

Carleton University  
Department of Law and Legal Studies

**LAWS 2908H – Approaches in Legal Studies I  
Winter 2017**

<b>LECTURES:</b>	<b>View Lectures on CUlearn</b>	Note: This course uses a blended learning model that involves online lectures that you will review outside of class. Note: You can view these lectures during the designated class time (Thursday from 4:00-5:30pm).
<b>TUTORIALS:</b>	<b>Thursday 2:30-4:00</b> Tory Building 208	Mandatory Attendance. All tutorials require in-person attendance at the tutorial. Attendance will be recorded.
<b>PREREQUISITES:</b>		<b>LAWS 1000</b>
<b>INSTRUCTOR:</b>		<b>Dr. Zeina Bou-Zeid</b>
<b>CONTACT:</b>	<b>Office:</b>	<b>D598 Loeb</b>
	<b>Office Hrs:</b>	<b>Thursdays 10:30-11:30 am</b>
	<b>Email:</b>	<b>zeina.bouzeid@carleton.ca</b>
	<b>Phone:</b>	<b>(613) 520-2600 ext: 2591</b>
<b>CULEARN:</b>	<b>Essential</b>	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 <a href="http://www.carleton.ca/ccs">www.carleton.ca/ccs</a>

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**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/>

**Academic Accommodations for Students with Disabilities:** 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 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 to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (*if applicable*) at <http://carleton.ca/pmc/students/dates-and-deadlines/>

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 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/>

### 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/>

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### **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 engages a blended learning model. It 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 in our classroom 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 7<sup>th</sup> 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 8<sup>th</sup> 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**

**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.

<b>Evaluation Component</b>	<b>Value</b>	<b>Due Dates</b>
<b>ASSIGNMENTS</b> 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.		
<b>Assignment 1</b> <b>Case Brief and Analysis</b> This assignment will require students to summarize and analyze a judicial decision in a case to be assigned by the instructor.	35%	February 10, 2017
<b>Assignment 2</b> <b>Summary and Analysis of Secondary Sources &amp; Statutes</b> This assignment is designed to provide students with the opportunity to analyze several journal articles assigned by the instructor.	40%	April 7, 2017

Evaluation Component	Value	Due Dates
<p><b>ATTENDANCE AND PARTICIPATION</b> Lecture &amp; Tutorial attendance is <b>mandatory</b>. Tutorials take two different formats (labs and workshops):</p> <ul style="list-style-type: none"> <li>• <u>Labs</u>: the 6 labs cover nuts and bolts of legal research and databases. Students will complete worksheets in these labs.</li> <li>• <u>Workshops</u>: the 4 workshops cover specialized themes such as analyzing legal material and writing.</li> <li>• <u>Handout Collected</u>: The Instructor will collect 1 of the weekly handouts. Students will not know in advance which handout the Instructor will collect. (Worth 1 mark out of the 11%)</li> </ul>	11%	Ongoing
<p><b>LECTURE QUIZZES</b> 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><b>Week 1 Quiz</b> – open from Jan 5 until Jan 11.  <b>Week 2 Quiz</b> – open Jan 12 until Jan 18.  <b>Week 3 Quiz</b> – open from Jan 19 until Jan 25.  <b>Week 4 Quiz</b> – open Jan 26 until Feb 1.  <b>Week 5 Quiz</b> – open Feb 2 until Feb 8.  <b>Week 6 Quiz</b> – open Feb 9 until Feb 15.  <b>Week 7 Quiz</b> – open Feb 16 until March 1.  <b>Week 8 Quiz</b> – open from March 2 until March 8.  <b>Week 9 Quiz</b> – open from March 9 until March 15.  <b>Week 10 Quiz</b> – open from March 16 until March 22.  <b>Week 11 Quiz</b> – open from March 23 until March 29.</p>
<b>Important Notes on Evaluation:</b>		
<p><b>You must complete all components of Evaluation to receive a passing mark in the course.</b></p> <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.</p> <p><b>You must provide meticulously correct citations</b> compliant with the <i>Canadian Guide to Uniform Legal Citation</i>, 8<sup>th</sup> 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.</p>		

**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.	<b>Topic</b>	<b>January 5</b>  Introduction to the Course  <i>*** In-Class Lecture ***</i>	<i>*** NO Tutorial ***</i>
	<b>Material</b>	Read: Course Outline	
	<b>Due Completed by Jan 11</b>	Week 1 Lecture Quiz	
2.	<b>Topic</b>	<b>January 12</b>  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>*** In-Class Tutorial***</i>
	<b>Material</b>	Read:  Martin Davies, "Reading Cases" (1987) 50(4) Mod L Rev 409.	See resource videos in Tutorials Folder (cuLearn).
	<b>Due Completed by Jan 18</b>	Week 2 Lecture Quiz	
3	<b>Topic</b>	<b>January 19</b>  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>*** In-Class Tutorial ***</i>



	<b>Material</b>	Read:  <i>Febles v Canada (Citizenship and Immigration Minister)</i>  UBC Fac of Law - "Introduction to Reading and Briefing a Case":  ALPN-" <i>Ratio decidendi</i> and <i>Obiter dicta</i> ":	See resource videos in Tutorials Folder (cuLearn).
	<b>Due Completed by Jan 25</b>	Week 3 Lecture Quiz	
4	<b>Topic</b>	<b>January 26</b>  Cases III: Precedent, Law Reporting and Citation  ***View Pre-Recorded Lecture Segments on cuLearn***	Workshop: Analyzing Cases and Using them in Research (Halpern)  *** In-Class Tutorial ***
	<b>Material</b>	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)	<b>Read (and complete exercise):</b>  <i>Febles v Canada (Citizenship and Immigration Minister)</i>
	<b>Due Completed by Feb 1</b>	Week 4 Lecture Quiz	
5	<b>Topic</b>	<b>February 2</b>  Legislation and Gov Docs I: Legislation and Legislative Process  ***View Pre-Recorded Lecture	Tracing the Legislative Process and Finding Government Docs  *** In-Class Tutorial ***

		<i>Segments on cuLearn***</i>	
	<b>Material</b>	<p>Read:</p> <p>Speeches of Minister of Citizenship, Immigration, Multiculturalism, Jason Kenney (Conservative) and Opposition Don Davies (NDP) that are found at pages <b>5872-5874</b> and <b>5876-5878</b> of Hansard, vol 146, no 090. (A pdf of the Hansard document is posted in the Lectures folder under the tab for week 5)</p> <p><i>McGill Guide</i>, chapter 2 (Legislation)</p>	See resource videos in tutorials folder on cuLearn
	<b>Due Completed by Feb 8</b>	Week 5 Lecture Quiz	
6	<b>Topic</b>	<p><b>February 9</b></p> <p>Legislation and Government Docs II: Interpreting Legislation and Understanding Legislative Drafters</p> <p><i>***View Pre-Recorded Lecture Segments on cuLearn***</i></p>	<p>Finding and Noting Up Legislation</p> <p><i>*** In-Class Tutorial ***</i></p>

	<b>Material</b>	<p>Read:</p> <p>Sandra Markman, "Training of Legislative Counsel: Learning to Draft without Nellie" (2010) 36(1) Commonwealth L Bull 25</p> <p>Sullivan &amp; Driedger on the Construction of Statutes (pdf)</p> <p><i>McGill Guide</i>, chapter 4 (Government Documents)</p>	See resource videos in tutorials folder on cuLearn
	<b>Due Completed by Feb 15</b>	Week 6 Lecture Quiz	
	<b>Due: February 10</b>	<b>Assignment 1 Due: Case Brief and Analysis</b>	
7	<b>Topic</b>	<p><b>February 16</b></p> <p>Starting Research in Legal Studies</p> <p><i>***View Pre-Recorded Lecture Segments on cuLearn***</i></p>	<p>Finding Secondary Sources (Library Databases, Quicklaw, Westlaw)</p> <p><i>*** In-Class Tutorial ***</i></p>
	<b>Material</b>	<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>	See resource videos in Tutorials Folder (cuLearn).

		<p>“Is Google Making Us Stupid?”  <a href="http://www.theatlantic.com/magazine/archive/2008/07/is-google-making-us-stupid/6868/">http://www.theatlantic.com/magazine/archive/2008/07/is-google-making-us-stupid/6868/</a></p>	
	<b>Due Completed by March 1</b>	Week 7 Lecture Quiz	
<p><b>February 23</b></p> <p><b>Winter Break</b>  <b>No Classes/No Office Hours</b></p>			
8.	<b>Topic</b>	<p><b>March 2</b></p> <p>Secondary Sources I – Introduction to Secondary Sources</p> <p><i>***View Pre-Recorded Lecture Segments on cuLearn***</i></p>	<p>Workshop: Writing/Editing and Plagiarism</p> <p><i>*** In-Class Tutorial ***</i></p>
	<b>Material</b>	<p>Read:  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>	
	<b>Due Completed by March 8</b>	Week 8 Lecture Quiz	
9.	<b>Topic</b>	<b>March 9</b>	Workshop: Analyzing Secondary Sources and Using Them in Research

		<p>Secondary Sources II – Analyzing Secondary Sources</p> <p>***View Pre-Recorded Lecture Segments on cuLearn***</p>	<p>*** In-Class Tutorial ***</p>
	<b>Material</b>	<p>Read:</p> <p>Anne Neylon article from Wk 8</p> <p>McGill Guide, chapter 6 (Secondary Sources)</p>	<p><b>Read (and complete exercise):</b></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>
	<b>Due Completed by March 15</b>	Week 9 Lecture Quiz	
10	<b>Topic</b>	<p><b>March 16</b></p> <p>International Law – Sources and Research</p> <p>***View Pre-Recorded Lecture Segments on cuLearn***</p>	<p>Finding International Sources of Law</p> <p>*** In-Class Tutorial ***</p>
	<b>Material</b>	<p>Read:</p> <p>UN Human Rights Committee, Communication No 2422/2014 (cuLearn Link)</p> <p>UN – "Explanation of Human Rights Treaty Bodies":  <a href="http://www.ohchr.org/EN/HRBodies/Pages/TreatyBodies.aspx">http://www.ohchr.org/EN/HRBodies/Pages/TreatyBodies.aspx</a></p>	<p>See resource videos in Tutorials Folder (cuLearn).</p>
	<b>Due Completed by March 22</b>	Week 10 Lecture Quiz	
11	<b>Topic</b>	<p><b>March 23</b></p> <p>Faculty Forum</p> <p>****No Lecture****</p>	<p>*** In-Class Tutorial ***</p>
	<b>Material</b>	No new readings this week	
	<b>Due</b>	Week 11 Lecture Quiz	

	<b>Completed by March 29</b>		
12	<b>Topic</b>	<b>March 30</b> No Lecture	Conclusion and Review
	<b>Material</b>	No new readings this week	
13	<b>Topic</b>	<b>April 6</b> No Lecture	Open Office Hours During Tutorial Time 2:30-4:00pm
	<b>Due: April 7</b>	<b>Assignment 2: Summary and Analysis of Secondary Sources &amp; Statutes</b>	