

Carleton University

Department of Law and Legal Studies

### Course Outline

**COURSE:** LAWS 4802 - Criminal Jury Trials

**TERM:** Fall 2015

**PREREQUISITES:** Fourth-year Honours standing

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

**INSTRUCTOR:** Gary R. Barnes  
**(CONTRACT)**

**CONTACT:**       **Office:** Contract Instructors' Office – B442 LA (Loeb)  
                  **Office Hrs:** By Appointment  
                  **Telephone:** 613-225-2529 – Office       613-371-2871 - Cell  
                  **Email:** [barnesgary@rogers.com](mailto:barnesgary@rogers.com)

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#### ***Academic Accommodations***

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](mailto: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/>

## ***Plagiarism***

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's **Academic Integrity Policy** can be found at:  
<http://www.carleton.ca/studentaffairs/academic-integrity/>

## ***Department Policy***

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://www.carleton.ca/law/student-resources/department-policies/>

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## **COURSE DESCRIPTION**

This is not an informational or advocacy course although there will be some aspects that will deal with those subjects. This will be a critical analysis of the criminal jury trial system. There will be an examination of historical alternatives, development and modern alternatives. Topics may include accused election, the reasons for electing judge and jury, juror qualification, jury selection, challenge for cause, change of venue, opening addresses, the trial process, closing addresses, and charging the jury. This will involve an analysis of how and why it came into being, why it survives and how it has evolved as well as the function of the judge, the jury dynamic and jury composition.

This course is a sequel to Laws 2004 (no longer offered) 2301, 2302. The instructor is a practicing criminal defence counsel with over 38 years of experience as well as 5 years as a part time Assistant Crown Attorney. The perspective will be broader than these viewpoints alone. The roles of the accused, victims, police, defence counsel, Crown attorney, judges, juries, media, politicians and the public will all be examined. Current issues before the courts, legislatures and the media will also be discussed. Students are encouraged to follow the media reports on current issues dealing with the jury trials so that they can participate in class discussions.

Reference will be made to the text, specific readings, the Juries Act, the Criminal Code and case law.

The course will be taught through lectures and discussions and guest lecturers. Students will be encouraged to participate by applying and critiquing the various institutions, concepts, and case law. A detailed course outline as well as weekly assigned readings will be given on the first day of class.

## **REQUIRED TEXTS (Available at the Carleton Bookstore)**

Tanovich, David M., David M. Paciocco and Steven Skurka, *Jury Selection in Criminal Trials : Skills, Science and the Law*. Concord, Ont. : Irwin Law, 1997.

One of the following editions of the 2015 Criminal Code is acceptable:

- 1- Martin's Annotated Criminal Code 2015 ( Canada Law Book )
- 2- Tremear's Annotated Criminal Code 2015 ( Carswell )
- 3- Carswell's pocket edition 2015

## **SUPPLEMENTARY TEXTS**

A list of readings will be given on the first day of class for those students who may wish to explore certain topics in more detail.

## **EVALUATION**

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

Standing in a course is determined by the course instructor subject to the approval of the Department and 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 Department and the Dean.

The grade in this course will be based on the following:

1. 50 % Essay
2. 50 % Final examination  
2 hour examination, multiple-choice, closed book  
- to be held during formal exam period at the end of the term December 9 -21

### **ESSAY: 50 MARKS**

Essays must be about 12 typewritten pages double-spaced, excluding bibliography, but they cannot exceed 15 pages, double-spaced, excluding bibliography. If you exceed the maximum length, your paper may be returned to you for shortening prior to marking.

Essays are due IN-CLASS on Wednesday, 4 November, 2015 Late assignments can be dropped through the Drop Slot in the corridor outside C-473 Loeb. Note the rules concerning the submission of assignments through the drop slot; these rules are clearly explained in the Department of Law and Legal Studies Policy and Procedure Statement. You are responsible for the date stamped on your paper if you choose to deposit it into the drop slot. You should verify the rules with the department before opting to use this method for handing in your essay.

I accept only original work. *Essays must be written specifically for my class, and cannot be papers that have been, or will be, submitted to another instructor.* The essay will account for 50 marks, i.e., 50 per cent of your final grade.

### **Essay Grading Considerations include the Following**

1. Writing quality (i.e. clarity of writing, as well as proper spelling, grammar, legal case citation, and footnote use);
2. Presentation and structure: i.e. Does the essay contain
  - 1) a clear research question in the introduction;
  - 2) a Discussion section in which you present, discuss, and analyze the research presented in your essay; and
  - 3) a Conclusion, in which you reach a conclusion about your research question;
3. Quality of Research: Have you presented the current research in the field, and cited the work and studies of the leading Canadian experts and authorities;
4. Quality of Critical Analysis: Have you discussed and analyzed the research in a thorough, balanced and objective fashion; and
5. Meeting the deadline

### **Essay Extensions**

Extensions are granted ONLY for verifiable exceptional circumstances. A verifiable exceptional circumstance generally means a death in your immediate family, or personal illness. Personal illness requires a certificate from a doctor. To guarantee fairness to all students, my policy is strict. If you qualify for an extension, I can grant such extensions only until 2 December, 2015 which is the last class. **Unless you have been granted an extension, one point out of 50 points will be deducted for each day that your essay is late.** For example, if you have received 40/50 on your essay, and your paper is one day late, you will get 39/50.

For extensions beyond 2 December, 2015 students must apply to the Registrar's Office for a Deferral. For further explanation of the regulations in this regard, see the Policy and Procedure Statement or contact the Department of Law and Legal Studies.

<b>CARLETON UNIVERSITY, DEPARTMENT OF LAW AND LEGAL STUDIES</b>			
<b>LAWS 4802 : CRIMINAL JURY TRIALS - COURSE SCHEDULE ( Fall 2015)</b>			
<b>Date</b>	<b>Class #</b>	<b>Topic</b>	<b>Readings</b>
Sept. 2	1	Introduction & History	Ch 1
Sept. 9	2	Comparative Law	Appendix IV
Sept. 16	3	Cases That Qualify For Jury Trials	
Sept. 23	4	Change of Venue (Essay Assigned)	
Sept. 30	5	Jury Selection - Pretrial	Ch. 2 + 3 & Juries Act
Oct. 7	6	Jury Selection – In Court – Peremptory Challenge	Juries Act & Ch. 9, 10 + 11

Oct. 14	7	Jury Selection – In Court – Challenge for Cause	Ch.4, 5, 6, 7 +8
Oct. 21	8	The Trial	
Oct. 26-30		Fall Break	
Nov. 4	9	Jury Trials in Film – Israel Gencher (Essay Due)	
Nov. 11	10	Addresses	
Nov. 18	11	Judge’s Charge To The Jury	
Nov. 25	12	Deliberations and Verdicts	
Dec. 2	13	Course Review For Examination	
Dec.9-21		End of Term Examinations	