

Course Outline

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COURSE:	LAWS 1002B – Introduction to Legal Studies II
TERM:	WINTER 2023
PREREQUISITES:	None
CLASS:	<b>Day &amp; Time:</b> Please check Carleton Central for current Class Schedule. <b>Room:</b> Note this is an “IN PERSON” section of the course so you must attend the class to have access to the lecture materials (i.e. the lectures are <u>not normally recorded or posted online</u> ). There are also required tutorials.
INSTRUCTOR:	Stephen J. Tasson
CONTACT:	<b>Office:</b> Room D582 Loeb Building <b>Office Hrs:</b> Friday 10-12pm (in person) OR Monday 10-12pm (ONLINE via ZOOM) <b>Telephone:</b> None <b>Email:</b> <a href="mailto:steve.tasson@carleton.ca">steve.tasson@carleton.ca</a>

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**CALENDAR COURSE DESCRIPTION**

Introduction to legal rules and theoretical approaches for critically understanding the creation, interpretation and enforcement of those rules; the role of judges, juries, lawyers, and lay persons; adjudication and alternative dispute resolution; relationship of law with social change and justice; challenges of access to justice.

**COURSE DESCRIPTION**

Understanding “the law” in contemporary societies requires that we understand the ways that it is enacted or “practiced” and by whom. This means understanding some core **processes** and **key players** within these processes, including “officials” such judges, lawyers, police officers; as well as “lay actors” like claimants, defendants, victims and jurors.

One process we explore in some depth early in the term is the trial process. We discuss the value of **the trial** as a process of legal fact-finding and conflict resolution. How does the structure of the court or the policy aims of civil and criminal law aid, or potentially undermine, satisfactory conflict resolution? What **alternatives** are there to the trial process and what advantages might they offer? What happens when legal processes “get it wrong”? How does the justice system acknowledge, for example, the overrepresented groups within its processes or the growing number of “wrongful convictions” it produces?

A central theme that also runs throughout the course is concern for the basic **accessibility** of the legal system. This not only refers to the trial process and to the mechanisms of formal justice, but also to legal education, the police, the judiciary, and the legal profession.

Law’s “distance”, rituals and formality aim, in part, to insulate its various processes from everyday social inequalities and prejudices in the name of equality and formal justice. However, this “distance” may also effectively undermine its ability to adequately represent social aims or render **substantive justice** for many people seeking a just resolution to interpersonal and group conflicts. How do Canadian legal actors and legal processes

seek to navigate this core **ambiguity**?

**These are critical questions.** They are fundamentally questions about what law is and does, at present, and (crucially) what it ought to do and be, going forward.

### ***Course Objectives (or, ‘what I want you to get out of the course’)***

1. Explore the trial process in Canadian courts. Evaluate the relative merits of the ‘adversarial’ trial process relative to alternative trial and pre-trial processes of legal fact-finding. Connect this debate to the issue of accessibility and “wrongful conviction” in Canada.
2. Evaluate the relative strengths and weaknesses of Alternative Dispute Resolution (ADR) processes in Canada. Connect this discussion to debates surrounding “Restorative Justice” and reconciliation and Indigenous legal traditions in Canada.
3. Identify the basic components of criminal and civil law in Canada. Be able to understand the broader implications of seemingly minor “technical” changes on the roles and duties of individuals and social groups (e.g. duties owed by “social hosts” to “guests”).
4. Identify and critically evaluate the legal system’s key “actors”, their motivations, and how their attitudes and actions affect our understanding of, and outcomes in, the present-day legal system.
5. Explore the values of “accessibility” and “representativeness” in the Canadian legal system. Assess these values relative to the “under” and “over-representation” of certain groups within the legal system.
6. Be able to read and identify key aspects and authorities within legal decisions (i.e. cases).
7. Understand the uses of criminal and civil law as means to produce and stabilize existing social order(s) and State power.
8. Develop your ability to evaluate competing written arguments (in particular, “theoretically oriented” arguments) and persuasively articulate your own positions relative to those arguments.
9. Examine the serious effects and persistence of racism, sexism, and other forms of prejudice in key parts of the legal process (including within the legal profession). Discuss the systemic quality of these issues.

### **REQUIRED TEXTS**

Tasson, S. *et al.* (eds.) (2019). *Introduction to Legal Studies: Processes and Power* (1<sup>th</sup> ed.). North York: Captus Press.

This core “course text” (as it referenced on the weekly reading schedule) is available for purchase at **\*\*Octopus Books\*\*** ([reserve a copy through this link](#)) – located a short ride from campus on the #7 bus. I have not ordered this book through the campus bookstore.

The text is also available directly from the publisher, **Captus Press**, as an *ebook*. See the following link for more information on accessing the text online (<http://www.captus.com/information/ebook.htm>). Follow the link to ‘**Carleton University**’ section.

The text may also be available “used” (if you want to save a few \$\$\$) from multiple booksellers in Ottawa.. **There is no other book required to purchase for THIS section of the course!**

**NOTE:** In addition to this main course text there will be **additional readings/media** for which you will be also be responsible. These are available to you through our course Brightspace page and detailed in the **Required Reading Schedule (on Brightspace)**.

**EVALUATION****(All core components must be completed in order to receive a passing grade in this course)**

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.

Reading Response/Reflections (5)	25%	(continuous, see below)
Course Participation (TA groups)	15%	(continuous, see below)
Term Paper		
Outline/Thesis Submission (OPTIONAL)		(due 11:59pm, March 27)
Final Term Paper	30%	(due 11:59pm, April 8)
Final Exam	30%	(during April 15-27 exam period)

**COURSE COMPONENTS****Reading Response/Reflections (5) (25%)**

On select weeks throughout the term there is a question or short set of questions (posted to Brightspace) that ask you to respond/reflect on the material for the week. In some instances this will be more summarizing work but in other cases you may be asked to consider the implications of text, or even connect issues to your own experience. In the second half of the term one of these “reflection’s” will also take the form of a very short “quiz” on Brightspace (this will be roughly 12 questions and focus on a case we are discussing in class).

Normally these response/reflection submissions should minimally demonstrate that a) you have read the required reading/source (summary elements) and b) considered the arguments/topic in some depth (analysis elements). The reflection is not about providing a complete summary or about getting the “right” answer to the question(s) posed. Rather, the main aim of your response/reflection should be to demonstrate to the reader your **engagement** and, where possible, to connect the week’s material to other themes or issues you see developing in the course. Again, the aim is to show you are working through the material in an informed and thoughtful way.

More details regarding formatting and a rubric appear Brightspace. Unless otherwise specified your submissions should be **approx. 400 words and be double-spaced (roughly 1.5-2pgs)** Like other written components of the course, these response/reflection submissions are submitted via Brightspace and must be submitted before the deadlines indicated on Brightspace.

More “responses” may be available to complete but only 4 grades are counted toward the final grade (the top 4).

**Course Participation (15%) (TA Groups are held on “even numbered” weeks (e.g. W2, W4, W6, etc..))**

Despite the fact that this is primarily delivered as a lecture course, individual participation and “engagement” are still key components of the course and your mark. Your main opportunity to discuss and participate is in the semi-weekly “tutorials”/discussion groups (you will have registered in one of these groups when you registered for the course). You are expected to come prepared to participate and contribute to your group. Your “course participation” mark is based not only on your basic attendance to these groups, but on the quality of your actual participation in the discussions and planned exercises.

It is very important that you attend these groups! As with the lecture, any material that is discussed or presented there may appear on exams or be the subject of assignments.

More crucially, while a key function is to provide a more intimate place to discuss course material with your peers, the groups also help clarify assignment expectations and develop some of the core skills necessary to your success in this course (and beyond).

### **Outline/Thesis Exercise + Term Paper 30%**

There is no grade for the Thesis/Outline Submission. Rather, completing it provides you a chance to receive feedback on the direction and basic structure you plan to use in your paper. It gives you a chance to make sure you are on the right track and have understood the essay requirements clearly. A solid paper structure improves papers (and paper **GRADES!**) significantly. You are strongly encouraged to submit this component for feedback.

However, it is **OPTIONAL!**

**NOTE: Due to the tight timelines, LATE Thesis/Outline Exercises will not normally be accepted.**

The Term Paper itself, which is due at the end of the term, asks you to summarize, synthesize and offer a position on some key issues we investigate in the course. It provides you an opportunity to discuss the course materials that we investigate and draw connections to some of the broader questions and themes highlighted in the lectures. The Term Paper will be **approx. 2000 words (or around 7 double-spaced pages) in length.** **The specific question, format requirements and rubric for evaluation will be outlined in the assignment sheet** (available during **Winter Reading Week** on Brightspace) and will also be discussed in more detail in the TA groups.

**NOTE:** “Outside” research or sources (other than course texts and lectures) will not normally be required and are usually not encouraged in preparing the Term Paper. The paper is not a “research paper” but rather structured to demonstrate competency in structuring arguments and analysis.

### **Final Exam (30%)**

The final exam will be held during the formally scheduled exam period in April. **It will cover content for the whole term.** The exact date, time and location are centrally scheduled by the university (I’m at their whim as much as you!). The exam will likely consist of approximately 80-100 multiple-choice questions; though there may be limited short-answer questions as well (if this is the case, I will inform you before the Reading Week). For the most part multiple-choice exams aim to test the breadth of knowledge you have gained in the course rather than the depth (this is what your papers are for). The specifics of the exam and tips for studying will be discussed closer to the end of term.

### **SCHEDULE**

The complete **Required Reading and Lecture Topics schedule** is available on **Brightspace (our online portal)**. If you have any questions or concerns about these topics or readings, please let me know via email. Please also note these other important term dates:

<b>Winter 2023 Sessional Dates and University Closures</b>	
<i>Please find a full list of important academic dates on the calendar website:</i> <a href="https://calendar.carleton.ca/academicyear/">https://calendar.carleton.ca/academicyear/</a>	
<b>January 4, 2023</b>	University Reopens.
<b>January 9, 2023</b>	Winter term classes begin.
<b>January 20, 2023</b>	Last day for withdrawal from winter term and winter portion of fall/winter courses with full fee adjustment. Withdrawals after this date will result in a permanent notation of WDN on the official transcript.
<b>February 17, 2023</b>	April examination schedule available online.
<b>February 20, 2023</b>	Statutory holiday. University closed.
<b>February 20-24, 2023</b>	Winter break, no classes.
<b>March 15, 2023</b>	Last day for academic withdrawal from full winter, late winter, and fall/winter courses.
<b>April 7, 2023</b>	Statutory holiday. University closed.
<b>April 12, 2023</b>	Winter Term Ends. Last day of fall/winter and winter term classes.
<b>April 15- 27, 2023</b>	Final examinations in winter term and fall/winter courses may be held. Examinations are normally held all seven days of the week.

### **PRACTICAL STRATEGIES FOR SUCCESS IN THIS (& OTHER) COURSES**

**1. Make a personal schedule and stick to it.**

The class structure forces you to “stay on top of” the weekly work. I know that this can be annoying but the aim is to keep you engaged but still allows for some flexibility in when you complete the work. You can’t participate if you are not attending class or the tutorial groups and contributing and this is an important part of your mark. Basic attendance keeps you engaged and prevents you from falling too far behind or feeling overwhelmed.

**2. Get it in!!!**

Aside from the term paper and exam, the stakes on any individual written component are fairly “low stakes” (roughly 6% of the course grade). **Perfection is the enemy of completion!** Get written work in and get feedback on how to improve. (I know this is FAR easier than it sounds for many folks, but it is a valuable lesson in first year!)

**3. Ask for help if you need help or any course requirements are unclear**

Your TA and I are here to help you succeed in the course. While it may feel sometimes that you are “on your own”, **you are not!** Again, your TA and I want you to succeed and so you should contact us if you are struggling. Early communication is key! You are also part of a “class” and you should not underestimate the value of peer support and academic community. Don’t be afraid to get to know your peers and ask (and answer) questions. This may be intimidating at first, but part of the university experience is recognizing **you are now part of a community of learning** in which we all have a shared interest in fostering understanding, disseminating knowledge and ideas.

**4. Be open to new ideas and new ways of thinking (and communicating)**

Good courses ought to challenge us to think differently about what we think we already know and/or force

us to find new ways to articulate our positions or experience. Consequently, they may prompt us to reflect on ourselves, our relationships with others, and the structures of the world around us. This can sometimes be an unsettling and uncomfortable process and different people react to these challenges differently. In this class the source of these challenges may be the course materials (my “lectures” or the readings) but they may also come through interactions with your peers in class. Not everyone is equally skilled in expressing their positions or posing questions. Be attentive to this fact, to the diversity of other student’s experiences, and be “generous” in attributing motives to others in the class. Personal attacks will not be tolerated (you will discuss “Ground rules” early on in the first groups).

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## **UNIVERSITY AND DEPARTMENTAL POLICIES**

### **DEPARTMENT POLICIES**

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/>

### **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:

#### **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 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](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 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. <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/>

### **OTHER COURSE SPECIFIC POLICIES**

(Please ask if there is any confusion or concern with any course-related policies!)

### **ASSIGNMENT FORMATTING and SUBMISSION**

Unless otherwise specified, any written work submitted in this course must be double-spaced, formatted to 12pt Times New Roman or Arial font with standard margins. Assignments normally must include your name and student number and the course code in the document's header. Title pages, bibliographies and extensive footnotes are not usually counted in determining an assignment's word count or page length.

Assignments are normally submitted using the links provided for this specific purpose on the Brightspace page for this course. **It is your responsibility to ensure that assignments are submitted in a readable file format (usually .doc or .pdf formats) \*before the deadline\***. If the assignment is unreadable it will not be considered submitted. If you anticipate any issues (technological or otherwise) you should discuss this with your TA or with me ASAP in \*advance of the deadline\*.

### **LATE ASSIGNMENTS & EXTENSIONS POLICY**

#### ***Why are deadlines so important?***

I **fully understand** you all have competing commitments and responsibilities! Some of these priorities may supersede this course and necessitate that some assignments be submitted late. This **is why there is a policy for late submissions** (in most instances)!

Meeting deadlines particularly matters in larger courses like this one where I rely on TAs to mark course work. Teaching Assistants are students like you! They have their own assignments and course/research work to complete – and have their own deadlines (and in some limited cases, actual lives to live!). They plan their term schedule around when they have to grade and complete feedback for their students and if your assignments or papers are late this puts additional pressure on them and complicates my ability to maintain consistency in grades across the course.

**A late assignment will normally be penalized 3% per day it is late (e.g. a paper marked as a 68% that was 1 day late would receive a grade 65%) (unless otherwise specified on the assignment instructions).** Late assignments must be submitted normally through Brightspace unless you are otherwise directed.

**Email is NOT considered an acceptable means of submission for any assignment**

**\*\*\*NOTE:** Late assignment may not be graded and “returned” along normal timelines and the quantity of feedback may be affected.

**\*Extension requests\***

Extension requests must normally be communicated to me a) **in advance of the assignment deadline** and b) ideally **“in-person”** (e.g. office hours). Frantic email requests on the eve of a deadline are unlikely to receive a favorable reply. 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> (be sure to read this form carefully and check the relevant boxes).

In extraordinary cases where a **requested extension lasts longer than 7 days** (e.g. in the case of prolonged medical or other issues), students will normally be required to provide additional information to justify the extension (usually up to a maximum of 14 days). **EARLY COMMUNICATION REGARDING LATES/EXTENSIONS IS VITAL!**

**BACKUP COPIES**

Student must retain a “backup” copy of anything submitted for a grade in the class. This copy should be kept until a final grade is received in the class. Students must be able to produce a copy of assignments upon request.

**REFERENCING & PLAGIARISM (Part II)**

Assignments in the course must be properly referenced and include a bibliography of all sources used in the preparation of the assignment (unless directed otherwise). We will discuss citation styles in some detail in class. I understand that, to this point, students have had varying degrees of experience with citation and referencing in their academic work. Regardless, the expectation is that you have a basic ability to reference and cite other’s work used in preparing your own assignments. As highlighted above, failure to reference properly or attempting to pass someone else’s ideas or work off as your own constitutes plagiarism. Both the university and I take it very seriously and so should you. Plagiarism can lead to penalties that are very serious. **Recklessly or purposefully engaging in it is incredibly misguided.** If you are struggling or unsure about how best to use sources in preparing your work in the course, it is far better to contact me and talk to me about resources to help!