

Course Outline

COURSE:	LAWS 4802 B – Criminal Jury Trials
TERM:	Winter 2022
PREREQUISITES:	LAWS 2908, CRCJ 3001 or CRCJ 3002 and LAWS 2301, LAWS 2302 and 4th year Honours standing
CLASS:	Day & Time: Tuesday 6:05pm – 8:55pm Room: Please check Carleton Central for current Class Schedule. This class is offered online. Classes will be run live online during our scheduled class time using the Big Blue Button online conferencing tool, available through our Brightspace course page
INSTRUCTOR:	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 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.

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. I ask that you come to the 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.
- Class attendance will only account for 10% of your grade. You need 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. Student-led Presentation/Discussion & Handout (30%)

- Scheduled for weeks 5-12 (beginning February 8 and continuing to the end of term).
- In groups of 3, you will be required to prepare a group presentation.
 - Although the presentation will be prepared and presented in groups, 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 the discussion portion) and should provide an overview of the topic and a critical reflection of these points.
- You can sign up for your week/topic/partners by emailing me. Topics will be assigned on a first come-first served basis. An up-to-date 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 (Jan 25), I will assign your week, topic (and partners).

- Your presentation will consist of preparing lecture slides for your given topic and leading the class discussion. Presentations/slide material should provide an overview of the topic and a critical reflection of these points.
 - The slides should be submitted to me via email the week prior to your presentation, and I will be post them to Brightspace. **You will lose marks** if they are not submitted at least one week in advance of your presentation date.
 - ex: if you are responsible for a presentation on week 7, you would have to submit your slides to me no later than week 6.
- 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 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 Brightspace).
 - **You will lose marks** if the reading is not circulated in advance.
- A brief 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 Brightspace.
 - **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.
 - The handout should be prepared as a quick reference guide to your presentation and should only be 2-3 pages in length (including the bibliography). Samples have been posted to Brightspace.

3. Peer Evaluation of Presentation (5%)

- Each group of presenters will be assigned a group of peer evaluators.
- You can sign up for your week by emailing me (cannot be the same week that you are presenting).
- Spots will be assigned on a first come-first served basis. An up-to-date list of evaluators will be posted on Brightspace.
 - If you have not signed up by the third week of class (Jan 25), I will assign your week.
- 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.
- The evaluation is to be submitted to the appropriate dropbox on Brightspace within 24 hours of the presentation.

4. Jury Decision Review (10%)

- Due by **6pm on February 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 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.

5. Take-Home Exam (35%)

- Instructions and information will be provided during our last scheduled class (Apr 5).
 - This information will also be posted on Brightspace the following day (Apr 6).
- Responses are due by **4pm on April 28**. 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	Jan 11	Introduction to the Course <ul style="list-style-type: none"> • Review Syllabus • Brief Introduction
2	Jan 18	Right to a Fair Jury Trial <ul style="list-style-type: none"> • Terry Skolnik, "The Jury System in Canada" <i>Sistemas Judiciales</i> 17 (2013) 16. • Regina Schuller & Neil Vidmar, "The Canadian criminal jury" <i>Chi.-Kent L. Rev.</i> 86 (2011) 497-524 (excerpt only). • Diane Francis, "What Juries Get Wrong and Why They'll Never Deliver True Justice" <i>Huffington Post</i> October 2013 (https://www.huffpost.com/archive/ca/entry/george-zimmerman-trial-jury-justice_b_3701305).
3	Jan 25	Pre-trial Publicity, Prejudices and Remedies (ex: change of venue, continuance, etc.) <ul style="list-style-type: none"> • 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. • 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.
4	Feb 1	In-Court Jury Selection Processes <i>Jury Decision Making Assignment Due by 6pm</i> <ul style="list-style-type: none"> • V. Gordon Rose & 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). • Alafair S. Burke, "Prosecutors and Peremptories" <i>Iowa Law Review</i> 97 (2012) 1467.
5	Feb 8	Role and Expectations of the Expert Witness Limits on the Expert Witness, Problems with Expert Witnesses <i>Student Presentations Begin</i> <ul style="list-style-type: none"> • Graham D. Glancy & 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. • 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.
6	Feb 15	Influencing the Jury (ex: Race, Graphic Evidence, Sensational Cases, Mr. Big, Eyewitness Testimony) <ul style="list-style-type: none"> • Laura McManus, Evelyn Maeder & 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. • 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.

		SPRING BREAK – NO CLASS
7	Mar 1	<p>Judge’s Charge to the Jury Addresses, Deliberations and Verdicts</p> <ul style="list-style-type: none"> • J. Alexander Tanford, “The Law and Psychology of Jury Instructions” <i>Nebraska L. Rev</i> 69 (1990): 71-101 (excerpt only). • Mark A. Oakes et. al., “Judge, jurors, and gendered instructions to disregard evidence: stereotype-congruent judicial instructions increase compliance” <i>Psychology, Crime & Law</i> 27 (2021) 933.
8	Mar 8	<p>Jury Decision Making & Jury Nullification</p> <ul style="list-style-type: none"> • Brian R. Hedden, “Should juries deliberate?” <i>Social Epistemology</i> 31 (2017) 368. • Robin MacKay, "Jury Nullification: The Quality of Mercy Is Not Strain'd" <i>Criminal Law Quarterly</i> 63 (2016) 80.
9	Mar 15	<p>When the Jury Gets it Wrong – Wrongful Convictions</p> <ul style="list-style-type: none"> • Lauren Chancellor, “Public Contempt and Compassion: Media Biases and Their Effect on Juror Impartiality and Wrongful Convictions” <i>Man. L.J.</i> (2019) 427. • Angela M. Jones & Steven Penrod, “Can Expert Testimony Sensitize Jurors to Coercive Interrogation Tactics” <i>Journal of Forensic Psychology Practice</i> 16 (2016) 393.
10	Mar 22	<p>When the Jury Gets it Wrong – Wrongful Convictions (con’t) & Forensic Science (CSI Effect)</p> <ul style="list-style-type: none"> • Simon A. Cole, "Forensic Science and Wrongful Convictions: From Exposer to Contributor to Corrector" <i>New Eng. L. Rev.</i> 46 (2012) 711. • Kimberlianne Podlas, "The CSI effect and other forensic fictions" <i>Loy. LA Ent. L. Rev.</i> 27 (2006) 87-106 (excerpt only).
11	Mar 29	<p>Representation of Jury Trials in Film/Media</p> <ul style="list-style-type: none"> • Nerit Grossman, “Just Looking: Justice as Seen in Hollywood Courtroom Films” <i>Law, Culture and the Humanities</i> 15 (2019) 62. • Nicole Rafter, "American criminal trial films: An overview of their development, 1930–2000" <i>Journal of Law and Society</i> 28 (2001) 9.
12	Apr 5	<p>Influence of Social Media on the Jury Take Home Exam Assigned</p> <ul style="list-style-type: none"> • Amy J. St. Eve & Michael A Zuckerman, “Ensuring an Impartial Jury in the Age of Social Media” <i>Duke Law and Technology Review</i> 11 (2012) 2. • Kristin R. Brown, “Somebody Poisoned the Jury Pool: Social Media’s Effect on Jury Impartiality” <i>Tex. Wesleyan L. Rev.</i> 19 (2013) 809.

University and Departmental Policies

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/>.

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/>.

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

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>

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/>.