

COURSE: LAWS 3500

TERM: Winter 2012-13

PREREQUISITES: LAWS 2005 [1.0] (no longer offered) or LAWS 2501 or PSCI 2003.

CLASS: **Day & Time:** Monday 18:05 – 20:55
Room: Please check with Carleton Central for current room location

INSTRUCTOR: Bahaa I. Sunallah, of the Ontario Bar
(CONTRACT) (Contract Instructor)

CONTACT: **Office:** LA B442
Office Hrs: By Appointment
Email: bahaa_sunallah@carleton.ca

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/>

COURSE DESCRIPTION

An investigation of the Canadian Constitution, sovereignty, the nature and units of executive, legislative, and judicial power in Canada as interpreted by the courts. We will also study the distribution of powers under the Canadian Constitution, including an investigation of contemporary issues of federalism and judicial review.

REQUIRED TEXTS

Russell, Knopf, Bateman and Hiebert: *The Court and the Constitution, Leading Cases* (Toronto: Emond Montgomery, 2008).

SUPPLEMENTARY TEXTS

Additional readings from Democratizing the Constitution (Aucoin, Jarvis and Turnbull) and caselaw will be assigned from time to time and will be placed on reserve at the library.

EVALUATION

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

Mid-term Exam (40%)

2.0 hours open book exam.

Final Exam (50%)

3.0 hours open book exam, during the University's final examination period.

Class Participation (10%)

Based on participation in class discussions and attendance.

IMPORTANT NOTES

1. Carleton University Calendar

Link to current Carleton University Calendar: <http://www.carleton.ca/calendars/ugrad/current/pdf/>

2. Pertinent Dates and Holidays

Pertinent dates and holidays can be found in the 2012-2013 Undergraduate Calendar.

3. Final/Deferred Final Examinations

Please note specifically section 2.5: Deferred Final Examinations, paragraph 2:

"...The granting of a deferral also requires that the student has performed satisfactorily in the course according to the evaluation scheme established in the Course Outline, excluding the final examination for which deferral privileges are requested. Reasons for denial of a deferral may include, among other conditions, a failure to (i) achieve a minimum score in the course before the final examination; (ii) attend a minimum number of classes; (iii) successfully complete a specific task (e.g. term paper, critical report, group project, computer or other assignment); (iv) complete laboratory work; (v) successfully complete one or more midterms; or (vi) meet other reasonable conditions of successful performance."

SCHEDULE

DRAFT READING LIST

PART 1: CONSTITUTIONAL PRINCIPLES

1. Sources of Constitutional Law
2. Unwritten Constitutional Principles
3. Constitutional Convention

PART 2: KEY CONCEPTS IN CONSTITUTIONAL LAW

1. Supremacy of the Constitution
2. The Rule of Law
3. Separation of Powers

PART 3: JUDICIAL POWER AND INDEPENDENCE

1. Judicial Review and the Legitimacy Debate
2. Judicial Independence

PART 4: DIVISION OF LEGISLATIVE POWERS

1. Property and Civil Rights
2. Residuary and Emergency Powers
3. Trade and Commerce

PART 5: ABORIGINAL RIGHTS