

Course Outline

COURSE:	LAWS 1002C Introduction to Legal Studies 2: Processes and Power
TERM:	Winter 2024
PREREQUISITES:	None
CLASS:	Day & Time: Tuesdays, 11:35 – 13:25 Room: Please check Carleton Central for current Class Schedule <i>In person, once a week. Information and announcements on Brightspace.</i>
INSTRUCTOR:	Professor Sebastien Malette
CONTACT:	Office Hrs: Online office (Zoom), Brightspace. By appointment Telephone: 613-520-2600 x. 3681 Email: sebastien.malette@carleton.ca

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

This course is designed to provide an introduction to the field of Canadian legal studies. As such, it has two main objectives. A first objective is to provide a basic knowledge of the formal foundations of law and the legal system in Canada. Students will learn about the sources of formal law in Canada, the structure and function of legal institutions, the process of law-making and the various actors in the legal process. As well, students will be introduced to important areas of substantive law (such as criminal law, constitutional law, and contract law). A second objective of the course is to provide students with the tools to begin to think critically about the law and our legal system. Students will be introduced to various theoretical perspectives concerning what law is, how law is “made”, how we experience law, the role of law in shaping relationships between individuals and groups as well as relations between the state and society. The ways in which the law may be manipulated to serve particular societal interests will also be

considered. Ultimately, students will consider the role that law plays in either advancing or inhibiting social justice and social change.

Learning Objectives:

Upon successful completion of the course, students should be able to:

- Identify and explain several different theoretical frameworks that can be used to examine the different forms and roles of law within Canadian society, including both formal and informal conceptions of “law.”
- Identify, explain and critically evaluate the roles and functions of institutions and actors involved in the formal legal system.
- Recognize, explain and critically evaluate the formal process of legal rule-making, including the legislative process and judicial decision making.
- Recognize, explain and critically evaluate a cross-section of the formal legal rules and frameworks that directly affect the lives of Canadians.
- Recognize and critically evaluate the ways in which both formal and informal “law” may be used to affect the distribution of power in society and recognize different ways of assessing the relationship between law and justice and between law and social change.

REQUIRED TEXTS

1. Stephen Tasson, Rebecca Bromwich, Jane Dickson, Vincent Kazmierski, Bettina Appel Kuzmarov, Sébastien Malette, Umut Öszu (eds.), *Introduction to Legal Studies: Processes and Power (vol.2)* Canadian Legal Studies Series (Concord: Captus Press, 2080); ISBN 978-1-55322-375-7.
2. B. Wright, Vincent Kazmierski, Betina Kuzmarov and Rebecca Bromwich, *Looking at Law: Canada’s Legal System*, 7th ed. (Toronto: Lexis-Nexis, 2019). ISBN: 978-0-43349-892-6

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.

There are four formal evaluation components in this course: two assignments, attendance and participation in discussion groups, and a single multiple-choice examination held in the regular examination period; assignments must be completed and submitted electronically to the appropriate Teaching Assistant via Brightspace by 4:30 p.m. on the due date. Papers submitted

in any other fashion will not be accepted; late papers will not be accepted save in the case of a documented medical excuse or similarly serious and unforeseen circumstance. Details of the late submission policy are outlined below.

Assignment 1 (25%): Case Summary, due. February 6, 2024 by 4:30 p.m. (full details of the assignment will be posted on Brightspace).

Assignment 2 (25%): Short essay, due April 2, 2024 by 4:30 p.m. (full details of the assignment will be posted on Brightspace).

Discussion Group (20%): Students will be expected to attend and participate in weekly discussion groups.

Final Examination (30%): A Multiple-Choice Examination of all topics/materials covered during the Term, written during the formal examination period.

Failure to complete all assignments and exams in the course will result in the student receiving a failing grade for the course. Deferrals will not be granted unless all other course requirements have been met.

A FEW ADDITIONAL GUIDELINES AND SUGGESTIONS:

- **Try to stay on top of the reading assignments** in this course. As with most first-year survey courses, there is a great deal of reading, and it can pile up very quickly and become overwhelming. Organize your time by spending as much time preparing for class as you spend in class – for example, you have three hours of lecture and discussion group weekly; you should be spending at least that amount of time preparing for class and allocate more time when assignment deadlines or exams are looming.
- **Computer failure, conflicts with work schedule or similar problems do not constitute valid excuses for accommodations of course requirements, deadlines or examination schedules.**
- **Attend discussion groups.** Students who attend discussion groups regularly and participate fully and effectively in group debates and discussions consistently do better in the course than those who do not attend, or who attend but do not engage with the group. Your TAs are here to assist you to succeed.
- **Students having difficulty with writing assignments should engage with the many resources available on campus to help students succeed.** These include: The Writing Tutorial Service (Library 4th Floor); Student Academic Success Centre (302 Tory); and The Learning Commons (Library 4th Floor).

If you are having trouble understanding the material in the course, speak to your T.A. or the instructor sooner rather than later.

We are here to help you learn.

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

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

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/wp-content/uploads/self-declaration.pdf>.

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>

Late assignments will be marked down 2 marks for each day submitted after the due date (including weekend days). Extensions will only be given out in extreme circumstances, such as severe illness of the student or death of a family member. Appropriate documentation will be required to accompany all requests for extensions.

Grade Appeals: Students who have questions about the grade they receive on an assignment or who wish to challenge the grade must contact their TA via email to request a review/appeal of their grade within one week of the posting of the disputed mark on Brightspace. Consideration of requests for reviews/appeals which fall outside this timeline are solely at the discretion of the TA. **Students who are not satisfied with the outcome of a grade review/appeal, or who are denied a review/appeal, may appeal that outcome or denial to the Instructor within one week of receiving the TA's determination or denial of their review/appeal.** The instructor will not generally entertain reviews/appeals of grades outside this timeline, nor consider any grade review/appeal that has not first been discussed with the T.A.

Carleton University assumes all students will conform to the University's Academic Integrity Policy. Please be mindful of that policy, especially as regards 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.

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.

CLASS SCHEDULE AND READINGS

Lecture Topic and Reading Assignment

1	Course Introduction/no readings No Readings – Review Course Outline
2	What is Crime? Legal Studies Course Reader, 1(c), 2(b); <i>Looking at Law</i> , pp.64-68, 87-94.
3	The Criminal Law Process Legal Studies Course Reader, 2(c), (e)
4	Law, Economy and Society I – Contracts Legal Studies Course Reader, 3(a)-(c) <i>Looking at Law</i> , pp. 77-81.
Assignment 1 due Feb 6 2024	
5	Law, Economy and Society II – Torts Legal Studies Course Reader, 4(a)-(b) <i>Looking at Law</i> , pp. 74-77, 95-99.
6	Family Law, Informal Regulation and Emerging Challenges for Legal Regulation Legal Studies Course Reader, 5(b), 7(c) <i>Looking at Law</i> , pp. 81-84.
Reading Week, Feb 19-23 2024 No Classes	

7	<p>Negotiating and Bargaining Legal Studies Course Reader, 5(a) Legal Studies Course Reader, 8(a)-(b)</p> <p><i>Looking at Law</i>, pp.133-137.</p> <p>AND</p> <p>Alternatives to Adjudication/Alternatives within Adjudication. Legal Studies Course Reader, 7 (a), (c), (e)</p>
<p><i>Assignment 2 Due April 4 by 4:30 p.m.</i></p>	
8	<p>Lawyers, Advocates and Legal Practice Legal Studies Course Reader, 11(a)-(c) <i>Looking at Law</i>, pp.123-126, 150-152.</p>
9	<p>Judges and Judicial Independence Legal Studies Course Reader, 6(a) <i>Legal Studies Course Reader</i>, 13 (b), (d), (e), (f) <i>Looking at Law</i>, pp.144-148.</p>
10	<p>Juries and Evidence. Legal Studies Course Reader, 12(a), (c), (d), (e) <i>Looking at Law</i>, pp.148-152; pp. 113-119.</p>
12	<p>Law and Social Transformation. Legal Studies Course Reader, 15(c)-(e) <i>Looking at Law</i>, pp.173-187.</p>
12	<p>Conclusion: Exam review</p>

Winter Term Ends in April 10, 2024

Winter 2024 Sessional Dates and University Closures	
<i>Please find a full list of important academic dates on the calendar website: https://calendar.carleton.ca/academicyear/</i>	
January 8, 2024	Winter term begins.
January 19, 2024	Last day for registration and course changes (including auditing) in full winter and late winter courses.
January 31, 2024	Last day to withdraw from full winter and the winter portion of fall/winter courses with a full fee adjustment.
February 19, 2024	Statutory holiday. University closed.
February 19-23, 2024	Winter break. No classes.
March 15, 2024	Last day for academic withdrawal from full winter, late winter, and fall/winter courses.
March 27, 2024	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).
March 29, 2024	Statutory holiday. University closed.
April 10, 2024	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.
April 13-25, 2024	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.
April 25, 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.

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 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/>.