior to the viewing of this film. **Assignment distributed and film viewing on Feb. 27, 2013**. The assignment is **DUE: March 13, 2013**.

Research Proposal and Annotated Bibliography – 40%

Working in pairs, students will design a properly formulated legal research question pertinent to the regulation of teenage sexuality. Following this, each pair of students will collectively research and write a research proposal that identifies your chosen topic, describes a central research question, makes and supports a claim, provides a rationale for your topic, and discusses the potential consequences and ethical issues of your research. Central to the research proposal will be a critical dialogue with relevant legal sources (journal articles, books, case law, statutes, regulations, government documents and/or other texts) that have been collected during your research. Each *individual* student will then be responsible for contributing annotations of 4 bibliographic sources. Some coordination will be required amongst partners as there must not be any duplication of sources. A single Proposal and Annotated Bibliography Assignment per duo will be submitted and both research partners will receive the same grade. A portion of each individual’s grade will be determined by peer evaluation and therefore both partners may not necessarily end up with the same mark. More information on this assignment and how to write a research proposal and an annotated bibliography will be provided in class on **Jan. 16, 2013**. This assignment is **DUE: April 3, 2013**.

POLICIES:

(i) Contact with Instructor

I will be available for consultation with students during my office hours or by appointment. Please e-mail me to set up an appointment outside of regularly scheduled office hours.

(ii) E-mail Policy

Every student is expected to have a Carleton e-mail address and to check it regularly. University policy dictates that Professors will not send e-mails to students at any other addresses. When contacting me or the course’s TA via email please include “CRCJ 3003: Brief description of your e-mail” in the subject line. Please use full sentences with proper spelling, grammar and punctuation. E-mails will generally be returned within two days.

(iii) Late Penalties

Late assignments are penalized 5% per day, including weekends (except under exceptional circumstances, i.e. grave illness. I require third party documentation in order to get an extension). **Assignments submitted more than one week after the due date will receive an F.** Computer failure, conflicts with work schedules or similar problems are not a valid excuse for failing to submit an assignment on time. **Students submitting late assignments must submit a hard copy of the assignment to the Institute of Criminology and Criminal Justice drop-box.** The Institute of Criminology and Criminal Justice drop-box is located on the wall outside the Institute's door at C562 Loeb Building. **Students are responsible to keep an extra copy of any assignment that is submitted for evaluation.**

(iv) Policy on Discrimination and Harassment

Carleton University is a community of faculty, staff and students who are engaged in teaching, learning, and research. Its members are part of the community at large and are governed by the law common to all persons. But membership in the academic community also entails certain rights and responsibilities. The university respects the rights of speech, assembly, and dissent; it prohibits discrimination on the basis of race, ancestry, place of origin, colour, ethnic origin, national origin, creed, sex, gender identity, sexual orientation, age, marital status, family status, political affiliation or belief, or disability that is defined as such in the Ontario Human Rights Code; it requires tolerance and respect for the rights of others; and it promotes an environment conducive to personal and intellectual growth.

(v) Academic Dishonesty

Academic dishonesty, which includes plagiarism and cheating, is an extremely serious academic offense and carries penalties varying from failure in an assignment to suspension from the University. The University Senate defines plagiarism as "*presenting, whether intentional or not, the ideas, expression of ideas, or work of others as one's own.*" This can include:

- 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;
- Submitting an assignment or examination written in whole or in part, by someone else;
- Using ideas or direct, verbatim quotation, or paraphrased material, concepts, or ideas without appropriate acknowledgement in any academic assignment;
- Using another's data or research findings;
- Failing to acknowledge sources through the use of proper citations when using another's works and/or failing to use quotation marks;
- Handing in "*substantially the same piece of work for academic credit more than once without prior written permission of the course instructor in which the submission occurs.*"

REQUESTS FOR ACCOMMODATION:

Students with disabilities requiring academic accommodations in this course must register with the Paul Menton Centre for Students with Disabilities (PMC) for a formal evaluation of disability-related needs. Documented disabilities could include but are not limited to mobility/physical impairments, specific Learning Disabilities (LD), psychiatric/psychological disabilities, sensory disabilities, Attention Deficit Hyperactivity Disorder (ADHD), and chronic medical conditions. Registered PMC students are required to contact the PMC, 613-520-6608, every term to ensure that I receive your Letter of Accommodation, no later than two weeks before the first assignment is due or the first in-class test/midterm requiring accommodations. If you only require accommodations for your formally scheduled exam(s) in this course, please submit your request for accommodations to PMC by the deadlines published on the PMC website: <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>

Pregnancy obligation: Students requesting academic accommodation on the basis of pregnancy should 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. Pregnant students requiring academic accommodations are encouraged to contact an Equity Services Advisor in the Equity Services Department (ext. 5622) to complete a letter of accommodation. For more details visit the Equity Services website: http://www.carleton.ca/equity/accommodation/student_guide.htm

Religious obligation: Students requesting academic accommodation on the basis of religious obligation should 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. Such requests should not be made any later than two weeks before the compulsory event. For a [list of holy days](#) and [Carleton's Academic Accommodation](#) policies and procedures visit the Equity Services website:
http://www.carleton.ca/equity/accommodation/student_guide.htm

CRCJ 3003B: Course Schedule and Readings

Please note that this schedule and course readings are subject to change.

January 9: Introduction to the course and overview

No readings.

January 16: Introduction to Legal Research and the Legal Regulation of Youth Sexuality

Margaret Kerr et al., pp. 3-9

Wayne C. Booth et al. Chapters 3 & 4.

Kate Sutherland, "From Jailbird to Jailbait: Age of Consent Laws and the Construction of Teenage Sexualities" *William and Mary Journal of Women and the Law*, Spring 2003, 1-18.

*****Research Proposal and Annotated Bibliography Assignment DISTRIBUTED*****

January 23: Primary Sources- Finding and Noting-Up Case Law

*****Case Brief and Analysis Assignment DISTRIBUTED*****

Kerr et al., pp. 33-53, 105-128 & 187-201.

Wayne C. Booth et al. Chapter 5.

Martin Davies, "Reading Cases" (1987) *Modern Law Review* 50(4): 409-431.

Library Work Shop: Finding and Noting-up Cases (West Law, Quicklaw and CanLii)

January 30: Primary Sources- Reading Judicial Decisions

R. v. Sharpe [2001] 1 S.C.R. 45 (you must find and download this case using your research skills)

University of British Columbia Faculty of Law, "Introduction to Reading and Briefing a Case"
http://www.law.ubc.ca/files/pdf/current/jd/lrw/Case_Brief_Example.pdf

ALPN- "*Ratio decidendi* and *Obiter dicta*" <http://alpn.edu.au/node/60>

February 6: Primary Sources- Finding and Noting-up Legislation and Government documents

Kerr et al., pp. 13-31, 91-104 & 161-185

Robin McKay, "Bill C-22: An act to amend the Criminal Code (Age of Protection) and to make consequential amendments to the Criminal Records Act" LS-550E, Parliamentary Information and Research Service, Library of Parliament, Ottawa, Revised August 2, 2007.

Library Work Shop: Finding and Noting-up Legislation

*****Case Brief and Analysis Assignment DUE*****

February 13: Secondary Sources- Finding, Analyzing and Incorporating Legal Literature

Willy Pedersen & Kristinn Hegna, (2003) 'Children and adolescents who sell sex: a community study', *Social Science & Medicine* 56: 135-147.

Amy Adler, (2001) 'The Perverse Law of Child Pornography', *Columbia Law Review* vol. 101 (no. 2): 209-273.

February 20: NO CLASS – WINTER BREAK

February 27: Secondary Sources- Law, Film and Methodology

Film Viewing – “Easy A” (2010) Directed by Will Gluck, starring Emma Stone

*****Film Analysis Assignment DISTRIBUTED*****

Richard K. Sherwin (2010) ‘Imagining Law as Film (Representation without Reference?)’ In Austin Sarat, Matthew Anderson and Catherine O. Frank (Eds.) *Law and the Humanities: An Introduction*. Cambridge University Press. 241-268

Orit Kamir (2005) ‘Introduction: Law and Film- Methodological Perspectives’ In *Framed: Women in Law and Film*. Duke University Press. 1-40.

March 6: Ethical Issues in Legal Research

Lara Karaian (2012) Lolita Speaks: ‘Sexting’, Teenage Girls and the Law, *Crime Media Culture* 8(1): 55-71.

Frakel, Mark and Siang, Sanyin. “Ethical and Legal Aspects of Human Subjects Research on the Internet” Workshop Report, Washington (1999): 1-20
<http://www.aaas.org/spp/sfirl/projects/intres/report.pdf>

March 13: International Law Instruments and Documents/Making and Supporting Claims

Wayne C. Booth et al. Chapters 7 & 8.

ALPN- Public International Law, <http://alpn.edu.au/node/68>

*****Film Analysis Assignment DUE*****

March 20: Synthesizing Evidence/Acknowledging and Responding to Critique

Wayne C. Booth et al. Chapters 9 & 10.

Scheduled In-class meetings with me regarding Research Proposal and Annotated Bibliography

March 27: Course Wrap Up and Review

No readings. Course Evaluation.

April 3: No class

*****Research Proposal and Annotated Bibliography Assignment DUE*****

END OF THE TERM
(BUT NOT THE LEARNING PROCESS, THAT NEVER ENDS)
ENJOY YOUR SUMMER!