

CARLETON UNIVERSITY

CRCJ 3003C: Legal Research Methods

Winter 2014

Instructor: Dr. Lara Karaian

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Class Meets: Monday, 11:35-2:30

Class Location: Southham Hall, room 417

Office Hours: Monday. 2:30-3:30 pm, or by appointment

Teaching Assistant: Kale Robinson

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Office Hours: Thurs. 1:00-2:00 pm

COURSE DESCRIPTION:

The objective of this course is to provide students with the fundamental knowledge and skills to conduct legal research pertinent to criminological inquiry. Students will learn how to design a research question grounded in the Canadian legal context, 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. These skills will be developed through group work culminating in a debate on criminological legal issues such as: cyber bullying; mixed martial arts (MMA); counseling suicide over the internet; solitary confinement; HIV nondisclosure; hate crime; age of consent; cannabis; and, internet piracy. Ultimately, students should develop the ability to find, analyze and apply the information necessary to engage in a debate on their legal research topic and write a persuasive research report.

COURSE OBJECTIVES:

- Advance an understanding of the how to design a legal research question
- 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
- Foster the ability *and* the confidence to think critically and out loud
- Develop the ability to work individually and as a group

COURSE QUESTIONS

- What sorts of legal research questions 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?

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.

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:

- *Research Question/Debate Topic* (Group project) 15% (Due: Jan. 20, 2014)
- *Debate Outline & Annotated Bibliography* (Independent project) 25% (15% outline, 10% annotated Bibliography (Group & (Due: Feb. 10, 2014)
- *In-class Debate* (Group project) 25% (March 17-April 7, 2014)
- *Research Report* (Independent project) 35% (Due: April 7, 2014)

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 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 **business** days (if you email on a Friday you may not receive a response until the following Tuesday).

(iii) Late Penalties

Late assignments will be deducted a penalty of 5% for each day submitted after the due date (including week-end days). **Assignments submitted more than one week after the due date will receive an F.** 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); 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 and must email me the assignment via cuLearn.** 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: 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/>

CRCJ 3003C: Course Schedule and Readings

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

January 6: Introduction to the course and overview

From Topics to Question - Developing your area of interest – Narrowing your focus – Creating a research question – From research question to specific problems – Research strategy and timeline

*****Research Question/Debate Topic sign-up today!*****

Meet your Group! Group Exercise: Pitch your hunches, your questions and your hypotheses to one another.

Kerr, Margaret et al., (2006) *Legal Research: Step by Step*, 2nd ed. Chapter 1: The Basics of Legal Research. Toronto: Emond Montgomery.

Booth, W., Colomb, G., and Williams, J. (1995). *The Craft of Research*. Chapters 3: From Topics to Question and Chapter 4: From Questions to a Problem. Chicago: University of Chicago Press.

Introduction to Google Docs <http://www.google.com/google-d-s/tour1.html>

January 13: Researching Legal Literature and Case Law using Legal Databases

From problems to sources – Engaging Secondary and Primary Legal Sources – Finding legal literature, case comments and case law using electronic data bases

In-class library workshop with Julie Lavigne, Law Librarian

Booth, W., Colomb, G., and Williams, J. (1995). *The Craft of Research*. Chapters 5: From Problems to Sources and Chapter 6: Engaging Sources. Chicago: University of Chicago Press.

Kerr, Margaret et al., (2006) *Legal Research: Step by Step*, 2nd ed. Chapter 4: Cases and Chapter 11: Finding and Updating Cases. Toronto: Emond Montgomery.

Courts, Tribunals and Case Law
<http://www.library.carleton.ca/subjects/law/cases.html>

Library Guide for Law- <http://www.library.carleton.ca/subjects/law/index.html>

January 20: Researching bills, statutes, regulations and government documents

In-class library workshop with Julie Lavigne, Law Librarian

*****Research Question/Debate Topic Due*****

Kerr, Margaret et al., (2006) *Legal Research: Step by Step*, 2nd ed. Chapters 2: Statutes and Chapter 3: Regulations.

Legislation and Regulation (Bills and Statutes)
<http://www.library.carleton.ca/subjects/law/legislation.html>

Become familiar with the *Library Guide for Criminology*
<http://www.library.carleton.ca/subjects/criminology/index.html>

Guest Speaker: Learning Support Services (LSS) “Working in Groups” and “Effective Presentations”

January 27: Primary Sources: Reading Judicial Decisions

***** Research Question/Debate Topic Returned*****

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 3: Secondary Sources: Law, Film and Methodology

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

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

February 10: Developing your Argument and Counter-Arguments

Defining your argument – Supporting your claims with evidence – Developing your research method

***** Debate Outline and Annotated Bibliography Due*****

Booth, W., Colomb, G., and Williams, J. (1995). *The Craft of Research*. Chapters 7: Making Good Arguments. Chicago: University of Chicago Press.

*******February 17-21 WINTER BREAK- NO CLASSES*******

February 24: Ethical Issues in Legal Research

******* Debate Outline and Annotated Bibliography Returned *******

Campbell, Angela. "Wives' Tales: Reflecting on Research in Bountiful" 23 *Canadian Journal of Law and Society* 1-2, (2008): 121-141.

Frankel, 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/sfrl/projects/intres/report.pdf>

March 3: Synthesizing and Analyzing Information: Group Exercise

In small groups, students will discuss their topics and how they plan to execute their debate. Students will have the chance to meet with the professor one-on-one during the class to discuss challenges in their research.

Review: Booth, W., Colomb, G., and Williams, J. (1995). *The Craft of Research*. Chapter 7: Making Good Arguments. Chicago: University of Chicago Press.

March 10: Group work

March 17: In-class Debates

March 24: In-class Debates

March 31: In-class Debates

April 7: In-class Debate, if required

Concluding thoughts, class discussion and course evaluation

Final Research Report due at the start of class *and* electronically on cuLearn by 11:30 am.