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| --- | --- | --- |
| **Course:** |  | **LAWS 5903W Judges and Judging**  **Contemporary Topics in Legal Studies** |
|  | CRN | 13729 |
| **Term:** |  | **Winter 2024** |
|  |  |  |
| **Prerequisites:** |  | Graduate Seminar |
| **Class:** | **Day & Time:** | **Wednesdays, 2.35PM-5.25PM** |
|  | **Room:** | Please consult Carleton Central |
|  |  | First Class: January 10, 2024  Last Class: April 03, 2024  No Class: February 21, 2024 (Reading Week) |
| **Instructor:** |  | **Professor Brettel Dawson** |
|  |  |  |
| **Contact:** | **Office Hrs:** | **In-Person, Fridays 9.30-11.00AM**  or, by appointment. |
|  | **Telephone:** | Email me instead! |
|  | **Email:** | **brettel.dawson@carleton.ca** |
|  |  |  |

**CALENDAR DESCRIPTION**

A research seminar which explores a selected topic from current debates in legal studies.

**COURSE DESCRIPTION**

Judicial decisions have 'the force of law'; indeed, they are law. They are consequential for the litigants and the normative content of law. Some decisions settle or unsettle the law. Some spark 'dialogue' with the legislature. Some spark outrage and galvanize social movements while others inspire and secure social change. Most are unremarkable. Judges define their task as “aspir[ing] to make the right or best possible decision… according to law in an open and public process.”[[1]](#footnote-1) Contemporary judicial theory frames judging as an intensely human process requiring the exercise of judgment in an environment of constraint and choice. In this process, judges are seen to be navigating tensions between values of certainty, predictability, and order on the one hand, and values of flexibility, responsiveness, and justice on the other.[[2]](#footnote-2)

What are we to make of judges and judging within the study of law and the legal in society? What is the function and role of judges in dispute resolution and social (normative) governance?

What are proper and improper influences in judicial decision-making?

We will take a case study approach informed by contemporary theories of the judging, drawing on the work of McIntrye (a legal academic) and Sharpe (a retired senior judge).

We will also devote part of each class to exploring the topics and research questions about judges and judging that you will be exploring through the course. As we are a small class, we will be able to walk through your research process and ideas together.

We will read a range of cases (judicial decisions) to explore (and test) theories of judging. We will not be searching for the ‘ratio decidendi’ to extract the legal ‘rule’ in a case. Instead, we will be reading (critiquing) judicial opinions (reasoning) with the following sorts of questions in mind: what ‘model or approach to reasoning and decision is apparent on the part of the judge(s)? What choices did judges have/make in the case? What constraints did judges have/accept that limited their choices? How did judges exercise “discretion and good judgment” in working through to a decision? What impact did (could or should) diversity among judges have on the reasoning and decision?

**LEARNING OBJECTIVES/OUTCOMES**

Though participating in this course, I hope you will be better able to:

1. Interrogate your understandings of judges and judging.
2. Define the nature and scope of the judicial function (provide an account of the need for/benefits of the judicial function).
3. Outline how judges engage with (interpret, construct, apply) law, facts and context in decision-making.
4. Critically assess how judges engage with and reconcile two fundamental features of judging: judicial choice and judicial discipline.

And, thereby, will be better able to:

1. Integrate common law (judicial decisions and methods) into your conception of law; and
2. Engage robustly with judicial decisions in your legal studies research and as citizens.

**CORE TEXTS**

**Joe McIntyre, *The Judicial Function: Fundamental Principles of Contemporary Judging*** (Singapore: Springer 2019). Library e-book unlimited users. You do not need to acquire this text as you will be able access it through the library.

**Robert J Sharpe, *Good Judgment: Making Judicial Decisions***(Toronto: University of Toronto Press, 2018). Library access limited to TWO users at a time. I will place as much relevant content as permitted on ARES Reserve. The book is for purchase directly from the University of Toronto Press as an e-book or print book $49.95 as of writing at: <https://utorontopress.com/9781487522438/good-judgment/>

Other articles and artefacts as suggested by you as part of your topic/research discussions.

Selected additional articles and artefacts posted by me.

**CASES**

As assigned. I will post PDFs on Brightspace and also available through Lexus Advance – Quicklaw (via library database); and CanLII at [Canadian Legal Information Institute | CanLII](https://www.canlii.org/en/).

**SUPPLEMENTARY TEXT**

**E.W. Thomas, *The Judicial Process: Realism, Pragmatism, Practical Reasoning and Principles***(Cambridge: Cambridge University Press, 2005). Available in the Carleton University library as an e-book.

**COURSE CALENDAR**

*This table provides an overview of proposed topics and class flow (subject to changeA detailed list of readings for each class will be posted on Brightspace. We will adjust as needed to balance your workload.*

| **W** | **DATES** | | **TOPICS**  **Updated** | | **PRESENTATIONS AND DATES**  **Updated** |
| --- | --- | --- | --- | --- | --- |
| **1** | **JAN** | 10 | Introduction  Outline; Class discussion on judges and judicial studies | |  |
| **2** |  | 17 | Judicial Role and Function, Appointments, Diversity | | **P1 (4)** |
| **3** |  | 24 | Judging: Impartiality and Independence  Judicial form of dispute resolution | | **P1 (4)** |
| **4** |  | 31 | Judges and Justice: The Judicial Conscience  Judicial form of social governance  Study: Mandatory minimum sentences | | **P1 (1)  P2 (2)** |
| **5** | **FEB** | 7 | Judicial Role in a Constitutional Democracy  Judicial Activism? | | **P2 (3)** |
| **6** |  | 14 | The Judicial Decision-Making Method  Judicial archetypes: Formalism, Realism, Context | | **P2 (4)** |
| **READING WEEK: FEBRUARY 19-23, 2024** | | | | | |
| **7** | **FEB** | 28 | Judges Deciding: Making (New) Law  Judges “Talking”: Trial/Appeal | | **P3 (3)** |
| **8** | **MAR** | 06 | Judges Talking: Race and Sentencing | | **P3 (3)** |
| **9** |  | 13 | Sexual Assault Trials[[3]](#footnote-3)  Judges Deciding: Legal rule, narrative (facts), and application: | | **P3 (3)** |
| **10** |  | 20 | Judges Talking: Indigenous offenders; Indigenous legal orders | | **P4 (3)** |
| **11** |  | 27 | On Judicial Education | | **P4 (3)** |
| **12** | **APR** | 03 | On Being a Judge: Reprise | | **P4 (3)** |
|  | **RESEARCH PAPER** | | | **DUE: APRIL 18, 2024** | |

**Student-led Discussion/Research in progress presentations**

|  |  |  |  |
| --- | --- | --- | --- |
| **P1** | Germ of an Idea. | **P3** | Research Outline |
| **P2** | Preliminary “Pitch” (Abstract) | **P4** | Research in Progress |

**EVALUATION**

*See description of each component and detailed requirements that follow later in this Outline. We will finalize the submission schedule once sign-ups have been completed.*

|  |  |  |  |
| --- | --- | --- | --- |
| **Component** | **Class** | **Written[[4]](#footnote-4)** | **Due[[5]](#footnote-5)** |
| Class Participation | 5 |  | Best of eight (non-presenting) |
| Presentation 1: Germ of an Idea | 5 |  | Pass/Fail |
| Presentation 2: Research Pitch (Abstract) | 10 | 8 | Circulate draft Monday before your presentation. Post final for grading on Brightspace one week after your presentation. |
| Presentation 3: Research Outline | 10 | 12 | Provide draft Outline to your Feedback Peer by Monday before your presentation. Post final for grading on Brightspace one week after your presentation. |
| Peer Review/Discussant another student’s Research Outline |  | 5 | Review draft Outline from your peer before relevant class; Complete and email final version for peer, and post on Brightspace for grading one week after the relevant week. |
| Presentation 4: Research in Progress | 10 |  | As signed up. |
| Final Research Essay |  | 35 | April 18 |
| **Totals** | **40** | **60** |  |

All components must be completed as individual work, You may not reuse more than 20% of any work prepared for another course.

All components must be successfully completed to get a passing grade in the course.

Artificial Intelligence tools may be used only as authorized. See my Statement on Artificial Intelligence at the end of this Outline.

*Note: Standing in a course is determined by the course instructor, subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.*

**LATE PENALTIES AND REQUESTS FOR EXTENSIONS**

Components that are submitted late without an extension will receive **zero** marks.

Please be in touch with me as soon as possible to discuss any difficulties you are having with completing elements of the course evaluation.

*The granting of extensions is determined by the instructor, who will confirm whether an extension is granted and the length of the extension. For requests for short-term extensions, 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/self-declaration.pdf*](https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf)*.*

*For more information regarding academic consideration for short-term incapacitation (illness, injury, or extraordinary circumstances beyond a student’s control), please visit the following link:* [*https://students.carleton.ca/course-outline/#academic-consideration-for-short-term-incapacitation*](https://students.carleton.ca/course-outline/#academic-consideration-for-short-term-incapacitation)

Back up your work regularly. Computer problems will not be accepted as a reason for an extension.

**DETAILED INFORMATION ON COURSE EVALUATION ACTIVITIES**

Note: Submission is via Brightspace on or before due date 11.59PM unless otherwise stated. The Due Dates are included in the Chart of Evaluation Components. I will update information as required.

**CLASS PARTICIPATION**

**Weekly seminar attendance and participation/**engagement; separate from when you are leading discussion/presenting. Best five classes (1 mark) x 1 mark per. **Grading**: I will use the attendance register on Brightspace to record each week.

You are expected to participate thoughtfully in the discussions through posing questions, offering examples, sharing relevant experiences, active listening, and critically analyzing the course materials and your own positions. Effective participation is premised upon completing the assigned readings every week, being prepared to discuss them in an informed manner, making constructive interventions to facilitate the production of group knowledge, and listening to colleagues with attention and respect. Lateness, low participation and/or absence without a legitimate reason (ideally COmmunicated in advance) will have an impact on your participation grade.

**RESEARCH AND PRESENTATION ACTIVITIES**

The following scaffolded components are designed to guide you through the research process in your selected area as smoothly as possible and with feedback.

**[Pass/Fail] Germ of an Idea**

Spend some time thinking about a topic or issue or aspect of judges and judging that you find interesting, and which raise questions you want to ‘excavate’ to better understand/engage in scholarly analysis. In our first class we will begin this process together. Thereafter, I’d like you to do some preliminary reading and begin to define your research interest and share your ideas with me and your peers.[[6]](#footnote-6) Your presentation (in either of Week 2 or 3) should be about 10 minutes. Please circulate a relevant item for us to read in advance.[[7]](#footnote-7)

**Research Pitch (Abstract)**

Settle on your research topic on a subject related to judges and judging.[[8]](#footnote-8) Course topics may provide a point of departure; write an abstract (pitch) identifying the area you are interested in researching and the academic research question(s) to be taken up; briefly state the kind of sources (material) you think may be required including parameters (such as date range, country of interest, types of source etc); (tentatively) set out how you might approach/analyze the research question(s) including theory/conceptual lens. Include a statement of what makes this research topic interesting to you. [[9]](#footnote-9) About 350 words is enough. Include at least two indicative sources.

You will present your draft pitch for feedback and discussion in class per sign up schedule.

|  |
| --- |
| **Research Outline** |

Building from your pitch/abstract and further consideration write an Outline of your proposed research essay which includes draft title, statement of the research question (and related, sub-questions), and elaborate on your focus, research sources and theoretical/conceptual approach). Your Outline should provide a ‘table of contents’ (annotated) for the sections of your essay noting the purpose of each section insofar as it assists you to answer your research question. Include a select bibliography of anticipated ‘top three’ sources, in correct citation style.   
  
You will present your Outline for feedback and discussion in class per sign up schedule.

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| --- |
| **Constructive, Written, Peer Feedback and Discussant Role** on ONE Research Outline |

Everyone in the class must prepare a research outline for their research essay. Your Outline will be provided to one other student in the course who will be responsible for providing you with structured/constructive feedback on your proposal.

This feedback should be completed and sent directly to your colleague (with a copy to me).

I have appended a short guide to providing constructive feedback is appended.

|  |
| --- |
| **Presentation of Research in Progress** |

Presentation of your draft final research paper. You will be graded on your presentation and engagement with discussion.

Drawn by (mostly) random draw (let me know if there is a reason why one of these weeks is better for you than the other.)

Prepare a 15-minute presentation (time yourself). No PowerPoint. Anticipate 5-10 minutes of comments and questions.

|  |
| --- |
| **Final Research Essay** |

Research and write a final research essay. Not more than 5000 words (about 20 pages) not including footnotes or bibliography in word count.

Include a bibliography (and a process Appendix including any use of AI. I’ll be anticipating around 20 relevant sources that are used in your paper (not just a list of relevant literature in the field). Use the Library Omni search to locate sources (you will find more than you end up using.

Prepare your paper in standard format (normal margins, double-spaced, font 12pt (Arial, Calibri or Times New Roman); with indented paragraphs (or space between paragraphs). Submit in WORD or as a PDF. Do not submit in Pages or other word processor!

Include a cover page with your title (make it informative – linked to your central claim in the paper); give your name and student number.

Adopt and follow a recognized citation style throughout your paper. Be certain to attribute all your sources for quotes and any paraphrasing using the style you have adopted (e.g, footnotes, endnotes, in text). Quotes over 50 words are to be indented and single-spaced. [[10]](#footnote-10)

See detailed ‘standard advice’ I give on paraphrasing and attribution in research work.

**Notes on Some Components**

**1. Formulating a Research Question**

This general formula can be useful in development a **research proposal (what we call ‘the pitch’ or abstract** in this course). It’s ‘clunky’ (not sophisticated) but it creates a path for clarification/shaping of a research project/focus. It helps you to move from description of an area (germ of an idea) to setting out how you will assess, evaluate, critique, make claims in relation to your research question. It then helps you break your research (essay) into a sequence of ‘sub-questions’ through which you will build the study (identifying the evidence or data you need) to a supported conclusion. It also provides a fail-safe foundation for an introduction (and a quick way to explain what you are researching, how, and why).

My research area is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. I am interested in this research area because \_\_\_\_\_\_\_\_\_\_\_\_\_ (what’s the ‘problem’ that’s got your attention?) In this research essay, I will be studying (scope or focus area) \_\_\_\_\_\_\_\_\_\_\_ in order to  (find out, establish whether… etc) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. I want to be able to better understand, in relation to the research ‘problem’\* (how, why, whether, what) \_\_\_\_\_\_\_\_\_\_\_\_. I will be framing my research through reference to \_\_\_\_\_\_\_\_\_ theory and the concepts it explores such as: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, so that I will be able to:  \_\_\_\_\_\_\_\_\_\_\_ (the ‘so what’ question – why do the study? What will we know better after your research than we did before?).

In the **Research Outline**, you will develop your thinking further and include specific plans related to sources, parameters etc.

My central thesis, claim or argument is: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. The steps towards answering the research question/validating my central thesis or claim, raise or engage the following sub-questions (how can you break the ‘big research question’ into the sub-components. These generally correspond to the sections of your research essay) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (etc)

**2. Providing Constructive to Peers in General and on the Research Outline in Particular[[11]](#footnote-11)**

All feedback should be respectful and constructive. It is not your job to *evaluate* the Outline, but to reflect back its strengths and identify possible areas of further strengthening. Please review the requirements for the Outline and research paper in the course outline before providing feedback as you are trying to help your colleague prepare their best possible research essay according to those criteria.

Questions and suggestions are more helpful than pronouncements. Your peers will benefit from your engagement with their proposed paper, not your opinion of it. As well, while compliments are motivating and encouraging, too many don’t really help the recipient to strengthen the paper. Only provide feedback that you would be happy to receive.

**For Peer Review of a Course Outline:**

Please use the following questions to guide your feedback:

1. Is the central claim/question of the proposed paper clear and focused? Can its claims be supported (not just an opinion piece)? Do you have any suggestions for strengthening it?
2. Is the proposed paper connected to the themes of the class (judges and judging. Decision-making, context etc), and if that could be strengthened, what are your suggestions?
3. How strong is the fit between the theory or core concepts selected, the paper’s claim or question, and the object of inquiry being analyzed? Do the various parts work well together? If any parts of the paper or the connections among them could be strengthened, what suggestions do you have?
4. What kinds of questions, issues, or thoughts did the outline inspire in you that might be helpful for your colleague to think about considering or alternatively, developing further?

**APPENDIX 1**

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## STATEMENT ON ACADEMIC INTEGRITY AND BEST PRACTICES IN PREPARATION OF ACADEMIC WORK

**Professor Dawson**

This is my standard statement. I expect you to fully comply with the University’s Policy on Academic Integrity. All work must be original, completed individually for this course and without collaboration. You must provide full attribution of all sources using correct legal citation (using footnote and following the Canadian Guide to Legal Citation).

I insist upon correct use of paraphrasing, and attribution of all sources drawn upon in your work. Your work must be original (and your own). You may not copy material from sources even if you (even if change around some wording). You will lose marks if you do not follow these rules, and if pervasive, I may send your work to the Dean as an alleged academic offence.

Here are some suggestions (you may have to copy and paste these urls):

Consider completing the useful online workshop dealing with academic integrity offered by Carleton’s Centre for Student Academic Support (CSAS)– at this link:

[https://carleton.ca/csas/learning- support/learning-support-workshops/](https://carleton.ca/csas/learning-%20support/learning-support-workshops/)

The Carleton Library has a video series on academic integrity. Here is a link to their video on citations: https://[www.youtube.com/watch?v=3q4FS4P11Us.](http://www.youtube.com/watch?v=3q4FS4P11Us)

The Library has a web page on academic integrity containing links to useful topics. It is available at <https://library.carleton.ca/guides/help/academic-integrity>.

Other helpful resources outside of Carleton are available on the internet, include the following:

The University of Waterloo’s web page on academic integrity has a section on referencing and research skills, including citing and paraphrasing. https://uwaterloo.ca/academic-integrity/integrity-students/referencing-and-research-skills.

The Purdue University online writing lab also has useful resources. You might find their “plagiarism overview” page to be especially relevant at the following link: https://owl.purdue.edu/owl/avoiding\_plagiarism/index.html.

Yale University’s Poorvu Center for Teaching and Learning has a website which discusses “using sources” and “understanding and avoiding plagiarism.” It is available at the following link: https://poorvucenter.yale.edu/using-sources.

## STATEMENT ON LEARNING, ASSIGNMENTS, AND ARTIFICIAL INTELLIGENCE

**Professor Dawson**

Advances in the capacity of artificial intelligence models to retrieve information and present academic analysis are moving at exponential speed. We are in a phase of high disruption for university assignments. Professors, including me, are engaged in a process of re-designing (and realigning) evaluation methods to assess relevant student knowledge and understanding. We are also trying to sort how to help you generate benefits from AI and minimize the risks that it poses in your academic work. There’s a quote that stands out for me in this regard, “used well, [artificial intelligence] tools can show students the wonders and responsibilities of acquiring and building powerful knowledge. It can assist rather than being in opposition to their learning.”[[12]](#footnote-12) In light of these thoughts, I do permit you to use AI in your work in this course, subject to my observations and requirements as set out below.

**Observations on AI**

* You need to have a **conceptual grasp** of the topics you are exploring to be able to craft effective search (prompt) strategies to use AI effectively and appropriately in academic work. It works best for topics you understand.
* You may find it useful to ask AI to **rephase** academic writing or concepts into ‘plain English’ so you can understand it a bit more easily (e.g, ask for definitions). But note: AI can change words and meanings that matter in quoted passages. There is no shortcut for learning!
* AI may help you develop your understanding of the subject area. Check out a new tutorial tool: [www.aitutorpro.ca](http://www.aitutorpro.ca) It looks great!
* You **may** (and likely already do) use something like Grammarly to check (proof) your writing.

When doing assignments:

* **Do not trust anything AI gives you**. If it gives you a number or fact, assume it is wrong unless you either know the answer or can check with another source. AI tools can and do fabricate (‘hallucinate’) in their responses.[[13]](#footnote-13)
* When doing assignments, you should read suggested articles before you head to AI to ask it to summarize, as AI will begin to shape your research path and understanding. The key is to try to remain ‘independent’ of what AI produces for you.
* AI may help you **broaden** your understanding of area relevant to your paper but this is only complementary to and not a substitute for researching scholarly sources/articles.[[14]](#footnote-14)
* AI is **not reliable as a research tool for sources**. Some tools like Bing and Perplexity AI, give a list of consulted sources. But, overall, it remains opaque to me how AI tools select/give sources. There is no guarantee that they are the best quality or most on point. They are certainly not comprehensive! For example, Perplexity.ai gives only a few sources for prompts and follow-ups if you are using free access. Even with a paid account and more sources, the opaqueness remains. Use the library (Omni tool) and traditional research methods to locate relevant scholarly sources for you work and ensure that you are using peer-reviewed sources.

**General Requirements on AI use[[15]](#footnote-15)**

* Your actual, submitted work - or any part of it - **may not** be generated by AI even if you do some editing on the content.
* You are required in this course to include an **Appendix** in all written work which contains an account of your use of AI and also your research process without AI.
* If you want to rely on/build from/present aspects of **answers** as generated from AI you must **verify** by using traditional research methods. You must include a note in any work using AI about how you have done this verification. You are fully responsible for any errors or omissions in your work arising from the use of AI.
* When considering AI responses, you **must** ask the tool you are using for the **sources** it has used and follow-up what it gives you. AI still fabricates completely false citations to non-existent sources. I will likely know the field well enough to raise my eyebrows and catch you out if you put fake stuff into your work.
* You must **assess** the quality and relevance of sources being used by the AI you access. You should make a note in your work about how you have done this.

# DEPARTMENT OF LAW AND LEGAL STUDIES POLICIES AND REGULATIONS

Please review the following webpage to ensure that your practices meet our Department’s expectations, particularly regarding standard departmental protocols and academic integrity requirements: <https://carleton.ca/law/student-experience-resources/>.

## PLAGIARISM

The University Academic Integrity Policy defines plagiarism as “*presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one’s own.”*This 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, artworks, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, material on the internet and/or conversations.

Examples of plagiarism include, but are not limited to:

* any submission prepared in whole or in part, by someone else, including the unauthorized use of generative AI tools (e.g., ChatGPT);
* using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignment;
* using another’s data or research findings without appropriate acknowledgement;
* submitting a computer program developed in whole or in part by someone else, with or without modifications, as one’s own; and
* failing to acknowledge sources through the use of proper citations when using another’s work and/or failing to use quotations marks.

Plagiarism is a serious offence that cannot be resolved directly by the course’s instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of “F” for the course.

## STATEMENT ON STUDENT MENTAL HEALTH

As a University student you may experience a range of mental health challenges that significantly impact your academic success and overall well-being. If you need help, please speak to someone. There are numerous resources available both on- and off-campus to support you.

Emergency Resources (on and off campus):

* <https://carleton.ca/health/emergencies-and-crisis/emergency-numbers/>

Carleton Resources:

* Mental Health and Wellbeing: [https://carleton.ca/wellness](https://carleton.ca/wellness/)/
* Health & Counselling Services: <https://carleton.ca/health/>
* Paul Menton Centre: <https://carleton.ca/pmc/>
* Academic Advising Centre (AAC): <https://carleton.ca/academicadvising/>
* Centre for Student Academic Support (CSAS): <https://carleton.ca/csas/>
* Equity & Inclusivity Communities: <https://carleton.ca/equity/>

Off Campus Resources:

* Distress Centre of Ottawa and Region: (613) 238-3311 or TEXT: 343-306-5550, <https://www.dcottawa.on.ca/>
* Mental Health Crisis Service: (613) 722-6914, 1-866-996-0991, <http://www.crisisline.ca/>
* Empower Me: 1-844-741-6389, [https://students.carleton.ca/services/empower-me-counselling-services](https://students.carleton.ca/services/empower-me-counselling-services/)
* Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
* The Walk-In Counselling Clinic: [https://walkincounselling.com](https://walkincounselling.com/)

## 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 about the accommodation policy, visit the [Equity and Inclusive Communities (EIC)](https://carleton.ca/equity/) website.

**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, please go to: <https://carleton.ca/equity/focus/discrimination-harassment/religious-spiritual-observances/>

**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. You can find the Paul Menton Centre online at: <https://carleton.ca/pmc/>

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).

**Survivors of Sexual Violence**  
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For more information on academic accommodation, please visit: <https://students.carleton.ca/services/accommodation/>.

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| WINTER 2024 SESSIONAL DATES AND UNIVERSITY CLOSURES | |
| *Please find a full list of important academic dates on the calendar website:* [*https://calendar.carleton.ca/academicyear/*](https://calendar.carleton.ca/academicyear/) | |
| **January 8, 2024** | Winter term begins. |
| **January 19, 2024** | Last day for registration and course changes (including auditing) in full winter and late winter courses. |
| **January 31, 2024** | Last day to withdraw from full winter and the winter portion of fall/winter courses with a full fee adjustment. |
| **February 19, 2024** | Statutory holiday. University closed. |
| **February 19-23, 2024** | Winter break. No classes. |
| **March 15, 2024** | Last day for academic withdrawal from full winter, late winter, and fall/winter courses. |
| **March 27, 2024** | Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade, in full winter term or fall/winter undergraduate courses, before the official April final examination period (see examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar). |
| **March 29, 2024** | Statutory holiday. University closed. |
| **April 10, 2024** | Winter term ends. |
|  | Last day of full winter, late winter and fall/winter term classes. |
|  | Classes follow a Friday schedule (full winter and later winter courses). |
|  | Last day for handing in term work and the last day that can be specified by a course instructor as a due date for term work for full winter term and late winter courses. |
|  | Last day for take home examinations to be assigned. |
| **April 13-25, 2024** | Final examinations in full winter, late winter and fall/winter term courses will be held. Examinations are normally held all seven days of the week. |
| **April 25, 2024** | All final take-home examinations are due on this day, with the exception of those conforming to the examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar. |

**University and Departmental Policies**

**DEPARTMENT POLICIES AND REGULATIONS**

Please review the following webpage to ensure that your practices meet our Department’s expectations, particularly regarding standard departmental protocols and academic integrity requirements: <https://carleton.ca/law/student-experience-resources/>.

**PLAGIARISM**

The University Academic Integrity Policy defines plagiarism as “*presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one’s own.”*This 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, artworks, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, material on the internet and/or conversations.

Examples of plagiarism include, but are not limited to:

* any submission prepared in whole or in part, by someone else, including the unauthorized use of generative AI tools (e.g., ChatGPT);
* using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignment;
* using another’s data or research findings without appropriate acknowledgement;
* submitting a computer program developed in whole or in part by someone else, with or without modifications, as one’s own; and
* failing to acknowledge sources through the use of proper citations when using another’s work and/or failing to use quotations marks.

Plagiarism is a serious offence that cannot be resolved directly by the course’s instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of “F” for the course.

**STATEMENT ON STUDENT MENTAL HEALTH**

As a University student you may experience a range of mental health challenges that significantly impact your academic success and overall well-being. If you need help, please speak to someone. There are numerous resources available both on- and off-campus to support you.

Emergency Resources (on and off campus):

* <https://carleton.ca/health/emergencies-and-crisis/emergency-numbers/>

Carleton Resources:

* Mental Health and Wellbeing: [https://carleton.ca/wellness](https://carleton.ca/wellness/)/
* Health & Counselling Services: <https://carleton.ca/health/>
* Paul Menton Centre: <https://carleton.ca/pmc/>
* Academic Advising Centre (AAC): <https://carleton.ca/academicadvising/>
* Centre for Student Academic Support (CSAS): <https://carleton.ca/csas/>
* Equity & Inclusivity Communities: <https://carleton.ca/equity/>

Off Campus Resources:

* Distress Centre of Ottawa and Region: (613) 238-3311 or TEXT: 343-306-5550, <https://www.dcottawa.on.ca/>
* Mental Health Crisis Service: (613) 722-6914, 1-866-996-0991, <http://www.crisisline.ca/>
* Empower Me: 1-844-741-6389, [https://students.carleton.ca/services/empower-me-counselling-services](https://students.carleton.ca/services/empower-me-counselling-services/)
* Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
* The Walk-In Counselling Clinic: [https://walkincounselling.com](https://walkincounselling.com/)

**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 accommodation regarding a formally-scheduled final exam, you must complete the Pregnancy Accommodation Form that can be found at:   
<https://carleton.ca/equity/contact/form-pregnancy-accommodation/>

**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, please go to: <https://carleton.ca/equity/focus/discrimination-harassment/religious-spiritual-observances/>

**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. You can find the Paul Menton Centre online at: <https://carleton.ca/pmc/>

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1. Per Robert Sharpe, *Good Judgment* at 73 & 34 [↑](#footnote-ref-1)
2. Per Joe McIntryre, *The Judicial Function* [↑](#footnote-ref-2)
3. Awaiting confirmation of judicial guest. We will move to accommodate. [↑](#footnote-ref-3)
4. Any written element must include a short Appendix indicating how you have developed your work, with or without using Artificial Intelligence tools. [↑](#footnote-ref-4)
5. Drafts are to be circulated by email to Prof and other students. Written assignments are due by 11.59PM on Brightspace. [↑](#footnote-ref-5)
6. This task (and ‘the pitch’) must be successfully completed before you move on to your Research Outline. [↑](#footnote-ref-6)
7. This can be relatively informal such as a news report or internet post; or a short article that has caught your interest. [↑](#footnote-ref-7)
8. The References Section after each chapter in the McIntyre book may be useful to mine for sources and topics/questions. Class topics may be useful or stimulate your interest in further research. Your topic, however does not have to be one of the class topics. [↑](#footnote-ref-8)
9. See ‘formula’ for development research questions that follows. [↑](#footnote-ref-9)
10. Consider using the McGill Guide to Canadian Legal Citation throughout your paper and use footnotes. See further: <https://library.carleton.ca/guides/help/legal-citation>. [↑](#footnote-ref-10)
11. Kudos to Professor Sheryl Hamilton for developing the Guide on which this document is based and thanks to her for sharing it with me for this course. [↑](#footnote-ref-11)
12. # See “ChatGPT is the push higher education needs to rethink assessment”, The Conversation, March 23, 2023, online at [ChatGPT Is The Push Higher Education Needs To Rethink Assessment - Stuff South Africa](https://stuff.co.za/2023/03/13/chatgpt-is-the-push-higher-education-needs/#:~:text=We%20believe%20ChatGPT%20could%20be%20a%20powerful%20impetus,intelligence%20tools%20like%20chatbots%20in%20the%20world%20today.).

    [↑](#footnote-ref-12)
13. An example: in response to an enquiry, directed to Perplexity on Canadian instances of supported decision-making, it informed me that there was a “2018 consensus” on the point. There was no such consensus! [↑](#footnote-ref-13)
14. E.g., Law Databases through Carleton Library and OMNI search tool. Google Scholar. See Law Research Guide at [Law | MacOdrum Library (carleton.ca)](https://library.carleton.ca/guides/subject/law). [↑](#footnote-ref-14)
15. These comments in the Outline apply to all submitted work in the course. Additional requirements related to AI may be specified in Assignments. [↑](#footnote-ref-15)