

Course Outline

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| <b>COURSE:</b>        | <b>LAWS 1002D – Introduction to Legal Studies II</b>   |
| <b>TERM:</b>          | <b>WINTER 2021</b>   |
| <b>PREREQUISITES:</b> | <b>None</b>  |
| <b>CLASS:</b>         | <b>Day &amp; Time: Please check Carleton Central for current Class Schedule.<br/>Room: All Courses in the Winter 2021 term are offered online. Lectures in this course will be delivered primarily through <i>pre-recorded videos</i> posted to CULearn. There will also be a limited number of "live", online workshop sessions conducted primarily using the Big Blue Button conferencing platform. These will occur during our regularly scheduled class times (see the Course Components descriptions below for more details).</b> |
| <b>INSTRUCTOR:</b>    | <b>Stephen J. Tasson</b>   |
| <b>CONTACT:</b>       | <b>Office: Room D488 Loeb Building<br/>Office Hrs: <b>Thursdays 12:00 – 2:00pm EST or by appointment (online through Big Blue Button (CULearn link))</b><br/>Telephone: None<br/>Email: <a href="mailto:steve.tasson@carleton.ca">steve.tasson@carleton.ca</a></b>   |

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**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**

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** and **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 early in the term is the trial process. We discuss the value of **the trial** as a 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 potentially undermine, satisfactory conflict resolution? What **alternatives** are there to the trial process and what advantages might they offer? What happens when legal processes “get it wrong”? How does the justice system acknowledge, for example, the overrepresented groups within its processes or the growing number of “wrongful convictions” it produces?

A central theme that also runs throughout the course is concern for the basic **accessibility of the legal 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”, rituals and formality aim, in part, to insulate its various processes from social inequalities and

prejudices in the name of equality and formal justice. However, this “distance” may also effectively undermine its ability to adequately represent social aims or render **substantive justice** for many people seeking a just resolution to interpersonal and group conflicts. How do Canadian legal actors and legal processes seek to navigate this core **ambiguity**?

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

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

1. 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 to the issue of accessibility and “wrongful conviction” in Canada.
2. Evaluate the relative strengths and weaknesses of Alternative Dispute Resolution (ADR) processes in Canada. Connect this discussion to debates surrounding “Restorative Justice” and reconciliation and Indigenous legal traditions in Canada.
3. Identify the basic components and some select transformations of criminal and civil law in Canada. Be able to understand the broader implications of seemingly minor “technical” changes on the roles and duties of individuals and social groups (e.g. duties owed by “social hosts” to “guests”).
4. Identify and critically evaluate the legal system’s key “actors”, their motivations, and how their attitudes and actions affect our understanding of, and outcomes in, the present-day legal system.
5. Explore the values of “accessibility” and “representativeness” in the Canadian legal system. Assess these values relative to the “under” and “over-representation” of certain groups within the legal system.
6. Be able to read and identify key aspects and authorities within legal decisions (i.e. cases).
7. Understand the uses of criminal and civil law as means to produce and stabilize existing social order(s) and State power.
8. Develop your ability to evaluate competing written arguments (in particular, “theoretically oriented” arguments) and persuasively articulate your own positions relative to those arguments.
9. Examine the serious effects and persistence of racism, sexism, and other forms of prejudice in key parts of the legal process (including within the legal profession). Discuss the systemic quality of these issues.

### **REQUIRED TEXTS**

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

This core “course text” (as it is referenced on the weekly reading schedule) is **available directly from the publisher, Captus Press, as an ebook**. See the following link for more information (<http://www.captus.com/information/ebook.htm>). Follow the link to ‘**Carleton University**’ section. This will be the easiest way to get access to the text by far!

The text is also available in hardcopy (often used) from multiple booksellers in Ottawa. I have **not** requested it be stocked or ordered to the UNIVERSITY BOOKSTORE! Be sure to purchase the **correct edition** as earlier editions will not include all the required readings you need. **There is no other book required to purchase for THIS section of the course!**

In addition to this main course text there will be **additional readings and materials (e.g. films)** for which you will be also be responsible. These are available to you through our course **CULearn** page and are noted on the **Required Readings Schedule**.

**EVALUATION****(All core components must be completed in order to receive a passing grade in this course)**

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.

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|---------------------------------------|------------|--|
| Reading Response/Reflections (Best 6) | 25%        | (continuous, see below)                    |
| Section Quizzes (3)                   | 30%        | (continuous, see below)                    |
| Skills “Workshops” (3)                | 15%        | (continuous, see below)                    |
| “Check-ins” (4)                       | (Optional) |  |
| Thesis/Outline Exercise               | (Optional) | (due 11:59pm EST, April 2 <sup>nd</sup> )  |
| Final Term Paper                      | 30%        | (due 11:59pm EST, April 11 <sup>th</sup> ) |

**NOTE:** There is NO scheduled final exam for this class

**COURSE COMPONENTS****♣ Reading Response/Reflections (25%)**

*Most* weeks on CULearn there is a question or short set of questions that ask you to respond/reflect on the week’s materials. Some weeks this will be more summarizing work but in other weeks you may be asked to consider policy implications, or even connect issues to your own experience.

These response/reflections should minimally demonstrate that a) you have read/watched the required reading/source (summary elements) and b) considered the arguments/topic in some depth (analysis elements). The reflection is not about providing a complete summary or about getting the “right” answer to the question posed. Rather, the main aim of your response/reflection should be to demonstrate to the reader your “engagement” and, if possible, to connect the week’s material to other themes or issues you see developing in the course.

Some of the readings or questions may be challenging and so your reflection can take note of this. You are free to talk about aspects that seem unclear and confusing to you as well. Again, the aim is to show you are working through the material in a thoughtful and engaged way.

Note that the mark for this component takes the **top six grades** for these reflections. You are therefore only required to complete six entries to fulfill this component, but you may choose to complete more if you wish. It is **highly** advisable to complete them early in the term if you can.

More details formatting and rubric details appear CULearn. Unless otherwise specified your submissions should be **approx. 300-400 words and be double-spaced**. Like other written components of the course, these response/reflections/questions are submitted via CULearn and must be submitted before the deadlines indicated on CULearn.

**NOTE:** There are **NO LATE penalties for these “reflections”**. If they are not submitted on time they **WILL NOT be accepted** for grading (there are no “extensions” are available).

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” completing a week – for whatever reason – you can just try on another week as **only six are required**. Competing these early in the term

provides you the most flexibility (DO NOT LEAVE THESE UNTIL THE LAST HALF OF THE TERM (when everything else is also due in most courses!)).

### ? Quizzes (30%)

There is **no formally scheduled final exam** for this course. There will be three smaller “quizzes” or tests (one for each “block” or “section” of the course). There are three main sections in the course (as highlighted on the **Required Readings Schedule** on CULearn). The quizzes are meant to determine that you have been keeping up on the reading and lecture materials as well as test basic comprehension of some key topics and concepts from those materials.

Each quiz will be comprised of approx. 30 multiple-choice questions and will be completed through the CULearn platform. The dates and times for each quiz are available on the course reading list as well as in the **Calendar** on CULearn. Each quiz will only cover the materials for one section of the course, so the quizzes are not cumulative. That said, there are key themes and some materials that are discussed across multiple lectures and so there may be minor overlap.

For the most part multiple-choice questions aim to test the breadth of knowledge you have gained in the course rather than the depth (this is what your reflections and paper is for).

**NOTE:** You will receive a grade of zero if you do not attempt to complete a scheduled quiz. In exceptional circumstances alternative term work may be made available to make up the missed grade.

### ☞ Skills “Workshops” (Assignments) (15%)

Normally this course includes weekly discussion groups (which you all registered in on Carleton Central). We are unfortunately unable to hold “in-person” discussion groups this term, but engagement with your peers is still an important component and is reflected in the breakdown of your course mark.

You have two main ways to engage with your peers. The first is through weekly text-based discussion **Forums** where you can ask and answer questions about the weekly material. Second, we will hold **three “Workshops”** over the course of the term. These will be one-hour live online workshops using **Big Blue Button (on CULearn)**. These will be held during the times originally scheduled for your “discussion groups” on Carleton Central. More information about these workshop dates and times (as well as the links to join the workshops) are available on **CULearn** and I will discuss them a little more there on a short video.

The workshops are designed to develop and/or hone a few key skills that you will need to succeed in future Legal Studies courses and at university, more generally. These include “Reading and incorporating “theoretical oriented” sources” as well as “How to prepare and use a case brief?”.

Again, the exact schedule for the **Workshops** appears on **CULearn** on the **Required Reading Schedule** and also the **Calendar**. If you anticipate difficulties “attending” these workshops please let me know as soon as possible.

### ☑ “Check-ins” (Optional)

As noted, because the lectures are delivered asynchronously there are fewer formal opportunities to ask direct questions or clarify parts of the lecture materials in a classroom environment. The scheduled “check-ins” (4) are meant to fill this gap. Normally these check-in sessions occur during the **scheduled class time** and usually a week in advance of one of the course quizzes (to assure that everyone is comfortable with the materials). The exact schedule for the **Check-ins** appears on **CULearn** on the **Required Reading Schedule** and a conferencing link for

the session appears in each applicable week.

**NOTE:** These are optional and no marks are directly attached to your participation in them. You are **of course** also able to discuss the materials or any questions you have during my **office hours** or, even better, using the **Ask the Instructor** or weekly forums on **CULearn**.

### ✦ **Outline/Thesis Exercise (Optional)**

The Thesis/Outline Exercise provides you a chance to receive feedback on the direction and basic structure you plan to use in your paper. It gives you a chance to make sure you are on the right track and have understood the essay requirements clearly. A solid structure improves papers (and paper GRADES) significantly.

**NOTE:** Due to the tight timelines, **LATE Thesis/Outline Exercises will not normally be accepted.** You are strongly encouraged to submit this component for feedback.

### ✦ **Term Paper (30%)**

The Term Paper itself asks you to summarize, synthesize and critique/evaluate (i.e. offer a position on) some questions arising from the material we investigate in the course. It provides you an opportunity to discuss the course materials that we investigate and draw connections to some of the broader questions and themes highlighted in the lectures. The Term Paper will be **approx. 2000 words (or 8 double-spaced pages) in length.** The specific question, format and rubric for evaluation will be outlined in the assignment sheet (available before Winter Reading Week (W6)) and will also be discussed in more detail in a “primer” video on CULearn.

**NOTE:** “Outside” research or sources (other than course texts and lectures) will not normally be required and is usually not encouraged in preparing the Term Paper. The paper is not a “research paper” but rather structured to encourage deeper analysis.

## SCHEDULE

The complete **Required Reading and Lecture topics schedule is available on CULearn.** If you have any questions or concerns about these topics or readings, please let me know via email. Please also note these other important term dates:

**January 11, 2021 Classes Begin**

**February 15 – 19, 2021 Winter Break, No Classes**

**April 14, 2021 Winter Term Ends & Last day to hand in Term work.**

**April 16 – 27 2021 Formally Scheduled Final Exams**

## (IMPORTANT) STRATEGIES FOR SUCCESS IN EXTRAORDINARY TIMES

The format and delivery of this course has been altered significantly to reflect the disruptions caused by the global pandemic. The most crucial changes are that lecture materials will be delivered **asynchronously (they will be pre-recorded and made available as per the schedule on CULearn).** There will still be some limited **synchronous** elements in the course (specifically the **Workshops, Check-ins,** and the three **Quizzes** at the end of each “section” of the course).

**My goal in this course to provide you, as students, with as much flexibility as possible whilst still**

**acknowledging the administrative challenges of administering a large survey course in a way that is fair to everyone.**

**Here are a few interconnected concrete steps can you take to succeed in this course:**

**1. Make a personal schedule and stick to it.**

The class structure forces you to “stay on top of” the weekly work. I know that this can be very annoying but the aim is to keep you engaged but still allows for some flexibility in when you complete the work. More than ever, it is critically important to keep up with the lectures and course materials.

**2. Get it in.**

The stakes on any individual component (aside from the Term Paper) are low (usually approx. 5% of the course grade). **Perfection is the enemy of completion!** Get it in and get feedback on how to improve. (I know this is FAR easier than it sounds for many folks, but it is a valuable lesson in first year!)

**3. Ask for help if you need help or any course requirements are unclear (YOU ARE NOT ALONE!)**

Your TAs and I are here to help you succeed in the course. While you may feel you are “on your own” because the course is largely asynchronous and we don’t have the pleasure of seeing one another in a lecture hall or classroom every week, **you are not alone!** Again, your TAs and I want you to succeed and so you should contact us if you need to. You are also part of a “class” and you should not underestimate the value of peer support and academic community. Don’t be afraid to get to know your peers and ask (and answer) questions. This may be intimidating at first, but part of the university experience is recognizing **you are now part of a community of learning** in which we all have a shared interest in fostering understanding, disseminating knowledge and forwarding new ideas.

**4. Be open to new ideas and new ways of thinking (and communicating)**

Good courses ought to challenge us to think differently about what we think we already know and/or force us to find new ways to articulate our positions or experience. Consequently, they may prompt us to reflect on ourselves, our relationships with others, and the structures of the world around us. This can sometimes be an unsettling and uncomfortable process and different people react to these challenges differently. In this class the source of these challenges may be the course materials (my lectures or the readings) but they may also come through interactions with your peers. The fact that our course takes place exclusively “online” means that intention and nuance in our communication may be harder to measure. Be attentive to this fact and be “generous” in your communication with others in the class. Personal attacks on the Forum or in the Workshops will not be tolerated.

## **ACADEMIC ACCOMMODATIONS**

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows: <https://carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf>

### **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 Department of Equity and Inclusive Communities (EIC): <https://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 Department of Equity and Inclusive Communities (EIC): <https://carleton.ca/equity/>



**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](mailto: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>

**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/studentssupport/svpolicy/>

**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://students.carleton.ca/services/accommodation/>

**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/>

**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. <https://carleton.ca/law/current-students/>

**\*\*\*OTHER COURSE SPECIFIC POLICIES\*\*\***

(Please ask if there is any confusion or concern with any course-related policies!)

**ASSIGNMENT FORMATTING and SUBMISSION**

Unless otherwise specified, any written work submitted in this course must be double-spaced, formatted to 12pt Times New Roman or Arial font with standard margins. Assignments normally must include your name and student number and the course code in the document's header. Title pages, bibliographies and extensive footnotes are not usually counted in determining an assignment's word count or page length.

Assignments are normally submitted using the links provided for this specific purpose on the CULearn page for this course. **It is your responsibility to ensure that assignments are submitted in a readable file format (usually .doc or .pdf formats) before the deadline.** If the assignment is unreadable it will not be considered submitted. If you anticipate any issues (technological or otherwise) you should discuss this with your TA or with me ASAP in advance of the deadline.

**LATE ASSIGNMENTS & EXTENSIONS POLICY*****Why are deadlines so important?***

As already noted, there is a certain degree of flexibility for when the majority of assignments in this course are submitted/completed. For other assignments, like the Term Papers, a standard deadline ensures that everyone is granted the same limited resource (time!) to complete course assignments. This helps establish a minimal "baseline" to enable me to gauge, as much as possible, "engagement and commitment" to this course. In practice, I fully understand you have competing commitments, responsibilities, and priorities. Some of these priorities may supersede this course and necessitate that some assignments be submitted late. While this is not ideal, it is why there is a policy for late submissions (in most instances)!

Deadlines particularly matter in large courses like this one where I rely on TAs to mark course work. Teaching Assistants are students like you. 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 if your assignments or papers are late this puts additional pressure on them and complicates my ability to maintain consistency in grades across the course.

**A late assignment will normally be penalized 3% per day (e.g. a paper marked as a 68% that was 1 day late would receive a grade 65%) (unless otherwise specified on the assignment instructions).**

Late assignments must be submitted normally through CULearn unless you are otherwise directed. **Email is NOT considered an acceptable means of submission for any assignment**

**NOTE:** Late assignment may not be graded and "returned" along normal timelines and the quantity of feedback may be affected.

**Extension requests**

For requests for extensions lasting **less than 7 days**, please complete the form at the following link and submit it to the instructor prior to the assignment due date. **[https://carleton.ca/registrar/wp-content/uploads/COVID-19\\_Self-declaration.pdf](https://carleton.ca/registrar/wp-content/uploads/COVID-19_Self-declaration.pdf)** (be sure to read this form carefully and check the relevant boxes).

**Extension spanning longer than 7 days are not normally granted.** In those extraordinary cases where extensions lasting longer than 7 days are requested (e.g. in the case of prolonged medical issues), students will



normally be required to provide additional information to justify the extension (usually up to a maximum of 14 days).

### **BACKUP COPIES**

Student must retain a “backup” copy of anything submitted for a grade in the class. This copy should be kept for at least 3 months following the end of the course in case there is a discrepancy in final grades or an issue with the files submitted to CULearn. Students must be able to produce a copy of assignments within 24hrs upon request.

### **REFERENCING & PLAGIARISM (Part II)**

Assignments in the course must be properly referenced and include a bibliography of all sources used in the preparation of the assignment (unless directed otherwise). We will discuss citation styles in some detail in one of the during the term (but I am fairly flexible in terms of what citation style you use). As highlighted above, failure to reference properly or attempting to pass someone else’s ideas or work off as your own is plagiarism. Both the university and I take it very seriously and so should you! Plagiarism can lead to penalties that are very serious. Engaging in it is incredibly misguided. If you are struggling or unsure about how best to use sources in preparing you work in the course, it is far better to **contact and talk to me about assignment expectations!**