

Course Syllabus

COURSE: LAWS 1002D – Introduction to Legal Studies II

TERM: Winter 2024

PREREQUISITES: *LAWS 1001 – Introduction to Legal Studies I*
(RECOMMENDED) *[While students are permitted to take parts I and II of the course concurrently, it is recommended to take them sequentially.]*

CLASS: **Day & Time:** Wednesdays – 6:05pm to 7:55pm
Room: Check Carleton Central for current course schedule.

This course is delivered **in-person**. No virtual lectures will be available, and **in-person attendance is a graded component of the course**. [Please check Carleton Central for potential changes to location]

INSTRUCTOR: Dr. Philip Alexander Steiner

CONTACT: **Office:** NA
Office Hrs: *By appointment – phone, email, zoom or in-person immediately following lecture*

Email: philipsteiner@cunet.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

In this course, we carry on with the exploration of how the law acts on individuals and groups, as well as how individual and groups affect the law, that students have begun in LAWS1001. Students will continue their introduction to the critical legal studies approach to studying law and society, and have the opportunity to begin thinking through some critical questions about the law in their everyday lives.

While LAWS1001 begins this conversation around *principles*, LAWS1002 continues the discussion with an emphasis on *processes*. That said, this course is 'about' the law, not strictly 'on' the law. While we will explore many of the traditional questions of law – such as which laws apply in which situations, minimum and maximum sentences, precedents, types and roles of legal actors, and other issues related to the application of law by legal professionals; we also set ourselves wider objectives. The focus of this course is on understanding what the law is, how it has developed historically, how it is deployed in a multitude of social settings, as well as how it is perceived, enacted, challenged, and changed.

Students will be asked to examine and understand certain core mechanics of the law in a Canadian context, while considering how the law is much more than a set of rules meant to regulate behavior, settle disputes, or punish wrongdoing.

Law has a profound effect on our thinking and acting, it touches almost all dimensions of our lives, and helps shape the way we see, and even understand, the world around us. Law can both empower, and enslave. Law can help promote equality, or be used to formalize bigotry and discrimination. Law can help us achieve ideals of justice, or be used in profoundly unjust ways.

Together we will explore law as a pervasive social construction developed in particular historical contexts, consider the spaces between law's intended and unintended consequences, its possibilities, and limits, as well as how law plays a pivotal part in almost all of the biggest social and cultural issues of our times.

LEARNING OBJECTIVES

1. **Building Core University Level Skills** – these include but are not limited to: reading and summarizing complex materials, managing competing priorities under short timelines, and writing (especially in essay format) at a university appropriate level.
2. **Basic Understanding of Canadian Legal Landscape** – including its organization, historical origins, key institutions, and broader social positioning.

3. **Applying a Critical Legal Studies (CLS) Approach** – learning to use a new (or broadened) understanding of law that focuses on wider interconnections with society, intended and unintended consequences, and various ways law is both determined by individual actors and a force that regulates individual action.

REQUIRED TEXTS

There is only one required text for this course:

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

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

If you prefer a physical copy of the textbook, it can be purchased from **Octopus Books** (local bookstore near the university). Please note the textbook has not been ordered through the campus bookstore for this course – so you should not try to buy it there.

Any additional readings or other materials (media, documentaries, etc.) will be posted on the course's Brightspace page.

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.

Attendance at weekly TA groups	15%
Participation - Reading Responses	15%
Term Writing Assignment	30%
Final Examination	40%

Attendance – 15%

This course is delivered in-person, and therefore attendance and participation are essential to your success. While there is no formal attendance grade for lectures (2hrs a week), students will receive a grade for their attendance at their assigned tutorial groups. These groups are smaller focused groups led by teaching assistants where weekly materials, lecture topics, and course themes will be further considered through activities and discussions.

Participation through Critical Reading Responses – 15%

This course is delivered in-person, and therefore attendance and participation are essential to your success. While lectures will involve some active participation through interaction and exercises, participation for lecture is captured through student's advanced preparation ahead of lecture. Over the course of the term, students will be invited to complete five (5) reading reflections based on the assigned materials for a given week. Students will learn which weeks include reading reflections the week prior, giving them a single week to complete each reflection. Each reflection is only 2-3 pages in length and is focused on summarizing the assigned materials for that week and considering them in terms of the themes and questions covered in lectures.

Capturing participation grades through the submission of advanced preparation materials means that, in principle, students can get participation grades for any given week without actually attending lectures (although not recommended). However, this also means that attending lectures – without submitting your advanced preparation 'critical review' – does not earn you participation points. Finally, students will have at least 7 opportunities to earn these points through submission, this means if you are sick or otherwise unable to submit in a given week, you can simply take advantage of the next opportunity. Given this is about participation through preparation, reflections must always be submitted prior to the lecture for which they are preparing the student. As such, no extensions are normally possible for any given reflection.

Additional information will be provided in class.

Term Writing Assignment – 30%

This assignment represents the major writing component of the class. Students will be assigned 2-3 questions and will select one on which to write a (roughly) 10 - 12 page paper. While not a research paper (students will only draw on assigned course materials) the response will be organized in terms of formal essays. The assignment will offer students an opportunity to apply the lessons learned in their earlier reading reflections and draw on multiple assigned materials to address a given question related to some of the core themes discussed in the course. Additional information will be provided in class.

Final Exam – 40%

Students will sit a formal (in-person) examination, scheduled (by the University not the instructor) in the examination period in April. The examination will be in multiple choice format, covering the materials from assigned readings, lectures, and tutorials of the fall term. Exams will be made up of roughly 60 to 100 questions. This is a pen and paper exercise, there are no virtual/online options for writing this examination.

Additional information will be provided in class, closer to the exam period.

All major components (written assignment and exam) 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 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 will be considered on a case-by-case basis, for both the formal written assignment and the final examination. Weekly participation (critical reading reviews) and tutorial attendance are ***not*** subject to extensions.

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).

STRATEGIES FOR SUCCESS

This course is being delivered in-person, and will not be available virtually. Lectures will not be recorded – so attendance is important. Presentation materials will be shared slightly ahead of lecture each week, and tutorial groups will provide additional opportunities to discuss lecture and reading materials.

In person lectures have a range of advantages, but they are fundamentally different than virtual learning environments. While technically you can, for example, show up in your pajamas to an in-person lecture – it is way weirder than if you do it at home staring at a screen.

With the last few years having introduced a range of new dynamics and challenges, some of you may find the in-person experience intense. It is important to acknowledge that taking a university course today will be different than it was before. We will all endeavor to maximize positive opportunities, and while there will still be foreseeable and unforeseeable challenges, we will work to overcome them together.

As such, this course has been organized to provide as much flexibility as possible while still acknowledging the administrative challenges and core requirements necessary to deliver a rigorous university level learning experience.

Below is some advice students can consider maximizing their success in this (and other) courses:

1. Keep Up with Weekly Reading/Writing

The class structure encourages you to “stay on top of” the weekly readings and with the assignment of random written reviews. Given your other courses, jobs, social lives and just the general work of adulting, there can be a temptation to leave readings to the end. Material in this course is both challenging and cumulative – and as such is designed to be read over a longer period of time. Students are strongly encouraged to read this material week to week, as opposed to trying to do it all at the end. This material is no HBO masterpiece, binge-reading is not advised.

2. Eat the Elephant one bite at a time

The course is divided into four main requirements. Up to 40% of your final grade is determined by your attendance/participation in weekly discussion groups (15%), and by the submission of your five (5) reading reviews (25%) – which are simply the written account of your notes when you do those weekly readings. The remaining 60% is broken down between a take-home style written assignment (30%) and a final exam (30%). This is meant to offer you multiple opportunities to succeed. Like the readings and lectures, the assignments are meant to build off one another. Doing your reading reviews and attending your weekly discussion groups will help prepare you for your written assignment, and ultimately your exam. Committing to putting in a modest amount of work week to week will yield much better results than trying to leave all the work to the end.

3. Don't be shy to Ask for Help (YOU ARE NOT ALONE!)

Your Teaching Assistants and I are here to help you succeed in the course. While you may feel you are “on your own”, especially in light of the size of the course, **you are not!** Your TAs and I want you to succeed, so you should contact us if you need to. You

are also part of a “class” and you should not underestimate the value of peer support and academic community. Don’t be afraid to get to know your peers and ask (and answer) questions. This may be intimidating at first, but part of the university experience is recognizing **you are now part of a community of learning** in which we all have a shared interest in fostering understanding, disseminating knowledge, and forwarding new ideas.

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

Good courses ought to challenge us to think differently about what we think we already know and/or force us to find new ways to articulate our positions or experience. Consequently, they may prompt us to reflect on ourselves, our relationships with others, and the structures of the world around us. This can sometimes be an unsettling and uncomfortable process and different people react to these challenges differently. In this class the source of these challenges may be the course materials (lectures or the readings) but they may also come through interactions with your peers. Be attentive to this fact and be “generous” in your communication with others in the class.

SCHEDULE

Below is the planned schedule of lecture topics, with associated required readings. This list is subject to change – topics may shift throughout the term, and additional readings may be added. Students are responsible for confirming assigned readings, lecture topics, and any additional instructions each week in preparation for the following. Any changes will be communicated during lecture, noted in lecture slides, and posted on the course Brightspace page.

Winter 2024 Sessional Dates and University Closures	
Please find a full list of important academic dates on the calendar website: https://calendar.carleton.ca/academicyear/	
January 8, 2024	Winter term begins.
January 10, 2024	Week I – Introduction and Expectations Course Text: pgs. ix-x

January 17, 2024	Week II – Law, Justice, and Formal Adjudication Process Course Text: pgs. 92, 106-118, 125-132 (Brooks, Roach)
January 19, 2024	Last day for registration and course changes (including auditing) in full winter and late winter courses.
January 24, 2024	Week III – Law and the Resolution of Disputes Course Text: pgs. 94-98 (Macaulay), 162-173 (Fiss, McThenia & Shaffer, Sargent), 154-161 (Daly)
January 31, 2024	Last day to withdraw from full winter and the winter portion of fall/winter courses with a full-fee adjustment.
January 31, 2024	Week IV – Law, Legal Thinking & Expert Evidence Course Text: pgs. 137-144 (Moore), 119-124 (Sanders)
February 7, 2024	Week V – And Justice for All Course Text: pgs. 174, 175-189 (Glathercole, Schmolka), 194-201 (McLachlin, Action Committee)
February 14, 2024	Week VI – Crime, Social Regulation & Institutional Bias Course Text: pgs. 2, 4-18 (Pound, Cover, Hunt), and 26-50 (Donald Marshall Jr., Overrepresentation, Green, Barrett) **Students receive instructions for Written Assignment**
February 19, 2024	Statutory holiday. University closed.
February 19-23, 2024	Winter break. No classes.
February 28, 2024	Week VII – Property, Contract and Tort (Private Law I) Course Text: 62, 78-90 (Donoghue v. Stephenson and Childs v. Desormeaux),

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That said, I recommend applying it to all entries that are UG calendar dates (as opposed to class dates). It's a bit unusual for instructors to bake the two listings together like this, so being able to tell which entry is a class with readings, and which is a reminder, may be helpful.

Philip may have more insight

March 6, 2024	<p>Week IIX – Property, Contract and Tort (Private Law II)</p> <p>**Written Assignments Due by 5pm**</p>
March 13, 2024	<p>Week IX – Terms and Conditions May Apply (Private Law III)</p> <p><i>Documentary Film to be Screened Independently</i></p> <p>[no lecture, students are asked to watch the assigned documentary and discuss during their tutorial sessions]</p>
March 15, 2024	Last day for academic withdrawal from full winter, late winter, and fall/winter courses.
March 20, 2024	<p>Week X – Juries, Experts and the Myth of Neutrality 241-247, 272-277 (Brooks & Doob, Mogentaler, Ewanation, Maeder & Dickson)</p>
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 27, 2024	<p>Week XI – Policing and Enforcement Course Text: pgs. 326-333 (Doe)</p>
March 29, 2024	Statutory holiday. University closed.
April 3, 2024	<p>Week XII – Denouement: Legal Players & Power Course Text: pgs. 116, 218-231 (Dodek, Charles), 278-283 (Kent, Laskin) 293-299 (Wilson)</p>
April 10, 2024	<p>Winter term ends. (This is a Wednesday but follows a Friday Schedule)</p>

	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. [More information on the University's Academic Integrity Policy can be found at: https://carleton.ca/registrar/academic-integrity/.](https://carleton.ca/registrar/academic-integrity/)

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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 \(EIC\)](https://carleton.ca/equityandinclusivecommunities/) 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/>.