

**COURSE:** LAWS 2005V - Public Law

**PREREQUISITES:** Either LAWS 1000 [1.0] or PSCI 1000 [1.0], 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.

**TERM:** Summer 2008

**RE-BROADCAST: Day & Time:** TBA

**INSTRUCTOR:** Bahaa I. Sunallah

**CONTACT:** Office: Contract Instructor's Office, 4<sup>th</sup> floor LA (Loeb) – Room C476 LA  
Office Hrs: By appointment  
Email: [bsunalla@connect.carleton.ca](mailto:bsunalla@connect.carleton.ca)

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"Students with disabilities requiring academic accommodations in this course must contact a coordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary Letters of Accommodation. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodations. Please note the deadline for submitting completed forms to the Paul Menton Centre is June 13, 2008 for first term summer courses and July 25, 2008 for second term summer courses. For further information, please see: [http://www.carleton.ca/pmc/students/acom\\_policy.html](http://www.carleton.ca/pmc/students/acom_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.

2. **CLASS FORMAT**

Lectures 6 hours a 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 (The sourcebooks are available in the Carleton Bookstore; earlier editions are outdated.)

**First term:** the LAWS 2005 first term Sourcebook: D.W. Elliott, ed., 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, 2007 Student Edition. (Scarborough: Carswell, 2007);
- 4) Monahan, Patrick J., Constitutional Law, 3rd ed. (Toronto: Irwin Law, 2006); and
- 5) Other optional readings available at the Carleton Bookstore (under LAWS 2005A, David Elliott).

4. EVALUATION

**First Term Midterm** **20%**  
Saturday June 7, Time and Location TBA (2 hours)

**First Term Examination** **30%**  
June 25-30, formally scheduled, first term's work (3 hours)

**Final Examination** **50%**  
August 14-19, formally scheduled, second term's work (3 hours)

**ALL COMPONENTS MUST BE COMPLETED IN ORDER TO GET A PASSING GRADE.**

\* A note about Evaluation and deferred FINAL examination:

Please refer to the Undergraduate Calendar 2007/2008, 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 45 of the Undergraduate Calendar, reads in part:

2.5 Deferred Final Examinations

b)

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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. 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 indicates the week of the course in the Summer 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: May-June 2008**

May 13	S1.	Elements of Public Law	Ch. 1
May 16	S2.	Elements of the Constitution	Ch. 2
May 20	S3.	Origins and Structure of the <i>Constitution Act, 1867</i>	Ch. 3
May 23	S4.	The Judiciary	Ch. 4
May 27	S5.	The JCPC and Early Federalism	Ch. 5
May 30	S6.	The JCPC and Early Federalism / Review	Ch. 5
June 3	S7.	SCC: POGG and Trade and Commerce	Ch. 6
June 6	S8.	SCC: POGG and Trade and Commerce	Ch. 6
June 7	SATURDAY	MIDTERM EXAM	
June 10	S9.	Overlap and Cooperative Federalism & The Legislative and Executive Branches	Ch. 7 Ch. 8
June 13	S10.	Origins and Structure of the <i>Constitution Act, 1982</i>	Ch. 9
June 17	S11.	Specific Aspects of the <i>Constitution Act, 1982</i> & Formal and Informal Constitutional Changes	Ch. 10 Ch. 11
June 20	S12.	Secession, Unity, and the Future / Review	Ch. 12

**Second Term: July-August 2008**

July 4	S13.	Law, State, and Social Goals and Techniques & Administrative Law Structure and Action	Ch. 1 Ch. 2
July 8	S14.	Non-Judicial and Judicial Control	Ch. 3
July 11	S15.	Judicial Review and Procedural Control	Ch. 4
July 15	S16.	Substantive Review	Ch. 5
July 18	S17.	Substantive Review & Theory, Problems, and Reform	Ch. 5&6
July 22	S18.	Basic Values and Their Protection	Ch. 7
July 25	S19.	Scope and Interpretation of the <i>Charter</i>	Ch. 8
July 29	S20.	Fundamental Freedoms and Fundamental Justice	Ch. 9
August 1	S21.	Fundamental Freedoms and Fundamental Justice & Equality	Ch. 9&10
August 5	S22.	Equality	Ch. 10
August 8	S23.	Group Rights & Public International Law	Ch. 11&12
August 12	S24.	Review	

**6. 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.