

Course Outline

COURSE:	LAWS 2908 E – Approaches in Legal Studies I
TERM:	Winter 2017
PREREQUISITES:	LAWS 1000
LECTURES AND TUTORIALS:	Mondays 14.30-17.30 Room: Please check with Carleton Central for current room location
	Mandatory Attendance Attendance will be recorded and graded.
INSTRUCTOR: (CONTRACT)	Jay Ramasubramanyam
CONTACT:	Office: Loeb C560 Office Hrs: Mondays 11.00 – 13.00 (or by appointment) Email: Jay.Ramasubramanyam@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 hosted on cuLearn. Contact CCS for assistance if required at www.carleton.ca/ccs

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://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://carleton.ca/equity/>

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). **Requests made within two weeks will be reviewed on a case-by-case basis.** After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website (www.carleton.ca/pmc) for the deadline to request accommodations for the formally-scheduled exam (if applicable).

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

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 other theoretical 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 in developing these skills. 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, offered at the 3000 level (LAWS 3908), 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

Students who successfully complete this course should be able to:

1. Craft an effective research question in legal studies related to the assignments required in the Law Program;
2. Outline effective research strategies for shaping a research project in legal studies at the undergraduate level;
3. Find primary legal materials, government documents, and secondary academic literature related to their research questions;
4. 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;
5. Recognize how to effectively use law in research – for example: learning proper case citations (McGill Reference Guide);
6. Relate legal materials to legal studies research projects – identify core principles and arguments used; strengths and weaknesses; how the source assists in working towards an answer to a legal studies research problem;
7. Apply legal materials to research projects and mobilize them in crafting critical academic argumentation and analysis.

In order to enable you to achieve the learning objectives I would do my best to do the following:

- Organize the course material and undertake the requisite research to prepare coherent and engaging lectures and tutorials

- Encourage and motivate you engage in lively interactions in a respectful and tolerant manner in the classroom
- Maintain regular office hours for those students who wish to meet with me in person and be available on appointment
- Respond to electronic communication in a timely manner (usually within 1 business day)
- Prepare evaluations (tests, assignments, presentations etc.) that fairly assess your ability to engage with the content of the course and your developing skills as a university student
- Ensure your assignments are marked fairly and in a timely manner (usually within two weeks) and that you receive adequate meaningful feedback where appropriate
- Seek appropriate feedback about the course and its content, and reflect and act upon this feedback to improve the course when appropriate

In order to achieve the learning objectives, you should be able to:

- Complete assigned readings and attend class regularly
- Avoid distractions while in class (such as social media) in order to maximize your ability to interact and engage with the material, fellow students and the instructor
- Ensure that your interaction with other students and the instructor is respectful and tolerant of opposing views, different ways of learning or participating
- Ask questions (in person, or electronically) when you are having difficulty understanding the material or any course relevant questions
- Manage your schedule to ensure that you have adequate time to prepare for class and complete assignments in a manner that reflects your best work (this includes time for research, writing, reviewing and editing written submissions).
- Ensure that the work that you submit for evaluation is of good quality and is your own; please make sure that you reference aspects of your work that is not your own to clearly identify where you have relied upon the work of others to support your own ideas and arguments
- Read and carefully consider the evaluation and feedback provided on your assignments by TAs and instructor

COURSE FORMAT

Lectures

The course involves lectures and tutorials. The first two hours of class will involve lectures delivered by the instructor. The lectures are 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 also provide foundations for analytical and critical thinking, and analysis of different types of primary and secondary sources in law.

Tutorials

Attending tutorials is **MANDATORY**. Tutorials are used to provide a hands-on introduction to research skills. Tutorials will be divided into labs and workshops on writing skills and assignments. Tutorials will be held after the lecture. You will be divided into three groups. Two of these tutorials will be facilitated by TAs and one will be led by the instructor.

COURSE THEME

The course is organized around the research theme of **Law, Morality, and Responsibility**. The concept of responsibility is one of the foundational aspects of legal thought and reasoning. However, the question of liability takes precedence over responsibility, despite responsibility forming an integral part of legal proceedings (except for instance, in tort law, where “assumption of responsibility” is one of the key ideas). Responsibility is used more often in the realms that lie outside of legal discourse as opposed to liability since the latter refers to more institutionalized aspects of penalties. Responsibility on the other hand, or “moral responsibility”, refers to human conduct and the consequences that prompt discussions on liability. Therefore, throughout this course, in addition to acquiring important analytical, research, referencing, and writing skills, you will be compelled to think critically on the intersection between law,

morality and responsibility, based on cases that deal with such issues. Such critical thinking skills would be of significance in this course and many others you will undertake throughout your university education, as they would enable you construct coherent analyses and arguments.

Lectures and tutorials will draw on material related to law, morality, and responsibility. This theme provides a general backdrop of common interest and experience. Since students are likely to have varied interests, the course theme is designed to provide a coherent and linked structure to cover a range of material (readings and primary sources) and methodological questions.

Some of the questions linking the theme with the course objectives include:

1. What sorts of research questions concerning overarching linkages of morality and responsibility to law are generated within a legal studies context and, more particularly, in respect of specifically legal materials and research methods?
2. How (and why) do we use primary sources of law in seeking to answer questions of moral responsibility? How do we find (and update) those sources?
3. 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? 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).
4. What is the function of correct citation in (legal) research? What are the rules you are expected to follow in course assignments? (McGill Reference Guide). 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 READINGS:

Articles, Cases, Legislation and Government Documents:

There is no required text book for this seminar. Instead, the required readings will consist of articles, cases, legislation and government documents. These will be available through links on the cuLearn home page. These readings are indicated on the Schedule of Lectures and Tutorials (posted on cuLearn). Students will be expected to retrieve copies of these readings and read them in preparation for the appropriate lectures and tutorials.

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, captivating 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. McGill Law Journal, *Canadian Guide to Uniform Legal Citation*, 8th ed (Scarborough, Ontario: Carswell, 2014) [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.
2. 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.
3. Margaret Kerr et al, *Legal Research: Step by Step*, 3rd ed (Toronto: Edmond Montgomery, 2010). This book provides a basic introduction to legal research that is often used in law schools.

4. **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 8th Edition which is used in this course.

EVALUATION

This course is **DEMANDING AND INTENSIVE**. It will require considerable ongoing attention every week. Generally, there is something **DUE EVERY WEEK**. These components are explained in detail below. Please review carefully and note all requirements and due dates.

We know that this is a lot of work for you (and for us) and that the course may seem 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. Notably, the evaluation of the course rewards students who stay engaged, submit the weekly exercises on time, attend and participate in tutorial.

LATE PENALTIES

ASSIGNMENTS

Late Assignments will be penalized as follows:

- Deduction of 3% marks per day of delay in handing the assignment after the due date
- If an Assignment is handed in more than seven days late, it will be accepted towards course completion but will receive **zero** marks.

EXTENSIONS FOR THE ASSIGNMENTS

Students can request an extension on Assignments for serious illness or family and personal emergencies. They will be required to provide official supporting documentation. Students requesting an extension **MUST** contact the course Instructor prior to the assignment deadline. Your TA cannot grant extensions.

Extensions will not be granted for computer problems of any kind. We **URGE** you to back up your work as you go along: email a draft to yourself whenever you finish a segment of work on it or copy it to a USB thumb-drive or an external hard drive.

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%	February 13, 2017
Assignment 2 Summary and Analysis of Secondary Sources This assignment will require students to summarize and analyze a journal article assigned by the instructors.	40%	April 3, 2017
TUTORIAL ATTENDANCE AND PARTICIPATION Tutorial attendance is mandatory . There are 8 tutorials scheduled throughout the course. Students must attend at least 6 of these tutorials. Tutorials take two different formats (labs and workshops): <ul style="list-style-type: none"> • <u>Labs</u>: the 4 labs cover basics of legal research. Students will complete worksheets in these labs. 	10%	Ongoing

<ul style="list-style-type: none"> <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 <i>Analyzing Cases and Secondary Sources</i>. (See Tutorial Workshop Prep Exercises below) 		
<p>TUTORIAL WORKSHOP PREP EXERCISES Tutorial workshop prep exercises must be completed prior to the Workshop on <i>Analyzing Cases and Using them in Research</i> and the Workshop on <i>Analyzing Secondary Sources and Using Them in Research</i>. These completed exercises must be submitted in person at the beginning of the corresponding workshops. They are worth 2.5 marks each.</p>	5%	<p><i>Cases Analysis Workshop Prep Exercise</i> – due in week 5 tutorial</p> <p><i>Article Analysis Workshop Prep Exercise</i> – due in week 9 tutorial</p>
<p>LECTURE QUIZZES There are 3 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. They are posted on CUOL. Each Quiz gets activated the day the lecture for that week is scheduled in the course schedule below. All Quizzes stay open for only one week. Students will have one hour to complete each Quiz. Important Note: Each Quiz is worth 5 marks out of your final grade. Only your marks from your best 3 Quizzes will be counted towards your final grade. This means that students may choose to complete only 3 of the Quizzes. Students may want to attempt all 4 quizzes which will provide them with leeway for a better grade.</p>	15%	<p>Quiz 1 – open from Jan 23 to Jan 27 Quiz 2 – open from Feb 13 to Feb 17 Quiz 3 – open from Mar 6 to Mar 10 Quiz 4 – open from Mar 20 to Mar 24</p>
<p>Important Notes on Evaluation:</p>		
<p>You must complete all components of Evaluation to receive a passing mark in the course. 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. You must provide meticulously correct citations compliant with the Canadian Guide to Uniform Legal Citation, 8th 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>Feedback: You will receive a marking feedback and evaluation sheet with comments when your Assignment 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 14 days 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 your TA 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>Keep a copy: Keep a copy of all assignments and other submissions until your final grade is confirmed.</p> <p>Individual work only! See discussion of Academic Integrity.</p>		

COURSE SCHEDULE: LECTURES, TUTORIALS, DUE DATES FOR EVALUATION
Subject to revision. Please review carefully and mark down due dates in particular.

Week		Lecture	Tutorial
1.	Topic	<p>January 9</p> <p>Introduction to the course</p> <p>**In-class lecture**</p>	**No Tutorial**
	Material	Please read: Course outline	
	Due completed by January 13	**No quiz**	
2.	Topic	<p>January 16</p> <p>Debates on legal philosophy: Natural Law v. Legal Positivism</p> <p>**In-class lecture**</p>	**In-class Tutorial**
	Material	<p>Fuller, Lon L. "The Case of the Speluncean Explorers." <i>Harvard Law Review</i>, vol. 112, no. 8, 1999, pp. 1851–1875.</p> <p><i>R v Dudley and Stephens</i> (1884) 14 QBD 273 DC</p> <p>Video: Fine Young Cannibal (Boston Legal – Season 3 Episode 4)</p>	
	Due completed by January 20	**No quiz**	
3.	Topic	<p>January 23</p> <p>Healthcare and Responsibility of the State</p> <p>**In-class lecture**</p>	**In-class Tutorial**
	Material	<p><i>Auton (Guardian ad litem of) v British Columbia (AG)</i>, [2004] 3 S.C.R. 657, 2004 SCC 78</p> <p><i>Chaoulli v Quebec (AG)</i> [2005] 1 S.C.R. 791, 2005 SCC 35</p>	
	Due completed by January 27	Quiz 1	

4.	Topic	January 30 State intervention in assisted suicide – Morality and the Law **In-class lecture**	**In-class Tutorial**
	Material	<i>Carter v Canada</i> (Attorney General) 2015 SCC 5 Decision On Prosecution - The Death By Suicide Of Daniel James Video: Angel of Death (Boston Legal – Season 3 Episode 11)	
	Due completed by February 3	**No quiz**	
5.	Topic	February 6 How to write a case analysis **In-class lecture**	**In-class Tutorial**
	Material	Material will be posted on cuLearn closer to time	
	Due completed by February 10	**No quiz**	
	DUE: FEBRUARY 6	CASES ANALYSIS WORKSHOP PREP EXERCISE	
6.	Topic	February 13 Legal Philosophy Revisited **In-class lecture and discussion**	**No Tutorial**
	Material	The Problem of the Grudge Informer	
	Due completed by February 17	Quiz 2	
	DUE: FEBRUARY 13	FIRST ASSIGNMENT	
February 20 Winter Break No Classes/No Office Hours			
7.	Topic	February 27 Negligence: Legal Liability and Moral Responsibility **In-class lecture**	**In-class Tutorial**

	Material	<p>“Snail in the Bottle”: <i>Donoghue v Stevenson</i> [1932] UKHL 100</p> <p>Conway, Madeleine. “A new duty of care? Tort liability from voluntary human rights due diligence in global supply chains.” <i>Queen’s Law Journal</i>, Spring 2015, p. 741-786.</p> <p>Made in Bangladesh - The Fifth Estate https://www.youtube.com/watch?v=onD5UOP5z_c</p>	
	Due completed by March 3	**No quiz**	
8.	Topic	<p>March 6</p> <p>The death penalty: State’s Responsibility to Protect from Execution</p> <p>**In-class lecture**</p>	**In-class Tutorial**
	Material	<p><i>United States v Burns</i> [2001] 1 S.C.R. 283, 2001 SCC 7</p> <p>Cortland, Andrea. “United States v. Burns: Canada’s Extraterritorial Extension of Canadian Law and Creation of a Canadian ‘Safe Haven’ in Capital Extradition Cases.” <i>The University of Miami Inter-American Law Review</i>, vol. 40, no. 1, 2008, pp. 139–167.</p>	
	Due completed by March 10	Quiz 3	
9.	Topic	<p>March 13</p> <p>Migrants at Sea: Responsibility to Protect</p> <p>**In-class lecture**</p>	**In-class Tutorial**
	Material	<p>Karolina S. Follis, “Responsibility, Emergency, Blame: Reporting on Migrant Deaths on the Mediterranean in the Council of Europe,” <i>Journal of Human Rights</i> 14 (2015): 41-62.</p> <p>Karolina S. Follis, “The Politics of Life at Sea: A Note on Sources,” <i>Border Criminologies</i> (March 2014): http://bordercriminologies.law.ox.ac.uk/the-politics-of-life-at-sea/</p> <p>Saved at Sea : Rescuing Migrants in the Mediterranean - The Fifth Estate https://www.youtube.com/watch?v=fS47Ti6ojAk</p>	

	Due completed by March 17		**No quiz**
10.	Topic	March 20 “Serious” Non-Political Crimes and Exclusion from Refugee Protection: Security v. Responsibility to Protect **In-class lecture**	
	Material	<i>Febles v. Canada</i> (Citizenship and Immigration), 2014 SCC 68 Djordjevic, Ned. “Exclusion Under Article 1F(b) of the Refugee Convention: The Uncertain Concept of Internationally Serious Common Crimes.” <i>Journal of International Criminal Justice</i> 12.5 (2014): 1057-74.	
	Due completed by March 24		Quiz 4
	DUE: March 20	ARTICLE ANALYSIS WORKSHOP PREP EXERCISE	
11.	Topic	March 27 How to write an article analysis **In-class lecture and discussion**	**No Tutorial**
	Material	Material will be posted on cuLearn closer to time	
	Due completed by		**No quiz**
12.	Topic	DUE: APRIL 3 FINAL ASSIGNMENT	
	Material	NO LECTURE / NO TUTORIAL	
	Due completed by	**NO QUIZ**	