

Course Outline

COURSE: LAWS 1001 D – Introduction to Legal Studies I

TERM: Fall 2022

PREREQUISITES: None

CLASS: **Day & Time:** **Thursdays**, from September 8 to December 8, 2022
12:35 p.m. to 14:25 p.m.

Room: *Please check Carleton Central for current Class Schedule.*

Minto Centre, Room 2000

INSTRUCTOR: **Professor Sébastien Malette, PhD.**

CONTACT:
Office Hours: By appointment

Email: sebastien.malette@carleton.ca

CALENDAR COURSE DESCRIPTION

Introduction to legal studies: concepts, sources, nature and functions of law; historical, cultural and constitutional foundations of Canadian legal system; common and civil law traditions; statutory interpretation; precedent; legal institutions; frameworks for analyzing formal and informal conceptions of law and its role in society.

Precludes additional credit for LAWS 1000 (no longer offered).

COURSE DESCRIPTION

This course is designed to provide an introduction to the field of Canadian legal studies. As such, it has two main objectives. The first objective is to provide a basic knowledge of the formal foundations of law and the legal system in Canada. Students will learn about the sources of formal law in Canada, the structure and function of legal institutions, the process of law-making and the various actors in the legal process. As well, students will be introduced to

important areas of substantive law (such as criminal law, constitutional law, and contract law). The second objective of the course is to provide students with the tools to begin to think critically about the law and our legal system. Students will be introduced to various theoretical perspectives concerning what law is, how law is “made”, how we experience law, the role of law in shaping relationships between individuals and groups, as well as relations between the state and society. The ways in which the law may be manipulated to serve particular societal interests will also be considered. Ultimately, students will consider the role that law plays in either advancing or inhibiting social justice and social change.

Learning Objectives: Upon successful completion of the course, students should be able to:

- Identify and explain several different theoretical frameworks that can be used to examine the different forms and roles of law within Canadian society, including both formal and informal conceptions of “law”;
- Identify, explain and critically evaluate the roles and functions of institutions and actors involved in the formal legal system;
- Recognize, explain and critically evaluate the formal process of legal rule-making, including the legislative process and judicial decision making;
- Recognize, explain and critically evaluate a cross-section of the formal legal rules and frameworks that directly affect the lives of Canadians;
- Recognize and critically evaluate the ways in which both formal and informal “law” may be used to affect the distribution of power in society and recognize different ways of assessing the relationship between law and justice and between law and social change.

REQUIRED TEXTS

1. Stephen Tasson, Rebecca Bromwich, Jane Dickson, Vincent Kazmierski, Bettina Appel Kuzmarov, Sébastien Malette, Umut Özsü (eds.), *Introduction to Legal Studies: Foundations and Rights Protection* (vol.1) Canadian Legal Studies Series (Concord: Captus Press, 2080); ISBN 978-1-55322-375-7.
2. Patrick Fitzgerald, Barry Wright, and Vincent Kazmierski, *Looking at Law: Canada’s Legal System*, 7th ed. (Toronto: Butterworths, 2019). ISBN 978-0-433-49892-6

May also be purchased through the Carleton University Bookstore website:

<https://www.bkstr.com/carletonstore/home>)

SUPPLEMENTARY TEXTS

Please check the course Brightspace page on a weekly basis for any additional pedagogical material.

EVALUATION

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

There are four formal evaluation components in this course: two assignments, attendance and participation in discussion groups, and a single multiple-choice examination held in the regular examination period in December 2022. Assignments must be completed and submitted electronically to the appropriate Teaching Assistant via Brightspace by 4:30 p.m. on the due date. Papers submitted in any other fashion will not be accepted; late papers will not be accepted save in the case of a documented medical excuse or similarly serious and unforeseen circumstance. Details of the late submission policy are outlined below.

- Assignment 1 (25%): Short essay, due October 24, 2022, by 4:30 p.m. (full details of the assignment will be posted on Brightspace).
- Assignment 2 (25%) Case Summary, due November 24, 2022, by 4:30 p.m. (full details of the assignment will be posted on Brightspace).
- Final Examination (35%) A Multiple Choice Examination of all topics/materials covered during the Fall term, written during the formal examination period.
- Discussion Group (15%) Students will be expected to attend and participate in weekly discussion groups.

Failure to complete all assignments and exams in the course will result in the student receiving a failing grade for the course. Deferrals will not be granted unless all other course requirements have been met.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

Late assignments will be marked down 2 marks for each day submitted after the due date (including weekend days). Extensions will only be given out in extreme circumstances, such as severe illness of the student or death of a family member. Appropriate documentation will be required to accompany all requests for extensions. Grade Appeals: Students who have questions about the grade they receive on an assignment or who wish to challenge the grade must contact their TA via email to request a review/appeal of their grade **within one week of the posting of the disputed mark on Brightspace**. Considerations of requests for reviews/appeals, which fall outside this timeline, are solely at the discretion of the TA. Students who are not satisfied with the outcome of a grade review/appeal, or who are denied a review/appeal, may appeal that outcome or denial to the Instructor within one week of receiving the TA's determination or denial of their review/appeal. The instructor will not

generally entertain reviews/appeals of grades outside this timeline, nor consider any grade review/appeal that has not first been discussed with the TA.

SCHEDULE

September 8, 2022	Class Begins
October 24-28, 2022	Fall Break, No Classes
December 8, 2022	Last Class
December 10-22, 2022	Formally Scheduled Final Exams

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

The granting of extensions is determined by your instructor 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 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>.

Extensions of 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).

SCHEDULE AND READINGS

Thursday, September 8, 2022. Week 1: Course Introduction
No Readings – Review Course Outline

September 15, 2022. Week 2: What is Law and What Does It Do?

Readings:

Legal Studies Course Reader, 1(a)-(b)-(c)
Looking at Law, pp. 1-4
126-136.

September 22, 2022. Week 3: Sources of Law in Canada

Readings:

Legal Studies Course Reader, 2(a)-(d)
Looking at Law, pp. 23-34

September 29, 2022. Week 4: Law, the State and the Constitution

Readings:

Legal Studies Course Reader, 3(a)-(b)-(e)
Looking at Law, pp.47-62

October 6, 2022. Week 5: Approaches to Law: Law, Morality and Justice

Readings:

Legal Studies Course Reader, 5(a)-(b)-(e)-(f)
Looking at Law, pp. 4-12

October 13, 2022: Week 6: Approaches to Law: Legal Liberalism and Its Critics

Readings:

Legal Studies Course Reader, 6(a)-(c)
Looking at Law, pp.12-20

October 20, 2022. Week 7: Approaches to Law: Law and Society

Readings:

Legal Studies Course Reader, 7(a)-(c)

October 27, 2022. NO CLASSES

November 3, 2022: Week 8: Making Law I: Legislation, Administrative Decisions, Enforcement and Discretion

Readings:

Legal Studies Course Reader, 9(a)-(d)

Looking at Law, pp. 34-40, 152-154

November 10, 2022. Week 9: Making Law II: Judicial Decisions

Readings:

Legal Studies Course Reader, 8(a)-(b)

Looking at Law, pp. 40-47, pp. 121-133

November 17, 2022. Week 10: Law, Citizenship and Human Rights I

Readings:

Legal Studies Course Reader, 10(a)-(e)

Looking at Law, pp.173-189

November 24, 2022. Week 11 Law, Citizenship and Human Rights II – the Charter

Readings:

Legal Studies Course Reader, 11(b)-(d)

Looking at Law, pp. 62-71

December 1, 2022. Week 12: Catch-up Lecture and Exam Review

COVID-19 INFORMATION

It is important to remember that COVID is still present in Ottawa. The situation can change at any time and the risks of new variants and outbreaks are very real. There are [a number of actions you can take](#) to lower your risk and the risk you pose to those around you including being vaccinated, wearing a mask, staying home when you're sick, washing your hands and maintaining proper respiratory and cough etiquette.

Feeling sick? Remaining vigilant and not attending work or school when sick or with symptoms is critically important. If you feel ill or exhibit COVID-19 symptoms do not come to class or campus. If you feel ill or exhibit symptoms while on campus or in class, please leave campus immediately. In all situations, you must follow Carleton's [symptom reporting protocols](#).

Masks: Carleton has paused the [COVID-19 Mask Policy](#), but continues to strongly recommend masking when indoors, particularly if physical distancing cannot be maintained. It may become necessary to quickly reinstate the mask requirement if pandemic circumstances were to change.

Vaccines: Further, while proof of vaccination is no longer required as of May 1 to attend campus or in-person activity, it may become necessary for the University to bring back proof of vaccination requirements on short notice if the situation and public health advice changes. Students are strongly encouraged to get a full course of vaccination, including booster doses as soon as they are eligible, and submit their booster dose information in [cuScreen](#) as soon as possible. Please note that Carleton cannot guarantee that it will be able to offer virtual or hybrid learning options for those who are unable to attend the campus.

All members of the Carleton community are required to follow requirements and guidelines regarding health and safety which may change from time to time. For the most recent information about Carleton's COVID-19 response and health and safety requirements please see the [University's COVID-19 website](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact covidinfo@carleton.ca.

ACADEMIC ACCOMMODATIONS

Academic Accommodation

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy obligation: Please write to the professor 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](#).

Religious obligation: Please write to the professor 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 [click here](#).

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. If you are already

registered with the PMC, contact your PMC coordinator to send your professor 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 the professor 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 will be provided to students who compete or perform at the national or international level. Write to the professor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

Plagiarism

Plagiarism is presenting, whether intentionally 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 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/>.

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations: <https://carleton.ca/law/student-experience-resources/>.