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**Course Outline**

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<b>COURSE:</b>	<b>LAWS 4802A – Criminal Jury Trials</b>
<b>TERM:</b>	<b>FALL 2022</b>
<b>PREREQUISITES:</b>	<b>LAWS 2908, CRCJ 3001 or CRCJ 3002 and LAWS 2301, LAWS 2302 and 4<sup>th</sup> year Honours standing</b>
<b>CLASS:</b>	<b>Day &amp; Time: Thursday 6:05pm – 8:55pm</b> <b>Room: SA 313; Please check with Carleton Central for current room location</b>
<b>INSTRUCTOR:</b> <b>(CONTRACT)</b>	<b>Kelly Lauzon</b>
<b>CONTACT:</b>	<b>Office Hrs: By appointment</b> <b>Email: <a href="mailto:kellylauzon@cmail.carleton.ca">kellylauzon@cmail.carleton.ca</a></b>

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**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.

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**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), many other options for discussion are possible. The direction of this class will be guided largely by class discussions.

**LEARNING OBJECTIVES**

Upon successful completion of the course, students should:

- Be familiar with the features and structure of the criminal jury trial in Canada.
- Be familiar with the role played by many of the actors in the criminal jury trial in Canada (ex: jurors, Crown, defense attorney, expert witnesses).
- Be able to identify some of the difficulties that may present themselves to actors within the criminal jury system.
- Be able to critically look at, engage with and gain a deeper appreciation of this area of the criminal justice system.

- Be able to collaborate with others in order to produce an effective working relationship in order to achieve goals.

### **REQUIRED TEXTS**

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

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.

### **COMMUNICATION**

The primary means of communication for this class will be through Brightspace. However, I am always happy to answer any questions you may have or to discuss the class material further. If you would like to talk to me in person, we can set up an appointment to meet via Big Blue Button. If you would like to communicate via email, please be sure to use your Carleton email account.

Email policy: I check my email regularly from 8 am to 4pm (Monday to Friday) and aim to reply the same day. I do not check my e-mail regularly after these hours during the week or on the weekend/holidays; if you send your email during these times, I will aim to reply by the next business day.

### **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 (20%)**

- This class will focus strongly on discussion. You are expected to come to class prepared to discuss the readings and the course material.
- Class attendance will only account for 10% of your grade. You need to be prepared to contribute to the class discussions to earn the additional 10%.
- Attendance will be taken at the beginning of each class. Attendance grades will not be given retroactively.
- In accordance with the [Student Rights and Responsibilities Policy](#), discrimination and harassment will not be tolerated.

#### **2. Jury Decision Review (10%)**

- Due by **6pm on September 29** (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 could have been done differently to change the jury's decision.
  - 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.

### 3. Student-led Presentation & Handout (30%)

- Presentations begin the fifth week of class (**October 6**) and will continue throughout the term.
- You can sign up for your week/topic/partners in class or by emailing me. Topics will be assigned on a first come-first served basis. The list of presentations will be posted on Brightspace.
  - It is your responsibility to attend the class that you have signed up for; there will not be a chance to reschedule.
  - If you haven't signed up by the third week of class (Sept 22), I will assign your topic (and partners).
- Groups of three students will be required to present their chosen topic to the class.
  - Although the presentation will be prepared and presented in pairs, you will be marked individually. This means that you may receive a different grade than your partner.
- Presentations are expected to last approximately 45-60 minutes (including discussion) and 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 **the week prior** to your presentation. You will lose marks if it is not circulated at least one week in advance of your presentation.
- You are also required to develop at least 3 questions to guide class discussions. The questions should draw upon the main points of your presentation and foster lively academic debate. The discussion period should last approximately 20-30 minutes.

### 4. Peer Evaluation of Presentation (5%)

- Each group of presenters will be assigned a pair of peer evaluators.
- The list of evaluators will be posted on cuLearn.
  - It is your responsibility to attend the class that you are assigned to be an evaluator. There will not be an opportunity to be reassigned to another group.
- Evaluators will provide the student presenters with feedback on 3 main areas:
  - Quality of information imparted
  - Delivery of the presentation
  - The handout (layout, information included, etc)
- Evaluators will not assign a grade to the presenters, only comments.
- The peer evaluators will be graded on the submission of the feedback provided to their peers.

### 5. Take-Home Exam (35%)

- Instructions and information will be provided during our last scheduled class (Dec 8).
  - This information will also be posted on Brightspace the following day (Dec 9).
- Responses are due by **4pm on December 22**. 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 Brightspace. Emailed submissions will **not** be accepted.

**LATE PENALTIES AND REQUESTS FOR EXTENSIONS**

All assignments are due by via the appropriate dropbox on Brightspace. 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**

**NOTE: An additional reading will be circulated weeks 5-12 by the presenting group.**

Week	Date	Material
1	Sept 8	<b>Introduction to the Course</b> <ul style="list-style-type: none"> <li>• Review Syllabus</li> <li>• Brief Introduction &amp; History</li> </ul>
2	Sept 15	<b>Right to a Fair Jury Trial</b> <ul style="list-style-type: none"> <li>• Terry Skolnik, "The Jury System in Canada" <i>Sistemas Judiciales</i> 17 (2013) 16.</li> <li>• Regina Schuller &amp; Neil Vidmar, "The Canadian criminal jury" <i>Chi.-Kent L. Rev.</i> 86 (2011) 497-524 (<b>excerpt only</b>).</li> <li>• Diane Francis, "What Juries Get Wrong and Why They'll Never Deliver True Justice" <i>Huffington Post</i> October 2013 (<a href="https://www.huffpost.com/archive/ca/entry/george-zimmerman-trial-jury-justice_b_3701305">https://www.huffpost.com/archive/ca/entry/george-zimmerman-trial-jury-justice_b_3701305</a>).</li> </ul>
3	Sept 22	<b>Pre-trial Publicity, Prejudices and Remedies</b> (ex: change of venue, continuance, etc.) <ul style="list-style-type: none"> <li>• Lourdes Rodriguez et. al., "Making a Biased Jury Decision: Using the Steven Avery Murder Case to Investigate Potential Influences in Jury Decision-Making" <i>Psychology of Popular Media Culture</i> 8 (2019) 429.</li> </ul>

		<ul style="list-style-type: none"> <li>• Vineet R. Shahani, "Change the motion, not the venue: A critical look at the change of venue motion" <i>Am. Crim. L. Rev.</i> 42 (2005) 93.</li> </ul>
4	Sept 29	<p><b>In-Court Jury Selection Processes</b>  <b>Jury Decision Review Due at 6pm</b></p> <ul style="list-style-type: none"> <li>• V. Gordon Rose &amp; James R. P. 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).</li> <li>• Alafair S. Burke, "Prosecutors and Peremptories" <i>Iowa Law Review</i> 97 (2012) 1467.</li> </ul>
5	Oct 6	<p><b>Role and Expectations of the Expert Witness</b>  <b>Limits on the Expert Witness, Problems with Expert Witnesses</b>  <b>Student Presentations Begin</b></p> <ul style="list-style-type: none"> <li>• Graham D. Glancy &amp; 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.</li> <li>• Brad Booth et. al., "Lessons from Canadian Courts for all Expert Witnesses" <i>The Journal of the American Academy of Psychiatry and the Law</i> 47 (2019) 1.</li> </ul>
6	Oct 13	<p><b>Influencing the Jury</b>  (ex: Race, Graphic Evidence, Sensational Cases, Mr. Big, Eyewitness Testimony)</p> <ul style="list-style-type: none"> <li>• Laura McManus, Evelyn Maeder &amp; Susan Yamamoto, "The Role of Defendant Race and Racially Charged Media in Canadian Mock Juror Decision Making" <i>Canadian Journal of Criminology and Criminal Justice</i> 60 (2018) 266.</li> <li>• Kevin S. Douglas, et. al., "The Impact of Graphic Photographic Evidence on Mock Jurors' Decisions in a Murder Trial: Probative or Prejudicial?" <i>Law and Human Behavior</i> 21 (1997): 485.</li> </ul>
7	Oct 20	<p><b>Judge's Charge to the Jury</b>  <b>Addresses, Deliberations and Verdicts</b></p> <ul style="list-style-type: none"> <li>• J. Alexander Tanford, "The Law and Psychology of Jury Instructions" <i>Nebraska L. Rev</i> 69 (1990): 71-101 (excerpt only).</li> <li>• Mark A. Oakes et. al., "Judge, jurors, and gendered instructions to disregard evidence: stereotype-congruent judicial instructions increase compliance" <i>Psychology, Crime &amp; Law</i> 27 (2021) 933.</li> </ul>
	Oct 27	<b>FALL BREAK – NO CLASS</b>
8	Nov 3	<p><b>Jury Decision Making &amp; Jury Nullification</b></p> <ul style="list-style-type: none"> <li>• Brian R. Hedden, "Should juries deliberate?" <i>Social Epistemology</i> 31 (2017) 368.</li> <li>• Robin MacKay, "Jury Nullification: The Quality of Mercy Is Not Strain'd" <i>Criminal Law Quarterly</i> 63 (2016) 80.</li> </ul>

9	Nov 10	<p><b>When the Jury Gets it Wrong – Wrongful Conviction</b></p> <ul style="list-style-type: none"> <li>• Lauren Chancellor, “Public Contempt and Compassion: Media Biases and Their Effect on Juror Impartiality and Wrongful Convictions” <i>Man. L.J.</i> (2019) 427.</li> <li>• Angela M. Jones &amp; Steven Penrod, “Can Expert Testimony Sensitize Jurors to Coercive Interrogation Tactics” <i>Journal of Forensic Psychology Practice</i> 16 (2016) 393.</li> </ul>
10	Nov 17	<p><b>When the Jury Gets it Wrong – Wrongful Convictions (con’t) &amp; Forensic Science (CSI Effect)</b></p> <ul style="list-style-type: none"> <li>• Simon A. Cole, "Forensic Science and Wrongful Convictions: From Exposer to Contributor to Corrector" <i>New Eng. L. Rev.</i> 46 (2012) 711.</li> <li>• Kimberlianne Podlas, "The CSI effect and other forensic fictions" <i>Loy. LA Ent. L. Rev.</i> 27 (2006) 87-106 <b>(excerpt only)</b>.</li> </ul>
	Nov 24	<b>NO CLASS – I will be at a conference this week</b>
11	Dec 1	<p><b>Representation of Jury Trials in Film/Media</b></p> <ul style="list-style-type: none"> <li>• Nerit Grossman, “Just Looking: Justice as Seen in Hollywood Courtroom Films” <i>Law, Culture and the Humanities</i> 15 (2019) 62.</li> <li>• Nicole Rafter, "American criminal trial films: An overview of their development, 1930–2000" <i>Journal of Law and Society</i> 28 (2001) 9.</li> </ul>
12	Dec 8	<p><b><u>Take Home Exam Assigned</u></b></p> <p><b>Influence of Social Media on the Jury</b></p> <ul style="list-style-type: none"> <li>• Amy J. St. Eve &amp; Michael A Zuckerman, “Ensuring an Impartial Jury in the Age of Social Media” <i>Duke Law and Technology Review</i> 11 (2012) 2.</li> <li>• Kristin R. Brown, “Somebody Poisoned the Jury Pool: Social Media’s Effect on Jury Impartiality” <i>Tex. Wesleyan L. Rev.</i> 19 (2013) 809.</li> </ul>
	Dec 22	<b>TAKE HOME EXAM DUE BY <u>4PM</u> TO BRIGHTSPACE DROPBOX</b>

## **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: <https://students.carleton.ca/course-outline/>.

#### **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, visit the Department of Equity and Inclusive Communities (EIC): <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](mailto: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 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>.

### **COVID Update**

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](mailto:covidinfo@carleton.ca).