

Course Outline

COURSE: LAWS 1001B - Introduction to Legal Studies I: Foundations & Rights Protection

TERM: FALL 2019

PREREQUISITES: None

CLASS: **Day & Time:** Fridays, 2:35pm-4:25pm
 Room: Please check with Carleton Central for current room location

INSTRUCTOR: **Professor Sebastien Malette, Ph.D.**

CONTACT: **Office:** D591 Loeb Building
 Office Hrs: Fridays, 11:25am - 1:00pm
 Telephone: 613-520-2600 x. 3681
 Email: sebastien.malette@carleton.ca

CALENDAR COURSE DESCRIPTION

Introduction to legal studies: concepts, sources, nature and functions of law; historical, cultural and constitutional foundations of Canadian legal system; common and civil law traditions; statutory interpretation; precedent; legal institutions; frameworks for analyzing formal and informal conceptions of law and its role in society.

Lectures and discussion three hours a week.

COURSE DESCRIPTION

This course is designed to provide an introduction to the field of Canadian legal studies. As such, it has two main objectives. A first objective is to provide a basic knowledge of the formal foundations of law and the legal system in Canada. Students will learn about the sources of formal law in Canada, the structure and function of legal institutions, the process of law-making and the various actors in the legal process. As well, students will be introduced to important areas of substantive law (such as criminal law, constitutional law, and contract law). A second objective of the course is to provide students with the tools to begin to think critically about the law and our legal system. Students will be introduced to various theoretical perspectives concerning what law is, how law is “made”, how we experience law, the role of law in shaping relationships between individuals and groups as well as relations between the state and society. The ways in which the law may be manipulated to serve particular societal interests will also be considered. Ultimately, students will consider the role that law plays in either advancing or inhibiting social justice and social change.

Learning Objectives:

Upon successful completion of the course, students should be able to:

- Identify and explain several different theoretical frameworks that can be used to examine the different forms and roles of law within Canadian society, including both formal and informal conceptions of “law”
- Identify, explain and critically evaluate the roles and functions of institutions and actors involved in the formal legal system
- Recognize, explain and critically evaluate the formal process of legal rule-making, including the legislative process and judicial decision making
- Recognize, explain and critically evaluate a cross-section of the formal legal rules and frameworks that directly affect the lives of Canadians
- Recognize and critically evaluate the ways in which both formal and informal “law” may be used to affect the distribution of power in society and recognize different ways of assessing the relationship between law and justice and between law and social change

REQUIRED TEXTS

1. Stephen Tasson, Rebecca Bromwich, Jane Dickson, Vincent Kazmierski, Bettina Appel Kuzmarov, Sébastien Malette, Umut Öszo (eds.), *Introduction to Legal Studies: Foundations and Rights Protection (vol.1)* Canadian Legal Studies Series (Concord: Captus Press, 2080); ISBN 978-1-55322-375-7.
2. Patrick Fitzgerald, Barry Wright, and Vincent Kazmierski, *Looking at Law: Canada’s Legal System*, 7th ed. (Toronto: Butterworths, 2019). ISBN 978-0-433-49892-6

Both of these texts are available at the Carleton University Bookstore.

SUPPLEMENTARY TEXTS

Please verify CuLearn on a weekly basis for any addition pedagogical material.

EVALUATION

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

Note: 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.

There are four formal evaluation components in this course: two assignments, attendance and participation in discussion groups, and a single multiple choice examination held in the regular examination period in December 2018; assignments must be completed and submitted electronically to the appropriate Teaching Assistant via CuLearn by 4:30 p.m. on the due date. Papers submitted in any other fashion will not be accepted; late papers will not be accepted save in the case of a documented medical excuse or similarly serious and unforeseen circumstance. Details of the late submission policy are outlined below.

Assignment 1 (20%): Short essay, due October 18, 2019, by 4:30 p.m. (full details of the assignment will be posted on CULearn).

Assignment 2 (20%) Case Summary, due November 22, 2019, by 4:30 p.m. (full details of the assignment will be posted on CULearn).

Final Examination (35%) A Multiple Choice Examination of all topics/materials covered during the Fall Term, written during the formal examination period.

Discussion Group (25%) Students will be expected to attend *and participate* in weekly discussion groups.

Failure to complete all assignments and exams in the course will result in the student receiving a failing grade for the course. Deferrals will not be granted unless all other course requirements have been met.

Late assignments will be marked down 2 marks for each day submitted after the due date (including weekend days). 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 all requests for extensions.

Grade Appeals: Students who have questions about the grade they receive on an assignment or who wish to challenge the grade must contact their TA via email to request a review/appeal of their grade within one week of the posting of the disputed mark on CULearn. Considerations of requests for reviews/appeals, which fall outside this timeline, are solely at the discretion of the TA. **Students who are not satisfied with the outcome of a grade review/appeal, or who are denied a review/appeal, may appeal that outcome or denial to the Instructor within one week of receiving the TA's determination or denial of their review/appeal.** The instructor will not generally entertain reviews/appeals of grades outside this timeline, nor consider any grade review/appeal that has not first been discussed with the T.A.

Carleton University assumes all students will conform to the University's Academic Integrity Policy. Please be mindful of that policy, especially as regards 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.

A FEW ADDITIONAL GUIDELINES AND SUGGESTIONS:

- **Try to stay on top of the reading assignments** in this course. As with most first year survey courses, there is a great deal of reading, and it can pile up very quickly and become overwhelming. Organize your time by spending as much time preparing for class as you spend in class – for example, you have three hours of lecture and discussion group weekly; you should be spending at least that amount of time preparing for class, and allocate more time when assignment deadlines or exams are looming.
- **Computer failure, conflicts with work schedule or similar problems do not constitute valid excuses for accommodations of course requirements, deadlines or examination schedules.**

- **Attend discussion groups.** Students who attend discussion groups regularly and participate fully and effectively in group debates and discussions consistently do better in the course than those who do not attend, or who attend but do not engage with the group. Your TAs are here to assist you to succeed.
- **Students having difficulty with writing assignments should engage with the many resources available on campus to help students succeed.** These include: The Writing Tutorial Service (Library 4th Floor); Student Academic Success Centre (302 Tory); and The Learning Commons (Library 4th Floor).
- **If you are having trouble understanding the material in the course, speak to your T.A. or the instructor sooner rather than later.** We are here to help you learn.

SCHEDULE

Please consider the following dates for your 2019 academic calendar:

September 4 – Fall term begins
 October 14 – Statutory holiday
 October 21 – 25 - Fall Term Break
 December 6 – Last Day of Fall Term Classes
 December 6 – Last Day to hand in Fall Term work.
 December 6 – Last Day for Take-Home exams to be assigned
 December 9 – 21 – Formally Scheduled exams take place
 December 21 – Take-Home exams are due

CLASS SCHEDULE AND READINGS

Lecture Topic and Reading Assignment

1	Introduction to Legal Studies No Readings – Review Course Outline
Law in Context	
2	What is Law and What Does It Do? <i>Legal Studies Course Reader</i> , 1(a)-(b)-(c) <i>Looking at Law</i> , pp. 1-4
3	Sources of Law in Canada <i>Legal Studies Course Reader</i> , 2(a)-(d) <i>Looking at Law</i> , pp. 23-34
4	Law, the State and the Constitution <i>Legal Studies Course Reader</i> , 3(a)-(b)-(e) <i>Looking at Law</i> , pp.47-62

<i>Assignment Due October 18 by 4:30 p.m.</i>	
Looking at Law: Difference Lenses for Law and Legal Studies	
5	<p>Approaches to Law: Law, Morality and Justice <i>Legal Studies Course Reader, 5(a)-(b)-(e)-(f)</i> <i>Looking at Law, pp. 4-12</i></p>
<i>Reading Week, October 21-25 No Classes</i>	
6	<p>Approaches to Law: Legal Liberalism and Its Critics <i>Legal Studies Course Reader, 6(a)-(c)</i> <i>Looking at Law, pp.12-20</i></p>
7	<p>Approaches to Law: Law and Society <i>Legal Studies Course Reader, 7(a)-(c)</i></p>
Making Law: Judicial Decisions and Legislation	
<i>Assignment Due November 22 by 4:30 p.m.</i>	
8	<p>Making Law I: Legislation, Administrative Decisions, Enforcement and Discretion <i>Legal Studies Course Reader, 9(a)-(d)</i> <i>Looking at Law, pp. 34-40, 152-154</i></p>
9	<p>Making Law II: Judicial Decisions <i>Legal Studies Course Reader, 8(a)-(b)</i> <i>Looking at Law, pp. 40-47, pp. 121-133</i></p>
Law, the State and Citizens	
10	<p>Law, Citizenship and Human Rights I <i>Legal Studies Course Reader, 10(a)-(e)</i> <i>Looking at Law, pp.173-189</i></p>
11	<p>Law, Citizenship and Human Rights II – the Charter <i>Legal Studies Course Reader, 11(b)-(d)</i> <i>Looking at Law, pp. 62-71</i></p>
12	<p>Catch-up Lecture and Exam Review</p>

Fall Term Ends December 6, 2019 – Formal Examination Period runs December 9-21, 2019

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: Please contact 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: <https://carleton.ca/equity/accommodation/academic/students/>

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: <https://carleton.ca/equity/accommodation/academic/students/>

Academic Accommodations for Students with Disabilities: If you have a documented disability requiring academic accommodations in this course, please contact The Paul Menton Centre (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 as soon as possible to ensure accommodation arrangements are made. Please consult the PMC Website for their deadline to request accommodations for the formally-scheduled exam (if applicable). <https://carleton.ca/pmc/students/accommodations/>

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: <https://carleton.ca/registrar/academic-integrity/>

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: <https://carleton.ca/sexual-violence-support/>

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your

instructor 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. <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

For more information on academic accommodation, please contact the departmental administrator or visit: <https://carleton.ca/equity/accommodation/academic/>

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://carleton.ca/law/current-students/>