

Carleton University
Department of Law and Legal Studies

LAWS 2908A – Approaches in Legal Studies I
Fall 2017

Please Note: This section of Laws 2908 is a fully online course. There will be no in-class meetings.

LECTURES:	View Lectures on CUlearn Mondays 11:30-1:00pm	The Lectures for this course are pre-recorded and available through CUlearn. Please view the lecture before joining the tutorial.
TUTORIALS:	Join Tutorial Live on CUlearn Mondays 1:00-2:30pm	Mandatory Attendance. All tutorials require online attendance.
PREREQUISITES:		LAWS 1000
INSTRUCTOR:		Dr. Zeina Bou-Zeid
CONTACT:	Office:	D598 Loeb
	Office Hrs:	Thursdays 10:30-11:30 am
	Email:	zeina.bouzeid@carleton.ca
	Phone:	(613) 520-2600 ext: 2591
CULEARN:	Essential	Students must be able to access and use cuLearn for this course. Email to Instructor, lecture slides, assignments and many video resources are available <u>only</u> through this modality. Contact CCS for assistance if required at www.carleton.ca/ccs

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:** 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://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://carleton.ca/equity/>

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 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*). **Requests made within two weeks will be reviewed on a case-by-case basis.** After requesting accommodation from PMC, meet me to ensure accommodation arrangements are made. Please consult the PMC website (www.carleton.ca/pmc) for the deadline to request accommodations for the formally-scheduled exam (*if applicable*).

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://carleton.ca/equity/>

Plagiarism

Plagiarism is presenting, whether intentional or not, the idea

or expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing part 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, periodicals, 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/>

Student Services: The Centre for Student Academic Support (CSAS) is a centralized collection of learning support services designed to help students achieve their goals and improve their learning both inside and outside the classroom. CSAS offers academic assistance with course content, academic writing and skills development. Visit CSAS on the 4th floor of MacOdrum Library or online at carleton.ca/csas

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/>

COURSE DESCRIPTION:

The Law Program at the Department of Law and Legal Studies at Carleton University is firmly grounded in a “legal studies” approach which situates law in its social, economic, political and historical contexts. As such, courses focus not just on ‘what the law is’ in a particular area but also on a range of academic and practical considerations: How does the law ‘as it is’ reflect particular (normative) visions of society and distributions of power within it? How and why does law change? How is the law ‘on the books’ operationalized (e.g., by the police or business-people) and experienced by ordinary people in everyday life? How do the narratives of law (e.g., judicial decisions) communicate cultural meanings in our society? How do law and legal processes interact with other institutions in our society? Who creates law – and is all ‘law’ (in the sense of regulation of conduct) formally prescribed law?

Engaging with questions such as these requires that students are able to deploy a range of effective research skills and strategies. The Department offers two research courses to assist students to master their law discipline. This course, Laws 2908, introduces students to legal materials in legal studies research. By this we mean judicial decisions (cases), legislative instruments (statutes and regulations), government documents (including Parliamentary materials and policy), and secondary sources published in academic journals. It also addresses ‘legal method’ in comprehending and working with these materials. This course is compulsory for all students majoring in a Law or Law Honours programs. A second course, Laws 3908, offered at the 3000 level, introduces students to a variety of interdisciplinary approaches, including the use of social science research sources and methods in legal studies and more advanced consideration of theory in legal research.

COURSE FORMAT**LECTURES**

This course will include pre-recorded lectures that you will review outside of class. The lectures in this course are designed to introduce students to the important role of research and the approaches to research that may be engaged in the field of legal studies. Lectures will also provide foundations for effective analysis of different types of primary and secondary sources in law.

TUTORIALS

Attendance at tutorials is **MANDATORY**. Tutorials are used to provide hands-on introduction to research skills and training with electronic resources. Some tutorials will be ‘labs’ and other will be workshops addressing writing skills and assignments. ***All tutorials will be held live on CULearn and will be led by your Instructor.***

COURSE MATERIALS:**A. RECOMMENDED TEXT:****Text:**

1. McGill Law Journal, *Canadian Guide to Uniform Legal Citation*, 8th ed (Scarborough, Ontario: Carswell, 2014) [The *McGill Guide*]. This text explains the basic rules of legal

citation. It is an essential reference text for anyone conducting research concerning legal issues. You will use it as a resource in other courses as you progress in the law program. Several copies will be available in the University Bookstore.

- Note: You can also purchase the 7th ed (2010) of the McGill Guide (some used copies might be available at the the University Bookstore). However, it is highly recommended that those students that plan to continue to Law School should consider purchasing the new 8th edition.

B. REQUIRED READINGS:

Articles and Cases :

Other required readings will include articles and cases. These will be available through a link on the CULearn home page and through the library ARES system.

EVALUATION

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.

This course is DEMANDING AND INTENSIVE. It will require considerable ongoing attention every week. These components are explained in detail below. Please review carefully and note all requirements and due dates.

We know that this is a lot of work for you (and for us) and that the course may seem much heavier than your other courses. However, this course is foundational in your Law Program. It is designed to provide you with the opportunity to develop research skills and understanding that will serve you well in your other law courses. The course is also designed to encourage you to stay engaged with the material being covered each week. Notably, the evaluation of the course is weighted to reward those students who stay engaged, submit the exercises on time, attend and participate in tutorial.

Evaluation Component	Value	Due Dates
<p>ASSIGNMENTS There are TWO Assignments in the course. Each is submitted through the cuLearn Assignment Tab. Full instructions will be provided with the Assignment Sheets which will be posted on the Assignment Tab on cuLearn.</p>		
<p>Assignment 1 Case Brief and Analysis This assignment will require students to summarize and analyze a judicial decision in a case to be assigned by the instructor.</p>	30%	October 13, 2017
<p>Assignment 2 Summary and Analysis of Secondary Sources & Statutes This assignment is designed to provide students with the opportunity to analyze several journal articles and statutes assigned by the instructor.</p>	40%	December 8, 2017
<p>ATTENDANCE AND PARTICIPATION Tutorials take two different formats (labs and workshops):</p> <ul style="list-style-type: none"> • <u>Labs</u>: the 9 labs cover nuts and bolts of legal research and databases. Students will complete worksheets in these labs. • There are 9 Tutorial handouts that are based on the content discussed in the tutorials. They are posted on CUlearn (and must be submitted through CUlearn). • Each Handout gets activated the day the tutorial for that week is scheduled in the course schedule below. • These Tutorial Handouts will constitute your participation in this course. • Each complete handout gets 1 mark. Week 11 is worth 2 marks. • All Tutorial Handouts stay open for only one week. 	10%	<p>Week 1: Open Sep 11 6:00am – Close Sep 17 midnight Week 2: Open Sep 18 6:00am – Close Sep 24 midnight Week 3: Open Sep 25 6:00am – Close Oct 1 midnight Week 5: Open Oct 16 6:00am – Close Oct 29 midnight Week 6: Open Oct 30 6:00am – Close Nov 5 midnight Week 7: Open Nov 6 6:00am – Close Nov 12 midnight Week 8: Open Nov 13 6:00am – Close Nov 19 midnight Week 10: Open Nov 27 6:00am – Close Dec 3 midnight Week 11: Open Dec 4 6:00am – Close Dec 8 midnight</p>

Evaluation Component	Value	Due Dates
<p>TUTORIAL WORKSHOP PREP EXERCISES</p> <ul style="list-style-type: none"> Tutorial workshop prep exercises must be completed prior to the Workshop on Analyzing Cases and Using them in Research and the Workshop on Analyzing Secondary Sources and Using Them in Research. These completed exercises must be submitted online prior to the corresponding workshops. Each Preparation Exercise is worth 3 marks each. 	6%	<p><u>Cases Analysis Workshop Prep Exercise</u> – due in week 4 tutorial Week 4: Open Sep 25 6:00am – Close Oct 1 midnight</p> <p><u>Article Analysis Workshop Prep Exercise</u> – due in week 9 tutorial Week 9: Open Nov 13 6:00am – Close Nov 19 midnight</p>
<p>LECTURE QUIZZES</p> <p>There are 11 Lecture Quizzes that are based on the content discussed in the lectures and a designated reading for each lecture. They are posted on CUOL. Each Quiz gets activated the day the lecture for that week is scheduled in the course schedule below.</p> <p>All Quizzes stay open for only one week. Students will have one hour to complete each Quiz.</p> <p><u>Important Note:</u> Each Quiz is worth 2 marks out of your final grade. Only your marks from your best 7 Quizzes will be counted towards your final grade. This means that students may choose to only complete 7 of the Quizzes if they are satisfied with their marks from these 7 Quizzes.</p>	14%	<p>Week 1 Quiz – open from Sep 11 until Sep 17. Week 2 Quiz – open Sep 18 until Sep 24. Week 3 Quiz – open from Sep 25 until Oct 1. Week 4 Quiz – open Oct 2 until Oct 15. Week 5 Quiz – open Oct 16 until Oct 29. Week 6 Quiz – open Oct 30 until Nov 5. Week 7 Quiz – open Nov 6 until Nov 12. Week 8 Quiz – open from Nov 13 until Nov 19. Week 9 Quiz – open from Nov 20 until Nov 26. Week 10 Quiz – open from Nov 27 until Dec 3. Week 11 Quiz – open from Dec 4 until Dec 8.</p>
<p>Important Notes on Evaluation:</p>		
<p>You must complete all components of the Evaluation to receive a passing mark in the course.</p>		

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 Dean.

You must provide meticulously correct citations compliant with the *Canadian Guide to Uniform Legal Citation*, 8th edition (the McGill Guide) in Assignments. Marks will be deducted in each assignment if citation is not fully correct. Marks will also be allocated for effective writing.

Submission: Due dates for assignments are on **Friday** . Due time for all work is **NOON**.

- This is set during University working hours so you can contact CCS if you have a problem with submission.
- There is a 'grace period' or leeway of a few minutes in case you have technical issues (this means 30 minutes maximum and it is at our discretion).
- You will be subject to **heavy late penalties** if you do not submit on time (see later information on this).

Feedback: You will receive a marking feedback and evaluation sheet with your marks and some comments when your marks are posted. You should wait 48 hours before emailing your TA if you have questions on your marks. Please make your queries specific and detailed so that the TA can review your points and get back to you. If necessary, your TA will set up an appointment to meet with you.

Timelines:

- It will take about 14 days to mark and return Assignment 1 to you through the Assignments Tab.
- Assignment 2 will be marked within the timeframe for finalizing the Final Grade Report. You will receive your mark around the same time as the FGR is submitted to the Dean's Office.
- Marks for other submissions will be input by your TA using Grade Book. These are likely to be posted 'en bloc' near the end of the semester. You will know if you have obtained the associated marks in any case, by submitting on time.

Grade Book: Initially, you will obtain your mark through the Assignments Tab on CULearn. After a short time, we will also release the marks onto grade book. Please check from time to time so we can catch any errors or omissions early and make corrections.

Keep a copy: Keep a copy of all assignments and other submissions until your final grade is confirmed.

Individual work only! See later discussion of Academic Integrity.

LATE PENALTIES

We have every commitment to your success in the course and we also know that 'life' (and other coursework) can intervene. We also realise that it is common for students (and even professors) to work towards the 'last minute deadline.' As the seconds tick towards the deadline however, there seems to be a correlated 'disaster clock' – a computer crash, lost file etc. We urge you to set earlier 'self-deadlines' and to allow time for revision for major Assignments.

This is a very large class. Late assignments create a significant administrative burden across the (large) team of people who work with us on the course. There is a significantly higher risk of assignments going astray. There are many deliverables. Accordingly, we expect and require students to get their assignments in ON TIME. We are remorseless about lateness and impose extremely heavy penalties without exception as follows:

ASSIGNMENTS

Late Assignments will be penalized as follows:

- Deduction of 5% marks if the assignment is handed in on the due date after the deadline of NOON but before midnight.
- A further 5% if the assignment is handed-in anytime the 'next day' - from 12:01am to 11:59 pm.
- A further 10% is deducted at beginning of each following day (at 12:01am) including weekend days.
 - In other words, if a paper is due at NOON on Monday and you submit it anytime on Wednesday, the penalty is -20% - **So don't be late!!!**
- If an Assignment is handed in more than seven days late, it will be accepted towards course completion but will receive zero marks.

EXTENSIONS FOR THE ASSIGNMENTS

Students can request an extension on Assignments for serious illness or family and personal emergencies. They will be required to provide official supporting documentation. Students requesting an extension MUST contact the Course Instructor prior to the assignment deadline.

Extensions will not be granted for computer problems of any kind. We URGE you to back up your work as you go along: email a draft to yourself whenever you finish a segment of work on it or copy it to a USB thumb-drive or an external hard drive.

A cold or the flu is not a sufficient reason for an extension.

Competing workloads in other courses is not a sufficient reason for an extension.

Work schedule or family schedule conflicts are not sufficient reasons for an extension.

COURSE SCHEDULE: LECTURES, TUTORIALS, DUE DATES FOR EVALUATION

Subject to revision. Please review carefully and mark down due dates in particular.

Week		Lecture	Tutorial
1.	Topic	September 11 Introduction to the Course <i>*** Live Lecture on Big Blue Button***</i>	<i>*** NO Tutorial ***</i>

	Material	Read: Course Outline	
	Due Completed by Sep 17	Week 1 Lecture Quiz	Tutorial Handout: Open Sep 11 6:00am – Close Sep 17 midnight
2.	Topic	September 18 Cases I: Judges and Judgment <i>***View Pre-Recorded Lecture Segments on cuLearn***</i>	Finding and Noting-Up Cases I (West Law and CanLii) <i>*** Live Tutorial on Big Blue Button***</i>
	Material	Read: Martin Davies, "Reading Cases" (1987) 50(4) Mod L Rev 409.	<i>Tutorial will be posted in BigBlueButton Recordings folder after it is broadcast live.</i>
	Due Completed by Sep 24	Week 2 Lecture Quiz	Tutorial Handout: Open Sep 18 6:00am – Close Sep 24 midnight
3	Topic	September 25 Cases II: Anatomy of a Case <i>***View Pre-Recorded Lecture Segments on cuLearn***</i>	Finding and Noting Up Cases II (Quicklaw including International sources) <i>*** Live Tutorial on Big Blue Button***</i>
	Material	Read: UBC Fac of Law - "Introduction to Reading and Briefing a Case": ALPN-" <i>Ratio decidendi</i> and <i>Obiter dicta</i> ": <i>Febles v Canada (Citizenship and</i>	<i>Tutorial will be posted in BigBlueButton Recordings folder after it is broadcast live.</i>

		<i>Immigration Minister)</i>	
	Due Completed by Oct 1	Week 3 Lecture Quiz	Tutorial Handout: Open Sep 25 6:00am – Close Oct 1 midnight
4	Topic	October 2 Cases III: Precedent, Law Reporting and Citation ***View Pre-Recorded Lecture Segments on cuLearn***	Workshop: Analyzing Cases and Using them in Research (<i>Febles</i>) *** Live Tutorial on Big Blue Button ***
	Material	Read: Debra Parkes, “Precedent Unbound? Contemporary Approaches to Precedent in Canada” (2007) 32 Man LJ 135 ALPN – “Law Reports”: (focus on concepts not details) ALPN-“Updating Cases”: McGill Guide, Section 3 (Cases)	Read (and complete exercise): <i>Febles v Canada (Citizenship and Immigration Minister)</i> Tutorial will be posted in BigBlueButton Recordings folder after it is broadcast live
	Due Completed by Oct 15	Week 4 Lecture Quiz	<u>Tutorial Preparation Exercise Due:</u> Open Sep 25 6:00am – Close Oct 1 midnight
	Due: October 13	Assignment 1: Case Brief and Analysis	

5	Topic	October 16 Legislation and Gov Docs I: Legislation and Legislative Process <i>***View Pre-Recorded Lecture Segments on cuLearn***</i>	Tracing the Legislative Process and Finding Government Docs <i>*** Live Tutorial on Big Blue Button***</i>
	Material	Read: Speeches of Minister of Citizenship, Immigration, Multiculturalism, Jason Kenney (Conservative) and Opposition Don Davies (NDP) that are found at pages 5872-5874 and 5876- 5878 of Hansard, vol 146, no 090. (A pdf of the Hansard document is posted in the Lectures folder under the tab for week 5) <i>McGill Guide</i> , chapter 2 (Legislation)	<i>Tutorial will be posted in BigBlueButton Recordings folder after it is broadcast live</i>
	Due Completed by Oct 29	Week 5 Lecture Quiz	Tutorial Handout: Open Oct 16 6:00am – Close Oct 29 midnight
October 23 - 27 Fall Break No Classes/No Office Hours			

6	Topic	October 30 Legislation and Government Docs II: Interpreting Legislation and Understanding Legislative Drafters <i>***View Pre-Recorded Lecture Segments on cuLearn***</i>	Finding and Noting Up Legislation <i>*** Live Tutorial on Big Blue Button***</i>
	Material	Read: Sandra Markman, "Training of Legislative Counsel: Learning to Draft without Nellie" (2010) 36(1) Commonwealth L Bull 25. Sullivan & Driedger on the Construction of Statutes (pdf) <i>McGill Guide</i> , chapter 4 (Government Documents)	<i>Tutorial will be posted in BigBlueButton Recordings folder after it is broadcast live</i>
	Due Completed by Nov 5	Week 6 Lecture Quiz	Tutorial Handout: Open Oct 30 6:00am – Close Nov 5 midnight
7	Topic	November 6 Starting Research in Legal Studies <i>***View Pre-Recorded Lecture Segments on cuLearn***</i>	Finding Secondary Sources (Library Databases, Quicklaw, Westlaw) <i>*** Live Tutorial on Big Blue Button***</i>

	Material	<p>Read:</p> <p>T Brettel Dawson, "Legal Research in a Social Science Setting: The Problem of Method" (1992) 14 Dalhousie Law Journal 445.</p> <p>Richard F Devlin, "Mapping Legal Theory" (1994) 32 Alta L Rev 602.</p> <p>"Is Google Making Us Stupid?" http://www.theatlantic.com/magazine/archive/2008/07/is-google-making-us-stupid/6868/</p>	<i>Tutorial will be posted in BigBlueButton Recordings folder after it is broadcast live</i>
	Due Completed by Nov 12	Week 7 Lecture Quiz	Tutorial Handout: Open Nov 6 6:00am – Close Nov 12 midnight
8.	Topic	<p>November 13</p> <p>Secondary Sources I – Introduction to Secondary Sources</p> <p>***View Pre-Recorded Lecture Segments on cuLearn***</p>	<p>Workshop: Writing/Editing and Plagiarism</p> <p>*** Live Tutorial on Big Blue Button***</p>
	Material	<p>Read:</p> <p>Anne Neylon", Ensuring Precariousness: The Status of Designated Foreign National under the Protecting Canada's Immigration System Act 2012" (2015) 27:2 Intl J Refugee L 297.</p>	<i>Tutorial will be posted in BigBlueButton Recordings folder after it is broadcast live</i>
	Due	Week 8 Lecture Quiz	Tutorial Handout: Open Nov 13 6:00am

	Completed by Nov 19		– Close Nov 19 midnight
9.	Topic	<p>November 20</p> <p>Secondary Sources II – Analyzing Secondary Sources</p> <p><i>***View Pre-Recorded Lecture Segments on cuLearn***</i></p>	<p>Workshop: Analyzing Secondary Sources and Using Them in Research</p> <p><i>*** Live Tutorial on Big Blue Button***</i></p>
	Material	<p>Read:</p> <p>Anne Neylon article from Wk 8</p> <p><i>McGill Guide</i>, chapter 6 (Secondary Sources)</p>	<p>Kent Roach, "Be Careful What You Wish For? Terrorism Prosecutions in Post-9/11 Canada" (2014) 40:1 Queen's L. J. 99.</p> <p><i>Tutorial will be posted in BigBlueButton Recordings folder after it is broadcast live</i></p>
	Due Completed by Nov 27	Week 9 Lecture Quiz	<p><u>Tutorial Preparation Exercise Due:</u></p> <p>Open Nov 13 6:00am – Close Nov 19 midnight</p>
10	Topic	<p>November 27</p> <p>International Law – Sources and Research</p> <p><i>***View Pre-Recorded Lecture Segments on cuLearn***</i></p>	<p>Finding International Sources of Law</p> <p><i>*** Live Tutorial on Big Blue Button***</i></p>
	Material	<p>Read:</p> <p>UN Human Rights Committee, Communication No 2422/2014 (cuLearn Link)</p> <p>UN – "Explanation of Human Rights Treaty Bodies": http://www.ohchr.org/EN/HRBodies/Pages/TreatyBodies.aspx</p>	<p><i>Tutorial will be posted in BigBlueButton Recordings folder after it is broadcast live</i></p>

	Due Completed by Dec 3	Week 10 Lecture Quiz	Tutorial Handout: Open Nov 27 6:00am – Close Dec 3 midnight
11	Topic	December 4 Faculty Forum <i>***View Pre-Recorded Lecture Segments on cuLearn***</i>	<i>*****No Tutorial this week*****</i> <i>View Short Pre-Recorded Video</i> Open ONLINE Office Hours During Tutorial Time 1:00-2:30pm
	Material	No new readings this week	
	Due Completed by Dec 8	Week 11 Lecture Quiz	Tutorial Handout: Open Dec 4 6:00am – Close Dec 8 midnight
12	Topic	December 8 Conclusion and Review	
	Material	No new readings this week	<i>*****No Tutorial this week*****</i>
	Due: December 8	Assignment 2: Summary and Analysis of Secondary Sources & Statutes	