

Course Outline

COURSE:	LAWS 2908F– Methodological Approaches in Legal Studies 1
TERM:	Winter 2022
PREREQUISITES:	LAWS 1001 and LAWS 1002 or LAWS 1000 (no longer offered).
CLASS:	Day & Time: Mondays 6:05 – 7:25 PM Room: Please check Carleton Central for current Class Schedule.
INSTRUCTOR:	Collin Fletcher
CONTACT:	Office: Zoom Office Hrs: <i>By Appointment</i> Telephone: 613-806-3293 Email: Collin.fletcher@carleton.ca

CALENDAR COURSE DESCRIPTION

Introduction to the legal research process and analysis of legal methodology; finding and analyzing primary and secondary legal sources. 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 uniquely situated to provide students with a blend of academic theory regarding the study of law and the practical day-to-day practice of law. LAWS 2908C's intent is to be broad in scope and to give students a significant understanding of the theory of legal research and analysis, but also of the practical research and analysis skills that will help students understand the practice of law. The intent of the course is to demonstrate the multi-faceted nature of the law and the various different roles individuals can play in it - the legal system is diverse and multi-faceted and so are the actors within the system.

There will be a pre-recorded lecture and an in-person tutorial held during the regularly scheduled time for class. The structure of the course is a lecture that lasts approximately 1

hour/1 ½ half hours followed up by a tutorial that lasts approximately 1 hour/1 ½ half hours. In total, students can expect that they will have approximately 2 to 2 and half hours of lectures and tutorials each week. The tutorials will occur during the regularly scheduled classes from 6:05PM until 7:25PM. The tutorials will be highly engaged and interactive. Half of the tutorial will be centered on class discussion and the other half of the tutorial will be assigned tasks to complete related to the topic in question. Students can expect these tasks to range from analyzing and critiquing thesis statements, marking up cases, and answering questions on a piece of legislation.

At the beginning of the semester, the first three tutorials will be held online as a result of the new restrictions regarding COVID-19. As such, the tutorials will be held online.

The intent of this course is to develop and refine students' legal research and analysis skills in a number of different contexts. As such, there will be three assignments throughout the semester that will work on the skills developed during the lectures and tutorials. The first will be a research proposal and annotated bibliography. The second will be a video-recorded case presentation. The third will be the drafting of a brief legal factum. Each of these is three distinct tasks that legal academics, lawyers, paralegals, law clerks, etc. all will utilize in their day-to-day professional lives. Students will additionally have a 10% attendance and participation grade. The culmination of the course is a 30% take-home exam. The take-home exam will be a culmination of the skills and theories learned throughout the semester, tasking students with preparing an assignment that will draw on all the tutorials. Students will also have the opportunity to understand how and in what contexts they can utilize their legal research and analysis skills.

REQUIRED TEXTS

1. McGill Law Journal, Canadian Guide to Uniform Legal Citation, 9th ed (Toronto, Ontario: Thomson Reuters, 2018) [The McGill Guide]. The McGill Legal Guide is the predominately used legal citation method in Canada. The text is an essential reference for anyone conducting research concerning legal issues. You will use it as a resource in other courses as you progress in the law program. Several copies will be available in the University Bookstore.
2. Other required readings will include articles and cases. These will be available through a link on the Brightspace home page

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.

Evaluation Summary

- Attendance & Participation - 10% - ongoing
- Assignment #1 Research Proposal and Annotated Bibliography - 20% - February 7, 2022
- Assignment #2 Video Recorded Case Presentation - 20% - March 7, 2022
- Assignment #3 Legal Factum - 20% - April 4, 2022
- Final Exam – Take Home Exam - 30% - during regularly scheduled exam

Attendance & Participation

Students will be expected to attend every class. In addition to the student's attendance, the students are expected to read the required readings and discussion pieces in advance of the class. The expectation of students will be that when you attend class, you are prepared to identify and discuss the issues from these pieces. 5% of the grade will be for attendance and 5% of the grade will be for active participation in and out of the class.

As participation is encouraged in this class, a flawless understanding of the text and materials is not required. A student's uncertainty on the subjects being discussed can itself be used to develop discussion in the class. Open-ended or probing questions are just as valid a form of participation as analysis.

Attendance will be taken in every class. Perfect attendance is not required. It is fine if a student misses several classes during the semester due to personal issues. If students are going to miss several classes, they should communicate with the professor in advance of these absences to discuss how to make up for their attendance and participation.

Participation is about a constructive dialogue **inside and outside** of the classroom. Students' participation in the classroom will include answering and asking questions, sharing their own thoughts and critiques on subject matters, and relating the course material to their own experiences and lives. This is the primary way students will engage with the course. Students who do not feel comfortable engaging in participation in the classroom may engage outside of the classroom as well. Students may send me their own questions and critiques that they may not feel comfortable presenting to the class themselves by email. Students may also send additional readings and articles to me so I can distribute them amongst the class. Students may also make use of the professor's office hours to discuss subjects with the professor that can be brought up for future discussion. These instances of engaging outside of the confines of the classroom are just as valid forms of participation as those taking part in the classroom.

A necessary skill that students must obtain during their undergraduate degree is their oral

advocacy skills. Students are encouraged to take risks and push themselves academically to speak in class.

The participation grade will be used to assess the quality of the student's engagement with the class. Quantity of discussion does not necessarily mean the quality of discussion. A student who responds often to questions but fails to participate in a manner that creates discussion will not be graded as high as a student who participates less frequently but who consistently constructs a productive dialogue in the classroom.

Some of the topics that will be discussed are considered controversial and members of the class may have strongly held differences of opinion. This is the basis for a very robust discussion in the classroom. All discussions, however, should be respectful of others, of differently held views, and of the classroom space. The use of offensive terminology or personal attacks will not be tolerated in the classroom and will result in a reduced participation grade.

Assignment #1 Research Proposal and Annotated Bibliography (Due February 7, 2022)

Students will be required to submit a Course Paper and annotated bibliography.

The Course Paper will be on the subject of the student's choosing as it relates to any legal topic they wish to write about. Students are not required to get pre-approval for their research proposal and annotated bibliography. Students are encouraged to think creatively and outside the box. In past years, the students who have refined and interesting thesis statements often succeed. The Course Paper and Annotated bibliography will test your ability to craft persuasive, interesting, and thought-provoking legal, academic writing.

The Course Paper proposal will consist of 20% of your final grade and is due on **February 7, 2022**. The proposal cannot exceed five pages, double spaced, with a 12-sized Time News Roman font. The student is required to provide, at a bare minimum: a) the topic, b) the research question, c) the working thesis of your paper, d) proposed arguments in support of your thesis, and e) an annotated bibliography with at least 5 sources that you are planning to use for your paper. The annotated bibliography must provide a brief summary of the source and how it would be deployed in a final paper. Students will be expected to sufficiently explain their thesis, arguments, and purpose of the paper. Students will be assessed on their understanding of the topic in question, their engagement with the subject matter proposed, and their ability to briefly explain their proposed paper to the professor.

Assignment #2 Video Recorded Case Presentation (Due March 7, 2022)

Students will be expected to provide an oral presentation on a case of their choice. Students are not required to pre-approve the case they will be presenting.

The presentation will be limited to 5 minutes or less. If a student exceeds the 5 minutes allotted, they will be docked one point out of the full twenty for every 30 seconds they go over. Students will be expected to pre-record their video and submit it on Brightspace. If students are unable to pre-record their video and submit it on Brightspace, they may schedule a time to give their presentation on a Zoom call. In the event that a student is unable to record their case presentation or present it on Zoom, alternative arrangements can be sought with the professor.

If a student is unable to either pre-record their presentation or present it on Zoom, they will be expected to communicate to their professor as early as possible. Students will be assessed on their presentation skills (10 points), the content of their summary (5 points), and the organization of their presentation (5 points). Students will be required to explain a) the facts of their case, b) the legal issues, c) the rules, d) the application of the rules, and e) the legal significance of the legal decision presented.

Assignment #3 Legal Factum - 20% (Due April 4, 2022)

Students will be required to submit an 8-page factum. Three weeks prior to the assignment is due, students will receive a fact pattern that will span approximately 2 pages. Students will be tasked with answering a question about an area of law. Students will be responsible for identifying the appropriate pieces of legislation. Students will also be asked to task with completing legal research to provide a justification as to their conclusion.

Final Exam – Take Home Exam

There will be a take-home examination that takes place during the regularly scheduled examination period. The final examination will be based on the required texts, in-class lectures and discussions, and any further materials distributed throughout the semester. There will be a final exam review class scheduled for the final lecture.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

All components must be completed in order to get a passing grade--Failure to complete any portion of the required course assessment will result in a final grade of F.

A deferred examination or essay assignment, following the same format, may be written upon application to/approval from the Registrar's Office.

Exams are not returned but may be reviewed with me upon request.

Essays will be returned during the exam schedule.

Late assignments will be marked down one-half letter grade (eg. B to B-) for each day submitted after the due date without an authorized extension from me, subject to the discretion of the professor. Essays must be typed or word-processed and submitted electronically by email to Collin.Fletcher@Carleton.ca. Handwritten papers, computer files, or email attachments will not be accepted. Please retain a photocopy or a secure file copy of the submitted essay. Essays will be submitted by way of an email. All assignments must be original. Prior approval of the instructor must be obtained if it is intended to submit work that has previously or concurrently been submitted for credit in this or another course. Please make careful note of regulations concerning academic integrity referred to above and related instructional offenses as described in the Undergraduate Calendar.

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 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 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).

SCHEDULE

1. JANUARY 10 - INTRODUCTION
2. JANUARY 17 - HOW AND WHY DO WE WRITE ABOUT THE LAW?
3. JANUARY 24 - EFFECTIVE LEGAL ACADEMIC RESEARCH & WRITING
4. JANUARY 31 - SECONDARY SOURCES, THE MEDIA, THE LAW
5. FEBRUARY 7 - HOW TO READ LEGISLATION
6. FEBRUARY 14 - HOW TO READ CASES
7. FEBRUARY 21 - FAMILY DAY/READING BREAK NO CLASSES
8. FEBRUARY 28 - READING CASES AND LEGISLATION IN TANDEM – THE JOB OF A LAWYER
9. MARCH 7 - PLEADINGS & RULES OF CIVIL PROCEDURE
10. MARCH 14 - MOTIONS & TRIALS – HOW DO JUDGES MAKE DECISIONS?
11. MARCH 21 - LEGAL RESEARCH AND ANALYSIS FROM OTHER PERSPECTIVES
12. MARCH 28 - CONTINUED EDUCATION & PROFESSIONAL TRAINING – ANALYSIS AND RESEARCH IN ACTION
13. APRIL 4 - ALTERNATIVE DISPUTE RESOLUTION PROCESSES
14. APRIL 11 - WRAP-UP CLASS

COVID-19 PREVENTION MEASURES

All members of the Carleton community are required to follow COVID-19 prevention measures and all mandatory public health requirements (e.g. wearing a mask, physical distancing, hand hygiene, respiratory and cough etiquette) and [mandatory self-screening](#) prior to coming to campus daily.

If you feel ill or exhibit COVID-19 symptoms while on campus or in class, please leave campus immediately, self-isolate, and complete the mandatory [symptom reporting tool](#). For purposes of contact tracing, attendance will be taken in all classes and labs. Participants can check in using posted QR codes through the cuScreen platform where provided. Students who do not have a smartphone will be required to complete a paper process as indicated on the [COVID-19 website](#).

All members of the Carleton community are required to follow guidelines regarding safe movement and seating on campus (e.g. directional arrows, designated entrances and exits, designated seats that maintain physical distancing). In order to avoid congestion, allow all previous occupants to fully vacate a classroom before entering. No food or drinks are permitted in any classrooms or labs.

For the most recent information about Carleton's COVID-19 response and required measures, please see the [University's COVID-19 webpage](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact covidinfo@carleton.ca

Please note that failure to comply with University policies and mandatory public health requirements, and endangering the safety of others are considered misconduct under the [Student Rights and Responsibilities Policy](#). Failure to comply with Carleton's COVID-19 procedures may lead to supplementary action involving Campus Safety and/or Student Affairs.

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: 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](#).

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 [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 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 will be provided to students who compete or perform at the national or international level. 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: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

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/>.

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<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/>.

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/>.