

Course Outline

COURSE:	LAWS 2908E – Approaches in Legal Studies I
TERM:	Winter 2020
PREREQUISITES:	LAWS 1001 and LAWS 1002 or LAWS 1000 (no longer offered)
CLASS:	Day & Time: Wednesdays 11:35am - 2:25pm Room: Please check with Carleton Central for current room location
INSTRUCTOR:	Dr. Megan Gaucher (She/Her)
CONTACT:	Office: Room D496 Loeb Building Office Hrs: Wednesdays 3:00pm - 4:00pm <u>OR</u> By Appointment (In-person, Skype or FaceTime) Telephone: 613-520-2600 x. 4207 Email: Megan.Gaucher@carleton.ca

CALENDAR COURSE DESCRIPTION

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

COURSE DESCRIPTION

The Law Program at the Department of Law and Legal Studies at Carleton University is firmly grounded in a “legal studies” approach which situates law in its social, economic, political and historical contexts. As such, courses focus not just on ‘what the law is’ in a particular area but also on a range of other theoretical and practical considerations: How does the law ‘as it is’ reflect particular (normative) visions of society and distributions of power within it? How and why does law change? How is the law ‘on the books’ operationalized (e.g., by the police or business-people) and experienced by ordinary people in everyday life? How do the narratives of law (e.g., judicial decisions) communicate cultural meanings in our society? How do law and legal processes interact with other institutions in our society? Who creates law – and is all ‘law’ (in the sense of regulation of conduct) formally prescribed law?

Engaging with questions such as these requires that students are able to deploy a range of effective research skills and strategies. The Department offers two research courses to assist students to master their law discipline. This course, LAWS 2908, introduces students to legal materials in legal studies research. By this we mean judicial decisions (cases), legislative instruments (statutes and regulations), government documents (including Parliamentary materials and policy), and secondary sources published in academic journals. It also addresses ‘legal method’ in comprehending and working with these materials. This course is compulsory for all students majoring in a Law or Law Honours program. A second course, offered at the 3000 level (LAWS 3908), introduces students to a variety of interdisciplinary approaches, including the use of social science research sources and methods in legal studies and more advanced consideration of theory in legal research.

LEARNING OBJECTIVES

Students who successfully complete this course should be able to:

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

COURSE FORMAT

LECTURES

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 in 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 others will be workshops addressing writing skills and assignments. *All tutorials will be held in our course classroom and will be led by Professor Gaucher.*

REQUIRED TEXTS

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

SUPPLEMENTARY TEXTS

- McGill Law Journal, *Canadian Guide to Uniform Legal Citation*, 8th ed (Scarborough, Ontario: Carswell, 2014) [The McGill Guide]. This text explains the basic rules of legal citation. It is an essential reference text for anyone conducting research concerning legal issues. You will use it as a resource in other courses as you progress in the law program. Available at the University Bookstore.
- Booth, Wayne C. et al. (2016) *The Craft of Research* (4th ed.) Chicago: University of Chicago Press. Note: **The 3rd Ed. of this book can be used.** This is a general introductory guide to research and writing in the social sciences. This book is available as an e-book accessible through the Carleton Library website using

your Patron ID and on reserve. You do **NOT** need to buy this book in hard copy; however, there are copies available on Amazon if you would prefer your own copy.

- Kerr, Margaret et al. (2010) *Legal Research: Step by Step* (3rd ed.) This book provides a basic introduction to legal research that is often used in law schools.
- Tilley, Susan. (2016) *Doing Respectful Research: Power, Privilege and Passion*. Winnipeg: Fernwood Publishers. This book examines how institutional and individual bias informs decisions about what gets researched, who conducts the research, and who is implicated by the research.
- Online: *Best Guide to Canadian Legal Research*: www.legalresearch.org. This is an excellent resource addressing processes and resources for legal research with many relevant hyperlinks. Note however that citation information given has not yet been updated to the McGill Guide 8th Edition, which is used in this course.

EVALUATION

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

This course is DEMANDING and INTENSIVE. It will require considerable ongoing attention every week. Generally, there is something DUE EVERY WEEK. These components are explained in detail below. Please review carefully and note all requirements and due dates.

I know that this is a lot of work for you (and for myself) and that the course may seem 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 rewards students who stay engaged, submit the weekly exercises on time, attend and participate in tutorial.

EVALUATION COMPONENT	VALUE	DUE DATES
<p>Assignment 1: Case Brief and Analysis</p> <p>This assignment will require students to summarize and analyze a judicial decision in a case to be assigned by the Professor. Full instructions will be posted on the Assignment Tab on cuLearn.</p>	30%	March 4 th (Submitted through the cuLearn Assignment Tab by noon)
<p>Assignment 2: Summary and Analysis of Secondary Sources</p> <p>This assignment will require students to summarize and analyze a journal article assigned by the Professor. Full instructions will be posted on the Assignment Tab on cuLearn.</p>	40%	April 1 st (Submitted through the cuLearn Assignment Tab by noon)

<p>Tutorial Attendance and Participation</p> <p>Tutorial attendance is mandatory. There are 10 tutorials scheduled during the first 10 weeks of class. Students must attend at least 8 of these tutorials.</p> <p>Tutorials take two different formats (labs and workshops):</p> <ul style="list-style-type: none"> • <u>Labs</u>: The 5 labs cover nuts and bolts of legal research and databases. Students will complete worksheets in these labs. • <u>Workshops</u>: The 5 workshops cover specialized themes such as analyzing legal material and writing. Students will submit Exercises ahead of time for Workshops on Analyzing Cases and Secondary Sources (See Tutorial Workshop Prep Exercises below). 	10%	Ongoing
<p>Tutorial Workshop Prep Exercises</p> <p>Tutorial workshop prep exercises must be completed prior to the Workshop on Analyzing Cases and Using them in Research and the Workshop on Analyzing Secondary Sources and Using Them in Research. These completed exercises must be submitted in person at the beginning of the corresponding workshops. They are worth 3 marks each.</p>	6%	<p><i>Case Analysis Workshop Prep Exercise</i> – due in week 6 tutorial</p> <p><i>Article Analysis Workshop Prep Exercise</i> – due in week 10 tutorial</p>
<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. These exercises replace the previous examination requirement in this course. They are posted on CUOL.</p> <p>New quizzes are activated on Wednesday and will stay open until the following Tuesday. Students will have one hour to complete each quiz.</p> <p>Each quiz is worth 2 marks 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 complete only 7 of the quizzes if they are satisfied with their marks from these 7 quizzes.</p>	14%	<p>Week 1 Quiz – Open from January 8th – 14th</p> <p>Week 2 Quiz – Open from January 15th – 21st</p> <p>Week 3 Quiz – Open from January 22nd – 28th</p> <p>Week 4 Quiz – Open from January 29th – February 4th</p> <p>Week 5 Quiz – Open from February 5th – 11th</p> <p>Week 6 Quiz – Open from February 12th – 18th</p> <p>Week 7 Quiz – Open from February 26th – March 3rd</p> <p>Week 8 Quiz – Open from</p>

	<p>March 4th – 10th</p> <p>Week 9 Quiz – Open from March 11th – 17th</p> <p>Week 10 Quiz – Open from March 18th – March 24th</p>
<p>Important Notes on Evaluation</p>	
<p>You must complete all components of Evaluation to receive a passing mark in the course.</p> <p>You must provide meticulously correct citations compliant with the <i>Canadian Guide to Uniform Legal Citation</i>, 8th ed. [the McGill Guide] in Assignments. Marks will be deducted in each assignment if citations are not correct. Marks will also be allocated for effective writing.</p> <p>Feedback: You will receive a marking feedback and evaluation sheet with comments when your Assignment marks are posted. Please wait 48 hours before emailing me questions about your marks. Please make your queries specific and detailed so that I can review your points and get back to you. If necessary, I will set up an appointment to meet with you.</p> <p>Timelines:</p> <ul style="list-style-type: none"> • It will take about 14 days to mark/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 posted on Grade Book. Please check from time to time so we can catch any errors/omissions early and make corrections. • Keep a copy of all assignments and other submissions until your final grade is confirmed. <p>Assignment Late Penalties:</p> <p>Late Assignments (Case Brief Analysis and Summary/Analysis of Secondary Sources) will be penalized as follows:</p>	

- Deduction of 5% marks if the assignment is submitted on the due date after the deadline of noon but before midnight
- A further 5% if the assignment is submitted anytime the next day – from 12:01am to 11:59pm
- A further 10% at the **beginning** of each following day (12:01am) including weekends (i.e. if a paper is due at noon on Wednesday and you submit it anytime on Friday, the penalty is 20%)
- If an Assignment is submitted more than seven days late (without discussing an accommodation with myself), it will be accepted towards course completion but will receive **zero** marks

Extensions: Students can request an extension on Assignments for serious illness or personal/family emergencies. They will be required to provide official supporting documentation. Students requesting an extension must contact me **before** the assignment deadline.

SCHEDULE

Please see the “LAWS 2908E – Course Schedule” on cuLearn.

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: Please contact me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details, visit the Equity Services website: <https://carleton.ca/equity/accommodation/academic/students/>

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: <https://carleton.ca/equity/accommodation/academic/students/>

Academic Accommodations for Students with Disabilities: If you have a documented disability requiring academic accommodations in this course, please contact The Paul Menton Centre (PMC) at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC

coordinator to send me your Letter of Accommodation at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, meet with me as soon as possible to ensure accommodation arrangements are made. Please consult the PMC Website for their deadline to request accommodations for the formally-scheduled exam (if applicable). <https://carleton.ca/pmc/students/accommodations/>

Plagiarism

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's Academic Integrity Policy can be found at:

<https://carleton.ca/registrar/academic-integrity/>

Survivors of Sexual Violence

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

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

For more information on academic accommodation, please contact the departmental administrator or visit:

<https://carleton.ca/equity/accommodation/academic/>

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/>

Bonus: If you have read through this entire syllabus and email me a meme by January 16th that best describes your feelings about break being over and winter semester starting up, you will receive a bonus 3% on your final secondary source assignment (Assignment #2).