

## Course Outline Template

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<b>COURSE:</b>	<b>LAWS 4802B – Criminal Jury Trials</b>
<b>TERM:</b>	<b>Winter 2024</b>
<b>PREREQUISITES:</b>	<b>LAWS 2908, CRCJ 3001 or CRCJ 3002 and LAWS 2301, LAWS 2302 and 4th year Honours standing</b>
<b>CLASS:</b>	<b>Day &amp; Time: Thursday 6:05pm – 8:55pm</b> <b>Room: Please check with Carleton Central for current room location</b>
<b>INSTRUCTOR:</b>	<b>Kelly Lauzon</b>
<b>CONTACT:</b>	<b>Office Hrs: By appointment</b> <b>Email: <a href="mailto:kelly.lauzon@carleton.ca">kelly.lauzon@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.

### 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.

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.

**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.

**NOTE: All components must be successfully completed in order to get a passing grade.**

**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 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.

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

- Presentations begin the fifth week of class (**February 8**) 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/partner 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 3<sup>rd</sup> week of class (Jan 25), I will assign your topic (and partner).
- 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 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 20-25 minutes.

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

- Each pair of presenters will be assigned a pair 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
  - The 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.

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

- Instructions and information will be provided during our last scheduled class (Apr 4).
  - This information will also be posted on Brightspace the following day (Apr 5).
- Responses are due by **4pm on April 25**. 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.**

<b>Week</b>	<b>Date</b>	<b>Material</b>
<b>1</b>	<b>Jan 11</b>	<b>Introduction to the Course</b> <ul style="list-style-type: none"> <li>• Review Syllabus</li> <li>• Brief Introduction &amp; History</li> </ul>
<b>2</b>	<b>Jan 18</b>	<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>
<b>3</b>	<b>Jan 25</b>	<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> <li>• Shirin Bakhshay &amp; Craig Haney, "The Media's Impact on the Right to a Fair Trial: A Content Analysis of Pretrial Publicity in Capital Cases" (2018) 24:3 <i>Psychology, Public Policy, and Law</i> 326.</li> </ul>
<b>4</b>	<b>Feb 1</b>	<b>In-Court Jury Selection Processes</b> <b>Jury Decision Review Due at 6pm</b> <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 (<b>excerpts only</b>).</li> <li>• Michelle I. Bertrand et al., "'We Have Centuries of Work Undone by a Few Bone-Heads': A Review of Jury History, a Present Snapshot of Crown and Defence Counsel Perspectives on Bill C-75's Elimination of Peremptory Challenges, and Representativeness Issues" (2020) 43(1) <i>Manitoba Law Journal</i> 111-115 + 126-138 + 142-159. (<b>excerpts only</b>).</li> <li>• Julia Schabas, "The Abolition of Peremptory Challenges" &lt;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/</a>&gt;</li> </ul>
<b>5</b>	<b>Feb 8</b>	<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> <ul style="list-style-type: none"> <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) 278.</li> <li>• Real Life Wrongs Podcast Episode 10 (available on YouTube and Spotify)</li> </ul>

6	Feb 15	<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" Canadian Journal of Criminology and Criminal Justice 60 (2018) 266.</li> <li>• K. D. Ford, I. S. Penton-Voak &amp; 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.</li> </ul>
	Feb 22	<b>READING WEEK – NO CLASS</b>
7	Feb 29	<p><b>Judge's Charge to the Jury</b> <b>Addresses, Deliberations and Verdicts</b></p> <ul style="list-style-type: none"> <li>• Chantelle M. Baguley, Blake M. McKimmie &amp; Barbara M. Masser, "Deconstructing the Simplification of Jury Instructions: How Simplifying the Features of Complexity Affects Jurors' Application of Instructions" (2017) 41:3 Law &amp; Hum Behav 284.</li> <li>• Mark A. Oakes et. al., "Judge, jurors, and gendered instructions to disregard evidence: stereotype-congruent judicial instructions increase compliance" Psychology, Crime &amp; Law 27 (2021) 933.</li> </ul>
8	Mar 7	<p><b>Jury Decision Making &amp; Jury Nullification</b></p> <ul style="list-style-type: none"> <li>• Brian R. Hedden, "Should juries deliberate?" Social Epistemology 31 (2017) 368.</li> <li>• Robin MacKay, "Jury Nullification: The Quality of Mercy Is Not Strain'd" Criminal Law Quarterly 63 (2016) 80.</li> </ul>
9	Mar 14	<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" Man. L.J. (2019) 427.</li> <li>• Real Life Wrongs Podcast Episode 2 (available on YouTube and Spotify)</li> </ul>
10	Mar 21	<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>• Kimberley Schanz &amp; C. Gabrielle Salfati, "The CSI effect and its controversial existence and impact: a mixed methods review" in Reviewing Crime Psychology (New York: Routledge, 2020): 145-164. Available online at <a href="https://books.google.com/books?hl=en&amp;lr=&amp;id=n1gMEAAAQBAJ&amp;oi=fnd&amp;pg=PA145&amp;ots=mTLU9-HVZ5&amp;sig=5M3POQHUXuVSxl7utmyftACf3_M">https://books.google.com/books?hl=en&amp;lr=&amp;id=n1gMEAAAQBAJ&amp;oi=fnd&amp;pg=PA145&amp;ots=mTLU9-HVZ5&amp;sig=5M3POQHUXuVSxl7utmyftACf3_M</a></li> <li>• Real Life Wrongs Podcast Episode 9 (available on YouTube and Spotify)</li> </ul>
11	Mar 28	<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" Law, Culture and the Humanities 15 (2019) 62.</li> <li>• Pamela Morris, "Justifiable Bromide? Exaggeration in Cartoons Reflects Public Perceptions of the Jury as a Big Joke" (2019) 19: 1 Journal of Criminal Justice and Popular Culture 37.</li> </ul>

12	Apr 4	<p><b>Take Home Exam Assigned</b></p> <p><b>Influence of Social Media on the Jury</b></p> <ul style="list-style-type: none"> <li>• Leslie Y. Garfield Tenzer, "Social Media, Venue and the Right to a Fair Trial" (2019) 71 445-463 (<b>excerpt only</b>).</li> <li>• Jacqui Taylor &amp; Gemma Tarrant, "Trial by social media: How do you find the jury, guilty or not guilty?" (2019) 1:2 International Journal of Cyber Research and Education 50.</li> </ul>
	Apr 25	<b>TAKE HOME EXAM DUE BY 4PM TO BRIGHTSPACE DROPBOX</b>

<b>Winter 2024 Sessional Dates and University Closures</b>	
<p>Please find a full list of important academic dates on the calendar website:  <a href="https://calendar.carleton.ca/academicyear/">https://calendar.carleton.ca/academicyear/</a></p>	
<b>January 8, 2024</b>	Winter term begins.
<b>January 19, 2024</b>	Last day for registration and course changes (including auditing) in full winter and late winter courses.
<b>January 31, 2024</b>	Last day to withdraw from full winter and the winter portion of fall/winter courses with a full fee adjustment.
<b>February 19, 2024</b>	Statutory holiday. University closed.
<b>February 19-23, 2024</b>	Winter break. No classes.
<b>March 15, 2024</b>	Last day for academic withdrawal from full winter, late winter, and fall/winter courses.
<b>March 27, 2024</b>	Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade, in full winter term or fall/winter undergraduate courses, before the official April final examination period (see examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar).
<b>March 29, 2024</b>	Statutory holiday. University closed.
<b>April 10, 2024</b>	Winter term ends.
	Last day of full winter, late winter and fall/winter term classes.
	Classes follow a Friday schedule (full winter and later winter courses).
	Last day for handing in term work and the last day that can be specified by a course instructor as a due date for term work for full winter term and late winter courses.

	Last day for take home examinations to be assigned.
<b>April 13-25, 2024</b>	Final examinations in full winter, late winter and fall/winter term courses will be held. Examinations are normally held all seven days of the week.
<b>April 25, 2024</b>	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.

## 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

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.

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://students.carleton.ca/services/empower-me-counselling-services>
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.com>

## **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 more details about the accommodation policy, visit the [Equity and Inclusive Communities \(EIC\)](#) 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](mailto: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 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/>.