

**LAWS 2908C – Methodological Approaches in Legal Studies I
Winter 2024**

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| LECTURES: | View Lectures on Brightspace | This course uses a blended learning model that involves pre-recorded online lectures available through Brightspace. |
| TUTORIALS: | Fridays 1:05 – 2:25 | Check Carleton schedule for room |
| PREREQUISITES: | | LAWS 1001 and LAWS 1002 (Formerly LAWS 1000 - no longer offered) |
| INSTRUCTOR: | | Dr. Zeina Bou-Zeid |
| CONTACT: | Office Hrs: | By appointment through Zoom, Phone or in person (please email to schedule an appointment) |
| | Email: | zeina.bouzeid@carleton.ca |
| | Phone: | 613-520-2600 ext: 8069 |
| BRIGHTSPACE: | Essential | Students must be able to access and use Brightspace for this course. Email to Instructor, lecture slides, assignments and many video resources are available <u>only</u> through this modality. Contact ITS for assistance if required at https://carleton.ca/its/ |

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. Students are strongly encouraged to take this course in the second year of their program.

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

The lectures in this course are pre-recorded lectures that you are encouraged to watch before the weekly tutorials. 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

Tutorials will take place every Friday from 1:05-2:25pm in our classroom. 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 led by your instructor.** I highly recommend that you attend the live tutorials. **This is your opportunity to ask questions and meet the other students in the class.**

COURSE MATERIALS:

A. RECOMMENDED TEXT:

1. McGill Law Journal, *Canadian Guide to Uniform Legal Citation*, 10th ed (Toronto, Ontario: Thomson Reuters, 2023) [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.

B. REQUIRED READINGS:

Articles and Cases:

Other required readings will include articles and cases. These will be available through a link on the Brightspace 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 exercises.

| Evaluation Component | Value | Due Dates |
|---|-------|-------------------|
| ASSIGNMENTS There are TWO Assignments in the course. Each is submitted through the Brightspace Assignment Tab. Full instructions will be provided with the Assignment Sheets which will be posted on the Assignment Tab on Brightspace. | | |
| Assignment 1: Case Brief This assignment will require students to summarize and analyze a judicial decision in a case to be assigned by the instructor. | 34% | February 14, 2024 |
| Assignment 2: Summary and Analysis of Secondary Sources and Statutes/Government Documents This assignment is designed to provide students with the opportunity to locate and analyze several journal articles assigned by the instructor. The assignment will also require that you locate statutes, bills and government documents and perform a critical analysis. | 40% | April 10, 2024 |

| Evaluation Component | Value | Due Dates |
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| <p>CLASS ATTENDANCE AND PARTICIPATION</p> <p>Tutorial attendance is mandatory. Tutorials take two different formats (labs and workshops). Labs cover the nuts and bolts of legal research and databases. Workshops cover specialized themes such as analyzing legal material and writing.</p> <p>Students will complete worksheets in these labs.</p> | 10% | Ongoing |
| <p>LECTURE QUIZZES</p> <p>There are 10 Lecture Quizzes that are based on the content discussed in the lectures and a designated reading for each lecture. Each Quiz gets activated the day the lecture (6:00am) 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 8 Quizzes will be counted towards your final grade. This means that students may choose to only complete 8 of the Quizzes if they are satisfied with their marks from these 8 Quizzes.</p> | 16% | <p>Class 1 Quiz – open Jan 12 until Jan 18. Class 2 Quiz – open Jan 19 until Jan 25. Class 3 Quiz – open Jan 26 until Feb 1. Class 4 Quiz – open Feb 2 until Feb 8. Class 5 Quiz – open Feb 9 until Feb 15. Class 6 Quiz – open Feb 16 until Feb 29. Class 7 Quiz – open Mar 1 until Mar 7. Class 8 Quiz – open Mar 8 until Mar 14. Class 9 Quiz – open Mar 15 until Mar 21. Class 10 Quiz – open Mar 22 until Apr 4.</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> <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 Department and the Dean.</p> | | |

You must provide meticulously correct citations compliant with the *Canadian Guide to Uniform Legal Citation*, 10th 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 Wednesday. Due time for all work is **midnight**.

Time Zone: Ottawa follows Eastern Daylight Time (GMT-4). If you live outside of this time zone please make sure you adjust your submission time to reflect when assignments are due in this time zone. Late papers and extensions will not be accepted for this reason.

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 Brightspace. 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

I have every commitment to your success in the course and also know that 'life' (and other coursework) can intervene. I 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. I 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 team of people who work with me on the course. Accordingly, I expect and require students to get their assignments in ON TIME. I am remorseless about lateness. The Late Policy is as follows:

ASSIGNMENTS

Grace Period:

- All students will receive THREE full grace days to submit assignments. This grace period gives students the opportunity to delay the submission of assignments by (at most) three days without penalty.

- The grace days can be used on both assignments 1 and 2 or not at all. You have 3 grace days to submit on Assignment 1 and another 3 on Assignment 2 - but you cannot use leftover grace days from assignment one on assignment two.
- If the assignment is due Wednesday at midnight- the 3 full days will mean that the assignment is due on Saturday at midnight.

Late Assignments Are **NOT** Accepted:

- Late Assignments are not accepted in this course. Students may take advantage of the grace period or request an extension (if they meet the requirements).

EXTENSIONS FOR THE ASSIGNMENTS

Students can request an extension on Assignments for serious illness, Covid related reasons or family and personal emergencies.

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.

Students requesting an extension **MUST** contact the Course Instructor prior to the assignment deadline. The granting of extensions is determined by the instructor (not Teaching Assistants) who will confirm whether an extension is granted and the length of the extension. For requests for extensions lasting less than 7 days, please complete the Self-Declaration form (located on the course Brightspace page) and submit it to the instructor through email (zeina.bouzeid@carleton.ca) PRIOR to the assignment due date.

Extensions for longer than 7 days will normally not be granted. In those extraordinary cases where extensions lasting longer than 7 days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of 14 days).

Extensions will not be granted for computer problems of any kind. I 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.

COURSE SCHEDULE: LECTURES, TUTORIALS, DUE DATES FOR EVALUATION

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

| Week | | Lecture | Tutorial |
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| 1. | Topic | January 12 <i>***No Pre-Recorded Lecture***</i> | Introduction to the Course <i>***In-Person Tutorial 1 to 2:30pm***</i> |
| | Material | | Read: Course Outline |
| | Due Completed by Jan 18 | Class 1 Lecture Quiz (is based on course outline) | |
| 2. | Topic | January 19 <u>Cases I: Judges and Judgment</u> <i>***View Pre-Recorded lecture Segments on Brightspace***</i> | <u>Finding and Noting-Up Cases I (West Law and CanLii)</u> <i>***In-Person Tutorial 1 to 2:30pm***</i> |
| | Material | Read: Martin Davies, "Reading Cases" (1987) 50(4) Mod L Rev 409. | |
| | Due Completed by Jan 25 | Class 2 Lecture Quiz | |
| 3 | Topic | January 26 <u>Cases II: Anatomy of a Case</u> <i>***View Pre-Recorded lecture Segments on Brightspace***</i> | <u>Workshop: Career Services</u> Guest: Natalie Pinto <u>Finding and Noting Up Cases II (Quicklaw including International sources)</u> <i>***In-Person Tutorial 1 to 2:30pm***</i> |

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| | Material | <p>Read:</p> <p><i>Febles v Canada (Citizenship and Immigration Minister)</i></p> <p>UBC Fac of Law - "Introduction to Reading and Briefing a Case":</p> <p>ALPN - "Ratio decidendi and Obiter dicta":</p> | |
| | Due Completed by Feb 1 | Class 3 Lecture Quiz | |
| 4 | Topic | <p>February 2</p> <p><u>Cases III: Precedent, Law Reporting and Citation</u></p> <p>***View Pre-Recorded lecture Segments on Brightspace***</p> | <p><u>Workshop: Analyzing Cases and Using them in Research</u></p> <p>***In-Person Tutorial 1 to 2:30pm***</p> |
| | Material | <p>Read:</p> <p>Debra Parkes, "Precedent Unbound? Contemporary Approaches to Precedent in Canada" (2007) 32 Man LJ 135</p> <p>ALPN – "Law Reports": (focus on concepts not details)</p> <p>ALPN-"Updating Cases":</p> <p>McGill Guide, Section 3 (Cases)</p> | <p>Read:</p> <p><i>Febles v Canada (Citizenship and Immigration Minister)</i></p> |
| | Due Completed by Feb 8 | Class 4 Lecture Quiz | |
| 5 | Topic | <p>February 9</p> <p><u>Legislation I: Legislation and Legislative Process</u></p> | <p><u>Tracing the Legislative Process and Locating Bills</u></p> |

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| | | ***View Pre-Recorded lecture Segments on Brightspace*** | ***In-Person Tutorial 1 to 2:30pm*** |
| | Material | Read: <i>McGill Guide</i> , chapter 2 (Legislation) | |
| | Due Completed by Feb 15 | Class 5 Lecture Quiz | |
| 6 | Topic | February 16 <u>Legislation II: Interpreting Legislation and Understanding Legislative Drafters</u> ***View Pre-Recorded lecture Segments on Brightspace*** | <u>Finding and Noting Up Legislation</u> ***In-Person Tutorial 1 to 2:30pm*** |
| | 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 2 (Legislation) | |
| | Due Completed by Feb 29 | Class 6 Lecture Quiz | |
| Due: Assignment 1 - Case Brief Wednesday Feb 14 | | | |
| Winter Break: No Lecture or Tutorial February 19-23 | | | |

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| 7 | Topic | March 1 <u>Grey Literature & Government Documents</u> ***View Pre-Recorded lecture Segments on Brightspace*** | <u>Locating Government Documents</u> ***In-Person Tutorial 1 to 2:30pm*** |
| | 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. Sarah Bonato, <i>Searching the Grey Literature a Handbook for Searching Reports, Working Papers and other Unpublished Research</i> (Lanham, Maryland: Rowman and Littlefield Publishers, 2018). READ: Chapter 1, pages 1-25 & C <i>McGill Guide</i> , chapter 4 (Government Documents) | |
| | Due Completed by Mar 7 | Class 7 Lecture Quiz | |
| 8. | Topic | March 8 <u>Starting Research In Legal Studies</u> ***View Pre-Recorded lecture Segments on Brightspace*** | <u>Finding Secondary Sources (Library Databases, Quicklaw, Westlaw)</u> ***In-Person Tutorial 1 to 2:30pm*** |

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| | Material | Read: T Brettel Dawson, "Legal Research in a Social Science Setting: The Problem of Method" (1992) 14 Dalhousie Law Journal 445. Richard F Devlin, "Mapping Legal Theory" (1994) 32 Alta L Rev 602. | Read: "Is Google Making Us Stupid?" http://www.theatlantic.com/magazine/archive/2008/07/is-google-making-us-stupid/6868/ |
| | Due Completed by Mar 14 | Class 8 Lecture Quiz | |
| 9. | Topic | March 15 <u>Secondary Sources I – Introduction to Secondary Sources</u> ***View Pre-Recorded lecture Segments on Brightspace*** | <u>Workshop: Analyzing Secondary Sources and Using Them in Research</u> ***In-Person Tutorial 1 to 2:30pm*** |
| | Material | 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. | |
| | Due Completed by Mar 21 | Class 9 Lecture Quiz | |
| 10. | Topic | March 22 <u>Secondary Sources II – Analyzing Secondary Sources</u> ***View Pre-Recorded Lecture Segments on cuLearn*** | <u>Workshop: Writing/Editing and Plagiarism</u> ***In-Person Tutorial 1 to 2:30pm*** |

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| | Material | Read: Anne Neylon article from Week 9 <i>McGill Guide</i> , chapter 6 (Secondary Sources) | Read: Reg Whitaker, “Refugee Policy after September 11: Not Much New” (2002) 20(4) <i>Refugee</i> 29. |
| | Due Completed by Apr 4 | Class 10 Lecture Quiz | |
| 11 | Topic | April 5 No Lecture This Week | <u>Workshop</u> : Career Services Guest: Natalie Pinto <u>Conclusion and Review</u> ***In-Person Tutorial 1 to 2:30pm*** |
| | Material | No readings this week | |
| 12 | Topic | April 10 No Lecture This Week | No Tutorial This Week Open Office Hours to Review Assignment |
| Assignment 2: Secondary Sources & Statutes/Government Documents Due: April 10 | | | |

| Winter 2024 Sessional Dates and University Closures | |
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| <i>Please find a full list of important academic dates on the calendar website: https://calendar.carleton.ca/academicyear/</i> | |
| 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

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/>.

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 \(EIC\)](#) 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 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

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and where survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: <https://carleton.ca/equity/sexual-assault-support-services>

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. Read more here:

<https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please visit:

<https://students.carleton.ca/services/accommodation/>.