

Course Outline

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| COURSE: | LAWS 2908G LEGAL STUDIES METHODS AND THEORY I |
| PREREQUISITES: | LAWS 1000 AND HONOURS STANDING |
| TERM: | Winter 2009 |
| CLASS: | Day & Time: Monday 11:35-2:25 Room: Loeb B146 |
| INSTRUCTOR: | Betina Kuzmarov |
| CONTACT: | Office: D481 Loeb Office Hrs: Tuesday 2-5 and Friday 1-2 or by Appointment Telephone: (613) 520-2600 ext. 8810 Email: Please use WebCT e-mail for this course |

"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 PMC by March 6, 2009 for April exams." 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

COURSE DESCRIPTION:

Research is like solving a mystery. You have a problem and you have to track down the answer in various sources using clues provided. This course is designed to provide you with the tools necessary to do this – to both physically locate and critically evaluate sources of research in legal studies. This course focuses on what legal studies research is, its sources and research techniques. It also teaches proper techniques of citation in legal studies. By the end of the course students will have the critical and technical ability (and enthusiasm!) to propose and research a project in legal studies.

REQUIRED TEXTS:

There are two required texts for this course. They have been ordered for you to purchase at the University Bookstore. The required texts are:

Margaret Kerr et al., *Legal Research: Step by Step* (2nd Edition Toronto: Emond Montgomery, 2006) [Kerr].
McGill Law Journal, *Canadian Guide to Uniform Legal Citation* [McGill Guide].

ARTICLES AND CASES:

In addition to the texts there will be cases and articles assigned for individual lectures. I will try to make the readings (where possible) available online and I will make a copy of the readings available on reserve in the library. For readings that are online or on reserve is expected that you will either download or make a copy of the readings and come prepared to discuss these readings in class (as you would Kerr or the McGill Guide).

RECOMMENDED TEXT:

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

I do recommend trying to find a used edition of the books if you can. Please be careful and check the edition when buying your texts.

EVALUATION:

The evaluation for the course will be broken down as follows:

| <u>Evaluation</u> | <u>Value</u> | <u>Assigned</u> | <u>Due</u> |
|-----------------------------|--------------|-----------------|------------|
| Research Topic and Abstract | 10% | January 5 | January 19 |
| Annotated Bibliography | 15% | January 19 | February 2 |
| Case Law Exercise | 15% | February 2 | March 2 |
| Statute Exercise | 15% | March 2 | March 23 |
| Final Research Proposal | 35% | March 2 | April 7 |
| Class Participation | 10% | Ongoing | Ongoing |

ASSIGNMENTS:**Research Topic and Abstract**

This assignment will require students to identify a topic in Canadian legal studies that they are interested in and to provide a one paragraph abstract of this 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 this topic will be used by students to complete all the assignments in the course and will form the basis of the final research proposal.

Annotated Bibliography

This assignment will require students to research secondary sources relevant to the topic chosen in the first assignment. Students must create a bibliography of these sources (with proper citation) and annotate five sources (more may be provided without annotation).

Case Law Exercise

This assignment will require students to locate cases (a minimum of four) relevant to the topic chosen in the first assignment and to present these topics in a table of cases. Students will be required to brief one of the cases.

Statute Exercise

This assignment will require students to locate statutes, regulations and other government documentation relevant to the topic chosen in the first assignment and to present these in a table of statutes. Students must present a one page analysis of the importance of the major legislation in this area for the topic chosen.

Final Research Proposal

This assignment will require students to create a research proposal of 8-10 pages in length. This research proposal will include a re-statement of the research question based on the research done in the semester, and a reflection on how that question has changed. Students will also be required to reflect on the interdisciplinary aspects of the research question and how this has effected your formulation of the question. Students will then be required to evaluate the relevance of the various sources researched in relation to their topic. Lastly, students should critically reflect upon the way that their theoretical approach structured their research and should evaluate the viability of their proposed topic as a research project.

Class Participation

This class is a seminar and as a result students are expected to come prepared to discuss any assigned readings in class, and to participate in the class discussions and activities. This mark is based not only on attendance but on an evaluation of the student's ongoing contribution to the class.

Please note that for the assignments, spelling, grammar and proper style must be followed or marks may be deducted. I will explain my expectations for the assignments in class and will include a marking rubric with the assignment sheet. Any late assignments will be penalized at a rate of 3% a day (that means a weekend deduction too). All assignments are to be handed in at the Law Department's DROP BOX at C473 Loeb in accordance with DROP BOX policy and will be returned during class or at my office hours. Assignments cannot be submitted electronically or to any other place other than the DROP BOX. Also please keep a copy of all assignments as a backup until your final grade is confirmed.

To create a consistent and fair policy I grant extensions only in the circumstances approved by the Registrar's office, and only for the period up to the due date. If you think you may require an extension please see me BEFORE the assignment is due and I will be able to consider your request. Also, I cannot accept assignments AFTER the assignment has been returned to students (approved extensions aside). If you have not submitted your assignment by the time it is returned in class you will not receive a grade, and this is important because ALL assignments must be completed to receive a passing grade in this course.

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. I take this very seriously. I will explain further in class about what plagiarism is and what academic integrity means at Carleton, but as a good first step you should familiarize yourself with the department's policies on proper referencing and citation. For example, the Department of Law has a 'Legal Style Sheet for Term Papers' which can be accessed at http://www2.carleton.ca/law/current/Legal_Style_Sheet.pdf. As well, it is recommended that you familiarize yourself with the university's policies on academic integrity, and see the library's webpage on plagiarism.

Standing in a course is determined by the course instructor subject to the approval of the Faculty Dean. This means that any grades submitted by me may be subject to revision. No grades are final until they have been approved by the Dean.

COURSE HINTS:

My goal for this course is to provide you with the knowledge, skills (and enthusiasm) to allow you to achieve your best. Here are some tips for how to achieve this...

1. Preparation: Attendance at lecture and preparation for class are necessary to succeed in this course. This requires you to do your readings BEFORE class as this helps you get the most out of each lecture. I also (see WebCT below) post my slides the night before each lecture to help you come prepared.
2. Web CT: Please sign up for a WebCT account. I use WebCT regularly. This course outline will be posted on WebCT as will all assignment sheets after they are handed out, so you can always find them there. You should always look on WebCT first if you have any questions. Also, as mentioned I post my lecture slides on WebCT the night before each class. Lastly, the e-mail on WebCT is the e-mail address to use to get in touch with me for this course.
2. Note taking: You'll notice right away the slides I post are a good OUTLINE to what I am saying, but not the whole story, so attending class and writing your own notes is necessary.
3. Questions: If you are unsure please ask. I am here to answer your questions. That's my job. Please don't hesitate to ask if something was unclear or if you have any questions about an assignment. Also, there are many great services available on campus that can also provide you with advice, for example there is the Writing Tutorial Service (Learning Support Services, Room 404 ML), the Student Academic Success Centre (SASC 302 Tory) and the Learning Commons (4th Floor ML).
4. E-mail etiquette: E-mail is a funny thing. E-mail feels like a conversation but it is really a formal way of communicating to your instructor. So please read your e-mail over before sending it and take the time to consider if this is what you would like me to see in writing. You should note that e-mail is a formal record of communication.
5. How to address me – I am pretty flexible on this and I don't mind Betina. If you don't like using first names, I am happy to answer to more formal titles in class and in e-mails.
6. Contesting a grade – If you think you have a reason to contest a grade on assignment please follow this procedure: 1. Wait a week and think carefully about the reasons why you want to contest the grade – you have to make a case as to why you feel (based on the comments and marking grid) your grade should be changed. Grades can be changed only for valid reasons. 2. Contact me with your concerns by e-mail (it helps to set them out in writing) and then we can arrange for you to drop off the marked assignment and set up an appointment to discuss your concerns. You should know that I am happy to change grades for valid reasons. However, requesting to have your grade reviewed can also mean that YOUR GRADE MAY GO DOWN, so please keep that in mind.

COURSE SYLLABUS:

- January 5 Introduction**
Overview of Course and Introduction to Socio-Legal Research
- January 12 Interdisciplinary Research: Theory and Research Design**
- Required Readings
Kerr, Chapter 1, 5, 6
T.B. Dawson, "Legal Research in a Social Science Setting: The Problem of Method" (1992) 14 Dal. L.J. 445 (Available on Reserve)
R.F. Devlin, "Mapping Legal Theory" (1994) 32 Alta. L. Rev. 602 (Available on Reserve)
R. Posner, "The Decline of Law as an Autonomous Discipline: 1962-1987" (1987) 100 Harv. L. Rev. 761 (Available on Reserve)
- Recommended
Booth et al Part 2 Prologue and Chapters 3 and 4
(January 16 is the last day for course changes in Winter semester)
- January 19 Secondary Sources**
- Required Readings
Kerr, Chapters 7, 8, 13 and 14.
McGill Guide, Chapter 6
- Research Topic and Abstract Due
- January 26 Lab #1 Researching Secondary Sources**
Meet in Room LA B241
- Required Readings
Fitzgerald, *Legal Problem Solving: Reasoning Research and Writing* (2nd ed, Scarborough: Carswell, 1996). (Excerpts Available on Reserve)
- February 2 Introduction to Case Law**
How to Read, Brief, Cite and Update a Case
- Required Readings
Kerr, Chapters 4, 11, and 17
McGill Guide Chapter 3
Donoghue (or McAlister) v. Stevenson, [1932] All ER Rep 1; [1932] AC 562; House of Lords (Available on Reserve)
- Annotated Bibliography Due
- February 9 Lab #2 Case law**
Meet in ROOM 102 MacOdrum Library
- February 16 NO CLASS**
- February 23 Lab #3 LexisNexis/Quicklaw**
Meet in ROOM LA B241

March 2 Bills, Statutes, Regulations and Government DocumentsRequired Readings:

Kerr, Chapters 2, 3, 15 and 16

McGill Guide, Chapters 2 and 4

Broadcasting Act, 1991 c. 11 (Available on Reserve)

Television Broadcasting Regulations, 1987 (SOR/87-49) (Available on Reserve)

Broadcasting Public Notice CRTC 2007-98 (Available on Reserve)

- Case Law Exercise Due

(March 6 is the last day to withdraw from class and Last day to submit, to the Paul Menton Centre for Students with Disabilities, Formal Examination Accommodation Forms for April examinations)

March 9 Lab #4 Researching Bills, Statutes and Government Documents

Meet in Room 102 MacOdrum Library

March 16 Additional Sources

Archives, Interviews, Newspapers and International Legal Sources

Required Readings:

McGill Guide, Chapters 5, 6

March 23 Preparing to Write a Research ProposalRecommended Readings:

Booth, Chapter 7, 8, 10, 12

- Statute Exercise Due

March 30 Review Class: Drafting the Research Proposal**April 7 (Tuesday)**

- Research Proposal Due