

Course Outline

COURSE:	LAWS 3907G – Legal Research Methods
PREREQUISITES:	LAWS 1000 AND HONOURS STANDING
TERM:	Winter 2008
CLASS:	Day & Time: Tuesday 11:35-2:25 Room: UC 133 (University Centre)
INSTRUCTOR:	Professor Betina F. Kuzmarov
CONTACT:	Office: D481 Loeb Office Hrs: Monday 1-3 and Thursday 11-12 or by Appointment Telephone: (613) 520-2600 ext. 8810 Email: Please use WebCT e-mail for this course

For Students With Disabilities: 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 November 9, 2007 for December examinations and March 14, 2008, for April examinations.

For Religious Obligations: Students requesting academic accommodation on the basis of religious obligation should make a formal, written request to their instructors for alternate dates and/or means of satisfying academic requirements. Such requests should be made during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist, but no later than two weeks before the compulsory event. Accommodation is to be worked out directly and on an individual basis between the student and the instructor(s) involved. Instructors will make accommodations in a way that avoids academic disadvantage to the student. Students or instructors who have questions or want to confirm accommodation eligibility of a religious event or practice may refer to the Equity Services website for a list of holy days and Carleton's Academic Accommodation policies, or may contact an Equity Services Advisor in the Equity Services Department for assistance.

For Pregnancy: Pregnant students requiring academic accommodations are encouraged to contact an Equity Advisor in Equity Services to complete a letter of accommodation. The student must then make an appointment to discuss her needs with the instructor at least two weeks prior to the first academic event in which it is anticipated the accommodation will be required. For further information, please see, http://www.carleton.ca/pmc/students/accom_policy.html

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 in the CHET MITCHELL READING ROOM (D 494 Loeb). Readings that may be online It 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* (Chicago: University of Chicago Press, 1999) [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 8	January 22
Annotated Bibliography	15%	January 22	February 5
Case Law Exercise	15%	February 5	March 4
Statute Exercise	15%	March 4	March 25
Final Research Proposal	35%	March 4	April 9
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 Saturday and Sunday 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 interest) to allow you to achieve your best. Here are some tips for how to achieve this...

1. Preparation: Studies show that regular attendance helps students get higher grades. The second key is preparation – doing your readings before class will help you get the most out of the class. I also (see WebCT below) post any slides the night before each class 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 look there first if you have any questions. Also, as mentioned I post any 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 any slides I post are a good OUTLINE to what I am saying, but not the whole story (particularly in a skills based class) 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 411 ML), the Student Academic Success Centre (SASC 302 Tory) and the Learning Commons (4th Floor of the Library).
4. E-mail etiquette: E-mail is a funny thing, it 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 as 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, but requesting to have your grade reviewed can also mean that your grade can go down, so please keep that in mind.

COURSE SYLLABUS:

January 8

Introduction

Overview of Course and Introduction to Socio-Legal Research

Required Readings: Kerr Chapter 1, 5, 6

January 15

Interdisciplinary Research: Theory and Research Design

Required Readings: T.B. Dawson, "Legal Research in a Social Science Setting: The Problem of Method" (1992) 14 Dal. L.J. 445 (Available in Chet Mitchell Reading Room)
 R.F. Devlin, "Mapping Legal Theory" (1994) 32 Alta. L. Rev. 602 (Available in Chet Mitchell Reading Room)
 R. Posner "The Decline of Law as an Autonomous Discipline: 1962-1987" (1987) 100 Harv. L. Rev. 761 (Available in the Chet Mitchell Reading Room)

Recommended: Booth et al Part 2 Prologue and Chapters 3 and 4

(January 18 is the last day for course changes in Winter semester)

January 22 Secondary Sources

Required Readings: Kerr Chapters 7, 8, 13 and 14.
McGill Guide Chapter 6

- Research Topic and Abstract Due

January 29 Lab #1 Researching Secondary Sources

Meet in Room SA 513 (Southam Hall)

Required Readings: Fitzgerald, *Legal Problem Solving: Reasoning Research and Writing* (2nd ed, Scarborough: Carswell, 1996). (Excerpts available in Chet Mitchell Reading Room)

February 5 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 in Chet Mitchell Reading Room)

- Annotated Bibliography Due

February 12 Lab #2 Case law

Meet in ROOM 102 MacOdrum Library

February 19 NO CLASS**February 26 Lab #3 LexisNexis/Quicklaw (To Be Confirmed)**

Meet in Room SA 513 (Southam Hall)

March 4 Bills, Statutes, Regulations and Government Documents

Required Readings: Kerr Chapters 2, 3, 15 and 16
McGill Guide Chapters 2 and 4
Broadcasting Act, 1991 c. 11 (Available in the Chet Mitchell Reading Room)
Television Broadcasting Regulations, 1987 (SOR/87-49) (Available in the Chet Mitchell Reading Room)
Broadcasting Public Notice CRTC 2007-98 (Available in the Chet Mitchell Reading Room)
Broadcasting Public Notice CRTC 2006-109 (Available in the Chet Mitchell Reading Room)

- Case Law Exercise Due

March 11 Lab #4 Researching Bills, Statutes and Government Documents

Meet in Room 102 MacOdrum Library

March 18

Additional Sources

Archives, Interviews, Newspapers and International Legal Sources

Required Readings: McGill Guide Chapters 5, 6

(Last day Last day to submit, to the Paul Menton Centre for Students with Disabilities, Formal Examination Accommodation Forms for April examinations)

March 25

Preparing to Write a Research Proposal

Recommended Readings: Booth Chapter 7, 8, 9, 10, 11, 12

- Statute Exercise Due

April 1

Drafting the Research Proposal

Group Work

April 9

(Wednesday)

- Research Proposal Due