

Course Outline

COURSE:	LAWS 2908 B – Legal Studies Methods and Theory I
TERM:	Fall 2008/09
PREREQUISITES:	LAWS 1000 and Honours standing
CLASS:	Day & Time: Thursday – 11:35-14:25 Room: B146 LA (Loeb)
INSTRUCTOR:	Dr. Clinton Timothy Curle
CONTACT:	Office: D582 LA (Loeb) Office Hrs: Monday 11:30-12:30 Thursday 10:30-11:30 Telephone: 613-520-2600 x. 3746 Email: Please us the email program on the Web-CT page for this course Alternate Email: ccurle@connect.carleton.ca

"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/law/accommodations.htm> .

COURSE DESCRIPTION

This is a required course in the B.A. Honours Law program designed to provide students with the fundamental skills necessary to conduct socio-legal research. Students will first learn how to design a research question within the Canadian socio-legal context. They will then be introduced to various aspects of the research process through a series of labs and assignments. 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. Both legal and social science resources will be explored. Ultimately, students should develop the ability to find, analyze and apply the information necessary to prepare a formal research proposal in the field of Canadian legal studies.

REQUIRED TEXTS

1. Kerr, Margaret et al. *Legal Research: Step by Step*, 2nd ed. (Toronto: Emond Montgomery, 2006).
2. McGill Law Journal. *The Canadian Guide to Uniform Legal Citation*, 6th ed. (Scarborough, Ontario: Carswell, 2006) [*McGill Guide*].
3. Readings on reserve in the MacOdrum Library, the Chet Mitchell Law Reading Room and Web-CT.

COURSE REQUIREMENTS & GRADING

****You must complete ALL components of the course to receive a passing grade.****

There are five written assignments designed to test the ability of students to research and present the results of their research in a coherent and convincing manner. Students will also be graded on class attendance and participation. More detailed instructions for assignments will be provided in class.

1. Research Topic Assignment - 10%

Develop a properly formulated research question in the context of Canadian legal studies. The assignment will test your understanding of the process of developing a research question.

* Due September 25 at the beginning of class

2. Secondary Sources Assignment - 15%

Students will be required to complete an assignment that will test their ability to locate and analyze secondary sources relevant to their research topic.

* Due October 9 at the beginning of class

3. Case Law Assignment - 15%

Students will be required to complete an assignment that will test their ability to locate and analyze cases relevant to their research topic.

* Due Oct. 30 at the beginning of class

4. Statutes, Regulations, and Government Documents Assignment - 15%

Students will be required to complete an assignment that will test their ability to locate and analyze legislation, regulations and government documents relevant to their research topic.

* Due November 13 at the beginning of class

5. Research Proposal - 35%

Produce a final research proposal. The proposals should be **ten pages** in length. Students will refine and discuss their research question in more detail based upon a review of their research. Students will be evaluated on their ability to propose a project that is clearly defined and incorporates an analysis of the role of theory in relation to their research. Students will be expected to explain the importance and relevance of various types of sources/evidence/argument to their proposed topic and to draw on both social science and legal research methods. Students should also reflect upon the interdisciplinary dimensions of their research question and how this will affect their approach to the research. All relevant journal articles, case law, statutes, regulations and government documents must be properly cited.

* Due December 1 by 4:00 pm in the drop-box at the Law Department Office

6. Participation 10%

This course is structured as a seminar in which individual participation and attendance are of prime importance. Students are expected to come to class having read the assigned required readings and prepared to contribute to class discussions. The participation mark is not only based upon actual attendance in classes and labs but also on a student's contribution to small and large group class discussions.

LATE POLICY

Late assignments will be penalized **5 % per day** that they are late. Late assignments are to be submitted to the **Law Department's drop box** (Loeb C473) unless otherwise noted. **Do not** put them under my door. Email is **not** considered an acceptable means of assignment submission without my express permission.

PLAGIARISM AND OTHER INSTRUCTIONAL OFFENCES:

The University's policy concerning plagiarism and other instructional offences is outlined in the Undergraduate Calendar. In particular, students should note that a student commits an instructional offence if he or she "submits substantially the same piece of work to two or more courses without the prior written permission of the instructors

from all courses involved. Minor modifications and amendments, such as changes of 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 using the words or thoughts of another person without expressly acknowledging it.

CLASS SCHEDULE

1. **Sept. 4 - Introduction to course and overview of legal and socio-legal sources**

1. B. Dawson, “Legal Research in a Social Science Setting: The Problem of Method” (1992) 14 *Dalhousie L.J.* 445.
2. Law Commission of Canada, *What is a Crime: Challenges and Alternatives* (Ottawa: Law Commission of Canada, 2003) - Executive Summary.
3. *Legal Research: Step by Step*, 2nd ed. – Chapters 1 and 6.

Sept. 11 - Class Cancelled

2. **Sept. 18 - Introduction to legal studies in an interdisciplinary setting: law, theory and method**

1. Richard F. Devlin, “Mapping Legal Theory” (1994) 32 *Alta. L. Rev.* 602.
2. *Christie v. York*, [1940] S.C.R. 139.
3. Steven Vago and Adie Nelson, *Law and Society*, 2nd Can. ed. (Toronto: Pearson/Prentice Hall, 2008) at 327-338.
4. Sandra L. Kirby & Kate McKenna, *Experience, Research, Social Change: Methods from the Margins* (Toronto: Garamond Press, 1989) at 66-74, 76-81.

3. **Sept. 25 - Lab: Researching Secondary Sources**

Location: TBA

1. *Legal Research: Step by Step*, 2nd ed. – Chapters 7, 8, 13 and 14.

*** Research Question Assignment due at the beginning of class***

4. **Oct. 2 - Analyzing Secondary Sources**

1. Sujit Choudhry and Robert Howse, “Constitutional Theory and the Quebec Secession Reference” (2000) 13 *Can.J.L.&Jur.* 143.
2. Law Commission of Canada, *What is a Crime: Challenges and Alternatives* - Chapter 2 (11-18).
3. *McGill Guide* - General Rules and Chapter 6: Secondary Sources.

5. **Oct. 9 - Lab: Researching Cases (Part I): Quicklaw**

Guest: Quicklaw representative

Location: TBA

1. *Legal Research: Step by Step*, 2nd ed. – Chapters 4, 11, and 17.

*** Secondary Sources Assignment due at the beginning of class ***

6. **Oct. 16 - Analyzing Cases**

1. Sally Sheldon, “Sperm Bandits’ Birth Control Fraud and the Battle of the Sexes” (2001) 21 *Legal Studies* 460.
2. Beverley Baines, “Law, Gender, Equality” in *Changing Patterns Women in Canada*, 2d ed., Burt et al. eds. (Toronto: McLelland and Stewart) at 243-277.
3. *McGill Guide* - Chapter 3: Jurisprudence
4. *Legal Research: Step by Step*, 2nd ed. – Chapter 4.
5. *Macdonell v. Quebec* (Access to Information Commission), [2002] 3 S.C.R. 361, (219) D.L.R. (4th) 193 – Available on Westlaw and Quicklaw

7. **Oct. 23 - Lab: Researching Cases Part II: Westlaw**

Guest: Michelle DeVidi, Law Librarian

Location: TBA

8. Oct. 30 - Lab: Researching bills, statutes, regulations and government documents

Guests: Michelle DeVidi, Law Librarian

Location: TBA

1. *Legal Research: Step by Step*, 2nd ed. – Chapters 2, 3, 15 and 16.
2. *McGill Guide* - Chapter 2: Legislation, Chapter 4: Government Documents

*** Case law assignment due at the beginning of class ***

9. Nov. 6 - Analyzing bills, statutes, regulations and government documents

1. *Access to Information Act*, R.S.C. 1985, c. A-1. (Department of Justice Laws Website)
2. Bill C-2, *An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability*, 1st Sess., 39th Parl., 2006. (LegisInfo Website)
3. Information Commissioner of Canada, *Response to the Government's Action Plan for Reform of the Access to Information Act* (Ottawa: Minister of Public Works and Government Services Canada, 2006), online: Information Commissioner of Canada <<http://www.infocom.gc.ca/specialreports/pdf/2006special-e.pdf> >

10. Nov. 13 - Preparing to write your research proposal

*** Statute, regulatory, and government documents assignment due at the beginning of class ***

11. Nov. 20 - Drafting your research proposal**12. Nov. 27 - Course Overview****13. Dec. 1 - Research Proposal due**

*** Please submit your proposal to the drop-box at the Law Department office ***