

## Course Outline

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<b>COURSE:</b>	<b>LAWS 3908 – Approaches in Legal Studies II</b>
<b>TERM:</b>	<b>Summer 2023</b>
<b>PREREQUISITES:</b>	<b>LAWS 2908 and third-year Honours standing.</b>
<b>CLASS:</b>	<b>Day &amp; Time: Tuesday and Thursday (8:35 am – 11:25 am)</b> <b>Room: Please check Carleton Central for current Class Schedule</b>
<b>INSTRUCTOR:</b>	<b>Dr. Ksenia Polonskaya</b>
<b>CONTACT:</b>	<b>Office: C572 LA (Loeb Building)</b> <b>Office Hrs:</b> By appointment only <b>Telephone:</b> 613-520-2600 x 8212 Please use email for all related course inquiries. I do not monitor my phone messages regularly. <b>Email:</b> <a href="mailto:Ksenia.polonskaya@carleton.ca">Ksenia.polonskaya@carleton.ca</a> Please note that I respond to all inquires Monday to Friday during regular working hours (8:30 am to 5 pm). I do not respond to inquiries during the weekends. Please allow 48 hours for a response.

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### CALENDAR COURSE DESCRIPTION

Advanced approaches to interdisciplinary research and analysis in law and legal studies. Methodological approaches considered will vary by section, and may include theoretical, quantitative, qualitative, literary, or historical approaches.

Prerequisites: **LAWS 2908** and third-year Honours standing.  
Lectures three hours a week.

### COURSE DESCRIPTION

This course focuses on developing practical skills and theoretical knowledge in methodology for the students in the field of legal studies. In terms of theory, the students will learn about different approaches to research strategies, familiarize themselves with different theoretical frameworks, and will practice how to think like a researcher.

From a practical standpoint, the course will prioritize hands on knowledge how to use different databases, conduct case search, and do literature overview. In addition, the course will cover anti-plagiarism policies and citation rules.

While I envision this course as a lecture, the students should expect to participate in the in-class discussions and other activities during this course. Specifically, they will have a chance to work in small groups or in pairs. I also intend to utilize Poll Everywhere. The participation is expected and very encouraged.

**Attention: Please note that this course includes mandatory reflective activities that must be completed in person during our classes (sessions 2, 3 & 5). Please plan your schedules accordingly as there will be no possibility to complete this element of the coursework remotely. If you have a formally registered accommodation, please reach out to me in the beginning of the term to make an alternative arrangement. Please refer to the accommodations policy below for further particulars.**

### Learning Objectives

By the end of this course, students will have an ability:

- to understand the difference between a theoretical framework, a methodology, and a method in the context of legal studies
- to formulate a research question
- to develop arguments and situate these arguments in the relevant scholarly discourse
- to analyze different approaches to methodologies in legal studies
- to analyze and develop research strategies

### **REQUIRED TEXTS**

Please consult the section “Schedule” for all mandatory readings. Most readings will be accessible online via the library. Some readings may be only accessible as a hard copy. It is your responsibility to get the texts from the library prior to the class.

**I expect that the students will complete the mandatory readings prior to each class. Please note that the participation marks in this class will be assigned only to the students who can demonstrate knowledge of the mandatory readings.**

**Useful Websites:**

<b>CanLII</b> (provides free access to Canadian cases, commentaries, and legislation)	<a href="https://www.canlii.org/en/">https://www.canlii.org/en/</a>
<b>SSRN</b> (free access to scholarly papers and commentaries)	<a href="https://www.ssrn.com/index.cfm/en/">https://www.ssrn.com/index.cfm/en/</a>
<b>British and Irish Legal Information Institute</b> (useful for a case and commentary search)	<a href="https://www.bailii.org/">https://www.bailii.org/</a>
<b>The Website of the Supreme Court of Canada</b>	<a href="https://www.scc-csc.ca/case-dossier/index-eng.aspx">https://www.scc-csc.ca/case-dossier/index-eng.aspx</a>
<b>Conflict of Laws</b> (useful for anyone interested in comparative/ international private law perspectives)	<a href="https://conflictoflaws.net/">https://conflictoflaws.net/</a>
<b>International Institute for Unification of Private Law (UNIDROIT)</b>	<a href="https://www.unidroit.org/contracts">https://www.unidroit.org/contracts</a>
<b>World Legal Information Institute</b>	<a href="http://www.worldlii.org/">http://www.worldlii.org/</a>

**SCHEDULE**

<b>Summer 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>May 4, 2023</b>	Summer term begins.
<b>May 10, 2023</b>	Last day for registration and course changes (including auditing) in early summer courses.
<b>May 17, 2023</b>	Last day for registration and course changes (including auditing) in full summer courses.
	Last day to withdraw from early summer courses with a full fee adjustment.
<b>May 22, 2023</b>	Statutory holiday. University closed.
<b>May 31, 2023</b>	Last day to withdraw from full summer courses with a full fee adjustment.
<b>June 1, 2023</b>	Last day for academic withdrawal from early summer courses.

<b>June 16, 2023</b>	Last day of early summer classes. (NOTE: full summer classes resume July 4.)
<b>June 17-18, 2023</b>	No classes or examinations take place.
<b>June 19-25, 2023</b>	Final examinations in early summer courses and mid-term examinations in full summer courses will be held.
<b>July 3, 2023</b>	Statutory holiday (July 1 observed). University closed.

### Lecture 1

#### 4 May 2023 Research in Legal Studies: Sources, Approaches, Strategies

##### Mandatory Readings:

- Ishwara Bhat, “Introduction: Legal Research Methodology, Purposes, and Footsteps” in *Idea and Methods of Legal Research* (Oxford University Press, 2019).
- Sundhya Pahuja: “Methodology: Writing About How We Do Research”, in Nicholas Tsagourias (ed), *Handbook on Methodologies in International Law* (Elgar 2020) 60-77.

### Lecture 2 (This Session includes a graded reflective activity)

#### 9 May 2023 The Art of Research Question + How to Write an Academic Paper

##### Mandatory Readings:

- Chapter 2 “Asking Questions and Identifying Goals” in Deborah van den Hoonaard, *Qualitative Research in Action: A Canadian Primer* (Oxford University Press, 2018).
- “How to Do Legal Research in 3 Steps”, available [here](#)
- Allison Christians, “Really Basic Rules for Writing Good Papers in Law School”, available [here](#)

##### Tasks

→ Complete Quiz 1 (readings for Lectures 1&2) online (5%)

- I [recommend](#) to complete quizzes weekly to ensure a successful completion of the course. Please note that formal deadline for all quizzes is **8 June 2023, 5 PM**. It means that **all quizzes** must be completed by this deadline.

→ Attend the session to engage in the mandatory reflective activity. Please note that this activity can be completed **only** during our class time (5%)

### **Lecture 3 (This session includes a graded reflective activity)**

#### **11 May 2023 Method, Methodology, Theoretical Framework + Citation Requirements**

##### **Mandatory Readings:**

###### **Theory & Methodology**

- Roger Cotterrell, “Introduction: Theory and Method in the Study of Law” in *The Sociology of Law: An Introduction* 2<sup>nd</sup> edition (London: Butterworths, 1992) 1-15.
- Chapter 3 “Strategies for Designing Research” in Deborah van den Hoonaard, *Qualitative Research in Action: A Canadian Primer* (Oxford University Press, 2018) only pages 39-52.

###### **Citations**

- Review the McGill Guide requirements [here](#). In addition, I recommend reviewing the following Practice Guide [here](#)

##### **Tasks**

→ Attend the session to engage in the mandatory reflection activity. Please note that this activity can be completed **only** during our class time (5%)

### **Lecture 4**

#### **16 May 2023 Research Project Design A, B, C**

##### **Mandatory Readings:**

- Chapter 2 “Constructing a Research Project” in Robert Alford, *The Craft of Inquiry: Theories, Methods, Evidence* (Oxford University Press, 1998).
- “Designing a Research Project Across Borders” in Christina Clark-Kazak, *Research across Borders An Introduction to Interdisciplinary, Cross-Cultural Methodology* (University of Toronto Press, 2023).

- Review the section “Steps in Legal Research” (7 stages) [here](#)

### Tasks

→ **Complete Quiz 2 (readings for Lectures 3&4) (5%)**

- I **recommend** to complete quizzes weekly to ensure a successful completion of the course. Please note that formal deadline for all quizzes is **8 June 2023, 5 PM**. It means that **all quizzes** must be completed by this deadline.

## **Lecture 5 (This session includes a graded reflective activity)**

### **18 May 2023 On the Doctrinal Method**

#### **Mandatory Readings and Materials:**

- Chapter 5, “Doctrinal Legal Research as a Means of Synthesizing Facts, Thoughts, and Legal Principles” in *Idea and Methods of Legal Research* (Oxford University Press, 2019).
- Melvin Eisenberg, “The Principles of Legal Reasoning in the Common Law” in Douglas Edlin, *Common Law Theory* (Cambridge University Press, 2007).

#### **Research Materials**

- Review the following sections of the Queen’s Research Guide (“Case Law Research” & “Noting Up the Case”)
- Please watch this short 3 minutes video on how to keycite a case, available [here](#)

### Tasks

→ **Attend the session to engage in the mandatory reflection activity. Please note that this activity can be completed only during our class time (5%)**

## **Lecture 6**

### **23 May 2023 On the Comparative Law Method**

#### **Mandatory Readings:**

- Chapter 1, “The Province of Comparative Law” in Harold Gutteridge, *Comparative Law: An Introduction to the Comparative Method of Legal Study and Research* (Cambridge University Press, 1971).

- Pierre Legrand, “The Impossibility of Legal Transplants” (1997) 4 Maastricht J Eur & Comp L 111-124.
- *Dalhousie College v Boutilier Estate* [1934] SCR 642.

### Tasks

#### → Complete Quiz 3 (readings for Lectures 5&6) (5%)

- I **recommend** to complete quizzes weekly to ensure a successful completion of the course. Please note that formal deadline for all quizzes is **8 June 2023, 5 PM**. It means that **all quizzes** must be completed by this deadline.

**Do not forget: Assignment 1 (25%) is due on 23 May 2023, 5 PM.** The submissions are only accepted via Brightspace. For particulars, please review Module “Assignment 1” and section “Evaluation” in this Syllabus.

## Lecture 7

### 25 May 2023 A Turn to Interdisciplinarity

#### Mandatory Readings:

- Douglas W. Vick, “Interdisciplinarity and the Discipline of Law” (2004) 31 Journal of Law and Society 163-193.
- “A Year in the Life of the Supreme Court” in Florian Sauvageau, David Schneiderman, & David Taras, *Last Word : Media Coverage of the Supreme Court of Canada* (UBC Press, 1980).

## Lecture 8

### 30 May 2023 On the Historical Method in Law

#### Mandatory Readings:

- Chapter 3 “Asking Questions” in Zachary Schrag, *Princeton Guide to Historical Research* (Princeton University Press, 2021).
- Chapter 4 “Research Design” in Zachary Schrag, *Princeton Guide to Historical Research* (Princeton University Press, 2021) only pages 90-97.
- “Introduction” in John B. Nann & Morris L. Cohen, *The Yale Law School Guide to*

*Research in American Legal History* (Yale University Press, 2018).

### Tasks

→ **Complete Quiz 4 (readings for Lectures 7&8) (5%)**

- I **recommend** to complete quizzes weekly to ensure a successful completion of the course. Please note that formal deadline for all quizzes is **8 June 2023, 5 PM**. It means that **all quizzes** must be completed by this deadline.

## Lecture 9

### 1 June 2023 On the Qualitative Methods: Interviews

#### Mandatory Readings:

- Chapter 39, “Qualitative Approaches to Empirical Legal Research” in Peter Cane, Herbert & M. Kritzer (eds), *The Oxford Handbook of Empirical Legal Research* (Oxford University Press, 2010).
- Chapter 6, “In-Depth Interviewing” in Deborah van den Hoonaard, *Qualitative Research in Action: A Canadian Primer* (Oxford University Press, 2018).

## Lecture 10

### 6 June 2023 On the Ethnographic Method in Legal Studies

#### Mandatory Readings:

- Anne Griffiths, “Using Ethnography as a Tool” in Reza Banakar & Max Travers (ed), *Legal Research: An Anthropological Perspective in Theory and Method in Socio-Legal Research* (Bloomsbury Publishing, 2005) (Chapter 6).
- Bruno Latour, *The Making of Law: An Ethnography of the Conseil D’État* (Polity, 2010), pages vi-xii (preface), pages 1-20, 44-69.

### Tasks

→ **Complete Quiz 5 (readings for Lectures 9&10) (5%)**

- I **recommend** to complete quizzes weekly to ensure a successful completion of the course. Please note that formal deadline for all quizzes is **8 June 2023, 5 PM**. It means that **all quizzes** must be completed by this deadline.



## Lecture 11

### 8 June 2023 On the Quantitative Methodology in Legal Studies

#### Mandatory Readings:

- Lee Epstein & Andrew D. Martin, “Quantitative Approaches to Empirical Legal Research” in Peter Cane, Herbert & M. Kritzer (eds), *The Oxford Handbook of Empirical Legal Research* (Oxford University Press, 2010).
- Wolfgang Alschner, “Sense and Similarity: Automating Legal Text Comparison” in Ryan Whalen (ed), *Computational Legal Studies: The Promise and Challenge of Data-driven Research* (Edward Elgar, 2020).

## Lecture 12

### 13 June 2023 On Legal Methods for Policy Research

#### Mandatory Readings:

- Martin Partington, “Empirical Legal Research and Policy-Making” in Peter Cane, Herbert & M. Kritzer (eds), *The Oxford Handbook of Empirical Legal Research* (Oxford University Press, 2010).

**Do not forget: Assignment 2 (25%) is due on 13 June 2023, 5 PM.** The submissions are only accepted via Brightspace. For particulars, please review Module “Assignment 2”.

## Lecture 13

### 15 June 2023 Recap

- No mandatory readings

## 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.

Important dates	
<p><b>23 May 2023, 5 PM</b> Deadline for Assignment 1</p>	Extensions are possible. Please email me directly according to the extension policy specified below. <b>You must submit the extension request directly to me at least 2 days before the deadline.</b> Please copy the TA in your email.
<p><b>13 June 2023, 5 PM</b> Deadline for Assignment 2</p>	Extensions are possible. Please email me directly according to the extension policy specified below. <b>You must submit the extension request directly to me at least 2 days before the deadline.</b> Please copy the TA in your email.
<p><b>8 June 2023, 5 PM</b> Deadline for all quizzes; no extensions are possible</p>	The quizzes will be available to you from the 5 <sup>th</sup> of May to the 8 <sup>th</sup> of June. Please manage your time accordingly to meet this deadline. Extensions are not possible.
<p><b>Lectures 2, 3 &amp; 5</b> Mandatory Reflections</p>	The mandatory reflections must be completed in class. Please refer to the section “Schedule”. Extensions are not possible.

**Attention: ALL components must be successfully completed in order to get a passing grade**

**Quizzes (5\*5%)** – all participants of the course must complete five quizzes (5% each) throughout the term. The quizzes will be available online via Brightspace and open **from 5<sup>th</sup> May to 8<sup>th</sup> of June (5 PM)**. You can complete the quizzes according to the recommended schedule as indicated in the section “Schedule” of this Syllabus or on your own time at any point before the 8<sup>th</sup> of June (5 PM). The extension policy does not apply to the quizzes. Each quiz will be timed at 60 minutes. Each quiz will have 6 questions.

**Mandatory Reflections (3\*5%)** – all participants of this course must attend the mandatory sessions and complete the exercises during our class time. The reflective activities will be based on your mandatory readings and can include exercises, practical assessments, and/or analytical reflections. Further particulars will be provided during the class. **The mandatory reflective activities are during Lectures 2, 3, and 5.** Please plan your schedules accordingly because these activities can only be completed in person during the class.

**Participation and Attendance (10%)** – you can obtain 1% per class for participation. Please note that your participation marks will be capped at 10%.

**Assignment 1 (25%)** – all participants of this course must submit an answer to the research question posted on Brightspace. Your answer must comply with the Guidelines on Assignment 1 posted on Brightspace. To obtain the highest mark, your submission must meet the requirements set in the Rubric. You will be given a choice of three questions. The Guidelines, the Rubric, and the FAQ document will be provided to you on Brightspace. The deadline to complete this assignment is **23 May 2023, 5 PM**. The submission must be in the Word (doc/docx) format, font Times New Roman, 1.5 spacing. The submission must include pagination. The citations must be formatted according to the McGill Guide. I will likely reduce your mark by 1% for each instance of non-compliance with the formatting and citation requirements. **All submissions must be made via Brightspace. I do not accept submissions by email.**

**Assignment 2 (25%)** – you will be required to submit a research proposal. The list of topics, the FAQ document, the Guidelines, and the Rubric will be provided to you in advance on Brightspace. The deadline is **on 13 June 2023, 5 PM**. The submission must be in the Word (doc/docx) format, font Times New Roman, 1.5 spacing. The submission must include pagination. The citations must be formatted according to the McGill Guide. I will likely reduce your mark by 2% for each instance of non-compliance with the formatting and citation requirements. **All submissions are accepted only via Brightspace. I do not accept submissions by email.**

**Please note that it is your responsibility to submit the assignments in compliance with the formatting requirements and according to the deadlines specified in the Syllabus. If you experience any technical difficulties, you must reach out to the IT support in advance. Please note that last minute technical difficulties are not an excuse for late submission. Please refer to the section “Late Penalties and Requests for Extensions” for further guidance.**

### **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 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). You **MUST** submit the extension requests **at least 2 days** before the assignment is due. To be given full consideration, you must download the form, fill the form explaining the reasons for an extension, sign the form and return it to me. **The extension requests submitted after this deadline (except in the direst of circumstances of true emergencies) would not be given any consideration.**

**Penalties:** if you submit a case-note late without an extension, you will lose 2% of the mark PER DAY. It does not matter if you are late by 1 second, 30 minutes or 12 hours. The standard is objective i.e., if you are late, you will lose 2%.

### **Quizzes and Mandatory Sessions**

This class includes 4 mandatory sessions (Lectures 2,3,5). The extension policy does not apply to the mandatory sessions. These sessions **must** be completed in person.

Quizzes will be open from 5<sup>th</sup> of May until 8<sup>th</sup> of June. You can complete them according to the recommended task schedule or all together by the 8<sup>th</sup> of June. The extension policy does not apply to the quizzes.

## **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**

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**

Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For accommodation regarding a formally-scheduled final exam, you must complete the [Pregnancy Accommodation Form](#).

**Religious Obligation**

Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details [click here](#).

**Academic Accommodations for Students with Disabilities**

[The Paul Menton Centre for Students with Disabilities](#) (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or [pmc@carleton.ca](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 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/>.

**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. Here is a list that may be helpful:

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>