

Course Outline

COURSE: LAWS 4903 B – Advanced Legal Topics: Criminal Jury Trials

TERM: Fall 2008/09

PREREQUISITES: Fourth-year Honours standing

CLASS: Day & Time: Thursday – 1805-2055
Room: 517 SA (Southam Hall)

INSTRUCTOR: Gary R. Barnes
(CONTRACT)

CONTACT: Office: Contract Instructors' Office – C476 LA (Loeb)
Office Hrs: By Appointment
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"Students with disabilities requiring academic accommodations in this course must register with the Paul Menton Centre for Students with Disabilities for a formal evaluation of disability-related needs. Registered PMC students are required to contact the centre, 613-520-6608, every term to ensure that I receive your letter of accommodation, no later than two weeks before the first assignment is due or the first in-class test/midterm requiring accommodations. If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by November 7, 2008, for December examinations, and March 6, 2009, for April examinations." With regard to accommodations for religious obligations and pregnancy, please see http://www.carleton.ca/pmc/students/accom_policy.html

COURSE DESCRIPTION AND FORMAT :

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 (Criminal Law In Context) . The instructor is a practicing criminal defence counsel with over 30 years 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.

COURSE READING MATERIALS :**a) Required Text :**

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 edition of the 2008 Criminal Code is acceptable:

- 1- Martin's Annotated Criminal Code 2008 (Canada Law Book)
- 2- Tremeeear's Annotated Criminal Code 2008 (Carswell)
- 3- Carswell's pocket edition 2008

b) Supplementary Readings :

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.

METHOD OF EVALUATION :

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

1. 50 % Essay (due 30 October 2008)
2. 50 % Final examination
2 hour examination, multiple-choice, closed book
- to be held during formal exam period at the end of the term

The examination will cover the assigned readings and class lectures.

Both components must be completed in order to get a passing grade