
Course Outline

Course: LAWS 1002D **Introduction to Legal Studies II**

Term: Winter 2018

Prerequisites: None

Class Time: Monday 2:35-4:25pm (Tutorials scheduled: 4:35-5:25pm or 5:35-6:35pm)

Room: Please check on *Carleton Central* for current room location

Instructor: Stephen Tasson

Contact: **Office:** Loeb Building D599 (w/ T. Purvis)

Office Hours: TBA

Email: steve_tasson@carleton.ca

Calendar 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.

Overview of the course

Understanding “the law” in contemporary societies requires that we understand the ways that it is “enacted” or “practiced” and by whom. This means understanding some core processes, as well as **key players** within these processes, including “officials” such judges, lawyers, police officers; as well as “lay actors” like claimants, defendants, victims and jurors.

One process we explore in some depth is the trial process. We discuss the value of “**the trial**” as process of legal fact-finding and conflict resolution. How does the structure of the court or the policy aims of civil and criminal law aid or undermine satisfactory conflict resolution? What **alternatives** are available and what advantages might they offer? What happens when legal processes “get it wrong”? How does the justice system acknowledge, for example, the growing number of “wrongful convictions” it produces?

Some big questions we discuss:

- Who are the key ‘legal players’ and have they changed in recent years?
- What role do everyday citizens play in systems of legal decision-making and what does this say about the accessibility of Canada’s legal system?
- What is the role of judge in the trial process? Should judges be “active” or “passive” players in the trial process?
- What are the main barriers to making the law more accessible? How have we historically tried to address issues of marginalization and accessibility?
- Is the goal of a legal trial to find “truth” or is it something else?
- Are there more effective alternatives to the current adversarial court system?
- Can law acknowledge and account for its mistakes? What might prevent it from being more “reflexive”?

A central theme that also runs throughout the course is concern for the basic **accessibility of “the law”** and the justice system. This not only refers to the trial process and to the mechanisms of formal justice but also to legal education, the police, the judiciary, and the legal profession.

Law’s “distance”, ritualism and formality aims to minimize or insulate its various processes from social inequalities and prejudices in the name of equality and formal justice. However, this “distance” may also, in practice, undermine its ability to adequately represent social aims or render substantive justice for many people seeking a just resolution to difficult conflicts. How do Canadian legal actors and legal processes seek to navigate this **ambiguity**?

These are critical questions. They are fundamentally questions about what law is, at present, and (crucially) what it ought to do and be, moving forward.

Course Objectives (or, ‘what I want you to get out of the course’)

1. Identify the basic components and recent transformations of criminal and civil law in Canada. Be able to understand the broader implications of seemingly minor “technical” changes (e.g. objective and subjective tests of criminal intent).
2. Identify and critically evaluate the legal system’s key (and emerging) players or “actors”, their motivations, and how their attitudes and actions affect our understanding of, and outcomes in, the present-day legal system.
3. Explore the values of “publicity” and “representativeness” in the Canadian justice system. Assess these values relative to accessibility and also issues to the “under” and “over-representation” of certain groups within the justice system in Canada.
4. Understand the uses of criminal and civil law as a means to produce and stabilize existing social order(s) and State power.
5. Develop your ability to critically evaluate the strengths and weaknesses of competing written arguments.
6. Explore the trial process in Canadian courts. Evaluate the relative merits of the ‘adversarial’ trial process relative to alternative trial and pre-trial processes of legal fact-finding. Connect this debate, again, to the issue of accessibility and “wrongful conviction” in Canada.
7. Examine the serious effects and persistence of racism, sexism, and other forms of prejudice in key parts of the legal process, and also within the legal profession. Discuss the systemic roots of these issues.
8. Evaluate the relative strengths and weaknesses of Alternative Dispute Resolution (ADR) processes in Canada. Connect this discussion to debates surrounding “Restorative Justice”.
9. Improve your ability to structure and communicate ideas and arguments orally and in writing.

Required Texts

Tasson, S. *et al.* (eds.) (2019). *Introduction to Legal Studies: Processes and Power* (1th ed.). North York: Captus Press.

In addition to this main text there will be **additional readings** for which you will be also be responsible. These will be available to you through CULearn.

Note: This text is available from ***Octopus Books*** (located in “the Glebe”- a 20 minute walk from campus or a short ride on the #7). The book is **NOT** available for this section of 1001 at the Carleton Bookstore. Be sure to purchase the correct edition!

The schedule for weekly topics & required readings is available on CULearn

Course Evaluation

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

“Short Paper”	20%	(due 11:30pm Fri. February 8 th)
Term Paper	30%	(due 11:30pm Fri. March 22 nd)
Final Exam	30%	(formally scheduled)
Reading Responses (4)	10%	(continuous, see below)
Course Participation	10%	(continuous)

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.

Course Components

****You must complete ALL components of the course to receive a passing grade****

“Short Paper”

The “short paper” in this class is a more summary-oriented paper. It is designed to give you a chance to both submit a substantial piece of writing for “early feedback” prior to your term paper and also to explore and discuss a select(ion of) article(s) from the course in more detail. The “short paper” will be **approx. 6 double-spaced pages** in length. As with all course requirements, more specifics will be **clarified in an assignment sheet and discussed in the lecture and in the tutorials.**

Term Paper

The term paper asks you to summarize, synthesize and critique (i.e. take a position on) some of the material we investigate in the course. It provides you an opportunity to discuss the readings that we investigate in the course and draw connections to some of the broader questions and themes highlighted in the lectures. The Term Paper will be **approx. 8 double-spaced pages** in length. The specific question and rubric for evaluation will outlined in the assignment sheet and will also be **discussed in more detail in the lecture and in the tutorials.**

NOTE: “Outside” research (other than course texts and lectures) will not be required and is usually not encouraged on the papers.

Final Exam

The final exam will be sat during the formally scheduled exam period. The date, time and location are centrally scheduled by the university (I'm at their whim as much as you!). The exam will likely consist of 80 -100 multiple-choice questions; though there may be some short and long answer questions as well (if this is the case I will inform you early in the term). For the most part multiple-choice exams aim to test the **breadth** of knowledge you have gained in the course rather than the **depth** (this is what your papers are for!). The specifics of the exams and tips for studying will be discussed closer to the end of each term.

Reading Responses (4)

One major challenge in designing any course is to promote and award weekly engagement with the material throughout term and not just when it comes time to prepare term papers. Thus...

4 weeks out of the term (you pick which ones but it's **highly** advisable to complete them **early in the term if you can**) you submit an **approx. one-page (double-spaced)** "response" to the weekly question (available in advance on CULearn) by drawing-on/referring primarily to the week's reading(s), lecture or on issues raised by the week's topic.

These "responses" should demonstrate you have read the required readings/sources (summary) and considered the arguments/topic in some depth (analysis). Again, the main aim of your response should be to demonstrate "engagement" and, if possible, to connect the week's material to larger themes or issues you see developing in the course.

Like other written components of the course, these responses are submitted electronically via CULearn and must be submitted before the deadline indicated on CULearn.

NOTE: There are **NO LATE penalties for these assignments**. If they are not submitted on time they **WILL NOT be accepted** for grading. They are *purposefully flexible* to allow you to complete them when it works best throughout the term (so when you are NOT sick, or NOT juggling assignments in other courses, etc). If you "miss" a week – for whatever reason(s) – you can just try the following week.

Course Participation (Tutorials)

Despite the fact that this is primarily delivered as a lecture course, individual weekly participation and "engagement" is still a key component of the course and your mark. Your main opportunity to participate is in the weekly discussion groups (a.k.a. "tutorials"). **You are expected to contribute to your discussion group and come prepared to participate.** Your participation mark is based not only on your basic attendance but your actual participation in the group discussions and planned exercises.

NOTE: It is very important that you attend the tutorials! As with the lecture, **all material that is discussed or presented there may appear on exams or be the subject of assignments** (e.g. there may be a couple of short documentaries shown in the groups).

Also, while a key function is to provide a place to discuss course material with your peers, my intention is that they should also **help clarify assignment expectations and develop some of**

the skills necessary for success in the course (and beyond) (e.g. reading and analysing judicial decisions, etc.).

Some General Guidelines on Assignments for This Course

(We will be discussing these requirements in more detail in lecture or the tutorial)

ASSIGNMENT FORMATTING and SUBMISSION

Any written work submitted in this course **must** be double-spaced, 12pt Times or Arial font with standard 1" margins. All assignments **must** include a title page that has, at minimum, your name and student number, the course code, my name and your tutorial leader (TA)'s name on it. Title pages, bibliographies and extensive footnotes are not counted in determining an assignment's page length. Assignments are to be submitted **using the links provided for this purpose on the CULearn page** for this course.

It is **your** responsibility to ensure that assignments are submitted in a *readable* format before the deadline. If you anticipate any issues (technological or otherwise) you should discuss this with your TA or with me **ASAP in advance** of the deadline.

**Failure to format or submit your assignments as indicated
may result in them not being accepted**

EXTENSIONS & LATE ASSIGNMENTS POLICY

Every term I (and your TAs) spend a great deal of my time dealing with extension requests and last-minute appeal for mercy just before deadlines (or, worse, weeks after deadlines). This is far from ideal.

6 Reasons Why Deadlines Matter (even if they sometimes don't seem to)

1. Deadlines create a date that allows you to plan your time in order to fulfil course work.
2. Deadlines ensure that everyone is allowed (theoretically) the same limited resource (time!) to complete the assignment and so establish some minimal "baseline" that allows me to measure student's "engagement and commitment" to the course.
3. Deadlines are artificial. My MAIN goal in this course is to have you LEARN skills and information. Learning is a process that takes *time* and happens very differently for different people. Learning is, in some part, disconnected from deadlines and, in some cases, deadlines can actually get in the way of this learning.
4. Students have different commitments and priorities. Some of these priorities are MORE URGENT and MORE IMPORTANT than this course (and this is OK). You may have to make hard choices about deadlines that reflect these different priorities and, again, this is OK. It's not ideal, but we don't live in an ideal world.
5. You are not a "bad person" for missing deadlines. Not getting something in by a deadline does not reveal some deep moral fault! Everyone misses at least one deadline because in the real world people over-commit, have unforeseeable emergencies, health issues, family trouble, etc...
6. Deadlines *do* matter because, in courses where TAs are used primarily to mark materials, we have to work on "marking cycles". Teaching Assistants are students too! They have their

own assignments and course/research work to complete – and have their own deadlines (and in some limited cases, actual lives to live). They plan their term schedule around when they have to grade and complete feedback for their students and when papers are late this puts additional pressure on them and complicates my ability to maintain consistency in grades across the course.

Ultimately, in a class containing hundreds of students, clear standards, criteria and timelines maximizes our best chances of engaging all the required material in a way that best achieves the learning outcomes of the course for most students.

Late assignments will normally be penalized **3% per day** that they are late (unless otherwise specified on the assignment instructions). Late assignments are to be submitted normally through **CULearn** unless otherwise noted. **Email is NOT considered an acceptable means of submission for assignments.**

Extensions (i.e. academic accommodation on deadlines) beyond the normal academic accommodations noted as part of *University Policy on Academic Accommodation* must normally:

- a. be supported by documentation (in the case of “sick notes”, include specific dates)
- b. be requested in advance of the deadline
- c. ideally, be discussed “in person” during my office hours or an appointment

BACKUP COPIES

Student must retain a **paper hard copy** of anything submitted for a grade in the class. This hard copy should be kept for at least 3 months following the end of the course in case there is any discrepancy in final grades. Students must be able to produce a copy of assignments immediately upon request.

CITATION, REFERENCING and PLAGARISM

Assignments in the course must be properly referenced/cited and include a bibliography of all sources used in the preparation of the assignment. You will discuss the citation style in some detail in your tutorial group. Good citation takes some practice, but the main goals are: clarity and consistency! **Failure to reference properly or attempting to pass someone else’s ideas or work off as your own is plagiarism.** I take it very seriously and so should you. Plagiarism can lead to penalties that are very serious. Engaging in it is incredibly misguided.

Some material in course is tough and so you may want to turn to the internet for additional information. Note that relying on alternative Internet-based sources to complete assignments is, at best, very risky: most obviously because such practices may invite plagiarism and secondly, because some online information may not be entirely accurate and may in fact **unduly complicate or undermine your own (better!) arguments**. In short, these tools can sometimes be a brick rather than a life-preserver when you’re struggling to stay afloat. It is far better to come and talk to me about assignment expectations if you are worried or confused.

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: 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

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

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: <http://students.carleton.ca/course-outline>

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/>

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