

## Course Outline

<b>COURSE:</b>	<b>LAWS 2005 D &amp; V – Public Law</b>
<b>TERM:</b>	<b>Fall 2008/09</b>
<b>PREREQUISITES:</b>	<b>Either LAWS 1000 [1.0] or PSCI 1000 [1], or the combination of PSCI 1001 and PSCI 1002, or second- year status or higher in the Bachelor of Public Affairs and Policy Management Program</b>
<b>CLASS:</b>	<b>Day &amp; Time: Wednesdays – 6:05-8:55 pm</b> <b>Room: Fall Th B SA (Southam Hall)</b> <b>Winter C264 LA</b>
<b>BROADCAST:</b>	<b>Day &amp; Time: Thursdays – 2:30-5:00 pm</b>
<b>INSTRUCTOR: (CONTRACT)</b>	<b>Bahaa I. Sunallah</b>
<b>CONTACT:</b>	<b>Office: C476 LA (Loeb) – Contract Instructors’ Office</b> <b>Office Hrs: By appointment</b> <b>Email: <a href="mailto:bsunalla@connect.carleton.ca">bsunalla@connect.carleton.ca</a></b>

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"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](http://www.carleton.ca/pmc/students/accom_policy.html)

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## 1. OBJECT AND SCOPE

This course will study public law as it relates to 1) the state and its relationship to other legal persons; 2) basic principles of constitutional law, administrative law and selected areas; 3) special features and problems of public law; 4) implications of the expanded new role of modern governments; and 5) legal and alternative processes.

In the first term we look at law and the role of the state, examining the Constitution, with an emphasis on the federal system, its interpretation, change, and reform. In the second term, the focus of the course will change to consider the theories of the state, administrative law, and basic rights including the *Canadian Charter of Rights and Freedoms*.

## 2. CLASS FORMAT

Lectures 3 hours per week.

## 3. READINGS

### (a) Required readings

The two LAWS 2005 sourcebooks described below; class emails (ensure that you can be reached at your email address @connect.carleton.ca); class handouts made available at WebCT; and as assigned. (The sourcebooks are available at Carleton Bookstore; earlier editions are outdated.)

First term: the LAWS 2005 first term Sourcebook: D.W. Elliott, *Introduction to Public Law: Sourcebook*, 7th ed., (North York, Captus Press, 2007); and

Second term: the LAWS 2005 second term Sourcebook: D.W. Elliott, *Introduction to Public Law: Readings on the State, the Administrative Process, and Basic Values*, 6th ed., (North York, Captus Press, 2007).

**(b) Optional Readings**

Please note that these optional readings do NOT need to be purchased.

- 1) LAWS 2005 Reserved Readings (under LAWS 2005A, David Elliott), main Library;
- 2) *Bibliography of Sourcebook*, footnote and endnote readings of both sourcebooks;
- 3) Hogg, Peter W., **Constitutional Law of Canada**, 2008 Student Edition. (Scarborough: Carswell, 2008);
- 4) Monahan, Patrick J., **Constitutional Law**, 3<sup>rd</sup> ed. (Toronto: Irwin Law, 2006); and
- 5) Other optional readings available at the Carleton Bookstore (under LAWS 2005A, David Elliott).

**4. EVALUATION**

The evaluation scheme is designed to provide a balanced assessment covering various skills and abilities of each student. The exams' format will include one or more essay(s), short answers/definitions, and/or multiple choice questions.

<b>First Term Midterm</b>	<b>20%</b>
Saturday October 25 <sup>th</sup> , 2008, 5:00 p.m. to 7:00 p.m.	
<b>First Term Examination</b>	<b>30%</b>
December 2008, formally scheduled, first term's work	
<b>Second Term Evaluation</b>	<b>10%</b>
Web CT discussion and evaluation (second term)	
<b>Final Examination</b>	<b>40%</b>
April 2009, formally scheduled, second term's work	

\* A note about evaluation and deferred FINAL examination:

Please refer to the Undergraduate Calendar 2008/2009, section 2.0 "Course Evaluation" for information about course evaluation and in particular see section 2.5 "Deferred Final Examination".

Section 2.5 b), at page 41 of the Undergraduate Calendar, reads in part:

**2.5 Deferred Final Examinations**

**b)** *"...The granting of a deferral also requires that the student has performed satisfactorily in the course according to the evaluation scheme established in the Course Outline, excluding the final examination for which deferral privileges are requested. Reasons for denial of a deferral may include, among other conditions, a failure to (i) achieve a minimum score in the course before the final examination; (ii) attend a minimum number of classes; (iii) successfully complete a specific task (e.g. term paper, critical report, group project, computer or other assignment); (iv) complete laboratory work; (v) successfully complete one or more midterms; or (vi) meet other reasonable conditions of successful performance..."*

**5. WebCT**

In WebCT, sections D & V will be using the Fall term version of the course for the entire year. You can hide the Winter version from your *My WebCT* page in the following manner:

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Hiding a course in the *My WebCT* Course List channel:  
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- Log into WebCT 6
- Find the 'Course List' channel (it's the centre channel)
- Click the 'Edit Course List' icon (it's the pencil like icon in the upper right corner of the channel)
- Put a checkmark beside the Winter version of the course
- Click the 'Hide' button
- Click the *My WebCT* tab (upper left) to get back

## 6. CLASS SCHEDULE

The class topics correspond to the Table of Contents of each of the two LAWS 2005 sourcebooks. The readings are to be read before the relevant class. The number at the left side (F1, F2, etc.) indicates the CUTV week of the course in the relevant term. "Ch." indicates the corresponding chapter number of the required readings in the relevant (first term or second term) sourcebook. Please note that some of the readings may be omitted and these will be announced, in advance, in the lectures and/or WebCT and/or your email address @connect.carleton.ca.

### FIRST TERM: 2008

F1.	SEP	10	Elements of Public Law	Ch. 1
F2.	SEP	17	Elements of the Constitution	Ch. 2
F3.	SEP	24	Origins and Structure of the <i>Constitution Act, 1867</i>	Ch. 3
F4.	OCT	01	The Judiciary	Ch. 4
F5.	OCT	08	The JCPC and Early Federalism	Ch. 5
F6.	OCT	15	The JCPC and Early Federalism (Cont'd) / Review	Ch. 5
F7.	OCT	22	SCC: POGG and Trade and Commerce	Ch. 6
	OCT	25	MIDTERM EXAM for Sections D & V <b>Saturday October 25<sup>th</sup>, 2008 5:00 p.m. to 7:00 p.m.</b>	
F8.	OCT	29	SCC: POGG and Trade and Commerce (Cont'd)	Ch. 6
F9.	NOV	05	Overlap and Cooperative Federalism	Ch. 7
			The Legislative and Executive Branches	Ch. 8
F10.	NOV	12	Origins and Structure of the <i>Constitution Act, 1982</i>	Ch. 9
*F11.	NOV	19	Specific Aspects of the <i>Constitution Act, 1982</i>	Ch. 10
			Formal and Informal Constitutional Changes	Ch. 11
*F12.	NOV	26	Secession, Unity, and the Future / Review	Ch. 12

\* F11 and F12 are pre-recorded and students in Section D can watch the broadcast in class during regular class schedule.

### SECOND TERM: 2009 (WINTER BREAK: FEB. 16-20)

W1.	JAN	07	Law, State, and Social Goals and Techniques	Ch. 1
			Administrative Law Structure and Action	Ch. 2
W2.	JAN	14	Non-Judicial and Judicial Control	Ch. 3
W3.	JAN	21	Judicial Review and Procedural Control	Ch. 4
W4.	JAN	28	Substantive Review	Ch. 5
W5.	FEB	04	Substantive Review (Continued)	Ch. 5
			Theory, Problems, and Reform	Ch. 6
W6.	FEB	11	Basic Values and Their Protection	Ch. 7
W7.	FEB	25	Scope and Interpretation of the <i>Charter</i>	Ch. 8
W8.	MAR	04	Fundamental Freedoms & Fundamental Justice	Ch. 9
W9.	MAR	11	Fundamental Freedoms & Fundamental Justice (Cont'd)	Ch. 9
			Equality	Ch. 10
W10.	MAR	18	Equality (Cont'd)	Ch. 10
W11.	MAR	25	Group Rights	Ch. 11
			Public International Law	Ch. 12
W12.	APR	01	Review	

## 7. DEPARTMENTAL POLICY AND PROCEDURE

For further instructions as to prerequisites, assignments, and grading, etc., see Department of Law, *Policy and Procedure Statement* attached to this outline and the relevant pages of the Undergraduate Calendar.