

**Legal Research Methods Course Outline**

<b>COURSE:</b>	<b>CRCJ 3003 C</b>
<b>TERM:</b>	<b>Winter 2017</b>
<b>PREREQUISITES:</b>	<b>Third-year standing in the B.A Honours program in Criminology and Criminal Justice.</b>
<b>CLASS:</b>	<b>Day &amp; Time: Tuesday, 14:35 - 17:25</b> <b>Room: Please check Carleton Central for current room location.</b>
<b>INSTRUCTOR:</b>	<b>Jeffrey Monaghan</b>
<b>CONTACT:</b>	<b>Office: C576 Loeb</b> <b>Office Hrs: Tuesday 9:30am-11:30am</b> <b>Telephone: N/A</b> <b>Email: <a href="mailto:Jeffrey.monaghan@carleton.ca">Jeffrey.monaghan@carleton.ca</a></b>

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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 see the Student Guide

**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 see the Student Guide

**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](mailto: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 ([www.carleton.ca/pmc](http://www.carleton.ca/pmc)) for the deadline to request accommodations for the formally-scheduled exam (if applicable).

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**COURSE DESCRIPTION**

Legal Research Methods will 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, government policy records, and processes for the declassification of records using the federal *Access to Information Act*), and secondary sources published in academic journals.

**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 Octopus Books.

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

### **EVALUATION**

**(All components must be completed in order to get a passing grade)**

Standing in a course is determined by the course instructor subject to the approval 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 Dean.

1. Participation		30%
2. Legal memo	Due: Feb 14	20%
3. Research proposal	Due: Feb 28	10%
4. Final research paper	Due: Apr 4	40%

#### **Participation (30%)**

Continuous evaluation.

#### **Legal memo (20%)**

Due: February 14<sup>th</sup>.

Based on lecture and reading materials from Week 4 (January 31<sup>st</sup>), students will have to identify a contemporary legal issue of their interest and provide a basic legal memo that clearly – and succinctly – communicates the major issue, facts, and law(s) pertaining to the specific issue-at-hand. Students can select their own legal issue, or an issue will be assigned. Legal memo should be no more than 2pgs, single-spaced. Formatting and content will be discussed thoroughly in Week 4.

#### **Research proposal (10%)**

Due: February 28<sup>th</sup>.

Two pages, single-spaced. Students need to outline their research topic and "Research Question" (based on materials from Week 4). The research proposal will outline the research question, and what are considered to be major legal, ethical, social, policy implications related to the topic. Students should provide an initial annotated bibliography of approximately 15 references (academic research, cases, statutes, public policies) that will be examined for the research paper. Evidence of preliminary research must be evident. Students can select topics for the research, or a topic will be assigned.

**Final research paper (40%)**

Due: April 4<sup>th</sup>.

10-12 pages, double-spaced. Final research papers must demonstrate a systematic approach to researching a contemporary legal issue. Papers must provide an overview of current legal, statutory, regulatory issues. Students must engage with their “research question” and relevant social, legal, ethical, and policy implications.

**STATEMENT ON PLAGIARISM**

The University Senate defines plagiarism as “presenting, whether intentionally 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 a take-home examination, essay, laboratory report or other assignment written, in whole or in part, by someone else;
- using ideas or direct, verbatim quotations, or paraphrased material, concepts, or ideas without appropriate acknowledgment 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.”

Plagiarism is a serious offence that cannot be resolved directly by the course’s instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of “F” for the course.

**INTELLECTUAL PROPERTY**

Classroom teaching and learning activities, including lectures, discussions, presentations, etc., by both instructors and students, are copy protected and remain the intellectual property of their respective author(s). All course materials, including PowerPoint presentations, outlines, and other materials, are also protected by copyright and remain the intellectual property of their respective author(s).

Students registered in the course may take notes and make copies of course materials for their own educational use only. Students are not permitted to reproduce or distribute lecture notes and course materials publicly for commercial or non-commercial purposes without express written consent from the copyright holder(s).

**SCHEDULE**

**Week 1 (Jan 10) Introduction to the course and overview**

**Week 2 (Jan 17) Statutes and regulations**

**Recommended reading:**

Kerr et al. – Chapter 1: The basics of legal research. Pgs 3-12.

Required readings:

Kerr et al. – Chapter 2: Statutes. Pgs 13-32.

Kerr et al. – Chapter 3: Regulations. Pgs 33-44.

**Week 3 (Jan 24) Cases**

Kerr et al. – Chapter 4: Cases. Pgs 45- 71.

Kerr et al. – Chapter 13: Finding and updating cases. Pgs 193-236.

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>

**Week 4 (Jan 31) Making a research project // Writing legal memos**

Booth, W., Colomb, G., and Williams, J. (1995). The Craft of Research. Chapters 3: From Topics to Question.

Booth, W., Colomb, G., and Williams, J. (1995). Chapter 4: From Questions to a Problem. Chicago: University of Chicago Press.

Kerr et al. – Chapter 15: Legal writing. Pgs 263-288.

**Week 5 (Feb 7) Reading Judicial Decisions**

Readings TBA.

*Guest lecturer.*

**Week 6 (Feb 14) Secondary Sources: Law, Film and Methodology**

Film Viewing – “You don’t know Jack” (2010). Directed by Barry Levinson, starring Al Pacino.

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

\*\*\*\* Legal memo assignment due.

**Week 7 (Feb 21) Reading Week****Week 8 (Feb 28) Developing your Argument and Counter-Arguments**

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

*Guest lecturer.*

\*\*\*\* Research proposal due

**Week 9 (Mar 7) The federal Access to Information regime**

Walby, K. and Larsen, M. (2012). Access to Information and Freedom of Information Requests: Neglected Means of Data Production in the Social Sciences. *Qualitative Inquiry*, 18(1): 31-42.

*Guest lecturer.*

**Week 10 (Mar 14) Legal research in action: Topic TBD**

Readings TBD

*Guest lecturer.*

**Week 11 (Mar 21) Research paper workshop**

**Week 12 (Mar 28) Research paper workshop**

**Week 13 (Apr 4) Final research papers due**