

Course Outline

COURSE: LAWS 1002D Introduction to Legal Studies 2: Processes and Power

TERM: Winter 2023

CLASS: **Day & Time:** Tuesday 14:35am – 16:25pm
 Room: Please check Carleton Central for current room location

INSTRUCTOR: Professor Sebastien Malette, Ph.D.

CONTACT: **Office:** D591 Loeb Building
 Office Hrs: Online office, Brightspace. By appointment
 Telephone: 613-520-2600 x. 3681
 Email: sebastien.malette@carleton.ca

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: carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf

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: carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf

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) www.carleton.ca/pmc

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 Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source.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://carleton.ca/studentaffairs/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: 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.c/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

For more information on academic accommodation, please contact the departmental administrator or visit: students.carleton.ca/course-outline

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/>

CALENDAR COURSE DESCRIPTION

Introduction to legal rules and theoretical approaches for critically understanding the creation, interpretation and enforcement of those rules; the role of judges, juries, lawyers, and lay persons; adjudication and alternative dispute resolution; relationship of law with social change and justice; challenges of access to justice.

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 Öszu (eds.), *Introduction to Legal Studies: Processes and Power (vol.2)* 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*, 6th ed. (Toronto: Butterworths, 2010). ISBN 978-1-55322-382-5

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

EVALUATION

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 Winter 2023; assignments must be completed and submitted electronically to the appropriate Teaching Assistant via Brightspace 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 (25%): Case Summary, due. February 7, 2023 by 4:30 p.m. (full details of the assignment will be posted on Brightspace).

Assignment 2 (25%): Short essay, due April 4, 2023 by 4:30 p.m. (full details of the assignment will be posted on Brightspace).

Discussion Group (20%): Students will be expected to attend and participate in weekly discussion groups.

Final Examination (30%): A Multiple-Choice Examination of all topics/materials covered during the Winter Term, written during the formal examination period.

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 Brightspace. Consideration 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.

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.

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.

CLASS SCHEDULE AND READINGS

Lecture Topic and Reading Assignment

1	Course Introduction/no readings No Readings – Review Course Outline
2	What is Crime? Legal Studies Course Reader, 1(c), 2(b); <i>Looking at Law</i> , pp.64-68, 87-94.
3	The Criminal Law Process Legal Studies Course Reader, 2(c), (e)
4	Law, Economy and Society I – Contracts Legal Studies Course Reader, 3(a)-(c) <i>Looking at Law</i> , pp. 77-81.
Assignment 1 due February 7 by 4:30 p.m.	
5	Law, Economy and Society II – Torts Legal Studies Course Reader, 4(a)-(b) <i>Looking at Law</i> , pp. 74-77, 95-99.
6	Family Law, Informal Regulation and Emerging Challenges for Legal Regulation Legal Studies Course Reader, 5(b), 7(c) <i>Looking at Law</i> , pp. 81-84.
Reading Week, Feb 20-24 No Classes	
7	Negotiating and Bargaining Legal Studies Course Reader, 5(a) Legal Studies Course Reader, 8(a)-(b)

	<p><i>Looking at Law</i>, pp.133-137. AND Alternatives to Adjudication/Alternatives within Adjudication. Legal Studies Course Reader, 7 (a), (c), (e)</p>
<p><i>Assignment 2 Due April 4 by 4:30 p.m.</i></p>	
8	<p>Lawyers, Advocates and Legal Practice Legal Studies Course Reader, 11(a)-(c) <i>Looking at Law</i>, pp.123-126, 150-152.</p>
9	<p>Judges and Judicial Independence Legal Studies Course Reader, 6(a) <i>Legal Studies Course Reader</i>, 13 (b), (d), (e), (f) <i>Looking at Law</i>, pp.144-148.</p>
10	<p>Juries and Evidence. Legal Studies Course Reader, 12(a), (c), (d), (e) <i>Looking at Law</i>, pp.148-152; pp. 113-119.</p>
11	<p>Law and Social Transformation. Legal Studies Course Reader, 15(c)-(e) <i>Looking at Law</i>, pp.173-187.</p>
12	<p>Conclusion: Exam review</p>

Winter Term Ends in April 12, 2023 – **Formal Examination Period usually runs April 15-27**

Winter 2023 Sessional Dates and University Closures	
<i>Please find a full list of important academic dates on the calendar website: https://calendar.carleton.ca/academicyear/</i>	
January 9, 2023	Winter term begins.
January 20, 2023	Last day for registration and course changes (including auditing) in full winter and late winter courses.
February 20, 2023	Statutory holiday. University closed.
February 20-24, 2023	Winter break. No classes.
March 15, 2023	Last day for academic withdrawal from full winter, late winter, and fall/winter courses.
April 7, 2023	Statutory holiday. University closed.
April 12, 2023	Winter term ends. Last day of full winter, late winter, and fall/winter classes.
April 15-27, 2023	Final examinations in full winter, late winter, and fall/winter courses will be held. Examinations are normally held all seven days of the week.
April 27, 2023	All final take-home examinations are due on this day.
