

Course Outline

COURSE:	LAWS 2005 V - Public Law
PREREQUISITES:	Either LAWS 1000 or PSCI 1000, 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 2009
RE-BROADCAST:	Day & Time: Monday and Thursday 2:00p.m. – 4:30p.m. ROOM: Please check with Carleton Central for current room location
INSTRUCTOR:	Bahaa I. Sunallah
CONTACT:	Office: Contract Instructor's Office Room: C476 LA (Loeb Building) Office Hrs: By appointment Email: bsunalla@connect.carleton.ca

"Students with documented disabilities requiring academic accommodations in this course must register with the Paul Menton Centre for Students with Disabilities (PMC) for a formal evaluation of disability-related needs. Documented disabilities include physical, mental, and learning disabilities, mental disorders, hearing or vision disabilities, epilepsy, drug and alcohol dependencies, environmental sensitivities, as well as other conditions. Registered PMC students are required to contact the PMC at 613-520-6608, early each term to ensure that your Instructor receives 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 accommodations for your formally scheduled exam(s) in this course, please submit your request for accommodations to the Paul Menton Centre as soon as possible." Also available at http://www.carleton.ca/pmc/faculty/acom_statement.html . For Religious and Pregnancy accommodations, please contact Equity Services, 613-520-2600 x. 5622 or their website: www.carleton.ca/equity

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 6 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*, 3rd 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.

First Term Midterm	20%
Friday June 12 th , 2009 7:00 p.m. to 9:00 p.m.	
First Term Examination	30%
June/July 2009, formally scheduled, first term's work	
Final Examination	50%
August 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..."

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 and the following number (S1, S2, etc.) reflect the number of class 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: *BROADCAST AS USUAL ON HOLIDAY MONDAY MAY 18
* NO BROADCAST DURING MAY 24 WEEK**

F1.	S1	MAY	11	Elements of Public Law	Ch. 1
F2.	S2	MAY	14	Elements of the Constitution	Ch. 2
F3.	S3	MAY	18	Origins and Structure of the <i>Constitution Act, 1867</i>	Ch. 3
F4.	S4	MAY	21	The Judiciary	Ch. 4
F5.	S5	JUN	01	The JCPC and Early Federalism	Ch. 5
F6.	S6	JUN	04	The JCPC and Early Federalism (Cont'd) / Review	Ch. 5
F7.	S7	JUN	08	SCC: POGG and Trade and Commerce	Ch. 6
F8.	S8	JUN	11	SCC: POGG and Trade and Commerce (Cont'd)	Ch. 6

MIDTERM EXAM

Friday June 12th, 2009 7:00 p.m. to 9:00 p.m.

F9.	S9	JUN	15	Overlap and Cooperative Federalism	Ch. 7
				The Legislative and Executive Branches	Ch. 8
F10.	S10	JUN	18	Origins and Structure of the <i>Constitution Act, 1982</i>	Ch. 9
F11.	S11	JUN	22	Specific Aspects of the <i>Constitution Act, 1982</i>	Ch. 10
				Formal and Informal Constitutional Changes	Ch. 11
F12.	S12	JUN	25	Secession, Unity, and the Future / Review	Ch. 12

Second Term: * NO BROADCAST ON HOLIDAY MONDAY AUGUST 3

W1.	S13	JUL	06	Law, State, and Social Goals and Techniques	Ch. 1
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				Administrative Law Structure and Action	Ch. 2
W2.	S14	JUL	09	Non-Judicial and Judicial Control	Ch. 3
W3.	S15	JUL	13	Judicial Review and Procedural Control	Ch. 4
W4.	S16	JUL	16	Substantive Review	Ch. 5
W5.	S17	JUL	20	Substantive Review (Continued)	Ch. 5
				Theory, Problems, and Reform	Ch. 6
W6.	S18	JUL	23	Basic Values and Their Protection	Ch. 7
W7.	S19	JUL	27	Scope and Interpretation of the <i>Charter</i>	Ch. 8
W8.	S20	JUL	30	Fundamental Freedoms & Fundamental Justice	Ch. 9
W9.	S21	AUG	06	Fundamental Freedoms & Fundamental Justice (Cont'd)	Ch. 9
				Equality	Ch. 10
W10.	S22	AUG	10	Equality (Cont'd)	Ch. 10
W11.	S23	AUG	13	Group Rights	Ch. 11
				Public International Law	Ch. 12
W12.	S24	AUG	17	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.