

Course Outline

COURSE:	LAWS 3907 F – Legal Research Methods
TERM:	Winter 2007-08
PREREQUISITES:	LAWS 1000 and Honours standing
CLASS:	Day & Time: Thursday - 2:30-5:30 Room: 415 SA (Southam Hall)
INSTRUCTOR:	Professor Vincent Kazmierski
CONTACT:	Office: D486 LA (Loeb) Office Hrs: Tuesdays - 10:00 am – Noon Telephone: 613-520-2600 x. 8297 Email: I USE THE EMAIL PROGRAM ON THE WEBCT PAGE FOR THIS CLASS IF WEB-CT IS NOT WORKING TRY: Vincent_Kazmierski@carleton.ca

Students with disabilities needing academic accommodations in this course are required to contact a coordinator at the Paul Menton Centre to complete the necessary *letters of accommodation*. The student must then make an appointment to discuss their needs with the instructor at least two weeks prior to the first class or ITV test. This is to ensure sufficient time is available to make the necessary accommodation arrangement. Please note the deadline for submitting completed forms to the PMC for formally scheduled exam accommodations is March 14, 2008 for April examinations. For further information, please see, http://www.carleton.ca/pmc/students/accom_policy.html

COURSE DESCRIPTION AND OBJECTIVES:

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, workshops and small 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:**Texts Available at the Bookstore:**

1. Margaret Kerr et al., *Legal Research: Step by Step*, 2nd ed. (Toronto: Emond Montgomery, 2006).
2. McGill Law Journal, *Canadian Guide to Uniform Legal Citation*, 6th ed. (Scarborough, Ontario: Carswell, 2006) [*McGill Guide*]. This text explains the basic rules of legal citation. It is an essential reference text for anyone conducting research concerning legal issues.

Articles and Cases Available Online:

Other required readings will include articles and cases that are available using online research resources. These readings are listed in the outline of classes. Students will be expected to retrieve copies of these readings and read them in preparation for the appropriate classes.

RECOMMENDED TEXTS:

1. University of Toronto Faculty of Law, *Introduction to Legal Research and Citation*, online: <<http://www.law-lib.utoronto.ca/Resguide/toc.htm>> [*Intro to Legal Research*].
2. Wayne C. Booth et al., *The Craft of Research* (Chicago: The University of Chicago Press, 1999). Available at the Carleton University Bookstore. This is a general introductory guide to research and writing in the social sciences.

COMMUNICATION OUTSIDE OF CLASS:

Web-CT is the primary tool for communicating electronically with students outside of class. Students should check Web-CT on a daily basis for information updates concerning lectures, labs and assignments.

PLAGIARISM AND OTHER INSTRUCTIONAL OFFENCES:

The University's policy concerning plagiarism and other instructional offences is outlined in the Undergraduate Calendar (see particularly regulation 14 – Instructional Offences). 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 defined as “to use and pass off as one's own idea or product work of another without expressly giving credit to another”.

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, offenses, writing skills and use of language, prerequisites, course selection, responsibility for ensuring enrolment in a class, and review of grades, among other information. **Please read the Policy and Procedure Statement carefully.**

LATE ASSIGNMENTS:

Late assignments will be marked down five percent for each day submitted after the due date (including week-end days). **Assignments submitted more than one week after the due date will receive an F.** Failure to complete all components of the course will result in the student receiving a failing grade. Extensions will only be given out in extreme circumstances, such as severe illness of the student or death of a family member. Appropriate documentation will be required to accompany requests for extensions. Computer failure, conflicts with work schedule or similar problems are not a valid excuse for failure to submit an assignment on time. **Students submitting late assignments must submit a hard copy of the assignment to the Department of Law drop-box and must email the instructor notifying him that the assignment has been left in the drop box.**

EVALUATION PROCEDURES:

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

Note: Standing in a course is determined by the course instructor subject to 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.

**Class Participation - 10%
(Ongoing)**

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.**

**Research Topic Assignment - 10%
(due Jan. 31, 2008 at the beginning of class)**

Students will be required to develop a properly formulated research question arising in the context of Canadian legal studies. The assignment will also test their understanding of the process of developing a research question.

**Secondary Sources Assignment - 15%
(due Feb. 14, 2008 at the beginning of class)**

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

**Case Law Assignment - 15%
(Mar. 6, 2008 at the beginning of class)**

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

**Statutes, Regulations, and Government Documents Assignment - 15%
(due Mar. 20, 2008 at the beginning of class)**

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.

**Research Proposal - 35%
(due April 9, 2008 by 4:00 pm in the drop-box at the Law Department Office)**

Students will be required to 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 of 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.

CLASS SCHEDULE AND READINGS**Class Date Topic/Readings****1 Jan. 10 Introduction to course and overview of legal and socio-legal sources**

No Readings

2 Jan. 17 Introduction to legal studies in an interdisciplinary settingRequired Readings

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

3 Jan. 24 Law, Theory and Method in legal studies researchRequired Readings:

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

4 Jan. 31 Lab: Researching Secondary SourcesGuest: Michelle DeVidi, Law LibrarianLocation: MacOdrum Library Room 102Required Readings:

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

Recommended Readings:

1. *Intro to Legal Research* - Chapter 4a Canadian Legal Resources
2. *The Craft of Research* – Prologue, Chapters 1 - 4

Research Question Assignment due at the beginning of class.**5 Feb. 7 Analyzing Secondary Sources**Required Readings - Coursepack:

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

6 Feb. 14 Lab: Researching Cases: Westlaw and Quicklaw**Guest:** Michelle DeVidi, Law Librarian**Location:** MacOdrum Library Room 102Required Readings:

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

Recommended Readings:

1. *Intro to Legal Research* - Chapter 2: Overview of the Judicial System
- Chapter 7: Legal Resources in Electronic Format

Secondary Sources Assignment due at the beginning of class.**Feb. 21 – NO CLASS – READING WEEK****7 Feb. 28 Analyzing Cases**Required Readings:

1. Sally Sheldon, “Sperm Bandits’ Birth Control Fraud and the Battle of the Sexes” (2001) 21 *Legal Studies* 460. (On Reserve)
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. (On Reserve)
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

8 Mar. 6 Lab: Researching bills, statutes, regulations and government documents**Guests:** Michelle DeVidi, Law Librarian and Frances Montgomery, Government Document Specialist (MADGIC)**Location:** MacOdrum Library, Room 102Required Readings:

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 Mar. 13 Analyzing bills, statutes, regulations and government documents**Required Readings:

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 Mar. 20 Preparing to write your research proposal

Recommended Readings:

The Craft of Research – Chapters 7-11.

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

11 Mar. 27 Drafting your research proposal

12 Apr. 3 Course Overview

**Research Proposal due April 9 – must be submitted to drop-box at: Department of Law
Rm. C473 LA (Loeb)**