

Course Outline

COURSE: LAWS 2908 C – Legal Studies Methods and Theory I

TERM: Fall 2009

PREREQUISITES: LAWS 1000 AND HONOURS STANDING

CLASS: Day & Time: Monday 2:35 – 5:25
Room: Please check Carleton Central for current room location

INSTRUCTOR: Shelley Appleby-Ostroff
(CONTRACT)

CONTACT: Office: Loeb C476 (Contract Instructors' Office)
Office Hrs: By appointment
Email: Please use WebCT e-mail for this course

"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. For further information, please see: http://www.carleton.ca/pmc/students/accom_policy.html . If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by **November 16, 2009 for December examinations** and **March 12, 2010 for April examinations**.

For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: www.carleton.ca/equity

COURSE DESCRIPTION

This course is designed to assist you in developing and applying legal research skills and techniques. Through class lectures, labs and small assignments, you will learn how to design a research question, create a research plan as well as find and critically evaluate the primary and secondary information sources available to legal researchers. You will also learn proper legal citation techniques. By the end of the course you will have the critical and technical ability to find, analyze and apply the information necessary to prepare a formal research proposal in legal studies.

REQUIRED TEXTS

Margaret Kerr et al., *Legal Research: Step by Step*, 3rd ed. (Toronto: Emond Montgomery, 2009) [Kerr]; and

McGill Law Journal, *Canadian Guide to Uniform Legal Citation*, 6th ed. (Scarborough: Carswell, 2006) [McGill Guide]

RECOMMENDED TEXTS

Wayne C. Booth et al., *The Craft of Research*, 3rd ed. (Chicago: University of Chicago Press, 2008) [Booth]; and

Fitzgerald, Maureen F., *Legal Problem Solving: Reasoning, Research and Writing*, 4th ed. (Toronto: LexisNexis, 2007) [Fitzgerald]

All four texts are available for purchase at the Carleton University Bookstore and are on reserve in the library.

ADDITIONAL READINGS

In addition to the readings from the texts, cases and articles will be assigned for certain classes. I will do my best to make these readings available online and will ensure that copies are available on reserve in the library. It is expected that you will either download or make a copy of these readings and come to class prepared to discuss them, as you would readings assigned from the texts.

COMMUNICATION OUTSIDE OF CLASS

Communication outside of class will be through WebCT. Please check it regularly for information updates concerning lectures, labs, readings and assignments.

EVALUATION

(All components must be completed in order to get a passing grade)

There are five written assignments designed to develop your ability to research and present the results of your research in a coherent and convincing manner. You will also be graded on class attendance and participation. Spelling, grammar and style will also be evaluated. More detailed instructions about each of the assignments will be provided in class.

Evaluation for the course will be broken down as follows:

<u>Evaluation</u>	<u>Value</u>	<u>Date Assigned</u>	<u>Due date</u>
Research Topic and Abstract	10%	September 14	September 28
Annotated Bibliography	15%	October 5	October 19
Case Law Exercise	15%	October 19	November 9
Statute Exercise	15%	November 9	November 30
Final Research Proposal	35%	November 9	December 8
Class Participation	10%	Ongoing	Ongoing

Standing in a course is determined by the course instructor, subject to the approval 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 Dean.

EXTENSIONS

Extensions will not be granted unless there is a valid and documented reason, such as serious illness or other circumstances beyond your control. Appropriate documentation must accompany all extension requests. If you think that you will require an extension, and have a valid and documented reason, please get in touch with me as soon as possible BEFORE the applicable due date.

LATE ASSIGNMENTS

Late assignments will be marked down by 5% for each day that the assignment is late (including holidays and weekends). Assignments that are submitted more than one week after the applicable due date will receive a failing grade. **Students submitting late assignments must leave a hard copy of the assignment in the Department of Law Drop Box and must notify me through WebCT that the assignment has been left in the Drop Box.**

POLICY AND PROCEDURE STATEMENT

The Department of Law's Policy and Procedure Statement is distributed with, and forms part of, this course outline. The Statement contains important information on topics such as the submission of assignments, due dates in course outlines, offences, writing skills and the use of language, prerequisites, course selection, responsibility for ensuring enrollment in classes and the review of grades. **Please ensure that you read the Policy and Procedure Statement carefully.**

ACADEMIC INTEGRITY AND ACADEMIC OFFENCES

The University's policy concerning plagiarism and other instructional offences is outlined in the Undergraduate Calendar and can be found at: <http://www.carleton.ca/calendars/ugrad/0910/regulations/acadregsuniv14.html>. Please ensure that you understand this policy. In particular, you should note that it is an instructional offence to submit "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." You should also note that it is an instructional offence to commit plagiarism, which is defined in the policy as "presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own."

All written work must be yours alone and any ideas you include in your work which are not original to you should be properly referenced. You should familiarize yourself with the department's policies on proper referencing and citation contained in the Department of Law's 'Legal Style Sheet for Term Papers' which can be accessed at: http://www2.carleton.ca/law/ccms/wp-content/ccms-files/legal_style_sheet.pdf

Violations of academic integrity will not be tolerated. Any suspected violations of the university's policies or regulations will be immediately reported to the Dean.

ASSIGNMENTS

Unless otherwise specified, all assignments must be handed in at the start of class on the due date and will be returned during class. Assignments submitted at the end of class will be considered one day late and will be assessed a late penalty. All assignments must be submitted in person and on paper. If you will not be present in class on the day an assignment is due, it **MUST** be deposited in the Law Department Drop Box at Loeb C473 by the beginning of class. Assignments submitted electronically, or slipped under the Contract Instructors' office door will not be accepted. Please keep a hard copy of all assignments submitted as a backup until your final grade is confirmed.

1. Research Topic and Abstract (10%)

This assignment will require you to identify a topic in Canadian legal studies that interests you and to provide a brief abstract of the topic. Topics should pose a theoretical question about Canadian law that can be researched from a variety of perspectives and disciplines. All topics and abstracts **MUST** be approved by the instructor as the topic will be used to complete the rest of the assignments in the course, including the final research proposal.

Assigned: September 14

Due: September 28 in the Law Department Drop Box at Loeb C473 by the beginning of class

2. Annotated Bibliography (15%)

This assignment will require you to locate and analyze secondary sources relevant to the topic you chose in the first assignment, create a bibliography of those sources (with proper citation) and annotate at least five of them.

Assigned: October 5

Due: October 19 at the beginning of class

3. Case Law Exercise (15%)

This assignment will require you to locate at least four cases relevant to the topic you chose in the first assignment, prepare a table of cases (with proper citation) and a brief of one of the cases.

Assigned: October 19

Due: November 9 at the beginning of class

4. Statute Exercise (15%)

This assignment will require you to locate statutes, regulations and other government documentation relevant to the topic you chose in the first assignment and to prepare a table of statutes (with proper citation). You will also be required to describe and analyze the major legislation in your topic area.

Assigned: November 9

Due: November 30 at the beginning of class

5. Final Research Proposal (35%)

This assignment will require you to create an 8-10 page final research proposal (with proper citation) that incorporates and expands on all the research you have done throughout the semester. As part of the proposal, you will be required to refine your initial research question, reflect on how that question has changed as a result of your ongoing research and evaluate the relevance and importance of the various information sources you consulted. You will also be required to reflect on the interdisciplinary aspects of the research question and the effect this had on the way you formulated your question and structured your research. An evaluation of the viability of the proposed topic as a research project should also be included in your proposal.

Assigned: November 9

Due: December 8 in the Law Department Drop Box at Loeb C473 by 4:00 pm

6. Class Participation (10%)

This course is structured as a seminar. As a result, individual participation and attendance are important components. You are expected to come to class having read the assigned readings and being prepared to contribute to in-class discussions. Your participation mark is based on attendance in class and labs as well as your ongoing preparedness, participation and contribution to class discussions, exercises and presentations.

COURSE SYLLABUS**1. Sep 14 INTRODUCTION AND OVERVIEW OF COURSE**

Readings None

Assignments Assigned: Research Topic & Abstract (10%)
Due date: September 28 in the Law Department Drop Box at Loeb C473 by the beginning of class

2. Sep 21 RESEARCH DESIGN AND INTRODUCTION TO LEGAL LITERATURE

Readings Required Booth, cc. 3, 4, 5 & 6
Kerr, cc. 1, 2, 3 & 4
McGill Guide, c. 1

Recommended Fitzgerald, c. 4

**3. Sep 28 RESEARCHING CASE LAW LAB (Westlaw & eCarswell)
Location: Room 235, MacOdrum Library
Guest: Michelle Atkin, Reference Librarian**

Readings Required Kerr, cc.11 & 17
McGill Guide, c. 3

Assignments Research Topic & Abstract due

4. Oct 5 **RESEARCHING SECONDARY SOURCES LAB & INTRODUCTION TO CASE LAW**
Location: TBA

Readings

Required

Kerr, cc. 8 & 14; review c. 4
Fitzgerald, c. 6
McGill Guide, c. 6

Recommended

Fitzgerald, c. 9

Assignments

Assigned: Annotated Bibliography (15%)
Due date: October 19

MONDAY, OCTOBER 12

THANKSGIVING HOLIDAY

5. Oct 19 **UNDERSTANDING AND ANALYZING CASE LAW AND SECONDARY SOURCES**

Readings

Required

Kerr, cc. 5 & 6
Fitzgerald, c. 10

Assignments

Annotated Bibliography Due

Assigned: Case Law Exercise (15%)
Due date: November 9

6. Oct 26 **LEXISNEXIS LAB**
Location: TBA

Readings

None

7. Nov 2 **SYNTHESIZING AND ANALYZING INFORMATION**

Readings

Required

Booth, cc. 7, 8 & 10

8. Nov 9 **LEGISLATIVE RESOURCES AND GOVERNMENT DOCUMENTS**

Readings

Required

Kerr, review cc. 2 & 3; read cc. 9, 10, 15 & 16
McGill Guide, cc. 2 & 4

Recommended

Fitzgerald, cc. 7 & 8

Assignments

Case Law Exercise due

Assigned: Statute Exercise (15%)
Due date: November 30

Assigned: Final Research Proposal (35%)
Due date: December 8

9. Nov 16 **RESEARCHING LEGISLATION AND GOVERNMENT DOCUMENTS LAB**
Location: Room 102 in the MacOdrum Library
Guest: Michelle Atkin, Reference Librarian

Readings

None

10. Nov 23 ADDITIONAL SOURCES & PREPARING TO WRITE YOUR RESEARCH PROPOSAL

Readings

Required

McGill Guide, c. 5

Booth, cc. 12, 13 & 14

Carleton Style Sheet for Term Papers, found at:

http://www2.carleton.ca/law/ccms/wp-content/ccms-files/legal_style_sheet.pdf

11. Nov 30 DRAFTING YOUR RESEARCH PROPOSAL

Readings

Required

Kerr, c. 21 (pp. 223-230 to end of 'Some Rules of Good Writing')

12. Dec 7 COURSE REVIEW AND EVALUATION

FINAL RESEARCH PROPOSAL DUE IN THE LAW DEPARTMENT DROP BOX AT LOEB C473 BY 4:00 PM ON DECEMBER 8TH.