

Course Outline

COURSE:	LAWS 4802A – Criminal Jury Trials
TERM:	FALL 2020
PREREQUISITES:	LAWS 2908, CRCJ 3001 or CRCJ 3002 and LAWS 2301, LAWS 2302 and 4th year Honours standing
CLASS:	Day & Time: Thursday 6:05pm – 8:55pm Room: All Courses in the Fall 2020 term are offered online. Classes will be run “live” online during our scheduled class time using the Big Blue Button online conferencing tool, available through our course cuLearn page.
INSTRUCTOR: (CONTRACT)	Kelly Lauzon
CONTACT:	Office Hrs: By appointment Email: kelly.lauzon@carleton.ca

CALENDAR COURSE DESCRIPTION

Critical analysis of the criminal jury system including its history and context, the role of the judge, jury dynamics and jury composition. Perspectives and roles of the accused, victims, police, defence counsel, Crown attorney, judges, juries, media, politicians and the public.

COURSE DESCRIPTION

This course will critically examine the criminal jury trial system. While we will look at topics such as juror qualification, jury selection, opening and closing addresses, the trial process (including deliberations and the judge’s charge to the jury), there are many other possible options for discussion. The direction of this class will be guided largely by class discussions.

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

- identify the features of the criminal jury trial in Canada.
- understand the structure of a criminal jury trial.
- appreciate the role played by many of the actors in the criminal jury trial in Canada (ex: jurors, Crown, defense attorney, expert witnesses).
- acknowledge some of the difficulties that may present themselves to actors within the criminal jury system.
- collaborate with others in order to produce an effective working relationship to achieve goals.

REQUIRED TEXTS

The assigned readings for each week are listed in the lecture schedule below. These readings will be available via cuLearn.

Students are also encouraged to follow media reports on current issues dealing with jury trials so that they can be better prepared to participate in class discussions.

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.

1. Attendance and Contribution to Discussion (15%)

- We will convene weekly via cuLearn (Big Blue Button) for approximately 60-90 minutes to discuss the questions posed throughout the lecture slides and to discuss any other questions that you may have about the material.
- Each week's readings and lecture notes will be posted at least one week prior to the scheduled class. This should allow you time to review the material before we meet. It is important that you review the material before our scheduled meeting as the direction and outcome of this course will be largely dictated by your participation and engagement with the material during our weekly meetings.
- I ask that you come to these sessions willing to participate in the group discussions and to ask questions that will help advance your grasp of the material as well as the knowledge base of your peers.

2. Student-led Presentation/Discussion & Handout (30%)

- In groups of 2, you will be required to prepare a group "presentation." Your presentation will consist of preparing lecture slides for your given topic - you will not have to present the slides to the class. You will, however, be responsible for leading the discussion portion of the class on your assigned week. You should aim for approximately 20-30 minutes of discussion time.
 - The slides should be submitted to me via email, and I will be post them to cuLearn the week prior to your assigned week
 - ex: if you are responsible for a topic on week 5, you would have to submit your slides to me no later than week 4. **You will lose marks** if they are not submitted at least one week in advance of your presentation date.
 - To assist with the discussion period, you are required to develop at least 3 questions to guide class discussions. The questions should draw upon the main points of your slides and foster lively academic debate. It is expected that the rest of the class will have looked over your slides and your assigned reading prior to your discussion time.
- You can sign up for your week/topic/partner by emailing me. Topics will be assigned on a first come-first served basis. The list of presentations will be posted on cuLearn.
 - If you haven't signed up by the third week of class (Sept 24), I will assign your topic/week/partner.
- Presentations/slide material should provide an overview of the topic and a critical reflection of these points.

- You are required to conduct research beyond the assigned readings, and you will be required to circulate at least one reading to the class **one week prior** to your presentation (you can email to me, and I will share via cuLearn).
 - **You will lose marks** if the reading is not circulated in advance.
- A handout is to be prepared. The handout should be submitted to me electronically (via email) at least 2 days before your presentation so that it can be shared on cuLearn.
 - **You will lose marks** if it is not submitted at least 2 days before your presentation.
 - The handout will outline (at least) your main points and your bibliography.
- It is your responsibility to be available for the class that you signed up to be a presenter. There will not be an opportunity to be reassigned, and there will be a number of evaluators dependent on your presentation.

3. Peer Evaluation of Presentation (2 x 5% each = 10%)

- Each pair of presenters will be assigned peer evaluators.
- Each student will serve as an evaluator for two different presentations (on different weeks).
- You can sign up for your week/topic by emailing me. Topics will be assigned on a first come-first served basis. The list of evaluators will be posted on cuLearn.
- Evaluators will provide the student presenters with feedback on 3 main areas:
 - Quality of information imparted
 - Mastery of the discussion period
 - The handout (layout, information included, etc)
- Evaluators will not assign a grade to the presenters, only comments that will be returned to them.
- The peer evaluators will be graded on the quality of the feedback provided to their peers.

4. Jury Decision Review (10%)

- Due by 6pm on October 1 (week 4)
- Choose a case (historical or recent) that was decided by a jury.
- In 5-7 pages (double spaced) you are asked to:
 - Provide a **brief** synopsis of the case and the jury's decision.
 - Explain whether you agree or disagree with the jury and why.
- To explain your stance you may wish to discuss topics such as
 - What you think may have influenced the jury in their decision
 - What you would have done differently to sway the jury in your favour
 - What you would have decided if you were part of that jury
 - What tactics you think were important in helping the jury reach the verdict

5. Take-Home Exam (35%)

- Instructions and information will be provided during our last scheduled class (Dec 10).
 - This information will also be posted on cuLearn the following day (Dec 11).
- Responses are due by **4pm on December 23**. Anything received after this time will require a deferral arrangement through the Registrar's Office.
- Responses are to be submitted via the drop box available in cuLearn. Emailed submissions will **not** be accepted.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

All assignments are due by via the appropriate dropbox on cuLearn. The submission deadline (date and time) is stipulated via the dropbox and on the class schedule below. **Do not** submit your assignment via email. **Unless you have been granted an extension, one letter grade** will be deducted for each calendar day (including weekends and holidays) that your submission is late. Assignments will not be accepted any later than seven days past their due date without prior instructor approval for an official extension.

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

Wee k	Date	Material
1	Sept 10	Introduction to the Course <ul style="list-style-type: none"> • Review Syllabus • Brief Introduction & History
2	Sept 17	Right to a Fair Jury Trial <ul style="list-style-type: none"> • Vidmar, Neil. "Pretrial prejudice in Canada: A comparative perspective on the criminal jury." <i>Judicature</i> 79 (1995): 249. • Schuller, Regina, and Neil Vidmar. "The Canadian criminal jury." <i>Chi.-Kent L. Rev.</i> 86 (2011): 497-524 (excerpt only).
3	Sept 24	Pre-trial Publicity, Prejudices and Remedies (ex: change of venue, continuance, etc.) <ul style="list-style-type: none"> • Freedman, Jonathan L., and Tara M. Burke. "The effect of pretrial publicity: The Bernardo case." <i>Canadian J. Criminology</i> 38 (1996): 253. • Shahani, Vineet R. "Change the motion, not the venue: A critical look at the change of venue motion." <i>Am. Crim. L. Rev.</i> 42 (2005): 93.
4	Oct 1	In-Court Jury Selection Processes Jury Decision Making Assignment Due <ul style="list-style-type: none"> • Rose, V. Gordon, and James RP Ogloff. "Challenge for cause in Canadian criminal jury trials: Legal and psychological perspectives." <i>Crim. LQ</i> 46 (2002): 210-221 + 229-234 (excerpts only). • Heinz, Judith. "Peremptory Challenges in Criminal Cases: A Comparison of Regulation in the United States, England, and Canada." <i>Loy. LA Int'l & Comp. LJ</i> 16 (1993): 201-217 + 224-230 + 237-244 (excerpts only).

5	Oct 8	<p>Role and Expectations of the Expert Witness Limits on the Expert Witness, Problems with Expert Witnesses Student Presentations Begin</p> <ul style="list-style-type: none"> • Glancy, Graham D., and J. M. Bradford. "The admissibility of expert evidence in Canada." <i>The journal of the American Academy of Psychiatry and the Law</i> 35.3 (2006): 350. • Hiss, Jehuda, Maya Freund, and Tzipi Kahana. "The forensic expert witness—An issue of competency." <i>Forensic science international</i> 168.2 (2007): 89.
6	Oct 15	<p>Influencing the Jury (ex: Race, Graphic Evidence, Sensational Cases, Mr. Big, Eyewitness Testimony)</p> <ul style="list-style-type: none"> • Bagby, R. Michael, et al. "Racial prejudice in the Canadian legal system: Juror decisions in a simulated rape trial." <i>Law and Human Behavior</i> 18.3 (1994): 339. • Douglas, Kevin S., David R. Lyon, and James R. P. Ogloff. "The Impact of Graphic Photographic Evidence on Mock Jurors' Decisions in a Murder Trial: Probative or Prejudicial?" <i>Law and Human Behavior</i> 21.5 (1997): 485.
7	Oct 22	<p>Judge's Charge to the Jury Addresses, Deliberations and Verdicts</p> <ul style="list-style-type: none"> • Tanford, J. Alexander. "The Law and Psychology of Jury Instructions." <i>Nebraska L. Rev</i> 69 (1990): 71-101 (excerpt only). • Severance, Laurence J., Edith Greene, and Elizabeth F. Loftus. "Toward criminal jury instructions that jurors can understand." <i>The Journal of Criminal Law and Criminology</i> 75.1 (1984): 198.
		FALL BREAK – NO CLASS
8	Nov 5	<p>Jury Decision Making & Jury Nullification</p> <ul style="list-style-type: none"> • Daftary-Kapur, Tarika, Rafaele Dumas, and Steven D. Penrod. "Jury decision-making biases and methods to counter them." <i>Legal and Criminological Psychology</i> 15.1 (2010): 133. • Horowitz, Irwin A. "Jury Nullification: An Empirical Perspective." <i>N. Ill. U. L. Rev.</i> 28 (2008): 425.
9	Nov 12	<p>When the Jury Gets it Wrong – Wrongful Conviction</p> <ul style="list-style-type: none"> • Kassin, Saul M., and Holly Sukel. "Coerced Confessions and the Jury: An Experimental Test of the 'Harmless Error' Rule." <i>Law and Human Behavior</i> (1997): 27. • Raeder, Myrna S. "See No Evil: Wrongful Convictions and the Prosecutorial Ethics of Offering Testimony by Jailhouse Informants and Dishonest Experts." <i>Fordham L.R.</i> 76 (2007):1413-1426 (excerpt only).
10	Nov 19	<p>When the Jury Gets it Wrong – Wrongful Convictions (con't) & Forensic Science (CSI Effect)</p> <ul style="list-style-type: none"> • Cole, Simon A. "Forensic Science and Wrongful Convictions: From Exposer to Contributor to Corrector." <i>New Eng. L. Rev.</i> 46 (2012): 711.

		<ul style="list-style-type: none"> Podlas, Kimberlianne. "The CSI effect and other forensic fictions." Loy. LA Ent. L. Rev. 27 (2006): 87-106 (excerpt only).
	Nov 26	NO CLASS this week
11	Dec 3	Representation of Jury Trials in Film/Media <ul style="list-style-type: none"> Hambley, Gwennyth E. "Images of the Jury in Popular Culture." Legal Reference Services Q. (1992): 171-190 (excerpt only). Rafter, Nicole. "American criminal trial films: An overview of their development, 1930–2000." Journal of Law and Society 28.1 (2001): 9.
12	Dec 10	Influence of Social Media on the Jury Take Home Exam Assigned <ul style="list-style-type: none"> St. Eve, Amy J. & Michael A Zuckerman. "Ensuring an Impartial Jury in the Age of Social Media." Duke Law and Technology Review 11 (2012): 2. Brown, Kristin R. "Somebody Poisoned the Jury Pool: Social Media's Effect on Jury Impartiality." Tex. Wesleyan L. Rev. 19 (2013): 809.

ACADEMIC ACCOMMODATIONS

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows: <https://carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf>

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 Department of Equity and Inclusive Communities (EIC): <https://carleton.ca/equity/>

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 Department of Equity and Inclusive Communities (EIC): <https://carleton.ca/equity/>

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>

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/studentssupport/svpolicy/>

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://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/current-students/>