

Course Outline

COURSE: LAWS 1000 Q – Introduction to Legal Studies
PREREQUISITES: NONE
TERM: Fall/Winter 2007-08
CLASS: Day & Time: Wednesdays, 8:30 to 10:30
(Tutorials held on Wednesdays, 10:30 to 11:30 or 11:30 to 12:30)
Room: 416 SA
INSTRUCTOR: Diana Young
CONTACT: Office: LA D498
Office Hrs: Wednesdays, 12:30 to 1:30 or by appointment
Telephone: (613) 520-2600 ex 1981
Email: Diana_Young@carleton.ca

Students with disabilities needing academic accommodations in this course are required to contact a coordinator at the Paul Menton Centre to complete the necessary *letters of accommodation*. The student must then make an appointment to discuss their needs with the instructor at least two weeks prior to the first class or ITV test. This is to ensure sufficient time is available to make the necessary accommodation arrangement. Please note the deadline for submitting completed forms to the PMC for formally scheduled exam accommodations is November 9, 2007 for December examinations and March 14, 2008, for April examinations. With regard to accommodations for religious obligations and pregnancy, please see <http://www.carleton.ca/law/accommodations.htm>.

There are many great services available on campus that can also provide you with advice, for example there is 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).

Course Description

The goal of this course is to expose students to some basic concepts relating to the theory and practice of the legal system and legal reasoning, not only to provide them with the foundations they will need for further study in law, but to encourage a critical analysis of these concepts.

Students will be introduced to the core elements of the Canadian legal system, as well as the structure of law making, enforcement, and judgment. We will consider the roles of different branches of law, including, criminal, civil, constitutional and administrative law, issues concerning the roles of courts, legislatures and enforcement agencies, as well as key concepts with respect to the law in the age of the Charter. The course will include discussion concerning the problems associated with the effect of professional practices and standards on outcomes of disputes. We will also examine the study of law as a social phenomenon, including critical perspectives on law and power relationships in society, and the justice claims that are often made about the legal system.

Required Texts

Students will be required to purchase the LAWS 1000 casebook by Logan Atkinson et al., Introduction to Legal Studies (2001), third edition and Neil Boyd, Canadian Law: An Introduction (2007), fourth edition. Both books will be available at the bookstore.

Grading

Take Home Assignments:

Fall: 10% of final grade

Winter: 20% of final grade

There will be two take home assignments, one in the fall term and one in the winter term. The object of these assignments will be for students to consider some of the issues we've discussed in class and apply them to a problem. The fall term assignment will be distributed on October 24 and will be due on November 7. The winter term assignment will be distributed on March 5 and will be due on March 19.

First Term Examination: 30% of final grade

Second Term Examination: 30% of final grade

The examinations will be held during the formal examination periods in December and April.

Participation: 10% of final grade

The participation grade will be based on students' attendance at tutorials.

Requests for extensions on assignments will only be considered in exceptional cases such as illnesses or family emergencies. Students making such requests will be required to provide supporting documentation. A penalty of 2% per day will be imposed on late assignments.

Syllabus

September 12

Introduction to Course

Part I: Basic Theoretical Concepts

September 19

Readings: Casebook, pp. 2 - 28

What is Law?

- The role of law in social life
- Power and accountability: the law as a means of state power and the law as a control over state power

September 26

Readings: Boyd, pp. 3 – 28

Theoretical perspectives on law

- Why does theory matter?
- Theory as critique

October 3

Readings: Casebook, pp. 11 - 13, 42 – 46

Legal Liberalism

- Liberalism as theory
- The rule of law

October 10

Readings: Boyd, pp. 35 - 59

Sources of Canadian Law

- Some historical underpinnings
- Public and private law
- Statutes and case law
- The role of social forces in the creation of law: the criminalization of drugs

Part II: Fundamentals of the Legal System**October 17**

Readings: Boyd, pp. 103 – 148

- The Constitution
- The distribution of federal and provincial powers
- The Charter: Courts, legislatures, and the constitutional conversation

October 24

Readings: Casebook, pp. 109 – 121, 126 - 134

- More Charter issues: The Charter as the entrenchment of human rights or the entrenchment of the status quo?

Take-Home Assignment Distributed in Class

October 31

Readings: Boyd, pp. 155 – 174

- The structure of the courts
- Finders of facts and finders of law: the functions of judges and juries

November 7

Readings: Boyd, pp. 63 – 95, Casebook, pp. 62 – 64

- Legal reasoning as a system of logic
- Precedent and statute interpretation

Take-Home Assignment Due

Part III: Substantive Law, Individuals and the State**November 14**

Readings: Boyd, pp. 333 – 365

- Mens rea and actus reus: the basic components of criminal liability
- Defences
- Sentencing

November 21

Readings: Casebook, pp. 138 – 167

- Race and the criminal justice system
- Victims' rights
- The truth will out? Wrongful convictions: trials and the production of facts
- Discretion and the criminal justice system

November 28

- Review for exam

*******Christmas Break*********January 9**

Readings: Boyd, pp. 223 – 255

- Basic concepts of private law
- Private vs public interests

January 16

Readings: Casebook, pp. 187 – 200

- Negotiation and relationships: informal modes of regulation
- The Corporation

January 23

Readings: Boyd, pp. 299 - 327

- Administrative law
- Regulation and control of state power

Part IV: Lawyers and Judges**January 30**

Readings: Boyd, pp. 189 – 216

- Legal education and the shaping of the law
- Ethics and the practice of law

February 6

Readings: Casebook, pp. 316 – 320, 324 - 340

- More on the legal profession
- Monopoly on legal practice
- Approaches to the practice of law

February 13

Readings: Casebook, pp. 355 – 376

- Judges and politics
- The meaning of judicial impartiality

February 20

Reading week: no class!

Part V: Litigation and Inequality***February 27***

Readings: Casebook, pp. 259 – 290

- Access to justice
- Social location and the rule of law

March 5

Readings: Casebook, pp. 290 – 305

- Delivery of legal services and access to justice

Take-Home Assignment Distributed in Class

March 12

Readings: Casebook, pp. 203 – 230

- Alternative dispute resolution
- Models of dispute resolution: mediation, arbitration and the legal subject
- ADR: Empowerment or disenfranchisement?

March 19

Readings: Casebook, pp. 377 – 384, 387 – 412

- The limits and potential of litigation as a mechanism of social transformation
- The role of rights in social change
-

Take-Home Assignment Due

March 26

Readings: TBA

- Terrorism and the law
- The war on terror and non-criminal modes of control and surveillance

April 2

- Review for Exam