

Course Outline

COURSE:	LAWS 2908E – Approaches in Legal Studies I
TERM:	WINTER 2021
PREREQUISITES:	None
CLASS:	Day & Time: Tuesdays 2:35am – 5:25pm (Ottawa Time)
	Room: All Courses in the Winter 2021 term are offered online.
	Please check Carleton Central for current Class Schedule.
INSTRUCTOR: (CONTRACT)	Megan Gaucher (She/Her)
CONTACT:	Office Hrs: By appointment (Zoom, phone, carrier pigeon)
	Telephone: 613-520-2600 x. 4207
	Email: Megan.Gaucher@carleton.ca

CALENDAR COURSE DESCRIPTION

Introduction to interdisciplinary research and analysis in law and legal studies; finding and analyzing primary and secondary legal sources; introduction to the interrelationship between theory, practice and research.

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 other theoretical 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 program. A second course, offered at the 3000 level (LAWS 3908), 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.

LEARNING OBJECTIVES

Students who successfully complete this course should be able to:

- Craft an effective research question in legal studies related to the assignments required in the Law Program;
- Outline effective research strategies for shaping a research project in legal studies at the undergraduate level;
- Find primary legal materials, government documents, and secondary academic literature related to their research questions;
- Read legal materials through a “research lens” – identify and state key components of these materials and their purpose, function and ‘status’ and their relevance to the research undertaken;
- Recognize the quality/authority of legal materials and find the most authoritative sources of law – for example: update legal cases using citators; determine if legislation is in force or amended;
- Related legal materials to legal studies research projects – identify core principles and arguments used; strengths and weaknesses; how the source assists in working towards and answering a legal studies research problem;
- Apply legal materials to research projects and mobilize them in crafting critical academic argumentation and analysis.

COURSE OBJECTIVES/EXPECTATIONS

- 1) **We didn’t sign up for this** – not for a global pandemic, not for online classes, not for the current pause of our collective campus experience. While this is the safest option, I can only imagine how frustrated some of you must feel about all of this. Please know you’re not alone. That being said, the current in-class structure is not without flaw – specifically with respect to accessibility – and as such, parts of the course will try to emulate the traditional 4th year seminar experience and others will involve features of online learning platforms to foster engagement that are hopefully valuable and accessible for all of us. Simply put, even though we’re online, this course can still be a space for us to come together and create community.
- 2) **Be kind to yourself and others.** This unprecedented situation creates potential learning challenges for all of us (e.g. access to technology, care responsibilities; financial hardship; physical and mental health, etc.). As we navigate these challenges together, please remember to be patient and understanding with yourselves and others.
- 3) **Privacy will be respected.** Please do not share class Zoom links, meeting information or screenshots with anyone who is not enrolled in our course. Students are welcome to participate on Zoom using audio functions only (i.e. there is no requirement for video participation). Children and pets are more than welcome – the more, the merrier.
- 4) **We will remain flexible and adjust to the situation.** We don’t know what will happen over the next few months. If you are in need of a personal accommodation, please contact me and we will figure out a reasonable plan that enables you to succeed in this course.

COURSE FORMAT

LECTURES

Lectures will be pre-recorded and posted on cuLearn. Rather than post a long lecture, I have broken each week down into mini-lectures. Each mini-lecture will be 20 minutes max and there will be no more than 3 mini-lectures/week. While in a perfect world, I would have all of the lectures complete/posted

already, I (like you) am also juggling multiple work/home responsibilities this term. As such, I promise to have mini-lectures posted at least a week in advance.

TUTORIALS/WORKSHOPS

These are used to provide hands-on instruction on research skills and training with electronic resources. Some tutorials will be 'labs' and others will be workshops addressing writing skills and assignments. All tutorials/workshops will be held via Zoom on Tuesdays from 2:30pm – 4pm and will be led by myself (Professor Gaucher). Tutorials/workshops will be recorded/posted on cuLearn so that you can reference them later if need be.

REQUIRED TEXTS

There is no required textbook for this seminar. Instead, the required readings will consist of articles, cases, legislation and government documents. These will be available through links on the cuLearn home page. Students are expected to retrieve copies of these readings and read them in preparation for the appropriate lectures and tutorials.

SUPPLEMENTARY TEXTS

- 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. Available at the University Bookstore.
- Booth, Wayne C. et al. (2016) *The Craft of Research* (4th ed.) Chicago: University of Chicago Press. Note: **The 3rd Ed. of this book can be used.** This is a general introductory guide to research and writing in the social sciences. This book is available as an e-book accessible through the Carleton Library website using your Patron ID and on reserve. You do **NOT** need to buy this book in hard copy; however, there are copies available on Amazon if you would prefer your own copy.
- Kerr, Margaret et al. (2010) *Legal Research: Step by Step* (3rd ed.) This book provides a basic introduction to legal research that is often used in law schools.
- Tilley, Susan. (2016) *Doing Respectful Research: Power, Privilege and Passion*. Winnipeg: Fernwood Publishers. This book examines how institutional and individual bias informs decisions about what gets researched, who conducts the research, and who is implicated by the research.
- Online: *Best Guide to Canadian Legal Research*: www.legalresearch.org. This is an excellent resource addressing processes and resources for legal research with many relevant hyperlinks. Note however that citation information given has not yet been updated to the McGill Guide 8th Edition, which is used in this course.

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.

Type of Assignment	Weighting	Due Date
<p>Research Skills Mini-Reflections (2)</p> <p>This assignment will require students to briefly reflect on their research skills both at the beginning and end of the term. Full instructions will be posted on cuLearn.</p>	10%	January 19th and March 30th
<p>Assignment 1: Summary and Analysis of Secondary Sources</p> <p>This assignment will require students to summarize and analyze a journal article assigned by the Professor. Full instructions will be posted on cuLearn.</p>	30%	February 23rd
<p>Assignment 2: Summary and Analysis of Secondary Sources</p> <p>This assignment will require students to summarize and analyze a judicial decision in a case to be assigned by the Professor. Full instructions will be posted on cuLearn.</p>	30%	April 6th
<p>Tutorial/Workshop Attendance</p> <p>There are 10 tutorials/workshops scheduled during the term. Students must attend at least 8 in order to receive full attendance marks.</p> <p>These sessions will take two different formats:</p> <ul style="list-style-type: none"> • <u>Tutorials</u>: The 6 tutorials cover nuts and bolts of legal research resources. • <u>Workshops</u>: The 4 workshops cover specialized themes such as analyzing legal material and writing. 	15%	Ongoing
<p>Tutorial/Workshop Participation</p> <p>For each tutorial/workshop, you will need to complete and upload a worksheet (both the sheet and dropbox will be located on the assigned week folder on cuLearn. Some of these worksheets will require you to apply the skills learned (tutorials) and some will require you to reflect (workshops).</p>	15%	Ongoing

<p>Worksheets will be due the Friday AFTER class. So, for example, the worksheet for week two (January 19th) will be due the following Friday (January 22nd).</p> <p>Students must complete at least 6 worksheets in order to receive full marks. Worksheets will be graded on a pass/fail basis.</p>		
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All written assignments are to be uploaded in the appropriate cuLearn drop-box.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

This course has assignment deadlines for two reasons: (1) fairness to everyone, and (2) we want to be able to stay on track. That being said, I recognize that meeting all deadlines might not be possible for everyone and as such, some flexibility is required.

All I ask is that if you find yourself falling behind, please just keep me in the loop. If you are dealing with circumstances (medical or otherwise) that prevent you from dedicating the usual amount of time to this class and you require an extension on any of the assignments, please let me know. Undertaking an MA is stressful enough when you aren't starting it during a global pandemic. That being said, it is challenging for me to help you when I don't know what is going on. This does not mean you have to divulge all personal information – you can share what you're comfortable with. But the sooner I know that we need to figure out a reasonably adjusted game plan that enables you to complete all course requirements, the better.

SCHEDULE

See "LAWS 2908E – Course Schedule" for course readings, tutorials/workshop schedule, etc.

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 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>

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://studentsupport/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/>

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/>

Bonus: If you have read through this entire syllabus and email me a meme by January 15th that best describes your feelings about lockdown life, you will receive a bonus 3% on your final case brief assignment (Assignment #2).