

Course Outline

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| COURSE: | CRCJ 3003 B |
| TERM: | Fall 2013 |
| PREREQUISITES: | LAWS: third-year standing in the B.A Honours program in Criminology and Criminal Justice |
| CLASS: | Day & Time: Mondays 8:35-11:25am |
| | Room: Please check with Carleton Central for current room location |
| INSTRUCTOR: | Amy Conroy |
| CONTACT: | Office: Loeb B442 |
| | Office Hrs: Tuesdays 10:30-12:00pm |
| | Email: amyconroy@connect.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

This course aims to provide students with a background in the fundamentals of legal research methods, to explore various approaches to legal research, and to examine

the ethical issues that arise during the course of legal and criminological research. The first part of this course will consist of four lectures examining topics related to privacy and the law. These four topics will then be used throughout the remainder of the course as a foundation for learning how to properly source and reference primary and secondary legal research materials. Assignments will include a research proposal, case brief, and final research paper. The final paper will be based on a research question drawn from one of the four issues explored at the beginning of the course; students will be expected to apply the knowledge gained throughout the course to the final paper. Students should leave this class with the ability to read legal and criminological research with a critical eye, to evaluate the validity of different approaches to investigating particular research questions within the legal field, and to plan and write a balanced research paper focusing on a complex legal issue.

REQUIRED TEXTS

Margaret Kerr et al., *Legal Research: Step by Step*, 3rd ed. (Toronto: Emond Montgomery, 2010).

Wayne C. Booth et al., *The Craft of Research*, 3rd ed. (Chicago: University of Chicago Press, 2008). (Please Note: This book is available as an e-book on the library website and will be posted on the course website)

*Additional Course Readings will be made available through the course website.

SUPPLEMENTARY TEXTS

McGill Law Journal, *Canadian Guide to Uniform Legal Citation*, 7th ed. (Scarborough, Ontario: Carswell, 2010).

EVALUATION

*All components must be completed in order to get a passing grade. Failure to complete any one component will result in a failing grade in the course.

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| Attendance | Ongoing | 10% |
| Research Question and Outline | Due November 4 th in class | 15% |
| Case Brief | Due November 18 th in class | 20% |
| Quiz: Legal Research Concepts and Terminology | November 25 th in class | 15% |
| Research Paper | Due Dec. 12 th at 3pm in the Institute of Criminology and Criminal Justice drop box. Late papers will be penalized 10% per day, including weekends. Note: No email submissions will be accepted. | 40% |

Attendance: Attendance will be taken in most or all lectures. Students must be present when attendance is taken in order to receive credit for being present that day and no credit will be given retrospectively for students who forget to sign in on any given day.

Research Question and Outline: Students will design a properly formulated legal research question that is based on one of the four law and privacy issues presented in the lectures given from September 16th – October 21st (inclusive). The question *must* relate to one of these lectures and no other topics will be accepted (though there will be flexibility with respect to your focus within the four general topics). Your outline should provide a summary of the legal, ethical, and policy issues that will be dealt with in your final paper (highlighting competing perspectives from the literature), and explain how the paper will provide an answer to the research question that you have chosen. The outline should show evidence of preliminary research. The submission should be approximately 2-3 pages in length (typed, double-spaced, Times New Roman, 12 point font). The assignment is due November 4th in class. Please review the rules on in-class submission and late penalties in the note below (*).

Optional: you have the option of working in pairs for the research question and outline and for the final paper (no more than two students per group and pairs must remain the same for both submissions). If you choose to collaborate with a partner on the final paper, you must submit a joint research question and outline, along with a brief, point-form explanation of the duties that each partner will be responsible for. Each partner must sign the list of duties (please attach this to your research question and outline). If you choose to work in pairs, partner dynamics and issues regarding workload will need to be worked out by the team members. Please note that if you indicate that you will work as a pair by submitting a joint research question and abstract, you *must* follow through with the decision to collaborate and will not be permitted to change course and work independently for the final paper. Similarly, students who submit an independent research question and abstract cannot later choose to work in partners for the final paper.

Case Brief: A case (chosen by me) will be identified in class on November 4th. You will have one week to read the case in full before receiving instructions re: format and other expectations in the following class on November 11th. The assignment will require analysis of the facts, issues, decision, and reasons of the court, to be presented in a formal case brief. Submissions should be approximately 3 pages in length (typed, double-spaced, Times New Roman, 12 point font). The brief is due on November 18th in class. Please review the rules on in-class submission and late penalties in the note below (*).

Quiz: There will be an in-class quiz on November 25th. This quiz will test your knowledge of key concepts in legal research. The questions will be short answer and/or multiple choice, and will be drawn from the readings, lectures, and slides presented up to and including November 18th.

Research Paper: The final assignment in this course is a research paper (submitted either individually or in pairs based on whether you submitted an individual or team research question and abstract) that clearly identifies a research question, a main thesis, and presents a properly supported argument in response to the research question. The paper should summarize the law in your area and cover the views in the academic literature. It should reflect an understanding of the legal, ethical, and policy questions implicated in the issue and should critically engage the opposing arguments. Papers should be approximately 10 pages in length (typed, double-spaced, Times New Roman, 12 point font). The paper is due Dec. 12th at 3pm in the Institute of Criminology and Criminal Justice drop box. Details re: format and other expectations will be provided throughout the course, and will be reviewed in the academic workshop on December 2nd. Late assignments will receive a deduction of 10% per day (including weekends). Please note that as per faculty regulations, all cases of suspected plagiarism will be reported to the Dean.

***For all assignments:** No email submissions will be accepted (for any of the assignments). A penalty of 10% per day (including weekends) will be applied to all late assignments. For assignments that are due in lecture, the firm deadline will be 8:45am on the day of class. Any assignments handed in after that time will be considered 1 day late. If getting to class on time on that particular day is an issue, you must make arrangements to submit your assignment at an earlier date. Note that for all assignments submitted in the Institute's drop box, the date stamp affixed by the office will be taken as the date of submission. If the assignment is stamped on the day it was due, I will assume that it was handed in during or after class and the assignment will be considered 1 day late. Extensions will only be granted in extreme circumstances. Do not assume that an extension will be granted: contact me as soon as possible to explain your reasons for requiring an extension. I will require documentation for all extensions. If you are requesting an extension on or after the due date, be prepared to show evidence of having worked on the assignment up to that point (in addition to documentation for the extenuating circumstances). Please note that extensions will not be granted for computer failure or for conflicts with work schedules.

Schedule:

| Date | Topic | Readings |
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| Sept. 9 th | Introduction / Overview of the Course | N/A |
| Sept. 16 th | Introduction to Legal Research and Research Design | Kerr et al. pp. 3-9, 57-67 Wayne C. Booth et al. Chapter 3 |
| Sept. 23 rd | Sperm Donor Anonymity in Canadian Law | Vanessa Gruben & Daphne Gilbert, "Donor Unknown: Assessing the section 15 Rights of Donor Conceived Offspring" (2011) 27 Canadian Journal of Family Law 247. |
| Sept. 30 th | DNA Data Banking in Canada: Familial Searching and the Right to Privacy | Henry T. Greely, Daniel P Riordan, Nanibaa' A. Garrison & Joanna L. Mountain, "Family Ties: The Use of DNA Offender Databases to Catch Offenders' Kin" (2006) Journal of Law, Medicine & Ethics 248. |
| Oct. 7 th | HIV/AIDS and the Duty to Disclose Positive Status | Isabel Grant & Jonathan Betteridge, "A Tale of Two Cases: Urging Caution in the Prosecution of HIV Non-Disclosure" (2011) 15:3 HIV/AIDS Policy & Law Review 15. |
| Oct. 14 th | Statutory Holiday –No classes | N/A |
| Oct. 21 st | The Disclosure of Mental Health Records in Sexual Assault Trials | Lise Gotell, "Tracking Decisions on Access to Sexual Assault Complainants' Confidential Records: The Continued Permeability of Subsections 278.1-278.9 of the <i>Criminal Code</i> " (2008) 20 Canadian Journal of Women & Law 111. |
| Oct. 28 th | Fall Break – No classes | N/A |
| Nov. 4 th | Guest Lecture by Law Librarian Julie Lavinge: Part I: Library Basics and Finding Legal Documents / Using the McGill Guide to Uniform Legal Citation | Kerr et al. pp. 139-151, 153-160 & 203-207 Carleton University Learning Commons. "Using Uniform Legal Citation" available online: http://www.library.carleton.ca/sites/default/files/help/writing-citing/uniform_legal_style.pdf |
| Nov. 11 th | Using Primary Sources - Case Law / Guest Lecture by Law Librarian Julie Lavinge: Part II Noting up Case Law and | Kerr et al. pp. 33-53, 105-128 & 187-201 Familiarize yourself with the facts and decision in <i>R v Stillman</i> [1997] 1 SCR 607 (available on CanLii) |

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| | Legislation | |
| Nov. 18 th | Using Primary Sources - Statutes and Regulations | Kerr et al. pp. 13-31, 91-104 & 161-185 Carleton Library Tip Sheet. "Finding Bills & Statutes" |
| Nov. 25 th | Quiz / Ethical Issues in Criminological Research | Frakel, Mark and Siang, Sanyin. "Ethical and Legal Aspects of Human Subjects Research on the Internet" Workshop Report, Washington (1999): 1-20 http://www.aaas.org/spp/sfsl/projects/intres/report.pdf |
| Dec. 2 nd | Academic Writing Workshop | Wayne C. Booth et al Chapter 7, 9 & 10 |
| Dec. 9 th | Course Wrap Up / Review of Final Paper requirements | N/A |