

Course Outline

COURSE: LAWS 1000 P - Introduction to Legal Studies

TERM: Fall/Winter 2008/09

CLASS: Day & Time: Monday – 12:35-2:25 pm
Room: Fall: C264 LA (Loeb)
Winter: 416 SA (Southam Hall)

INSTRUCTOR: Dr. Clinton Timothy Curle

CONTACT: Office: D582 LA (Loeb)
Office Hrs: Monday - 110-12:30 pm
Thursday – 10:30-11:30 am
Telephone: 613-520-2600 x. 3746
Email: Please use the email program on the WebCT page for this course
Alternate Email: ccurle@connect.carleton.ca

"Students with disabilities requiring academic accommodations in this course must register with the Paul Menton Centre for Students with Disabilities for a formal evaluation of disability-related needs. Registered PMC students are required to contact the centre, 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 require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by November 7, 2008, for December examinations, and March 6, 2009, for April examinations." With regard to accommodations for religious obligations and pregnancy, please see http://www.carleton.ca/pmc/students/accom_policy.html

COURSE DESCRIPTION

This course is designed to introduce students to the academic study of the law. We will look at law in Canada from two distinct but complementary perspectives, which we can label "traditional" and "critical." The traditional perspective regards law as a kind of self-contained machine for making justice and social order. Learning law from this perspective focuses on the sources and structure of law, the function of legal institutions, the actors in legal processes, and the substantive content of Canadian legislation and case law. In short, the traditional perspective provides students with "the basics" of Canadian law, and aims to provide students with accurate knowledge of the law's content.

The critical perspective is quite different. It regards law not as a self-contained machine, but rather as a series of dynamic processes in relation with other aspects of society. If the traditional perspective gives students accurate knowledge of the law, the critical perspective equips students to ask good questions about the law. How does law relate to economics? To public values and morality? To gender? In what ways does the law contribute to the formation of individual and group identities? Why does the law regulate some activities, and not others? How does Canadian law interact with globalization? Can the law lead social change? These are some of the questions taken up by the critical perspective, which is marked by a deep suspicion that the law is more, and less, than it appears.

Both of these perspectives will be woven together as we study Canadian law. By the conclusion of the course, students will have a solid knowledge of the Canadian legal landscape as well as an appreciation of the complex ways that law interacts with society.

Important Dates

Sept. 8...First class
Sept. 22...Tutorials begin
Oct. 13...Thanksgiving (no class)
Oct. 27...Case Commentary due
Dec. ___...First term exam
Jan. 5...Class recommences
Feb. 16 – Reading week (no class)
March 2...Winter Term Essay due
April ___...Final Exam

COURSE REQUIREMENTS & GRADING

****You must complete ALL components of the course to receive a passing grade.****

1. **Case Commentary 15% DUE MONDAY, OCTOBER 27, 2008 IN CLASS**
This assignment will require you to read and summarize a court case (which I will assign and which will be the same for everyone) and then relate that case to the course material we have studied to date. A commentary is shorter, less formal, and more summary-oriented than a term paper, but I still expect you to use proper grammar, spelling, style and citation. The case commentary is intended to give you a chance to both submit a piece of writing for feedback early in the course and also to explore and discuss a single case in more detail. Your commentary should be approximately **4 pages** in length. As with all course requirements more specifics will be discussed in the lecture and tutorials well before the assignment is due.
2. **December Exam 25% DATE TO BE POSTED**
This exam will be held during the formally scheduled exam period in December. The date, time and location is scheduled by the university. The exam will consist of 60-80 multiple-choice questions and be two hours in length. For the most part multiple-choice exams aim to test the breadth of knowledge you have gained in the course rather than the depth (this is what your term-papers and commentaries are for). More specifics and tips for studying will be discussed closer to the end of term.
3. **Winter Term Essay 25% DUE MONDAY, MARCH 2, 2009 IN CLASS**
You will be asked to summarize, synthesize and critique (take a position on) some of the material we investigate in the course. The term essay provides you with an opportunity to discuss a selection of the readings that we investigate in the course and draw connections to some of the broader questions and themes highlighted in the lectures. Your essay should be approximately **7 pages** in length. More specifics and rubrics for evaluation will be discussed in lecture and in the tutorials.
4. **April Exam 25% DATE TO BE POSTED**
This exam will be held during the formally scheduled exam period in December. The date, time and location is scheduled by the university. The exam will consist of 60-80 multiple-choice questions and be two hours in length. You will only be tested on material covered in the second (winter) term.
5. **Participation 10% EVERY WEEK**
Despite the fact that this is a survey lecture course, individual participation is still an important component of the course and part of your mark. Your main opportunity to participate is in the weekly tutorial sessions. Your TA will take attendance for each tutorial. You are expected to contribute to your tutorial discussions and come prepared to discuss assigned readings. Your participation mark is based on: actual attendance to each tutorial; your participation in the tutorial and any planned exercises or exercises; and your participation in on-line discussions on the course WebCT discussion page.

Assignment Checklist

- Typewritten, 12pt Times New Roman
- Bibliography
- Title page with name and student #
- Pages numbered
- One inch margins all around
- Spelling and grammar checked
- Proper citation
- Read it over before you hand it in
- Spell prof's name & TA's name right

LATE POLICY

Late assignments will be penalized **5 % per day** that they are late. Late assignments are to be submitted to the **Law Department's drop box** (Loeb C473) unless otherwise noted. **Do not** put them under my door or your tutorial leader's door. Note as well that **email is not** considered an acceptable means of assignment submission.

How do I get full participation marks?

1. Ask your tutorial leader questions.
2. Show up and be on time.
3. Keep up with the assigned readings and come to tutorial prepared to talk about them.
4. Post messages on WebCT.
5. Participate in tutorial discussions and activities

BACKUP COPIES

Student must retain a **hard copy** of anything submitted for a grade in the class. This hard copy should be maintained for at least 3 months following the end of the class in case there is any discrepancy in final grades. In the very unlikely event that a submitted assignment is misplaced, you must be able to produce another copy upon request.

REFERENCING & PLAGIARISM

The assignments in the course must be properly referenced and include a bibliography of all sources used in the preparation of the assignment. You will discuss the citation style in detail in your tutorial group.

Failure to reference properly or attempting to pass someone else's ideas or work off as your own is considered plagiarism. Plagiarism can lead to penalties that range from failure of the course to expulsion from the university.

TIPS FOR DOING WELL IN THIS COURSE**1. Preparation**

Regular attendance at class is linked to higher grades. The second key, however, is preparation – doing your readings before class will help you get the most out of the lecture.

2. Web CT

Please sign up for a WebCT account. I use WebCT regularly. This course outline will be posted on WebCT as will all assignment sheets after they are handed out, so you can always find them there. WebCT should be a first stop if you have any administrative questions since all the documents for the class (outline and assignments etc.) will be posted there.

3. Note taking

Taking good notes from a lecture is a skill that you will develop over time. Try to accurately summarize what I am saying and make it into points you can study from later. The slides I post are a good OUTLINE to what I am saying, but not the whole story; writing your own notes on what I say is absolutely necessary.

4. Questions

Your TA's and I are here to answer your questions. Please don't hesitate to ask if something was unclear or if you have any questions about an assignment.

5. Extra Support

There are excellent services available on campus to help you academically. Try contacting the Writing Tutorial Service (Learning Support Services, Room 411 ML), the Student Academic Success Centre (SASC 302 Tory) and the Learning Commons (4th Floor of the Library).

ETIQUETTE & RESPECT

A professional and courteous tone will be maintained in our classes and tutorials. Abusive or mean-spirited language and behaviour will not be tolerated. Please read your e-mails over before sending them and take the time to consider if this is what you would like your TA or me to see in writing. You may refer to me as Dr. Curle.

DON'T LIKE YOUR GRADE?

If you think you have a reason to contest a grade on an assignment please follow this procedure.

1. Wait a week and think carefully about the reasons why you want to contest the grade – you have to make a case as to why you feel (based on the comments and marking grid) your grade should be changed. Grades can be changed only for valid reasons.
2. Contact your TA with your concerns by e-mail (it helps to set them out in writing) and then set up an appointment to discuss your concerns with them.
3. If, after meeting with your TA you are still concerned please contact me by an e-mail in which you set out your concerns and then we'll make arrangements for you to provide me with the graded paper. After I have had a chance to review the paper we'll set up a meeting to discuss your concerns. I am always happy to change grades for valid reasons, but requesting to have your grade reviewed can mean that your grade may go down, so please keep that in mind.

REQUIRED TEXTS

1. Vago, S. and A. Nelson. *Law and Society*, 2nd Canadian ed. (Toronto: Prentice Hall, 2007).
2. Carleton University Department of Law Casebook Group. *Introduction to Legal Studies*, 3rd ed. (Concord: Captus Press, 2001). This is referred to as the Casebook in the class outline.

Suggested Text

1. Faigley, Lester, Roger Graves and Heather Graves. *The Brief Penguin Handbook*, 1st Canadian ed. (Toronto: Pearson Education Canada, 2007).

CLASS SCHEDULE - FALL TERM

1. **Sep. 8 Introduction to Legal Studies**
No Readings
2. **Sep. 15 CLASS CANCELLED**
3. **Sep. 22 Introduction to the Canadian Legal System**
Vago and Nelson, pp. 1-16, 26-31
** Note: Tutorials start this week.
4. **Sep. 29 Law and Social Life**
Vago and Nelson, pp. 16-22
Casebook, pp. 1-11
5. **Oct. 6 Law and the State**
Casebook, pp. 13-33

Oct 13 Thanksgiving - No Class or Tutorials
6. **Oct. 20 Law and Morality**
Casebook, pp. 35-53
7. **Oct. 27 Law and Theory**
Vago and Nelson, pp. 31-57
Casebook, pp. 79-84
Case: Christie v. York, [1940] S.C.R. 139-153 (Posted on WebCT)
*** CASE COMMENTARY DUE***
8. **Nov. 3 Legal Institutions I: Legislatures, Administrative Bodies and the Police**
Vago and Nelson, pp. 98-121
9. **Nov. 10 Legal Institutions II: The Courts**
Vago and Nelson, pp. 59-87
10. **Nov. 17 Law-Making I: Legislation, Administrative Decisions, Enforcement and Discretion**
Vago and Nelson, pp. 123-131, 135-150
11. **Nov. 24 Law-Making II: Judicial Decisions**
Vago and Nelson, pp. 131-135
Casebook, pp. 55-89
12. **Dec. 1 Legal Actors I: Lawyers and Advocates**
Vago and Nelson, pp. 283-326
Casebook, pp. 307-316; 324-340

13. **Dec. 3** **MAKE UP CLASS** **Legal Actors II: Judges and Juries**
Casebook, pp. 340-376

FALL EXAM TO BE HELD DURING OFFICIAL FALL EXAM PERIOD

WINTER TERM

14. **Jan. 5** **Public Law I: Criminal Law**
Vago and Nelson, pp. 152-196
Casebook, pp. 135-137; 147-173
15. **Jan. 12** **Public Law II: Administrative Law**
Vago and Nelson, pp. 196-200
Casebook, pp. 200-202
**Note: Tutorials start this week.
16. **Jan. 19** **Public Law III: Constitutional Law and Rights Protection**
Casebook, pp. 85-134
17. **Jan. 26** **Private Law I: Exchange Relationships (Contracts) and Family Law**
Casebook, pp. 175 – 187; 228-230; 277-285
18. **Feb. 2** **Private Law II: Duty Relationships (Intentional Torts and Negligence)**
Vago and Nelson, pp. 87-98
19. **Feb. 9** **Private Law III: Informal Regulation of Private Relations**
Casebook, pp. 187-200
- Feb. 16** **Reading Week - No Class or tutorials**
20. **Feb. 23** **Resolving Disputes in the Courtroom**
Vago and Nelson, pp. 214-243
Casebook, pp. 212-227
21. **Mar. 2** **Resolving Disputes Outside the Courtroom**
Vago and Nelson, pp. 201-214
Casebook, pp. 230-257
WINTER TERM ESSAY DUE
22. **Mar. 9** **Access to Justice Issues I**
Casebook, pp. 259-289
23. **Mar. 16** **Access to Justice Issues II**
Casebook, pp. 259-289 and 290-297
24. **Mar. 23** **Law and Social Change I**
Casebook, pp. 379-412
25. **Mar. 30** **Law and Social Change II**

FINAL EXAM TO BE HELD DURING WINTER EXAM PERIOD

Note: Additional readings may be assigned by the instructor during the course of the year.