

Course Outline

COURSE:	LAWS 3500A – Constitutional Law
TERM:	Winter 2014
PREREQUISITES:	LAWS 2501 or PSCI 2003
CLASS:	Day & Time: Monday 18:05 – 20:55 Room: Please check with Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	Bahaa I. Sunallah, of the Ontario Bar (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. The distribution of powers under the Canadian constitution, including an investigation of contemporary problems of federalism. Problems of judicial review.

REQUIRED TEXTS

Selected Cases, Text and Material in Constitutional Law--Carleton Custom, 2013, Emond Montgomery Publications, ISBN number is 978-1-55239-608-7, available from the University Bookstore.

SUPPLEMENTARY TEXTS

Additional caselaw will be assigned from time to time and is available online.

IMPORTANT NOTES

1. Carleton University Calendar

Link to current Carleton Undergraduate Calendar: <http://calendar.carleton.ca/undergrad/>

2. Pertinent Dates and Holidays

Pertinent dates and holidays can be found in the 2013-2014 Undergraduate Calendar.

3. Deferred Final Examinations

Please note specifically section 2.5: Deferred Final Examination of the Undergraduate Calendar:

“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.”

EVALUATION PROCEDURES

Three (3) take-home quizzes (10%)

Mid-term Exam (40%)

2.0 hours, open book. In-class on Monday February 10, 2014

Final Exam (50%)

3.0 hours open book. Formally scheduled during the University's final examination period.

TENTATIVE SCHEDULE

- #1 January 6
Course Orientation and Introduction
- #2 January 13
Chapter 1: Introduction to Constitutional Law
- #3 January 20
Chapter 2: Judicial Review and Constitutional Interpretation
[First take-home quiz announced]
- #4 January 27
Unwritten Constitutional Principles & Judicial Independence
Reference re Remuneration of Judges of the Provincial Court (P.E.I.), [1997] 3 S.C.R. 3
at paras. 6-8, 82-109
<http://scc-csc.lexum.com/decisia-scc-csc/scc-csc/scc-csc/en/item/1541/index.do>
- #5 February 3
[First take-home quiz due]
Constitutional Conventions
Re: Resolution to amend the Constitution, [1981] 1 S.C.R. 753
<http://scc-csc.lexum.com/decisia-scc-csc/scc-csc/scc-csc/en/item/2519/index.do>
Midterm Review
- #6 February 10
Midterm

February 17
(Statutory holiday. University closed)
- #7 February 24
Chapter 3: When Conventions Fail: Constitutional Governance Without Clear Rules
[Second take-home quiz announced]

- #8 March 3
Chapter 4: The Late Nineteenth Century: The Canadian Courts Under the Influence
- #9 March 10
Chapter 5: Peace, Order and Good Government
[Second take-home quiz due]
- #10 March 17
Chapter 5: Peace, Order and Good Government (Cont'd)
Chapter 6: The Administrative State and the Rule of Law
[Third take-home quiz announced]
- #11 March 24
Chapter 7: The Role of Judicial Review
- #12 March 31
Chapter 8: The Standard of Review
[Third take-home quiz due]
- #13 April 7
The Standard of Review: Reasons and Reasonability
Newfoundland and Labrador Nurses' Union v. Newfoundland and Labrador (Treasury Board),
2011 SCC 62
<http://scc-csc.lexum.com/decisia-scc-csc/scc-csc/scc-csc/en/item/7980/index.do>
Final Exam Review

April 11-26, 2014

Final Examination in Winter Term Courses