

Carleton University
Department of Law and Legal Studies
Course Outline

COURSE:		LAWS 2908D – Approaches in Legal Studies I
TERM:		Winter 2015
PREREQUISITES:		LAWS 1000
CLASS:	Room:	Please check with Carleton Central for current room location
LECTURES:	Day & Time: Wednesdays, 2:35 pm - 3:55 pm	Note: This course uses a blended learning model that involves both live lectures (held in class, SA 304) and online learning modules that you will review outside of class. Please review the Course Schedule posted on CUlearn to see which classes will include live lectures.
TUTORIALS:	Day & Time: 4:05 pm - 5:25 pm	Mandatory Attendance. All tutorials require in-person attendance at the tutorial. Attendance will be recorded and graded.
INSTRUCTOR: (CONTRACT)		Dr. Graciela Jasa Silveira
CONTACT:	Office: Office Hrs: Telephone: Email:	B442 Loeb Building To be determined (Office Hours will be posted to cuLearn) Graciela.JasaSilveira@Carleton.ca
CULEARN:	Essential	Students must be able to access and use cuLearn for this course. Email to Instructor, lecture slides, assignments and many video resources are available <u>only</u> through this modality. Contact CCS for assistance if required at www.carleton.ca/ccs Students should check cuLearn <u>frequently</u> for information updates concerning lectures, tutorials and assignments.

Academic Accommodations

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more

details visit the Equity Services website: <http://www2.carleton.ca/equity/>

Religious obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

Academic Accommodations for Students with Disabilities: The **Paul Menton Centre** for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your **Letter of Accommodation** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (*if applicable*) at <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.carleton.ca/equity/>

Plagiarism

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's **Academic Integrity Policy** can be found at: <http://www.carleton.ca/studentaffairs/academic-integrity/>

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://www.carleton.ca/law/student-resources/department-policies/>

COURSE DESCRIPTION:

The Law Program at the Department of Law and Legal Studies at Carleton University is firmly grounded in a “legal studies” approach which situates law in its social, economic, political and historical contexts. As such, courses focus not just on ‘what the law is’ in a particular area but also on a range of academic and practical considerations: How does the law ‘as it is’ reflect particular (normative) visions of society and distributions of power within it? How and why does law change? How is the law ‘on the books’ operationalized (e.g., by the police or business-people) and experienced by ordinary people in everyday life? How do the narratives of law (e.g., judicial decisions) communicate cultural meanings in our society? How do law and legal processes interact with other institutions in our society? Who creates law – and is all ‘law’ (in the sense of regulation of conduct) formally prescribed law?

Engaging with questions such as these requires that students are able to deploy a range of effective research skills and strategies.

The Department offers two research courses to assist students to master their law discipline. This course, LAWS 2908, introduces students to legal materials in legal studies research. By this we mean judicial decisions (cases), legislative instruments (statutes and regulations), government documents (including Parliamentary materials and policy), and secondary sources published in academic journals. It also addresses ‘legal method’ in comprehending and working with these materials. This course is compulsory for all students majoring in a Law or Law Honours programs. A second course, LAWS 2908, offered at the 3000 level, introduces students to a variety of interdisciplinary approaches, including the use of social science research sources and methods in legal studies and more advanced consideration of theory in legal research.

LEARNING OBJECTIVES:

During this course, students will be introduced to various elements of the research process through a series of lectures, labs, workshops and assignments. They will learn how to design a research question grounded in the context of law in Canada. In addition to developing skills and techniques in accessing traditional and electronic research resources, students will be required to reflect upon conceptual or theoretical dimensions of research. Ultimately, students should develop the ability to identify, find, analyze and apply the information necessary to conduct research in the field of Canadian legal studies using legal materials.

As research (and curiosity about the world around us) is a general life skill, we hope that this course will also provide students with important skills that will serve them in their other courses and future endeavours.

At the conclusion of this course, students should be able to:

- Craft an effective research question in legal studies related to the assignments required in the Law Program
- Outline effective research strategies for shaping a research project in legal studies at the undergraduate level
- Find primary legal materials, government documents, and secondary academic literature related to their research questions

- Read legal materials through a ‘research lens’ –identify and state key components of these materials and their purpose, function and ‘status’ and their relevance to the research undertaken
- Recognize the quality/authority of legal materials and find the most authoritative sources of law – for example: update legal cases using citators; determine if legislation is in force or amended;
- Relate legal materials to legal studies research projects –identify core principles and arguments used; strengths and weaknesses; how the source assists in working towards and answer to a legal studies research problem
- Apply legal materials to research projects and mobilize them in crafting critical academic argumentation and analysis.

COURSE FORMAT

- Blended Format: This is a blended course, which means that it uses both both on-line and traditional face-to-face teaching/learning formats. The course comprises of a range of technologies in addition to traditional lectures and materials.
- Sessions: The substantive portion of the course (recorded lectures; articles; other material) is available through the cuLearn website for students to review. The live classes are face to face sessions led by the instructor where these preliminary online materials are used to engage in group discussions and hands on learning sessions.
- cuLearn: A central element of the course is cuLearn. You will use cuLearn to watch substantive lectures, video clips, access materials, communicate with the class and instructor and submit various assignments and exercises. We have loaded a range of video resources related to the research process on cuLearn.
- Class Objectives: Each class is designed to introduce students to the important role of research and the approaches to research that may be engaged in the field of legal studies. Lectures will provide foundations for effective analysis of different types of primary and secondary sources in law. Practical based learning will also be used . This part of the course will be used to provide hands-on introduction to research skills and training with electronic resources. Some tutorials will be ‘labs’ and other will be workshops addressing writing skills and assignments.
- In general this course is DEMANDING AND INTENSIVE. It requires considerable ongoing attention every week. Lecture viewing and preparation for face-to face tutorial sessions can require up to 5 hours of work a week. In addition, there are two quizzes per week, we have activities that require submission EVERY WEEK and written graded assignment are due as early as the fourth week. These components are explained in detail below. Please review carefully and note all requirements and due dates.

STRATEGIES FOR SUCCESS:

We know that this is a lot of work for you (and for us) and that the course may seem much heavier than your other courses. However, this course is foundational in your Law Program. It is designed to provide you with the opportunity to develop research skills and understanding that will serve you well in your other law courses. The course is also designed to encourage you to stay engaged with the material being covered each week. The evaluation of the course is weighted to reward those students who stay engaged, submit the weekly exercises on time, attend and participate in tutorial.

Nonetheless this course requires students to adopt certain academic habits in order to succeed. See the following link to familiarize yourself with the strategies for success in a course like this.

Link:

http://www.germanna.edu/tutor/documents/8StrategiesforSuccessinOnlineandHybridCoursesOctober2011_000.pdf

COURSE THEME

The course is organized around the research theme of state regulation of marriage. Lectures and tutorials will draw on material related to same-sex marriage. Assignments will engage with some aspect of current legal studies issues related to the distinction between common law relationships and formal marriages with a particular focus on some of the legal rights, benefits and obligations which correlate to one or the other.

Marriage is an intensely personal relationship. The state has had a long-standing interest in regulating marriage. Practically speaking the law regulates who can get married, how long a marriage lasts (and how it can be dissolved), the legal consequences of marriage (such as child custody, support and property division). The law (still) distinguishes between conjugal partners who are married and those who are not (common law partners). The law (still) restricts marriage to only two persons. 'Normative visions' of family, and associated rights and obligations are enacted and negotiated through law. Equally, there is no doubt that marriage is an institution which has changed over time and in response to a range of social and legal factors.

This general theme provides a general backdrop of common interest and experience. We use the theme to provide a coherent and linked structure to cover a range of material (primary and secondary sources) and methodological questions. The in-class coverage on the general theme will also assist students in their final essay by providing a conceptual introduction to the area and approaches. Some of the animating questions linking the theme with the course objectives include:

- What sorts of research questions about marriage are generated within a legal studies context, and more particularly in respect of specifically legal materials and research methods?
- How (and why) do we use primary sources of law in seeking to answer those research questions? How do we find (and update) those sources? What are the 'basic rules' through which they are generated including the structure and authority of courts and legislatures? In what ways do we 'read' and 'apply' these sources? (e.g. cases, statutes, regulations)
- How (and why) do we use official government sources in a legal studies enquiry? How do we find (and update) those sources? In what ways do we 'read' and 'apply' such sources (e.g. Parliamentary Proceedings, Commissions of Inquiry, Government policy papers)

- How do we use secondary sources when undertaking research? How do we find those sources? How (and why) does one assess the methods used, the theoretical and conceptual framework(s) used, the logic of argument and conclusion in 'reading' and 'using' secondary sources? (e.g., scholarly journal articles and books).
- What is the function of correct citation in (legal) research and what are the rules you are expected to follow in course assignments? How does citation (the concept) ensure academic integrity? What concrete steps can you take to keep yourself 'clean' and well organized?
- What does it take to write a good essay in law? How do you organize yourself (preparation is key) and how do you express yourself?

COURSE MATERIALS:

A. REQUIRED TEXTS:

Text:

1. McGill Law Journal, *Canadian Guide to Uniform Legal Citation*, 7th ed (Scarborough, Ontario: Carswell, 2010) [The *McGill Guide*]. This text explains the basic rules of legal citation. It is an essential reference text for anyone conducting research concerning legal issues. You will use it as a resource in other courses as you progress in the law program. Available in the University Bookstore.

Articles and Cases :

Other required readings will include articles and cases. These will be available through a link on the CuLearn home page. You may need to provide your Patron ID to access readings linked through the University Library. These readings are indicated on the Schedule of Lectures and Tutorials (appended). You may also search by course name at <http://library.carleton.ca> for readings. Students will be expected to retrieve copies of these readings and read them in preparation for the appropriate lectures and tutorials. For some weeks direct web URLs are provided to required readings.

B. OTHER WEB-BASED RESOURCES

The lectures and tutorials in this class are supported by a variety of materials available through cuLearn.

These supporting materials include video-recorded demonstrations and guides, captivate videos, YouTube videos and power-point slides. Students are responsible for reviewing these supporting materials before the lectures or tutorials they are meant to support.

C. RECOMMENDED TEXTS:

1. Wayne C Booth et al, *The Craft of Research*, 3rd ed (Chicago: The University of Chicago Press, 2008). This is a general introductory guide to research and writing in the social sciences. This book is available as an e-book accessible through the Carleton Library website using your Patron ID. You do NOT need to buy this book in hard copy, however there are copies available for sale in the bookstore.
2. Margaret Kerr et al, *Legal Research: Step by Step*, 3rd ed (Toronto: Emond Montgomery, 2010). This book provides a basic introduction to legal research that is often used in law schools. You may be able to buy this second hand.
3. **Online:** *Best Guide to Canadian Legal Research:* www.legalresearch.org. This is an excellent resource addressing processes and resources for legal research with many relevant hyperlinks. Note however that citation information given has not yet been updated to the McGill Guide 7th Edition which is used in this course.
4. **Online:** Australian Postgraduate Law Network, *Guide for Postgraduate Law Students*, section on “Research Skills”: <http://alpn.edu.au/research-skills> contains several modules on legal research and legal research sources. Although developed for Australian law students, much of the material is directly relevant in the Canadian context, as a compatible Commonwealth common law jurisdiction. It contains a good section on Canadian legal research: see <http://alpn.edu.au/node/81>.

EVALUATION

This course is designed to develop skills necessary to conduct legal studies research. These skills include identifying, finding, analyzing and applying different sources of information to answer a legal studies research question. The evaluation mechanisms in this course are designed to address these skills.

Evaluation Component	Value	Due Dates
ASSIGNMENTS		
There are TWO Assignments in the course. Each is submitted through the cuLearn Assignment Tab. Full instructions will be provided with the Assignment Sheets which will be posted on the Assignment Tab on cuLearn.		
Assignment 1 Case Brief and Analysis This assignment will require students to summarize and analyze a judicial decision in a case to be assigned by the instructors.	30%	<u>Due Monday, February 23th, 2015. (deadline for online submission NOON)</u>
Assignment 2 Summary and Analysis of Secondary Sources This assignment is designed to provide students with the opportunity to analyze several journal articles assigned by the instructors. <u>*Students will have an opportunity to get early feedback by submitting rough draft of their papers on March 16,</u>	40%	<u>Due Tuesday, April 7, 2015 (deadline for online submission NOON)</u> *Rough drafts due Monday, March 16, 2015, deadline for online submission NOON.

Evaluation Component	Value	Due Dates
2015, deadline for online submission NOON.		
<p>IN CLASS ACTIVITIES AND PARTICIPATION CLASS ATTENDANCE is mandatory. There are 12 class sessions scheduled At times classes will take two different formats (labs and workshops):</p> <ul style="list-style-type: none"> • <u>Labs</u>: the 8 labs cover nuts and bolts of legal research and databases. Students will complete worksheets in these labs. • <u>Workshops</u>: the 4 workshops cover specialized themes such as analyzing legal material and writing. Students will submit Exercises ahead of time for Workshops on Analyzing Cases and Secondary Sources. 	10%	To be determined.
<p>PREP EXERCISES Prep exercises must be completed prior to the Workshop on Analyzing Cases and Using them in Research and the Workshop on Analyzing Secondary Sources and Using Them in Research. These completed exercises must be submitted in person at the beginning of the corresponding workshops. They are worth 3 marks each.</p>	6%	<p><i>Cases Analysis Workshop Prep Exercise</i> – (due at the beginning of class on Wednesday, February 4, 2015 .</p> <p><i>Article Analysis Workshop Prep Exercise</i> – (due at the beginning of class on Wednesday, March 11, 2015)</p>
<p>LECTURE QUIZZES There are 11 Lecture Quizzes that are based on the content discussed in the lectures and a designated reading for each lecture. These exercises replace the previous examination requirement in this course. Each Quiz gets activated the day the lecture is broadcast and stays open for one week only.</p> <p>All Quizzes open after the Weekly class -- and close the Tuesday at midnight before the next class. .</p> <p>Students will have one hour to complete each Quiz.</p> <p><u>Important Note:</u> Each Quiz is worth 2 marks out of your final grade. Only your marks from your best 7 Quizzes will be counted towards your final grade. This means that students may choose to only complete 7 of the Quizzes if they are satisfied with their marks from these 7 Quizzes.</p>	14%	To be determined

Evaluation Component	Value	Due Dates
Important Notes on Evaluation:		
<p>You must complete all components of Evaluation to receive a passing mark in the course. This includes the Preparation Exercises.</p> <p>Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.</p> <p>Substantive answers must be provided in all Exercise submissions.</p> <p>You must provide meticulously correct citations compliant with the <i>Canadian Guide to Uniform Legal Citation</i>, 7th edition (the McGill Guide) in Assignments. Marks will be deducted in each assignment if citation is not fully correct. Marks will also be allocated for effective writing.</p> <p>Submission: Due dates are always on a Tuesday. Due time for all work is NOON.</p> <ul style="list-style-type: none"> • This is set during University working hours so you can contact CCS if you have a problem with submission. • There is a ‘grace period’ or leeway of a few minutes in case you have technical issues (this means 30 minutes maximum and it is at our discretion). • You will be subject to heavy late penalties if you do not submit on time (see later information on this). <p>Feedback: You will receive a marking feedback and evaluation sheet with your marks and some comments when your marks are posted. You should wait 48 hours before emailing your TA if you have questions on your marks. Please make your queries specific and detailed so that the TA can review your points and get back to you. If necessary, your TA will set up an appointment to meet with you.</p> <p>Timelines:</p> <ul style="list-style-type: none"> • It will take about 1 week to mark and return Assignment 1 to you through the Assignments Tab. • Assignment 2 will be marked within the timeframe for finalizing the Final Grade Report. You will receive your mark around the same time as the FGR is submitted to the Dean’s Office. • Marks for other submissions will be input by me using Grade Book. These are likely to be posted ‘en bloc’ near the end of the semester. You will know if you have obtained the associated marks in any case, by submitting on time. <p>Grade Book: Initially, you will obtain your mark through the Assignments Tab on cuLearn. After a short time, we will also release the marks onto grade book. Please check from time to time so we can catch any errors or omissions early and make corrections.</p> <p>Good advice: Keep a copy of all assignments and other submissions until your final grade is confirmed.</p> <p>Individual work only!</p>		

Evaluation Component	Value	Due Dates
<u>ACADEMIC INTEGRITY: PLAGIARISM, UNAUTHORIZED RESUBMISSION OF WORK</u>		
<p>The University’s policy concerning academic integrity, including prohibitions against plagiarism and the unauthorized resubmission of work is outlined in the Undergraduate Calendar (see e.g. Regulation 14 – Academic Integrity). In particular, students should note that a “student shall not submit substantially the same piece of work for academic credit more than once without prior written permission of the course instructor in which the submission occurs. Minor modifications and amendments such as phraseology in an essay or paper do not constitute a significant and acceptable reworking of an assignment. Students should also note that it is an instructional offence to commit plagiarism, which is defined as “presenting, whether intentional or not, the ideas, expression of ideas or work of others as one’s own.”</p>		
<p>Do not share copies of your papers or files with one another: if someone copies your work you may be equally subject to penalty. Using someone else’s responses for the Exercises constitutes plagiarism and will be treated accordingly. Do not work together to prepare your answers. Electronic submission makes it relatively easier for us to compare your work with other submissions in this course (and with earlier course offerings).</p>		
<p>We rigorously pursue suspicion of plagiarism and, without exception, refer to the Office of the Dean. We reserve the right to: compare all files with other submissions in this course and other offerings of the course; to use various tools including software to detect possible plagiarism and copying; and if ‘off topic’ work is submitted, to consult with other instructors to confirm that you are not ‘re-using and re-cycling’ assignments, which is strictly prohibited.</p>		