

Course Outline

COURSE:	LAWS 1002D – Introduction to Legal Studies II		
TERM:	WINTER 2022		
PREREQUISITES:	None		
CLASS:	Day & Time:	Please check Carleton Central for current Class Schedule.	
	Room:	Note this is an “IN PERSON” section of the course so you must attend the class to have access to the lecture materials (i.e. the lectures are <u>not normally recorded or posted online</u>). There are also required bi-weekly "IN PERSON" tutorials (see the Course Components descriptions below for more details).	
INSTRUCTOR:	Stephen J. Tasson		
CONTACT:	Office:	Room D582 Loeb Building	
	Office Hrs:	Tuesdays 10:00-12:30pm or by appointment (online through Zoom (Brightspace link))	
	Telephone:	None	
	Email:	steve.tasson@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

Understanding “the law” in contemporary societies requires that we understand the ways that it is enacted or “practiced” and by whom. This means understanding some core **processes** and **key players** within these processes, including “officials” such judges, lawyers, police officers; as well as “lay actors” like claimants, defendants, victims and jurors.

One process we explore in some depth early in the term is the trial process. We discuss the value of **the trial** as a process of legal fact-finding and conflict resolution. How does the structure of the court or the policy aims of civil and criminal law aid, or potentially undermine, satisfactory conflict resolution? What **alternatives** are there to the trial process and what advantages might they offer? What happens when legal processes “get it wrong”? How does the justice system acknowledge, for example, the overrepresented groups within its processes or the growing number of “wrongful convictions” it produces?

A central theme that also runs throughout the course is concern for the basic **accessibility** of the legal system. This not only refers to the trial process and to the mechanisms of formal justice, but also to legal education, the police, the judiciary, and the legal profession.

Law’s “distance”, rituals and formality aim, in part, to insulate its various processes from everyday social inequalities and prejudices in the name of equality and formal justice. However, this “distance” may also effectively undermine its ability to adequately represent social aims or render **substantive justice** for many

people seeking a just resolution to interpersonal and group conflicts. How do Canadian legal actors and legal processes seek to navigate this core **ambiguity**?

These are critical questions. They are fundamentally questions about what law is and does, at present, and (crucially) what it ought to do and be, going forward.

Course Objectives (or, ‘what I want you to get out of the course’)

1. Explore the trial process in Canadian courts. Evaluate the relative merits of the ‘adversarial’ trial process relative to alternative trial and pre-trial processes of legal fact-finding. Connect this debate to the issue of accessibility and “wrongful conviction” in Canada.
2. Evaluate the relative strengths and weaknesses of Alternative Dispute Resolution (ADR) processes in Canada. Connect this discussion to debates surrounding “Restorative Justice” and reconciliation and Indigenous legal traditions in Canada.
3. Identify the basic components of criminal and civil law in Canada. Be able to understand the broader implications of seemingly minor “technical” changes on the roles and duties of individuals and social groups (e.g. duties owed by “social hosts” to “guests”).
4. Identify and critically evaluate the legal system’s key “actors”, their motivations, and how their attitudes and actions affect our understanding of, and outcomes in, the present-day legal system.
5. Explore the values of “accessibility” and “representativeness” in the Canadian legal system. Assess these values relative to the “under” and “over-representation” of certain groups within the legal system.
6. Be able to read and identify key aspects and authorities within legal decisions (i.e. cases).
7. Understand the uses of criminal and civil law as means to produce and stabilize existing social order(s) and State power.
8. Develop your ability to evaluate competing written arguments (in particular, “theoretically oriented” arguments) and persuasively articulate your own positions relative to those arguments.
9. Examine the serious effects and persistence of racism, sexism, and other forms of prejudice in key parts of the legal process (including within the legal profession). Discuss the systemic quality of these issues.

REQUIRED TEXTS

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

This core “course text” (as it referenced on the weekly reading schedule) is available for purchase at ****Octopus Books**** ([reserve a copy through this link](#)) – located a short ride from campus on the #7 bus. I have not ordered this book through the campus bookstore.

The text is also 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.

The text may also be available “used” (if you want to save a few \$\$\$) from multiple booksellers in Ottawa.. **There is no other book required to purchase for THIS section of the course!**

NOTE: In addition to this main course text there will be **additional readings/media** for which you will be also be responsible. These are available to you through our course Brightspace page and detailed in the **Required Reading Schedule (on Brightspace)**.

EVALUATION**(All core components must be completed in order to receive a passing grade in this course)**

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.

Reading Response/Reflections (4 of 5)	25%	(continuous, see below)
Skills Quizzes (2)	10%	(Week 4 and Week 8)
Course Participation (TA groups)	10%	(continuous, see below)
Term Paper		
Outline/Thesis Submission (OPTIONAL)		(due 11:59pm, March 27)
Final Term Paper	30%	(due 11:59pm, April 8)
Final Exam	25%	(during April 14-28 exam period)

COURSE COMPONENTS**Reading Response/Reflections (4 of 5) (25%)**

On select weeks throughout the term there is a question or short set of questions (posted to Brightspace) that ask you to respond/reflect on the material for the week. In some instances this will be more summarizing work but in other cases you may be asked to consider the implications of text, or even connect issues to your own experience.

Normally these response/reflection submissions should minimally demonstrate that a) you have read the required reading/source (summary elements) and b) considered the arguments/topic in some depth (analysis elements). The reflection is not about providing a complete summary or about getting the “right” answer to the question(s) posed. Rather, the main aim of your response/reflection should be to demonstrate to the reader your **engagement** and, where possible, to connect the week’s material to other themes or issues you see developing in the course. Again, the aim is to show you are working through the material in an informed and thoughtful way.

More details regarding formatting and a rubric appear Brightspace. Unless otherwise specified your submissions should be **approx. 400 words and be double-spaced (roughly 1.5-2pgs)** Like other written components of the course, these response/reflection submissions are submitted via Brightspace and must be submitted before the deadlines indicated on Brightspace.

5 responses are “available” to complete but only 4 grades are counted toward the final grade (the top 4).

Skills “Quizzes” (2) (10%)

There are two short “quizzes” during the term. These aim to assess your “critical reading skills” in terms of a course article (W4) and a short case (W8). For many of you, you should have already developed these skills in LAWS1001 or other courses. Regardless, further resources will be provided and you will have an opportunity to clarify expectations in the TA group. The quizzes are comprised of a series of **roughly 10 questions** assessing your comprehension of a course text or a short case. They are conducted on Brightspace.

Course Participation (10%) (TA Groups are held on “even numbered” weeks (e.g. W2, W4, W6, etc..))

Despite the fact that this is primarily delivered as a lecture course, individual participation and “engagement” are still key components of the course and your mark. Your main opportunity to discuss and participate is in the semi-weekly “tutorials”/discussion groups (you will have registered in one of these groups when you registered for the course). You are expected to come prepared to participate and contribute to your group. Your “course participation” mark is based not only on your basic attendance to these groups, but on the quality of your actual participation in the discussions and planned exercises.

It is very important that you attend these groups! As with the lecture, any material that is discussed or presented there may appear on exams or be the subject of assignments.

More crucially, while a key function is to provide a more intimate place to discuss course material with your peers, the groups also help clarify assignment expectations and develop some of the core skills necessary to your success in this course (and beyond).

Outline/Thesis Exercise + Term Paper (30%)

There is no grade for the Thesis/Outline Submission. Rather, completing it provides you a chance to receive feedback on the direction and basic structure you plan to use in your paper. It gives you a chance to make sure you are on the right track and have understood the essay requirements clearly. A solid paper structure improves papers (and paper **GRADES!**) significantly. You are strongly encouraged to submit this component for feedback. However, it is **OPTIONAL!**

NOTE: Due to the tight timelines, LATE Thesis/Outline Exercises will not normally be accepted.

The Term Paper itself, which is due at the end of the term, asks you to summarize, synthesize and offer a position on some key issues we investigate in the course. It provides you an opportunity to discuss the course materials that we investigate and draw connections to some of the broader questions and themes highlighted in the lectures. The Term Paper will be **approx. 2000 words (around 8 double-spaced pages) in length**. **The specific question, format requirements and rubric for evaluation will be outlined in the assignment sheet** (available during **Winter Reading Week** on Brightspace) and will also be discussed in more detail in the TA groups.

NOTE: “Outside” research or sources (other than course texts and lectures) will not normally be required and are usually not encouraged in preparing the Term Paper. The paper is not a “research paper” but rather structured to demonstrate competency in structuring arguments and analysis.

Final Exam (25%)

The final exam will be held during the formally scheduled exam period in April. The exam will very likely be written “online” and the details of when and how this will take place will be clarified **before the end of the Winter Break**. The exam will likely consist of approximately 80-100 multiple-choice questions; though there may limited short-answer questions as well (if this is the case, I will also inform you **before the end of the Winter Break**). For the most part multiple-choice exams aim to test the breadth of knowledge you have gained in the course rather than the depth (this is what your papers are for). The specifics of the exam and tips for studying will be discussed closer to the end of term.

SCHEDULE

The complete **Required Reading and Lecture Topics schedule** is available on Brightspace (our online portal). If you have any questions or concerns about these topics or readings, please let me know via email. Please also note these other important term dates:

Winter 2022 Sessional Dates and University Closures	
Please find a full list of important academic dates on the calendar website: https://calendar.carleton.ca/academicyear/	
January 5, 2022	University Reopens.
January 10, 2022	Winter term classes begin.
January 31, 2022	Last day for withdrawal from winter term and winter portion of fall/winter courses with full fee adjustment. Withdrawals after this date will result in a permanent notation of WDN on the official transcript.
February 18, 2022	April examination schedule available online.
February 21, 2022	Statutory holiday. University closed.
February 22-25, 2022	Winter break, no classes.
March 29, 2022	Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade before the official examination period (see examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar).
April 12, 2022	Winter Term Ends. Last day of fall/winter and winter term classes.
April 13, 2022	No classes or examinations take place.
April 14- 28, 2022	Final examinations in winter term and fall/winter courses may be held. Examinations are normally held all seven days of the week.
April 15, 2022	Statutory holiday. University closed.
April 28, 2022	All 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.

STRATEGIES FOR SUCCESS (IN EXTRAORDINARY TIMES)

The delivery of this course has been altered to reflect the disruptions caused by the global pandemic. **Based on changes in public health guidance and limitations further changes may need to be made.** My goal in this course to provide you, as students, with clear guidelines and expectations whilst acknowledging the need for

flexibility in face of changing health requirements. Any **required changes to course delivery or expectations will be communicated clearly and as soon as possible.**

Here are a few interconnected concrete steps can you take to succeed in this course:

1. Make a personal schedule and stick to it.

The class structure forces you to “stay on top of” the weekly work. I know that this can be very annoying but the aim is to keep you engaged but still allows for some flexibility in when you complete the work. More than ever, it is critically important to keep up with the lectures and course materials.

2. Get it in!!!

The stakes on any individual written component (aside from the Term Paper & Exam) are fairly “low stakes” (10% or less of the course grade). **Perfection is the enemy of completion!** Get it in and get feedback on how to improve. (I know this is FAR easier than it sounds for many folks, but it is a valuable lesson in first year!)

3. Ask for help if you need help or any course requirements are unclear (YOU ARE NOT ALONE!)

Your TA and I are here to help you succeed in the course. While it may feel sometimes that you are “on your own”, **you are not!** Again, your TA and I want you to succeed and so you should contact us if you need to. Early communication is key! 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 (my lectures or the readings) but they may also come through interactions with your peers in the groups. Not everyone is equally skilled in expressing their positions or posing questions. Be attentive to this fact, to the diversity of other student’s experiences, and be “generous” in attributing motives to others in the class. Personal attacks will not be tolerated.

COVID-19 PREVENTION MEASURES

All members of the Carleton community are required to follow COVID-19 prevention measures and all mandatory public health requirements (e.g. wearing a mask, physical distancing, hand hygiene, respiratory and cough etiquette) and [mandatory self-screening](#) prior to coming to campus daily.

If you feel ill or exhibit COVID-19 symptoms while on campus or in class, please leave campus immediately, self-isolate, and complete the mandatory [symptom reporting tool](#). For purposes of contact tracing, attendance will be taken in all classes and labs. Participants can check in using posted QR codes through the cuScreen platform where provided. Students who do not have a smartphone will be required to complete a paper process as indicated on the [COVID-19 website](#).

All members of the Carleton community are required to follow guidelines regarding safe movement and seating on campus (e.g. directional arrows, designated entrances and exits, designated seats that maintain physical

distancing). In order to avoid congestion, allow all previous occupants to fully vacate a classroom before entering. No food or drinks are permitted in any classrooms or labs.

For the most recent information about Carleton's COVID-19 response and required measures, please see the [University's COVID-19 webpage](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact covidinfo@carleton.ca

Please note that failure to comply with University policies and mandatory public health requirements, and endangering the safety of others are considered misconduct under the [Student Rights and Responsibilities Policy](#). Failure to comply with Carleton's COVID-19 procedures may lead to supplementary action involving Campus Safety and/or Student Affairs.

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

Please contact 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 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 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/studentsupport/svpolicy/>

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. <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

For more information on academic accommodation, please contact the departmental administrator or visit: <https://students.carleton.ca/services/accommodation/>

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/>

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations: <https://carleton.ca/law/current-students/>

OTHER COURSE SPECIFIC POLICIES

(Please ask if there is any confusion or concern with any course-related policies!)

ASSIGNMENT FORMATTING and SUBMISSION

Unless otherwise specified, any written work submitted in this course must be double-spaced, formatted to 12pt Times New Roman or Arial font with standard margins. Assignments normally must include your name and student number and the course code in the document's header. Title pages, bibliographies and extensive footnotes are not usually counted in determining an assignment's word count or page length.

Assignments are normally submitted using the links provided for this specific purpose on the Brightspace page for this course. **It is your responsibility to ensure that assignments are submitted in a readable file format (unless otherwise specified .doc or .pdf formats) *before the deadline*.** If the assignment is unreadable it will not be considered submitted. If you anticipate any issues (technological or otherwise) you should discuss this with your TA or with me ASAP in *advance of the deadline*.

LATE ASSIGNMENTS & EXTENSIONS POLICY

Why are deadlines so important?

Standard deadlines ensure that everyone is provided the same limited resource (time!) to complete course assignments. This helps establish a minimal "baseline" to enable me to gauge, as much as possible, "engagement and commitment" to this course. In practice, I **fully understand** you all have competing commitments and responsibilities! Some of these priorities may supersede this course and necessitate that some assignments be submitted late. While this is not ideal, it is **why there is a policy for late submissions** (in most instances)!

Meeting deadlines particularly matters in larger courses like this where I rely on TAs to mark course work.

Teaching Assistants are students like you! They have their own assignments and course/research work to complete – and have their own deadlines (and in some limited cases, actual lives to live!). They plan their term schedule around when they have to grade and complete feedback for their students and if your assignments or papers are late this puts additional pressure on them and complicates my ability to maintain consistency in grades across the course.

A late assignment will normally be penalized 3% per day it is late (e.g. a paper marked as a 68% that was 1 day late would receive a grade 65%) (unless otherwise specified on the assignment instructions). Late assignments must be submitted normally through Brightspace unless you are otherwise directed.

Email is NOT considered an acceptable means of submission for any assignment

NOTE: Late assignment may not be graded and “returned” along normal timelines and the quantity of feedback may be affected.

******Extension requests**

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> (be sure to read this form carefully and check the relevant boxes).

Extension spanning longer than 7 days are not normally granted. In those extraordinary cases where extensions lasting longer than 7 days are requested (e.g. in the case of prolonged medical issues), students will normally be required to provide additional information to justify the extension (usually up to a maximum of 14 days).

BACKUP COPIES

Student must retain a “backup” copy of anything submitted for a grade in the class. This copy should be kept for at least 3 months following the end of the course in case there is a discrepancy in final grades or an issue with the files submitted to Brightspace. Students must be able to produce a copy of assignments within 24hrs upon request.

REFERENCING & PLAGIARISM (Part II)

Assignments in the course must be properly referenced and include a bibliography of all sources used in the preparation of the assignment (unless directed otherwise). We will discuss citation styles in some detail early in the term. As highlighted above, failure to reference properly or attempting to pass someone else’s ideas or work off as your own is plagiarism. Both the university and I take it very seriously and so should you. Plagiarism can lead to penalties that are very serious. **Engaging in it is incredibly misguided.** If you are struggling or unsure about how best to use sources in preparing your work in the course, it is far better to contact and talk to me about assignment expectations!