Carleton University

Department of Law and Legal Studies

Course Outline

COURSE: LAWS 4802 A – Criminal Jury Trials

TERM: Fall 2024

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: Please check Carleton Central for current Class Schedule

This course will be held in-person

INSTRUCTOR: Kelly Lauzon

CONTACT: Office Hrs: By Appointment

Email: <u>kelly.lauzon@carleton.ca</u>

BRIGHTSPACE: https://brightspace.carleton.ca/d2I/home/290292

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

LEARNING OUTCOMES

Upon successful completion of the course, student 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.

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.

NOTE: All components must be successfully completed in order to get a passing grade – this includes the attendance and participation components. If you do not receive a passing grade (50%) on *each of* the attendance and participation components, you will not receive a passing grade for this course.

- 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 <u>Student Rights and Responsibilities Policy</u>, discrimination and harassment will not be tolerated.

2. Jury Decision Review (10%)

- Due by 6pm on September 26 (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 (30%)

- Presentations begin the fifth week of class (October 3) and will continue throughout the term.
- Groups of 2 or 3 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.
- 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.
 - o If you haven't signed up by the 3rd week of class (Sept 20), I will assign your topic (and partners).
- Presentations are expected to last approximately 45 minutes (including discussion) and should provide an overview of the topic and a critical reflection of these points.
 - The entire presentation and discussion should not extend beyond 60 mins.
 Presenters will be asked to end their presentation/discussion after 60 minutes, and you will be graded on what has been presented up to this point. Therefore, it is important for you to be mindful of the time limit to ensure you have sufficient time to cover the important points of your presentation.
- 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 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.
- 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 <u>at least</u> 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 be the focus of the presentation and
 should last approximately 20-25 minutes.
- 4. Peer Evaluation of Presentation (5%)

• Each group of presenters will be assigned a corresponding group of peer evaluators.

- The list of evaluators will be posted on Brightspace.
 - 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
 - Research conducted
- 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.
- Submissions are **due within 24 hours** of the presentation.

5. Take-Home Exam (35%)

- Instructions and information will be provided during our last scheduled class (Dec 5).
 - This information will also be posted on Brightspace the following day (Dec 6).
- Responses are due by 4pm on December 21. 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 <u>not</u> 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 short-term extensions, please complete the form at the following link and submit it to the instructor prior to the assignment due date: https://carleton.ca/registrar/academic-consideration-coursework-form/.

Final exam deferrals must be applied for at the Registrar's Office. Please view the following link for more information and how to apply for a deferral: https://carleton.ca/registrar/deferral/

For more information regarding academic consideration for short-term incapacitation (illness, injury, or extraordinary circumstances beyond a student's control), please visit the following

link: https://students.carleton.ca/course-outline/#academic-consideration-for-short-term-incapacitation

SCHEDULE

Week	Date	Material		
1	Sept 5	Introduction to the Course • Review Syllabus • Brief Introduction & History		
2	Sept 12	Right to a Fair Jury Trial Terry Skolnik, "The Jury System in Canada" Sistemas Judiciales 17 (2013) 16. Regina Schuller & Neil Vidmar, "The Canadian criminal jury" (2011) 86 ChiKent L. Rev. 497-524 (excerpt only). Diane Francis, "What Juries Get Wrong and Why They'll Never Deliver True Justice" Huffington Post October 2013 (https://www.huffpost.com/archive/ca/entry/george-zimmerman-trial-jury-justice b 3701305).		
3	Sept 19	Pre-trial Publicity, Prejudices and Remedies (ex: change of venue, continuance, etc.) • Lourdes Rodriguez et. al., "Making a Biased Jury Decision: Using the Steven Avery Murder Case to Investigate Potential Influences in Jury Decision-Making" (2019) 8 Psychology of Popular Media Culture 429. • Vineet R. Shahani, "Change the motion, not the venue: A critical look at the change of venue motion" (2005) 42 Am. Crim. L. Rev. 93.		
4	Sept 26	In-Court Jury Selection Processes Jury Decision Review Due at 6pm V. Gordon Rose & James R. P. Ogloff, "Challenge for cause in Canadian criminal jury trials: Legal and psychological perspectives" (2002) 46 Crim. LQ 210-221 + 229-234 (excerpts only). Alafair S. Burke, "Prosecutors and Peremptories" (2012) 97 Iowa Law Review 1467. Julia Schabas, "The Abolition of Peremptory Challenges" <online: <a="" href="http://www.thecourt.ca/the-abolition-of-peremptory-challenges-in-r-v-chouhan-a-license-for-discrimination-or-safeguard-for-representative-juries/">http://www.thecourt.ca/the-abolition-of-peremptory-challenges-in-r-v-chouhan-a-license-for-discrimination-or-safeguard-for-representative-juries/</online:>		
5	Oct 3	Role and Expectations of the Expert Witness Limits on the Expert Witness, Problems with Expert Witnesses Student Presentations Begin • Brad Booth et. al., "Lessons from Canadian Courts for all Expert Witnesses" (2019) 47 The Journal of the American Academy of Psychiatry and the Law 1. • Real Life Wrongs Podcast Episode 10 (available on YouTube and Spotify)		
6	Oct 10	Influencing the Jury (ex: Race, Graphic Evidence, Sensational Cases, Mr. Big, Eyewitness Testimony) • Laura McManus, Evelyn Maeder & Susan Yamamoto, "The Role of Defendant Race and Racially Charged Media in Canadian Mock Juror Decision Making" Canadian Journal of Criminology and Criminal Justice 60 (2018) 266.		

		• K. D. Ford, I. S. Penton-Voak & N. Pound, "Justice is (not so) blind: Effects of facial masculinity and agreeableness on perceptions of criminal guilt" (2022) 16:1 Evolutionary Behavioral Sciences 67.
7	Oct 17	Judge's Charge to the Jury Addresses, Deliberations and Verdicts J. Alexander Tanford, "The Law and Psychology of Jury Instructions" (1990) 69 Nebraska L. Rev. 71-101 (excerpt only). Mark A. Oakes et. al., "Judge, jurors, and gendered instructions to disregard evidence: stereotype-congruent judicial instructions increase compliance" (2021) 27 Psychology, Crime & Law 933.
	Oct 24	FALL BREAK – NO CLASS
8	Oct 31	Jury Decision Making & Jury Nullification • Brian R. Hedden, "Should juries deliberate?" (2017) 31 Social Epistemology 368. • Robin MacKay, "Jury Nullification: The Quality of Mercy Is Not Strain'd" (2016) 63 Criminal Law Quarterly 80.
9	Nov 7	 When the Jury Gets it Wrong – Wrongful Conviction Lauren Chancellor, "Public Contempt and Compassion: Media Biases and Their Effect on Juror Impartiality and Wrongful Convictions" (2019) Man. L.J. 427. Real Life Wrongs Podcast Episode 2 (available on YouTube and Spotify)
10	Nov 14	 When the Jury Gets it Wrong – Wrongful Convictions (con't) & Forensic Science (CSI Effect) Kimberlianne Podlas, "The CSI effect and other forensic fictions" (2006) 27 Loy. LA Ent. L. Rev. 87-106 (excerpt only). Real Life Wrongs Podcast Episode 9 (available on YouTube and Spotify)
11	Nov 21	Representation of Jury Trials in Film/Media Nerit Grossman, "Just Looking: Justice as Seen in Hollywood Courtroom Films" (2019) 15 Law, Culture and the Humanities 62. Nicole Rafter, "American criminal trial films: An overview of their development, 1930–2000" (2001) 28 Journal of Law and Society 9.
	Nov 28	NO CLASS THIS WEEK
12	Dec 5	Take Home Exam Assigned Influence of Social Media on the Jury • Amy J. St. Eve & Michael A Zuckerman, "Ensuring an Impartial Jury in the Age of Social Media" (2012) 11 Duke Law and Technology Review 2. • Kristin R. Brown, "Somebody Poisoned the Jury Pool: Social Media's Effect on Jury Impartiality" (2013) 19 Tex. Wesleyan L. Rev. 809.
	Dec 21	TAKE HOME EXAM DUE BY <u>4PM</u> TO BRIGHTSPACE DROPBOX

Fall 2024 Sessional Dates and University Closures				
Please find a full list of important academic dates on the calendar website:				
https://calendar.carleton.ca/academicyear/				
September 4, 2024	Fall term begins.			
September 17, 2024	Last day for registration and course changes (including auditing) for fall, and fall/winter courses.			
September 30, 2024	Last day to withdraw from fall term and fall/winter courses with a full fee adjustment (financial withdrawal).			
October 14, 2024	Statutory holiday. University closed.			
October 21-25, 2024	Fall break. No classes.			
November 15, 2024	Last day for academic withdrawal from fall courses.			
	Last day to request formal exam accommodations for fall, and fall/winter examinations to the Paul Menton Centre for Students with Disabilities.			
November 22, 2024	Last day for summative tests or examinations or formative tests or examinations totaling more than 15% of the final grade in the fall or fall/winter before the official examination period.			
December 6, 2024	Fall term ends.			
	Last day of fall term classes.			
	Classes follow a Monday schedule.			
	Last day for take home examinations to be assigned.			
December 7-8, 2024	No classes or examinations take place.			
December 9-21, 2024	Final examinations in fall term courses and mid-term examinations in fall/winter courses will be held.			
December 21, 2024	All final take-home examinations are due on this day, with the exception of those conforming to the examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar.			
December 24, 2024 – January 2, 2025	University closed.			

University and Departmental Policies

DEPARTMENT POLICIES AND REGULATIONS

ACADEMIC INTEGRITY

Carleton University's Academic Integrity Policy (available at https://carleton.ca/secretariat/wp-content/uploads/Academic-Integrity-Policy-2021.pdf) governs student academic integrity. The integrity of a student's academic work is critical to enabling student success and ensuring fairness and reliability in the awarding of grades and degrees. Students who violate the principles of academic integrity undermine the quality of their education and the value of a Carleton University degree.

The policy includes such areas as plagiarism, misrepresentation, and improper access to information. Please consider the following as additional considerations for this course.

- Permissibility of submitting substantially the same piece of work more than once for academic credit.
 - It is possible that you have previously completed work that is similar to what is required in this course. Although it is not a violation of the Academic Integrity Policy to reuse your previous work, you are strongly discouraged from re-submitting substantially similar work.
 - Substantially similar work would include any previous work that would eliminate the need for further research to complete the assignment for this course.
 - If you have completed similar work in another course, consult with me before submitting this work again so that we can address the best possible way to proceed with this work.
- 2. Permissibility of the use of generative artificial intelligence tools (e.g. ChatGPT).
 - Any use of generative AI tools to produce assessed content is considered a violation of academic integrity standards
 - The primary aim of this course is for you to personally engage with the course material and to be introspective with it. As such the use of AI tools are not permitted in this course.

PLAGIARISM

The University Academic Integrity Policy defines plagiarism as "presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one's own." This 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, artworks, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, material on the internet and/or conversations.

Examples of plagiarism include, but are not limited to:

- any submission prepared in whole or in part, by someone else, including the unauthorized use of generative AI tools (e.g., ChatGPT);
- using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another's data or research findings without appropriate acknowledgement;
- submitting a computer program developed in whole or in part by someone else, with or without modifications, as one's own; and
- failing to acknowledge sources through the use of proper citations when using another's work and/or failing to use quotations marks.

Plagiarism is a serious offence that cannot be resolved directly by the course's instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of "F" for the course.

STATEMENT ON STUDENT MENTAL HEALTH

As a University student you may experience a range of mental health challenges that significantly impact your academic success and overall well-being. If you need help, please speak to someone. There are numerous resources available both on- and off-campus to support you. For more information, please consult https://wellness.carleton.ca/

Emergency Resources (on and off campus):

https://carleton.ca/health/emergencies-and-crisis/emergency-numbers/

Carleton Resources:

- Mental Health and Wellbeing: https://carleton.ca/wellness/
- Health & Counselling Services: https://carleton.ca/health/
- Paul Menton Centre: https://carleton.ca/pmc/
- Academic Advising Centre (AAC): https://carleton.ca/academicadvising/

- Centre for Student Academic Support (CSAS): https://carleton.ca/csas/
- Equity & Inclusivity Communities: https://carleton.ca/equity/

Off Campus Resources:

- Distress Centre of Ottawa and Region: (613) 238-3311 or TEXT: 343-306-5550, https://www.dcottawa.on.ca/
- Mental Health Crisis Service: (613) 722-6914, 1-866-996-0991, http://www.crisisline.ca/
- Empower Me: 1-844-741-6389,
 https://studentcare.ca/rte/en/IHaveAPlan CarletonUniversityUndergraduateStudentsC
 USA EmpowerMe EmpowerMe
- Good2Talk: 1-866-925-5454, https://good2talk.ca/
- The Walk-In Counselling Clinic: https://walkincounselling.com

ACADEMIC ACCOMMODATIONS

Carleton is committed to providing academic accessibility for all individuals. You may need special arrangements to meet your academic obligations during the term. The accommodation request processes, including information about the Academic Consideration Policy for Students in Medical and Other Extenuating Circumstances, are outlined on the Academic Accommodations website (students.carleton.ca/course-outline)."

If you require a short-term consideration, you must submit the <u>Academic Consideration</u> <u>for Coursework form</u> **prior to** the submission deadline.

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows.

Pregnancy Obligation and Family-Status Related Accommodations

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 about the accommodation policy, visit the <u>Equity and Inclusive Communities (EIC)</u> website.

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, please go to: 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 for a formal evaluation. You can find the Paul Menton Centre online at: https://carleton.ca/pmc/

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 inclass 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/.

Academic Consideration for Medical and Other Extenuating Circumstances

Due to medical and other extenuating circumstances, students may occasionally be unable to fulfill the academic requirements of their course(s) in a timely manner. The University supports the academic development of students and aims to provide a fair environment for students to succeed academically. Medical and/or other extenuating circumstances are circumstances that are beyond a student's control, have a significant impact on the student's capacity to meet their academic obligations, and could not have reasonably been prevented.

Students must contact the instructor(s) as soon as possible, and normally no later than 24 hours after the submission deadline for course deliverables. If not satisfied with the instructor's decision, students can conduct an "informal appeal" to the Chair of the department within three (3) working days of an instructor's decision. We have created a webform specifically for appeals to the Chair, which can be found here: https://carleton.ca/law/application-for-review-of-refusal-to-provide-academic-consideration/. Note: This form only applies to LAWS courses and is not the same as a formal appeal of grade. More information about the academic consideration can be found here.